

PROCUREMENT COMPLAINTS REDRESSAL MECHANISM UNDER THE WSSP II

1.0 Introduction:

The Government of the United Republic of Tanzania (GoT) is implementing the Water Sector Development Program (WSDP) for the period 2006–2025. The WSDP is being implemented through the Ministry of Water (MoW) and follows a Sector Wide Approach to Planning (SWAP) with an overall objective of strengthening sector institutions for integrated water resources management and improve access to Water Supply and Sanitation services. The program is in phase two of its implementation with effect from 1st July 2016 whereby the World Bank's continued engagement with the water sector through the second Water Sector Support Project (WSSP-II) which is part of a long-term program of support for the GoT's WSDP.

The WSSP II project development objective is to strengthen the capacity for the integrated water resources planning and management in the united Republic of Tanzania and improve access to water supply and sanitation services in an operationally efficient manner in Dar es Salaam. WSSP II has four components namely, Integrated Water Resources Management, Dar es Salaam Water Supply Improvement, Dar es Salaam Sanitation Improvement and Project Management and Implementation support.

Ministry of Water (MoW) developed the Project Implementation Manual (PIM) to manage all aspects of the WSSP II and the PIM indicates the need for policies and procedures that are consistent with the requirements of World Bank Guidelines and the Tanzania Public Procurement Act 2011. Therefore this Procurement Complaint Management System is for internal use and will take into account the provisions of the Procurement Act and the WB Guidelines to avoid conflict.

2.0 Purpose of Procedure:

Complaints in a procurement process are inevitable hence the need for a clearly defined standardized procedure to manage to the complaints throughout the procurement process to increase transparency. It is therefore necessary to provide a clearly defined process for dealing with complaints received from bidders, so that necessary steps can be initiated as soon as a complaint is raised. The mechanism of lodging complaints and process time are important features to be defined to allow timely resolution for the process not to impede the procurement process.

It is worth to note is that complaints will be lodged in at different stages of procurement. Some may be after announcement of the best evaluated bidder while the others may be lodged before at any stage. What is important to note is that the process has to be halted once a complaint is received and only resumed after the complaint is resolved.

3.0 Complaint Redressal Committee;

On receipt of a complaint, the Accounting Officer shall appoint an adhoc Complaint Redressal Committee of a minimum of three (3) members with a Chairperson and a Secretary. The composition of the committee should be from the Technical department, Procurement Management Unit and the Legal department. No member from the PMU where the complaint has originated shall be appointed on the committee to avoid conflict of interest.

The Complaint Redressal Committee shall maintain integrity, fairness, objectivity, transparency and confidentiality in its proceedings. A record of complaint resolution proceedings by the Committee shall be kept by the Secretary of the Committee.

4.0 Lodging in of Complaints 1st Tier;

The following procedure will be followed in handling WSSP II Procurement complaints;

- i) All complaints shall be addressed to the Accounting Officer of the Procuring Entity (PE) and in this case, the Permanent Secretary for Ministry of Water and Chief Executive Officer for DAWASA.
- ii) Once complaint(s) is/are received, the procurement process shall immediately be halted until the complaint(s) are resolved.
- iii) On receipt of the Complaint(s) the Accounting Officer shall within three (3) working days acknowledge receipt of the complaint and within another five (5) working days appoint the members of the Complaint Redressal Committee and assign them to handle the complaint accordingly.
- iv) The Chairperson of the Complaint Management Committee shall immediately cause a meeting of the committee to discuss the issue(s) in the complaint and shall within ten (10) days submit a report to the Accounting Officer with recommendations.
- v) A submission of the Draft response from the Complaint Redressal Committee shall be made to the World Bank for review and clearance before communicating it to the complainant within five (5) days.

After clearance from the Bank, the Accounting Officer shall within five(5) days shall communicate to the complainant the findings and recommendations of the committee.

5.0 Appeal by a Complainant – 2nd Tier Complaints Review Panel.

The Permanent Secretary shall a point a permanent committee the Complaints Review Panel to handle the Appeals. In case a complainant is not satisfied with the decision of the Complaint Redressal Committee, the following procedure will be followed to lodge in an appeal to the Complaints Review Panel;

- i) The 2nd Tier Review Panel shall be composed of the Director PCDU as the Chairperson, the Director Water Resources and the Secretary and the Chief Executive Officer DAWASA as a member.
- ii) The complainant shall lodge an appeal with 2nd Tier Complaints Review Panel within ten (10) working days after communication of 1st Tier Complaint Management Committee decision. The Accounting Officer shall acknowledge receipt of the appeal within three (3) working days forward it appeal to the 2nd Tier Review Panel within three (3) working days.
- iii) The Review Panel shall complete its proceedings within fifteen (15) working days. Recommendations of the Panel will be submitted to the Accounting Officer for consideration.
- iv) A submission of the Decision of the Complaint Review Panel shall be made to the World Bank for review of the draft response before communicating it to the complainant within five (5) working days.
- v) After review of the draft response by the Bank, the decision of the Complaint Review Panel shall be communicated to the complainant within three (3) working days by the Accounting Officer.
- vi) If the complainant is still not satisfied, the complaint shall now be forwarded to the PPRA for further management.
- vii) Otherwise, the procurement process shall be resumed after ten (10) working days of communicating the decision of the Complaints Review Panel to the complainant.

The whole process is summarized through flow diagram below:-

