



ZAMBIA PUBLIC PROCUREMENT AUTHORITY

Plot 2837 Red Cross House, Los Angeles Boulevard, Longacres,
P. O. Box 31009, Lusaka - Zambia

OFFICE OF THE DIRECTOR GENERAL

Our Ref:

CIRCULAR NO. 2 OF 2015

18th February, 2015

TO : All Controlling Officers and Permanent Secretaries
All Chief Executives of Parastatal and Statutory Bodies
All Town Clerks and Council Secretaries of Local Authorities
Suppliers of Goods, Works and Services

FEE FOR REVIEW OR APPEAL

- 1.0 The Zambia Public Procurement Authority (ZPPA) would like to advise all Procuring Entities and Suppliers that with effect from the date of this circular and in accordance with Regulation 172 of the Public Procurement Regulations of 2011, all bidders contesting a procurement decision will be required to pay a non-refundable fee of One Thousand Kwacha (K1, 000.00)
- 2.0 An application for review or appeal, shall be in writing and signed by the bidder, supplier or their representative to the Controlling Officer or Chief Executive Officer and be made within ten (10) working days of the decision or stage of the procurement proceedings to which it relates, and shall -
- a) state the name and contact details of the bidder or supplier;
 - b) state the name of the Procuring Entity to which the application relates;
 - c) provide details of the procurement requirement to which the complaint or application relates, including any reference number;
 - d) state the legal and factual grounds of the complaint or application, including documentary or other evidence supporting the application for review or appeal;
 - e) provide information establishing that the bidder is an actual or prospective bidder, who has suffered, or that may suffer, loss or injury, due to a breach of duty imposed on a procuring entity;
 - f) provide information establishing the timeliness of the application, including the date that the bidder or supplier became aware of the circumstances giving rise to the complaint or application and the dates of any contract award, complaint to the Chief Executive Officer or decision by the Chief Executive Officer;

All correspondences should be addressed to the Director General

Email: info@zppa.org.zm, Fax: +260-211-250633, Tel +260-211-250632 / 250642 / 250687

Website: www.zppa.org.zm

- g) include a copy of any complaint submitted to the procuring entity and any decision issued by the Controlling Officer or the Chief Executive Officer;
- h) the remedy sought; and
- i) request that a review or an appeal be conducted by the Authority.

The Appeal Submission Form shall be used to lodge the complaints.

3.0 In addition to the contents specified in 2.0, an application for review or appeal may -

- a) request special measures for the handling of proprietary commercial or other confidential information;
- b) request specific documents required by the bidder for the effective prosecution of its complaint or application, explaining the relevance of such documents to the grounds of the complaint or application; or
- c) request that a hearing be held, explaining the reasons why a hearing is needed to resolve the complaint or application.

4.0 A complaint or application for review or appeal shall be copied to the Authority and accompanied by a payment of the One Thousand Kwacha (K1, 000.00) non-refundable fee to the Authority.

5.0 Suppliers are advised that unless complaints relate to specific alleged breaches of the Public Procurement Act and the Regulations and submitted in accordance with guidance provided under 2.0 and 4.0 above, the Procuring Entity and the Authority may not adjudicate over the complaint and would dismiss the complaint.

6.0 Complainants are further advised to channel their complaints to the respective Procuring Entities first and only appeal to the Authority if they have strong reasons to believe that the complaint has not been adequately resolved.

The Procuring Entity should make a decision within 5 working days of receiving the complaint and submit a written decision to the Authority indicating:

- a) whether the application is upheld in whole, in part or rejected;
- b) the reasons for the decision; and
- c) any corrective measure that should be taken by the Procuring Entity.

The Authority shall, within five working days of the receipt of the submission of the Controlling Officer or Chief Executive Officer -

- a) make a decision on the matter without holding a hearing of the parties; or
- b) hold a hearing of the parties in accordance with Regulation 177.

The Authority may if they so wish request the bidder or supplier to submit, a statement of the complaint.

Addressees are advised to visit the ZPPA website for comprehensive guidelines on the submission of the complaints and also to download the form which will be used to lodge the complaints. The website is: www.zppa.org.zm.



Chibelushi M. Musongole (Dr.)

DIRECTOR GENERAL