

The views expressed in this presentation are the views of the author/s and do not necessarily reflect the views or policies of the Asian Development Bank, or its Board of Governors, or the governments they represent. ADB does not guarantee the accuracy of the data included in this presentation and accepts no responsibility for any consequence of their use. The countries listed in this presentation do not imply any view on ADB's part as to sovereignty or independent status or necessarily conform to ADB's terminology.



Procurement-Related Complaints

Sarah Colacci

Senior Procurement Specialist, Procurement,
Portfolio and Financial Management Department



11TH BUSINESS OPPORTUNITIES FAIR 2023

4 - 5 OCTOBER 2023 | 9:00AM - 5:00PM | MANILA

What is covered?

ADB- Administered (Technical Assistance)

- Complaint arising from, or in connection with, the recruitment of consultants or the procurement of goods, works, and nonconsulting services by ADB, as submitted by an interested party, which may amount to a breach in [ADB's 2017 Procurement Policy: Goods, Works, Nonconsulting and Consulting Services](#)

Borrower- Administered (Loan/Grant)

- Complaint arising from, or in connection with, a bidding process financed in whole or in part by an ADB loan/grant or ADB-administered funds, as submitted by an interested party, which may amount to a breach in [ADB's 2017 Procurement Policy and/or Procurement Regulations for Borrowers Goods, Works, Nonconsulting and Consulting Services](#)

Exception

Complaints that allege fraud, corruption, or any prohibited practice under ADB's 1998 Anticorruption Policy and 2015 Integrity Principles and Guidelines



Who can submit a complaint?

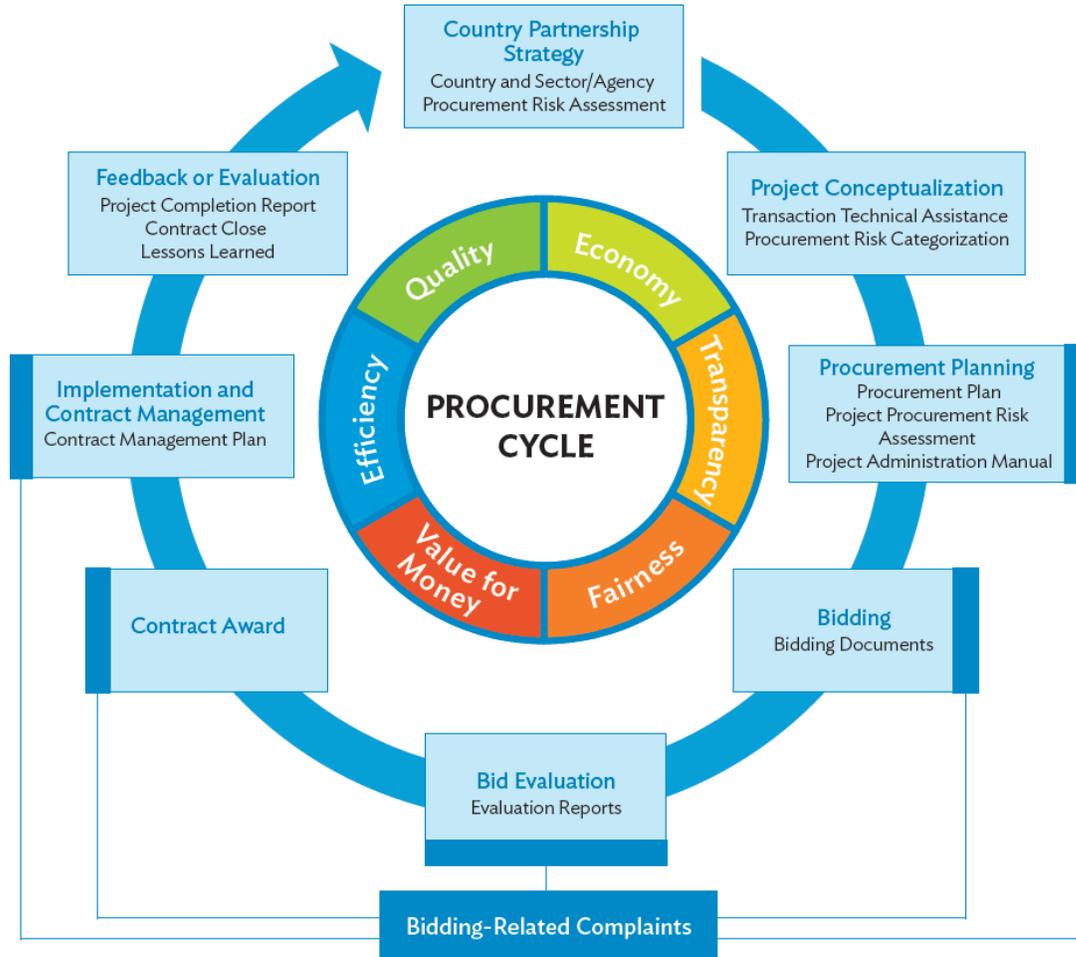


Interested Party (complainant)

- An applicant for prequalification
- A bidder bidding for, proposing to bid for, or being notified award of or intention to award a contract
- A party interested in bidding or expressing interest



When to submit?



Pre-bid

- Within the time specified in bidding/PQ documents

Post-bid (standstill or holding*)

- Within the time specified in bidding/PQ documents

Post contract award (no standstill or holding)

- As soon as possible after notification

**not usually applicable to consultancy services*



Providing Feedback

Submit a complaint
to borrower
(or ADB for TAs)

Acknowledge receipt

Borrower (or ADB for
TA) responds or
debriefs

If unsatisfied, may
submit a formal
complaint to ADB

Outcome

Clarifications

Requests can be submitted within the specified bid deadline
If supported, response or amendment to bidding document will be shared with all bidders

Debriefings

Available if a bidder wishes to ascertain the grounds on which its bid was not selected
Conducted verbally or in writing
Details of other submitted bids will not be disclosed
No obligation to debrief shortlisted firms and individual consultants that submitted EOIs



Types of complaints

Prior to Submission
of bids

- Inconsistencies/errors in the procurement documents, if the borrower has not responded to a request for clarification or the bidder is not satisfied with the clarification
- Reporting of misapplication of the provisions of the procurement documents

After submission of
bids but prior to
contract award

- Decision to reject a bidder from a bidding process following:
 - A notification of an intention to award a contract where a standstill period applies
 - A proposed decision to reject a bidder from the bidding process under two-envelope and two-stage procedures allowing a holding period

After contract award

- Decision to award the contract



Possible outcome of complaint submission

Pre-bid

Amend procurement plan, specifications, TOR, PQ, bidding documents etc. and then reissue/readvertise with a new submission period

Post-bid

Modify the ranking of responsive bids

Withdraw previous declaration of non-responsiveness

Cancel bid and reinitiate

Contract award or intention to award

Modify recommendation for contract award

Cancel bid and reinitiate

Target response time by Borrower/ADB: 10 working days



How to submit a complaint



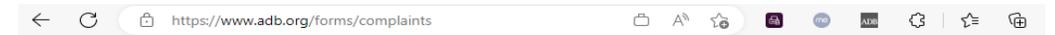
Content

- Interested party
- Relevant project and transaction
- When did the alleged violation occur
- What has been allegedly violated or compromised by borrower/ADB
- Supporting documents and correspondence
- Actual or likely adverse impact
- Relief or remedy requested

Format

- Loans/grants: to borrower via mail, email, or fax to the address in the bidding document
- TA: to ADB via Procurement Complaints Tracking System

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



News and Events ADB Institute Contact E



WHO WE ARE WHAT WE DO WHERE WE WORK WORK WITH US

Search

Submit a Procurement or Consulting Complaint

Please note that this complaint submission form is intended for ADB operations procurement-related complaints only.

- For concerns regarding fraud or corruption, please contact ADB's Office of Anticorruption and Integrity.
- 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.

*Fields marked with * are required.*

You may also view the Quick Reference Guide on submitting a procurement or consulting complaint.

Type of complaint:

- Procurement (Complaint related to procurement of goods, works or non-consulting services)
- Consulting (Complaint related to consulting services)

11TH BUSINESS OPPORTUNITIES FAIR 2023

4-5 OCTOBER 2023 | 9:00AM - 5:00PM | MANILA



Statistics

ADB Procurement Complaints Tracking System

ADB Operations Procurement Related Complaints			
Total Complaints	Open	Closed	Avg Days Response Time
482	63	420	32

Date Submitted

9/19/2018 9/28/2023

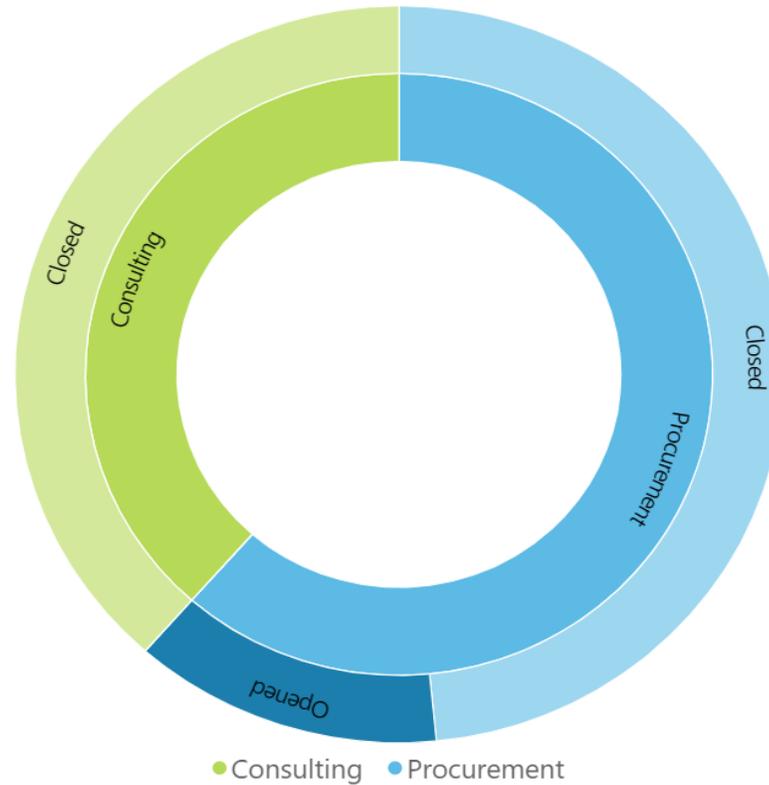


Count of Complaints By Complaint Type and Status

TOTAL COMPLAINTS	
Procurement	Consulting
296	186

TOTAL COMPLAINTS PROCUREMENT	
Open	Closed
63	234

TOTAL COMPLAINTS CONSULTING	
Open	Closed
(Bl...	186

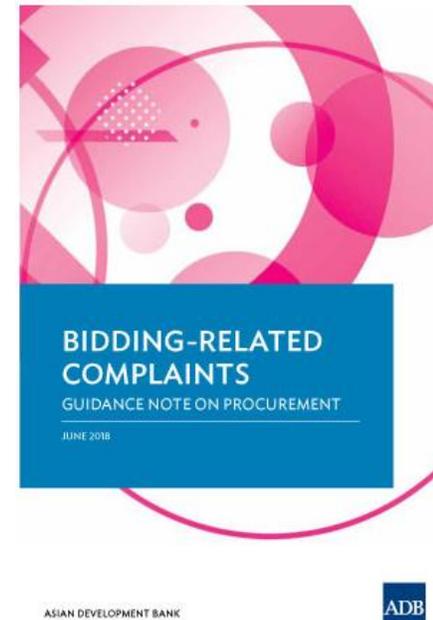


Thank You!

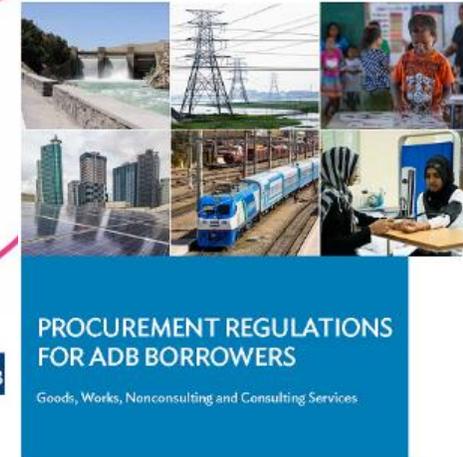
Sarah Colacci

Senior Procurement Specialist, PPF

scolacci@adb.org



ASIAN DEVELOPMENT BANK



ADB

ASIAN DEVELOPMENT BANK



11TH BUSINESS OPPORTUNITIES FAIR 2023
4-5 OCTOBER 2023 | 9:00AM - 5:00PM | MANILA