



Complaint Handling and issues faced by the EA

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Presentation Outline

A. Complaint Handling procedures

B. Issues faced by the EA

Procurement Framework

Core Procurement principle of “fairness” require credible mechanisms for addressing procurement related complaints and providing recourse.

Procurement-related complaints may be brought to the attention of the borrower or ADB, or both, at the appropriate stage of the procurement process. They must be addressed objectively and in a timely manner, with transparency and fairness.



ADB PROCUREMENT POLICY

Goods, Works, Nonconsulting and Consulting Services

ASIAN DEVELOPMENT BANK





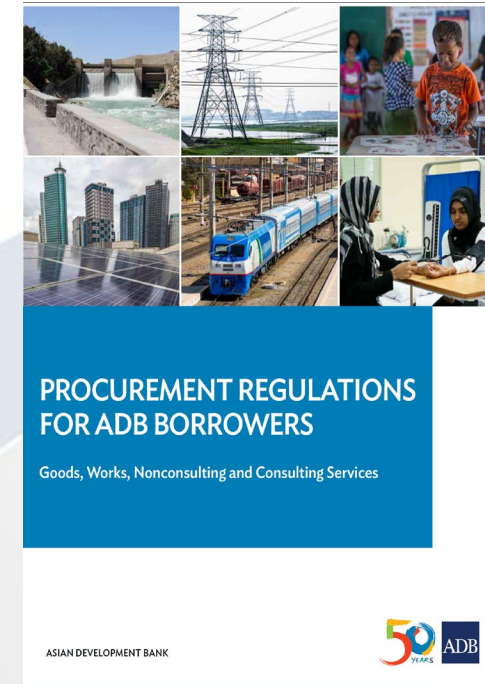
Procurement Framework

A. Complaint Handling procedure

Appendix 7: provide details of how to handle the complaints

Procurement Guidelines 2015 refers to complaints

Bid documents before framework 2017 – no details are included in the SBDs





Why it is important to address the complaints?

Addressing complaints objectively and in timely manner may

Increase Efficiency, Ensure Quality, and Reduce Procurement Time (clearly defined procedures/resources can avoid delays)

Improve Transparency and Fairness (clarity on treatment of procedures for Borrowers/complainants)

Reduce Risk (enhance audit compliance/reduce risk of litigation)

Bidding- Related complaints may arise

During the procurement planning, bidding (including prequalification), bid evaluation, contract award, post-award, and implementation stages of the ADB procurement cycle

Complaints that allege fraud, corruption, or any prohibited practice under ADB's Anticorruption Policy and Integrity Principles and Guidelines

Complaints that allege misapplication or omission in application of ADB's 2017 Framework during a bidding process, which would amount to a breach of the policy and/or regulations.

Complaints that arise out of, or relate to, a bidding process that may allege fraud, corruption, and/or some other bidding-process-related irregularity or omission.

Bidding- Related complaints may be submitted by

Interested party (An Applicant, interested party in bidding or expressing an interest, a bidder for or proposing to bid for, or being notified for contract award or being issued notice of contract award)

Anonymous complaints or not from interested parties: must be shared with ADB and action can be taken on case-by-case basis

Complaints related to integrity related violation are referred to OAI

Complaint Handling Procedures

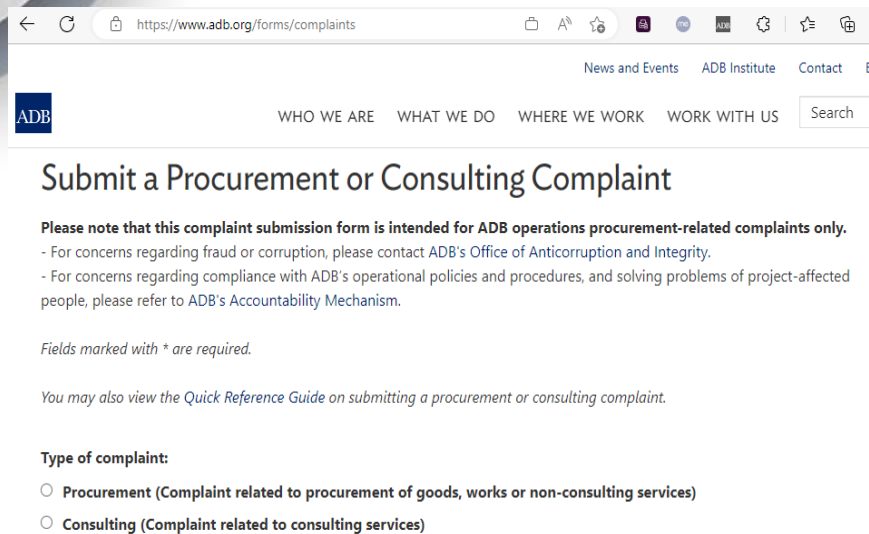
Submission of complaint

- (i) by mail, e-mail, or fax to the address or numbers specified in the bidding document;
- (ii) through an electronic procurement system as applicable; and/or
- (iii) at the relevant borrower website link identified for such purpose.

If the Bidders are not satisfied by the Borrower's response, they may also send the complaint directly to ADB

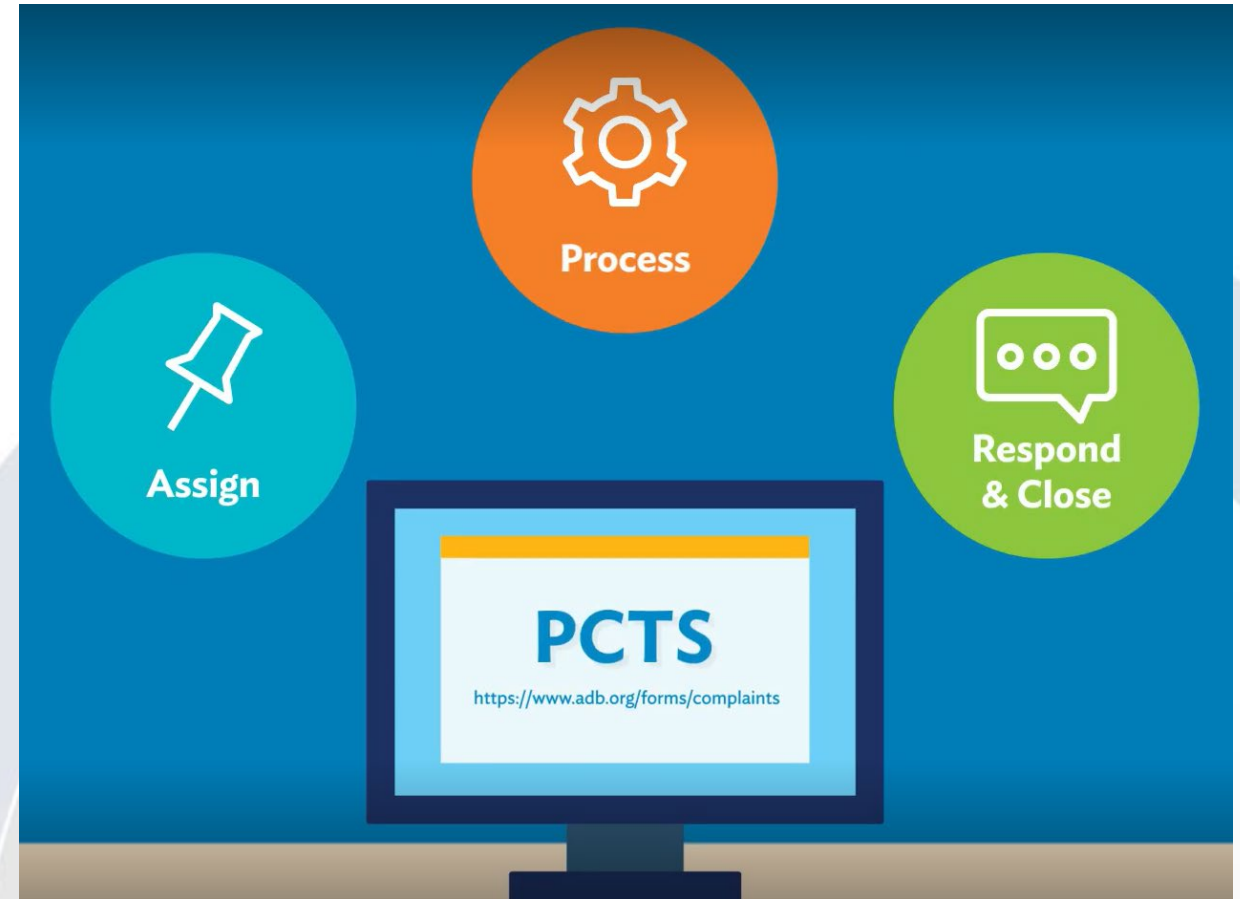
<https://www.adb.org/forms/complaints>

Complaint Handling and tracking by ADB



The screenshot shows the ADB website's complaint submission form. The URL in the browser is <https://www.adb.org/forms/complaints>. The page title is "Submit a Procurement or Consulting Complaint". Below the title, there is a note: "Please note that this complaint submission form is intended for ADB operations procurement-related complaints only." followed by two bullet points: "- For concerns regarding fraud or corruption, please contact ADB's Office of Anticorruption and Integrity." and "- For concerns regarding compliance with ADB's operational policies and procedures, and solving problems of project-affected people, please refer to ADB's Accountability Mechanism." Below this, it says "Fields marked with * are required." and "You may also view the Quick Reference Guide on submitting a procurement or consulting complaint." Under the heading "Type of complaint:", there are two radio button options: "Procurement (Complaint related to procurement of goods, works or non-consulting services)" and "Consulting (Complaint related to consulting services)".

After a complaint is received via ADB.org, PPFD staff assign it to the responsible Project Officer for review.



Complaint Handling Prior Review Cases

Complaint before bid submission

(Acknowledge and share with ADB including draft response: extension of time, issuance of an addendum,)

Complaint after bid submission but before or after intention on contract award

(Acknowledge and share with ADB including draft response: may require change in contract award recommendations.....)

Complaint after contract award

(if complainant not satisfied with Borrower's explanation response, ADB response with copy to Borrower)

(Note: sometimes complaints are upheld and remedial action should be sought in accordance with national laws/regulations including other remedies)

Complaint Handling Post Review Cases and Debriefing

Post review (Sampling)

Borrower may take actions with seeking ADB's no-objection including complaint handling

During review by ADB, if non-compliances are observed, remedial action will be taken in accordance with loan/grant agreement including any contractual remedies

Debriefing

Where no standstill applies, debriefing will be done after contract award

Where standstill period applies, Complainant may request debriefing during standstill period