

# PROCUREMENT GUIDANCE



## Procurement-related Complaints

How to complain

January 2017

Published January 26, 2017, Second Edition

**Copyright © 2016**

The World Bank  
1818 H Street NW  
Washington DC 20433  
Telephone: 202-473-1000  
Internet: [www.worldbank.org](http://www.worldbank.org)

**Disclaimer**

This work is a product of the staff of The World Bank. The findings, interpretations, and conclusions expressed in this work do not necessarily reflect the views of The World Bank, its Board of Executive Directors, or the governments they represent.

**Rights and Permissions**

The material in this work is subject to copyright. Because The World Bank encourages dissemination of its knowledge, this work may be reproduced, in whole or in part, for noncommercial purposes as long as full attribution to this work is given. Any queries on rights and licenses, including subsidiary rights, should be addressed to:

Office of the Publisher  
The World Bank  
1818 H Street NW  
Washington, DC 20433  
USA  
Fax: 202-522-2422  
Email: [pubrights@worldbank.org](mailto:pubrights@worldbank.org).

# Common abbreviations and defined terms

This section explains the common abbreviations and defined terms that are used in this guidance. Defined terms are written using capital letters.

Abbreviation / term	Full terminology / definition
<b>Applicant</b>	A firm or joint venture that submits an Application in response to an invitation for Prequalification or Initial Selection.
<b>Application</b>	A document submitted by an Applicant in response to an invitation for Prequalification or Initial Selection.
<b>Bank</b>	IBRD and/or IDA (whether acting on its own account or in its capacity as administrator of trust funds provided by other donors).
<b>Bid</b>	An offer, by a firm or joint venture, in response to a Request for Bids, to provide the required Goods, Works or Non-consulting Services.
<b>Bidder</b>	A firm or joint venture that submits a Bid for Goods, Works, or Non-consulting Services in response to a Request for Bids.
<b>Borrower</b>	A borrower or recipient of Investment Project Financing (IPF). This term may include any entity of the Borrower that is involved in the implementation of a project financed by IPF.
<b>Business Day</b>	Any day that is an official working day of the Borrower. It excludes the Borrower's official public holidays.
<b>Consultant</b>	A variety of private entities, joint ventures, or individuals that provide services of an advisory or professional nature. Where the Consultant is an individual they are not engaged by the Borrower as an employee.
<b>Contract Award Notice</b>	The published award of contract notice as described in the Procurement Regulations, Paragraphs 5.93 to 5.95.
<b>Fraud and Corruption</b>	The sanctionable practices of corruption, fraud, collusion, coercion and obstruction defined in the Anti-Corruption Guidelines and reflected in Annex IV (paragraph 2.2a) to the Procurement Regulations.
<b>IBRD</b>	International Bank for Reconstruction and Development.
<b>IDA</b>	International Development Association.

Abbreviation / term	Full terminology / definition
<b>Initial Selection (IS)</b>	The shortlisting process used prior to inviting request for proposals in the procurement of Goods, Works or Non-consulting Services.
<b>Investment Project Financing (IPF)</b>	The Bank's financing of investment projects that aims to promote poverty reduction and sustainable development. IPF supports projects with defined development objectives, activities, and results, and disburses the proceeds of Bank financing against specific eligible expenditures.
<b>Notification of Intention to Award</b>	The notice transmitted to Bidders/Proposers informing them of the intention to award the contract, as described in the Procurement Regulations, Paragraphs 5.72 to 5.77.
<b>Prequalification</b>	The shortlisting process which can be used prior to inviting request for bids in the procurement of Goods, Works or Non-consulting Services.
<b>Procurement Documents</b>	A generic term used to cover all Procurement Documents issued by the Borrower soliciting applications/bids/proposals. It includes: prequalification document, initial selection document, request for bids document, request for proposal documents, forms of contracts and any addenda.
<b>Procurement Policy</b>	Bank Policy, "Procurement in IPF and Other Operational Procurement Matters."
<b>Procurement Regulations</b>	The "World Bank Procurement Regulations for IPF Borrowers".
<b>Proposal</b>	An offer, in response to a request for proposals, which may or may not include price, by one party to provide Goods, Works, Non-Consulting Services or Consulting Services to another party.
<b>Proposer</b>	An individual entity or joint venture that submits a Proposal for Goods, Works, and Non-consulting Services in response to a request for proposals.
<b>RFB</b>	Request for Bids as a selection method.
<b>RFP</b>	Request for Proposals as a selection method.
<b>Standard Procurement Documents (SPDs)</b>	Procurement documents issued by the Bank to be used by Borrowers for IPF financed projects. These include Prequalification documents, Initial Selection documents, Request for Bids documents, and Request for Proposals documents.

Abbreviation / term	Full terminology / definition
<b>Standstill Period</b>	The period following the Notification of Intention to Award as described in the Procurement Regulations, Paragraphs 5.78 to 5.80.
<b>VfM</b>	Value for Money.



# Contents

- Section I. Introduction.....1**
  - Purpose..... 1
  - Treatment of procurement complaints..... 1
- Section II. Procurement-related complaints..... 3**
  - The four essential requirements ..... 3
  - Who can complain?..... 3
  - In what circumstances? ..... 4
  - When to make a procurement-related complaint? ..... 5
  - Steps and actions relating to the decision to award the contract..... 6
  - What information must be included? ..... 11
  - Submitting a procurement-related complaint..... 12
  - Borrower’s deadlines for handling procurement-related complaint ..... 13
  - Borrower’s response to a procurement-related complaint ..... 13
  - Action(s) when procurement-related complaint upheld ..... 14
  - Contracts subject to prior review ..... 15
  - Procurement-related complaint alleging fraud or corruption..... 15
- Annex I. Roles and responsibilities ..... 17**
- Annex II. Procurement-related..... 21**
- Annex III. Example procurement-related complaint..... 23**





# Section I. Introduction

## Purpose

This procurement guidance offers an overview of the World Bank's (Bank) complaints review mechanism. This guidance explains the key concepts and outlines the process for filing and reviewing complaints that arise in connection with contracts where the Bank's Standard Procurement Documents (SPDs) are required to be used. When the Bank has not issued an applicable SPD, the Borrower shall use **procurement documents and internationally recognized standard conditions of contract, acceptable to the Bank**. It is non-mandatory and provides guidance only.

For specific details, including the mandatory requirements for procurement-related complaints, refer to the World Bank *Procurement Regulations for IPF Borrowers* (Procurement Regulations), paragraphs 3.26 to 3.31 and Annex III.

## Treatment of procurement complaints

The Procurement Regulations set out how procurement complaints are to be treated. The treatment is covered by the appropriate procurement rules and procedures applicable to the circumstances of the procurement. There are three possible scenarios.

### 1. Complaints arising in connection with contracts where the Bank's Standard Procurement Documents (SPDs) are required to be used

Complaints that arise in connection with contracts where the Bank's SPDs are required to be used are called 'procurement-related complaints'. This guidance focuses solely on these types of complaints.

### 2. Complaints arising in connection with contracts under an Alternative Procurement Arrangement (APA)

The Procurement Regulations paragraph 2.4 describes APAs. In such cases, the Bank may rely on, and apply, the procurement rules and procedures of (whichever of the following options is appropriate):

- a) the multilateral or bilateral agency or organization taking the leading role in the procurement activity; or
- b) the Borrower's agency or entity executing the procurement.

### 3. Complaints arising in connection with contracts subject to national procurement procedures

A procurement complaint arising in connection with a contract subject to national procurement is subject to a different set of rules and procedures. The Procurement Regulations paragraphs 5.3 to 5.6 describe national procurement procedures. A Borrower is required to have an effective complaints mechanism in order to be able to use its own procedures for national open competitive procurement financed by the Bank.

Note: This guidance addresses only the first scenario, that is: Procurement-related complaints arising in connection with contracts where the Bank's Standard Procurement Documents (SPDs), are required to be used.

# Section II. Requirements for Procurement Complaints

Procurement-related complaints that arise in connection with contracts where the Bank's SPDs are required to be used are addressed in detail under Annex III of Procurement Regulations.

## The four essential requirements

There are four essential requirements that must be met by the party who wishes to make a procurement-related complaint (Annex II). These are:

- a) **Who can complain?** The party seeking to make the complaint must be eligible to make the complaint. Under the Procurement Regulations only an 'interested party' is eligible to make the procurement-related complaint.
- b) **In what circumstances?** The circumstances giving rise to the complaint must be relevant to the procurement. The Procurement Regulations describe the three relevant circumstances that may give rise to procurement-related complaints.
- c) **When to make the complaint?** Procurement-related complaints must be made in a timely manner. The Procurement Regulations set the time limits that apply to making this type of complaint.
- d) **What information must be included?** The procurement-related complaint must contain all of the required information (content) described in the Procurement Regulations. This must be provided at the time of making this type of complaint.

## Who can complain?

For procurements where the Bank's SPDs are required to be used, only an 'interested party' may make a procurement-related complaint.

An 'interested party' means either:

- a) a potential participant in a procurement opportunity, or
- b) an actual participant.

Whether an interested party is a potential or actual participant will depend on the stage that the procurement process has reached when the procurement-related complaint arises and what action, if any, the interested party has taken.

The following table describes examples of "interested party".

Interested Party	Description
<b>A potential participant</b>	<p>This is a firm/individual that is interested in participating in the procurement opportunity, but has not yet submitted a response to the procurement opportunity.</p> <p><u>For example:</u></p> <ul style="list-style-type: none"><li>- a potential Applicant, Bidder, Proposer or Consultant that is interested in submitting an application, bid or proposal, in a</li></ul>

	Prequalification, Initial Selection, Request for Bids/request for proposals process but has not yet done so,
<b>An actual participant</b>	<p>This is a firm/individual that has submitted an application/bid/proposal in response to a contract opportunity.</p> <p><u>For example:</u></p> <ul style="list-style-type: none"> <li>- an Applicant that has submitted an Application to Prequalify, be Initially Selected, or</li> <li>- a Bidder, Proposer or Consultant that has submitted a Bid or Proposal</li> </ul>

*Table 1 – Examples of ‘interested party’*

Note: for the purpose of this guidance ‘**response**’ is used generically to describe the submission of an Application, Bid or Proposal.

### In what circumstances?

There are three circumstances in which a procurement-related complaint may be made. These are:



*Figure 1 – Circumstances in which a procurement-related complaint may be made*

### 1. Challenge to Procurement Documents

In this circumstance, the complainant may seek to challenge the terms of the Procurement Documents. This means that the complainant has a concern or issue in relation to, for example, one of the following documents:

- a) Prequalification document;
- b) Initial Selection document;
- c) Request for Bids or Request for Proposals; and /or
- d) an addendum to any of the above documents.

### 2. Challenge the decision to exclude prior to contract award

In this circumstance, the complainant may seek to challenge the Borrower’s decision to exclude it from a procurement process, prior to the contract award decision being made. Examples include:

- a) not qualifying in a Prequalification;
- b) not being selected in an Initial Selection; and
- c) being eliminated from a multi-stage procurement process.

### 3. Challenge the decision to award the contract

In this circumstance, the complainant may seek to challenge the Borrower’s decision to award the contract. This procurement-related complaint can only be made after the complainant has received the Borrower’s Notification of Intention to Award the contract.

## When to make a procurement-related complaint?

Procurement-related complaints must be submitted in a ‘timely manner’. Timely depends on the circumstances giving rise to this type of complaint.

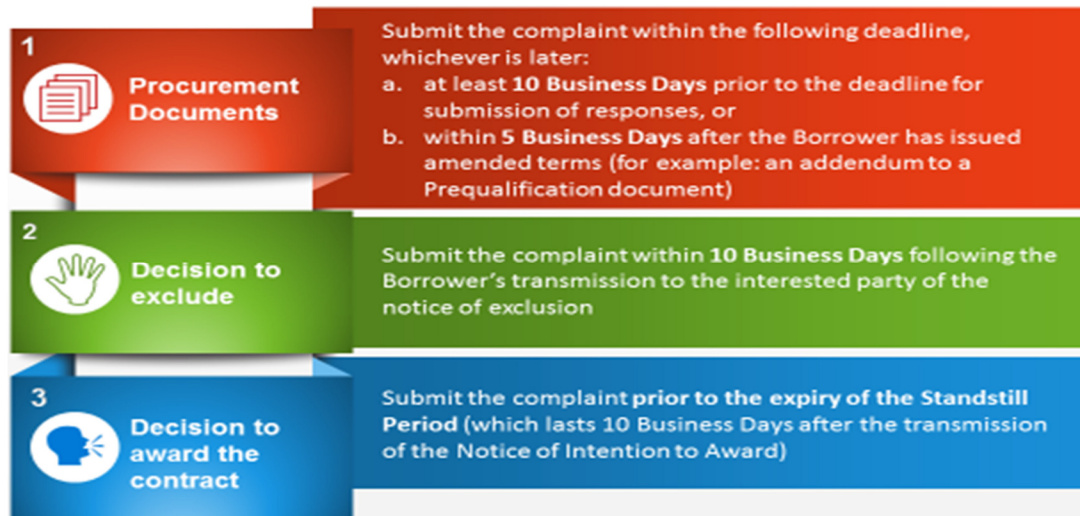


Figure II – Timing of procurement-related complaints

## Steps and Actions relating to the decision to award the contract

In relation to a procurement-related complaint challenging the decision to award, there are certain procedures that the complainant should be aware of. These are:

- a) Notification of Intention to Award;
- b) Standstill Period;
- c) Debriefing by the Borrower;
- d) Contract Award Notice; and
- e) Debriefing by the Bank.

### 1. Notification of Intention to Award

Once the Borrower has decided who the contract will be awarded to, it shall promptly and simultaneously provide, by quickest means available, each Bidder/Proposer that submitted a Bid/Proposal (unless a Bidder/Proposer has previously received notification of exclusion from the process) with a written notification of the Borrower's intention to award the contract to the successful Bidder/Proposer. This notification is called Notification of Intention to Award. This Notification must include the following information:

- a) the name and address of the successful Bidder/Proposer who will be awarded the contract;
- b) the contract price (or where the successful Bid/Proposal was determined based on rated criteria, the contract price and the total combined score) of the successful Bidder/Proposer ;
- c) the names of all Bidders/Proposers that submitted Bids/Proposals and their prices as read out, and as evaluated;
- d) a statement of the reason(s) why the recipient's Bid/Proposal was unsuccessful
- e) instructions on how to request a debriefing and/or submit a procurement-related complaint during the Standstill Period; and
- f) the date the Standstill Period is due to end.

In providing the above information the Borrower must not divulge any other Bidder's/Proposer's confidential or proprietary information such as: cost breakdown, trade secrets, manufacturing processes and techniques, or other confidential business or financial information.

For consulting services, following the initialing of the draft negotiated contract by the successful consultant, the Borrower shall promptly and simultaneously provide, to each consultant whose Financial Proposal was opened, the Notification of Intention to Award to the successful consultant with whom the Borrower successfully negotiated the contract.

### 2. Standstill Period

In order to allow unsuccessful Bidders/Proposers/Consultants time to examine the Notification of Intention to Award and assess whether to seek a debriefing, and/or submit a procurement-related complaint, the Procurement Regulations introduce a Standstill Period. The Borrower must not award the contract within the Standstill Period, which lasts ten (10)

Business Days following the transmission of the Notification of Intention to Award. A Standstill Period will not apply in the following situations:

- a) where only one Bid/Proposal was submitted in an open competitive process;
- b) where the Borrower has undertaken direct selection;
- c) for a call-off contract under a Framework Agreement; or
- d) if the procurement is the result of an Emergency Situation that is recognized by the Bank.

### 3. Debriefing by the Borrower

During the Standstill Period an interested party has three (3) Business Days (on receipt of the Notification of Intention to Award the contract) to request a debriefing from the Borrower. The Borrower should provide the debriefing within five (5) Business Days of receiving the request.

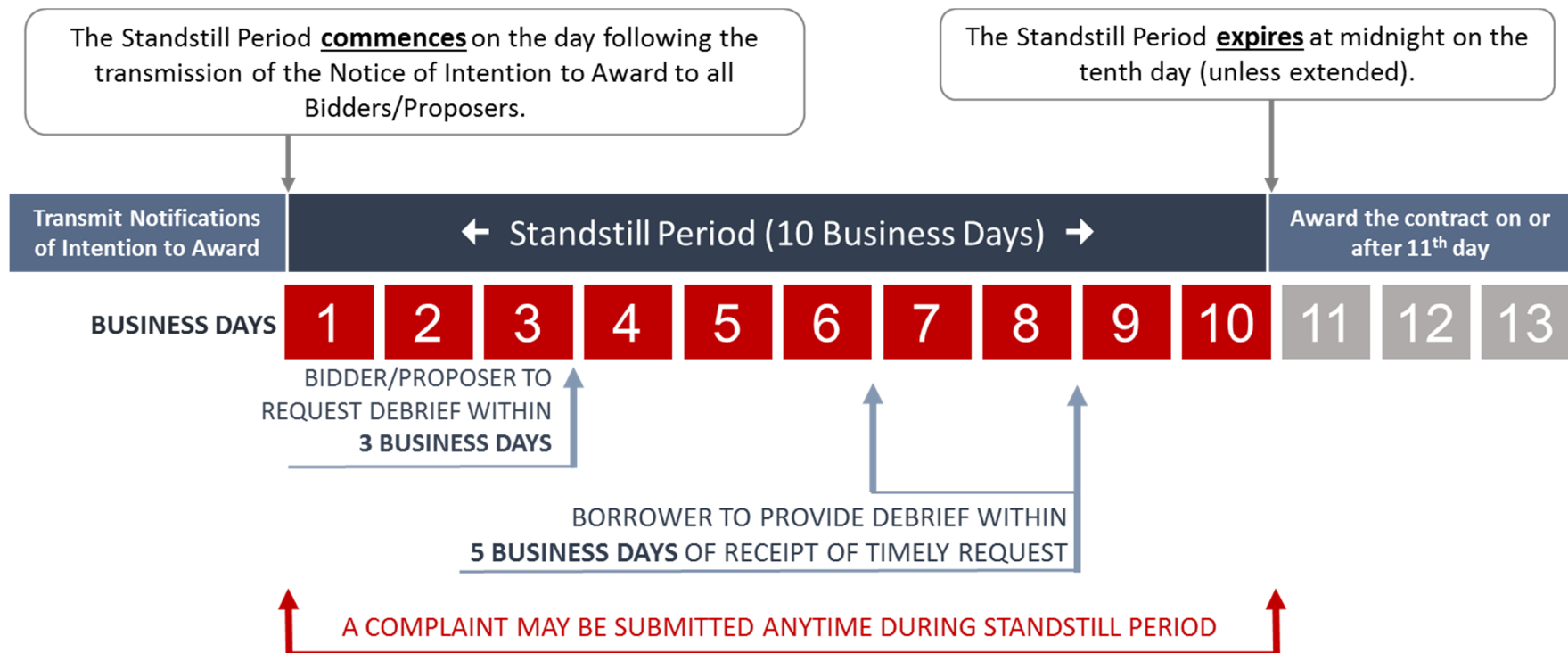


Figure III - Diagram of the Standstill Period



### Extended Standstill Period

If there is a justifiable reason, the Borrower may provide the debriefing later than five (5) Business Days deadline. If this happens, the Standstill Period is automatically extended to a date that is five (5) Business Days after the date of the last debrief. Bidders/Proposers/Consultants will be promptly notified, by the quickest means available, of the extended Standstill Period.

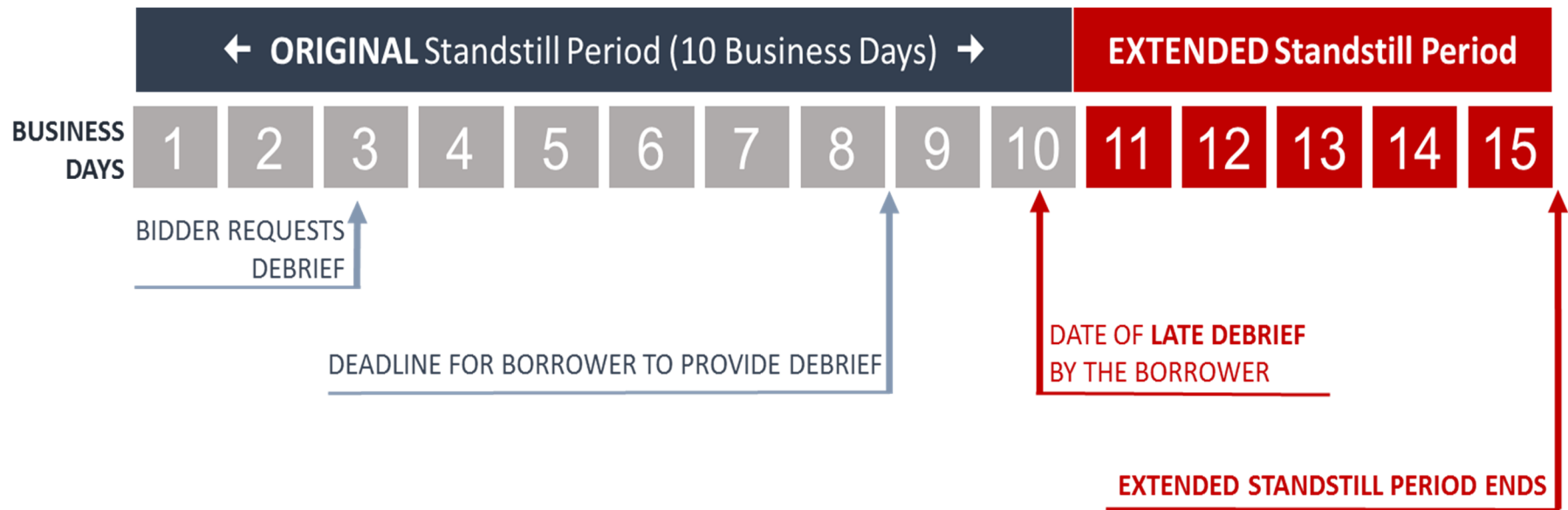


Figure IV - Example of an extended Standstill Period

### Late request for debriefing

A late request for debrief is where a Bidder/Proposer submits a request for debriefing that is received by the Borrower later than the three (3) Business Days deadline. The Borrower is still required to provide a debriefing, but only 'as soon as practicable', and normally no later than 15 Business Days from the date of the publication of the Contract Award Notice. A late request for debriefing does not affect the Standstill Period or the Borrower's ability to proceed with the procurement process pending the debriefing.

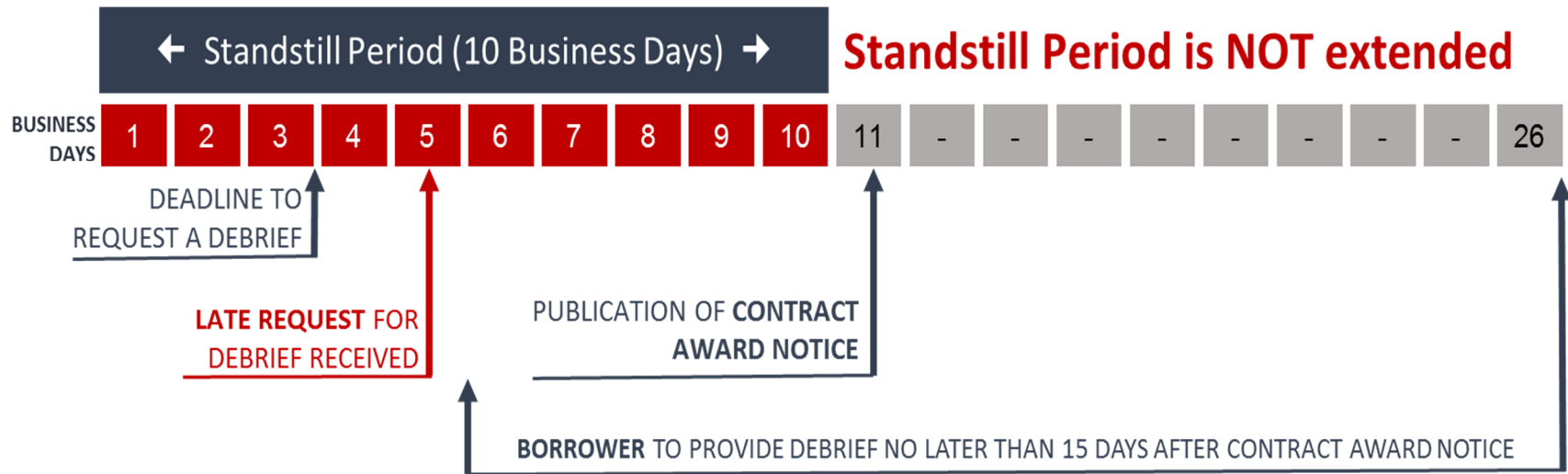


Figure V - Example of a late request for debrief

A procurement-related complaint, in relation to the decision to award the contract, may be made at any time within the Standstill Period, or extended Standstill Period, if applicable. An interested party does not need to have requested, or received a debriefing, before it can submit a procurement-related complaint.

#### 4. Contract Award Notice

At the end of the Standstill Period, if no procurement-related complaint/s has been received, the Borrower may proceed to award the contract. If a procurement-related complaint has been received, the Borrower must first address the procurement-related complaint before it can proceed to award the contract.

To award the contract the Borrower transmits a Notification of Contract Award to the successful Bidder/Proposer/Consultant. Within ten (10) Business Days of transmitting this notice the Borrower must publish a public Contract Award Notice. This is published on the Borrower’s website with free access, or if not available, in at least one newspaper of national circulation in the Borrower’s country, or in the official gazette as well as UNDB online and, where the contract is subject to the Bank’s prior review, on the Bank’s external website. This notice provides details of the procurement and the award of contract.

#### 5. Debriefing by the Bank

If, after the publication of the Contract Award Notice a Bidder/Proposer/Consultant has not received a satisfactory explanation from the Borrower as to why it was unsuccessful, it may request a meeting with the Bank. Similar to the debriefing by the Borrower, this meeting is also limited to discussing the Bidder’s/Proposer’s/Consultant’s own Bid/Proposal. No discussion of competitors’ Bids/Proposals is allowed.

### What information must be included?

In submitting a complaint, the complainant must provide all of the information contained in the following table, as well as any additional information that may be relevant.

Information	Detail
<b>The identity of the complainant</b>	Enter the name of the “interested party” i.e. potential or actual applicant/bidder/proposer/consultant
<b>Contact details</b>	Provide details of how the complainant can be contacted. This will include the complainant’s telephone number and email address.  For actual applicants/bidders/proposers/consultants, enter the name of the Authorized Representative as stated in the application/bid/proposal. If different for purposes of the complaint, state it in the complaint.
<b>Address</b>	This means the complainant’s postal/mailling address.

<p><b>Specify why the complainant is an “interested party”</b></p>	<p>This means identifying that the complainant is an ‘interested party’ (see <i>Who can complain?</i> above). Clarify whether the complainant is a potential or an actual participant in a procurement opportunity.</p>
<p><b>Identify the specific project, procurement reference number and current stage of the procurement process</b></p>	<p>Identify the specific procurement contract/activity to which the procurement-related complaint relates. This is the name and reference no. which appears on the Borrower’s Procurement Documents or procurement notice. Identify the current stage the procurement process has reached, for example:</p> <ul style="list-style-type: none"> <li>• Invitation to Prequalify has been advertised and closes on [<i>insert date</i>], or</li> <li>• Notice of Intention to Award was sent on [<i>insert date</i>].</li> </ul>
<p><b>Previous communication</b></p>	<p>It is important to alert the Borrower to any previous communication the complainant has had with the Borrower in relation to the matters addressed in the complaint. Include details of any previous communication. This may be an email, letter, meeting or debriefing. Specify the matters discussed in the communication. Where possible provide a copy of the communication..</p>
<p><b>Nature of procurement-related complaint</b></p>	<p>Specify the nature of the procurement-related complaint and the perceived adverse impact. This means describing the facts and circumstances leading to the complaint, and the nature of the grievance, problem, concern or adverse impact that has allegedly resulted.</p>
<p><b>Grounds for the procurement-related complaint</b></p>	<p>. Identify the violation and inconsistency, and the relevant section, paragraph or appendix of the Procurement Document, and/or Procurement Regulation that is allegedly been violated or with which there is inconsistency.</p>
<p><b>Any other information</b></p>	<p>Optional: the complainant may include any other information it considers to be relevant.</p>

*Table II - Content to be included in complaint*

Note: Annex III of this guidance contains a sample letter of submitting a procurement-related complaint.

## Submitting a procurement-related complaint

To ensure that a procurement-related complaint is received within the deadline it must be submitted directly to the Borrower. This is usually the entity that is undertaking the procurement and has issued the procurement notice. Details of the entity/person to whom complaints shall be addressed, shall be set forth in the Procurement Documents.

A procurement-related complaint sent to the Bank will be forwarded to the Borrower. In forwarding a procurement-related complaint, the Bank is not responsible for ensuring that it is received within the deadline.

Procurement-related complaints must be submitted in writing. This should be made by the quickest means available, e.g. by letter, email, fax or through the Borrower’s electronic procurement system, if applicable.

### Borrower’s deadlines for handling procurement-related complaint

Where a procurement-related complaint meets all of the essential requirements the Borrower will review and resolve it within the timelines set out in the following table. However, in case of a complaint that does not meet all of the requirements, the Borrower is encouraged to address it within a reasonable time, but is not required to respond within the following timelines.

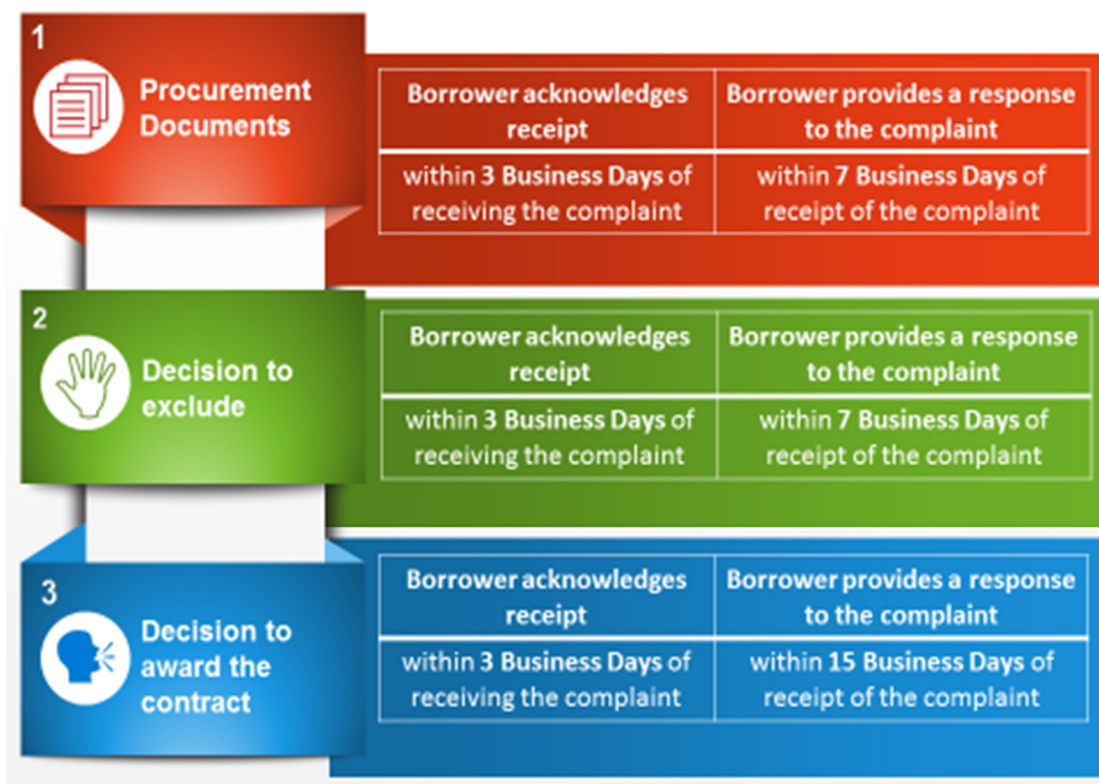


Figure VI - Borrower’s deadlines for managing a procurement-related complaint

### Borrower’s response to a procurement-related complaint

In addressing a procurement-related complaint, the Borrower will undertake a timely and meaningful review of all relevant documentation as well as the facts and circumstances related to the complaint.

The Borrower should provide sufficient information in its response to the complainant. Sufficient information includes, as a minimum, the following:

- a) **Statement of issue/s:** a clear, succinct statement of the issue/s raised by the complainant that needs to be addressed;
- b) **Facts and evidence:** a clear, succinct statement of the facts and evidence that, in the Borrower's view, are relevant to the resolution of the procurement-related complaint. The facts and evidence should be presented as a narrative and organized around the issue/s;
- c) **Decision and basis for the decision:** a precise statement explaining the Borrower's decision. This should include the basis for the decision, for example, the Borrower's interpretation of the facts, or citing a specific Procurement Regulations or provision in a SPD;
- d) **Analysis:** an explanation of the basis of the decision. This should describe why the facts, circumstances and evidence support the decision. This explanation should identify and address each question that has to be answered in order to arrive at the decision; and
- e) **Conclusion:** a clear statement of the resolution of the procurement-related complaint and a description of the next steps to be taken, if any.

The requirement that the Borrower provides sufficient information is subject to the Borrower's obligations to maintain the confidentiality of certain information provided to it, and regulated by Procurement Regulations paragraph 5.19 (Confidential Information) and 5.20 (Release of Evaluation Information). This may include preserving the confidentiality and proprietary information of other Applicants/Bidders/Proposers/Consultants, including commercial and financial information and trade secrets, as requested by the Applicants/Bidders/Proposers/Consultants in their Applications/Bids/Proposals.

## Action(s) when procurement-related complaint upheld

Where a procurement-related complaint is upheld the Borrower will usually take the one or more of the following action/s.

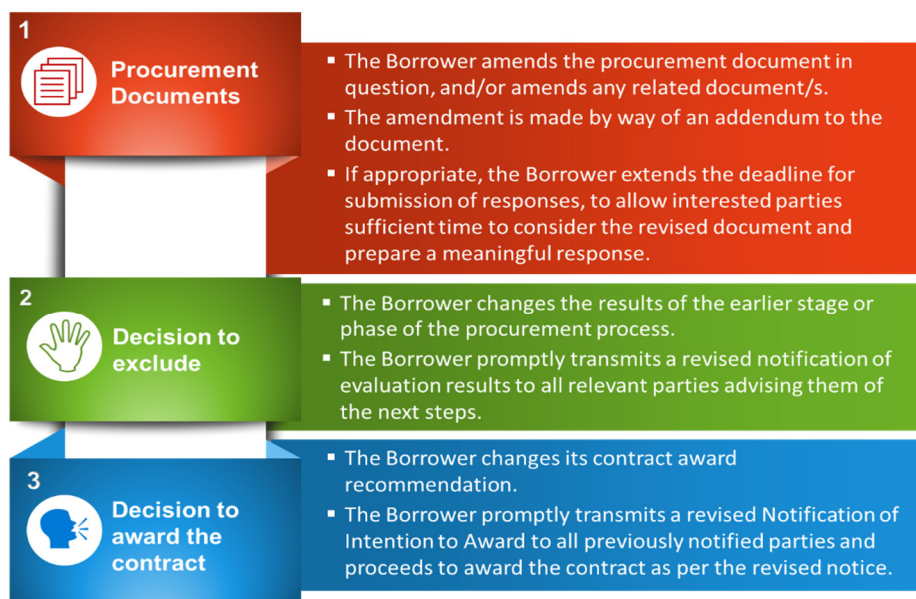


Figure VII - Action that may be taken when a procurement-related complaint is upheld

## **Contracts subject to prior review by the Bank**

Additional process, between the Bank and the Borrower, applies for contracts subject to prior review. This may include e.g.: that the Borrower must inform the Bank of the procurement-related complaint and provide all relevant documents and information. In addition, the Borrower shall seek the Bank's confirmation of satisfactory resolution of complaints. These additional processes are described in Annexes II and III to the Procurement Regulations.

## **Procurement-related complaint alleging fraud or corruption**

The Bank requires application and compliance of its Anti-Corruption Guidelines. These are detailed in Annex IV to the Procurement Regulations.

A procurement-related complaint that includes allegations of Fraud or Corruption may require special treatment. Where such a procurement-related complaint arises, the Borrower and the Bank will consult to determine what additional action/s may be necessary.





# Annex I. Roles and Responsibilities

## Roles and Responsibilities of the Borrower

- a) Provide timely and sufficient information to Applicants/Bidders/Proposers/Consultants. This includes information offered in the Notification of Intention to Award and debriefing. Applicants/Bidders/Proposers/Consultants should be able to understand the basis for the Borrower's decision and make an informed decision on whether to lodge a procurement-related complaint.
- b) Promptly acknowledge procurement-related complaints received.
- c) Resolve procurement-related complaints promptly and fairly.
- d) Preserve the confidentiality and proprietary information of other Applicants/Bidders/Proposers/Consultants, including their commercial and financial information and trade secrets.
- e) Maintain complete records of all debriefings and complaints, including how each complaint has been resolved.
- f) For contracts subject to prior review by the Bank:
  - i. inform the Bank promptly of any complaint submitted and provide the Bank a copy of all relevant documents and information
  - ii. consult with the Bank promptly and forthrightly throughout the complaint review and resolution process.

For a full statement reference the Procurement Regulations, Annex III, paragraph 3.7 for details.

## Roles and Responsibilities of Applicants/Bidders/Proposers/ Consultants

- a) Comply with the requirements in relation to the content of the complaint and the time limits applying to complaints (reference the Procurement Regulations, Annex III, paragraphs 2.4 and 3.1).
- b) Be familiar with the provisions of the Procurement Document (e.g. Prequalification/Initial Selection Document, RFB/RFP or other document), as well as the Procurement Regulations, so as to understand the rules governing the procurement process.
- c) Make a timely request for a debriefing, if one is desired.
- d) Submit the complaint within the permitted timeframe and to the entity/official designated for that purpose (as described in the Procurement Document).
- e) Ensure that the complaint submitted is as specific as possible in:
  - i. explaining the Applicant's/Bidder's/Proposer's/ Consultant's issues or concerns, and
  - ii. the alleged violation of the applicable procurement rules (e.g., Procurement Regulations, or RFB/RFP document, etc.).

For a full statement reference the Procurement Regulations, Annex III, paragraph 3.8 for details.

## Roles and Responsibilities of the World Bank

- a) Ensure that any Complaint addressed to the Bank is forwarded promptly to the Borrower for review and resolution. However, complainants are responsible to timely submit their complaints directly to the Borrower.
- b) In the case of prior review contracts by the Bank, timely consider any action proposed by the Borrower, including, but not limited to, with respect to the conduct and content of a debriefing, the denial of a complaint; or the taking of action to correct the impropriety identified in the Complaint; and
- c) Except for acknowledging receipt of a Complaint, not to discuss or communicate with any Applicant/Bidder/Proposer/Consultant during the evaluation and review process, until the publication of Public Notice of Award.

For a full statement reference the Procurement Regulations, Annex III, paragraph 3.9; and Annex II of the Bank Procedure, "Procurement in IPF and Other Operational Procurement Matters" for details.



# Annex II. Procurement-related complaint checklist

A Borrower is only required to give a complaint prompt and fair consideration if it meets all of the four essential requirements. These are:

The essentials requirements	Procurement Regulations - Annex III
1. Who can complain	paragraph 2.2
2. In what circumstances	paragraph 3.1
3. When to complain	paragraphs 2.3 and 3.1
4. What information must be included?	paragraph 2.4



# Annex III. Sample of procurement-related complaint

Complainants may use the following sample letter when making a procurement-related complaint. However, complainants must modify the content to reflect the particular circumstances of their complaint.

Text in red font is to assist the complainant in completing the letter. This should be deleted prior to submitting the complaint.

*[Complainant's letterhead which includes: business name, business address (postal address) and street address (if different from the postal address)]*

**Attention:** [insert full name of person, if applicable]

**Title/position:** [insert title/position]

**Agency:** [insert name of Employer/Purchaser/Client's agency]

**Email address:** [insert email address]

**Fax number:** [insert fax number] *delete if not used*

[Date]

Dear [name of Employer/Purchaser's Agency representative]

## **Procurement-related complaint**

**Procurement project:** [insert the name of the procurement project]

**Project reference:** [insert project reference number]

**Agency:** [insert the name of the Borrower's entity undertaking the procurement]

---

On behalf of, [insert the name of the complainant] we are writing to complain about the above noted procurement process.

## **Current stage of procurement**

The procurement process is currently [describe the stage the procurement process has reached].

### Interest in making this complaint

The complainant is an interested party in the procurement process. The complainant is **(CHOOSE THE APPROPRIATE OPTION: OPTION ONE)** [a potential participant in this procurement opportunity and is interested in *[making an application to prequalify/be initially selected or [submitting a Bid/Proposal].]*] **OR OPTION TWO** [an actual participant in this procurement opportunity and has submitted *[an application to prequalify/be initially selected]* or *[a Bid/Proposal]* on *[insert date.]*]

### Previous communication

**(Describe any previous communication you have had with the Borrower in relation to the subject matter of this complaint. Identify who you dealt with. Attach copies of any emails or letters or documents. If there has been no previous correspondence state)** *[There has been no previous correspondence in relation to this complaint.]*

### Debriefing (Include only if the complaint relates to the decision to award the contract)

The complainant has requested and received a debriefing. The debriefing was held on *[insert date]*. The following information was provided at the debriefing *[list the key information that was provided at the debriefing]*

**OR**

The complainant has not requested a debriefing.

### Nature of complaint

This complaint seeks to challenge the **(Describe the nature of the complaint. It must fall into one of the following categories.)** *[Borrower's Procurement Documents. / Borrower's decision to exclude the complainant from a procurement process prior to contract award / Borrower's decision to award the contract.]*

The relevant facts and circumstances leading to this complaint are **(Describe, in chronological order, the facts and circumstances leading to the complaint.)**

The adverse impact that has resulted is **(Describe the nature of the adverse impact that has resulted.)**

### Grounds for challenge

The grounds for making this complaint are **(Identify the violation and inconsistency and the relevant section, paragraph or appendix of the Procurement Document, and/or Procurement Regulation that is allegedly been violated or there is inconsistency with )**

### Documents

In support of this complaint we attach the following documents:

1. *[name the document, its date (if dated) and attach it to this letter]*
2. *[name the document and attach it to this letter]*

**(If you have no documents that you wish to attach then state)** *[There are no documents in support of this complaint.]*



**Other information**

Other relevant information about this complain is as follows: (***Describe any other information that is felt to be relevant to this complaint***).

We look forward to receiving confirmation of receipt of this complaint and your full response in due course.

Yours faithfully

[Bidder/Proposer/Consultant's Authorized Representative details]Name: *[insert full name]*

Position: *[insert]*

Address: *[insert Authorized Representative's Address]*

Telephone/Fax numbers: *[insert Authorized Representative's telephone/fax numbers]*

Email Address: *[insert Authorized Representative's email address]*







For additional information about the World Bank Procurement Framework, including Standard Procurement Documents (SPDs), Guidance, briefing, training and e-learning materials see [www.worldbank.org/procurement](http://www.worldbank.org/procurement)