



KANO STATE GOVERNMENT

PUBLIC PROCUREMENT COMPLAINTS PROCEDURE

**UNDER THE KANO STATE PUBLIC PROCUREMENT LAW 2021
(AS AMENDED)**

COMPLAINT PROCEDURE GUIDE

2025

Introduction

Section 85 of the Kano State Public Procurement Law (KSPPL) 2021 (as amended in 2022) recognizes the right of a Bidder to seek administrative review of procurement decisions arising from “any omission or breach by a procuring entity or the Board (in this case, Kano State Ministry of Public Procurement KSMPP) under the provisions of the law. Section 86 makes it clear that such a complaint may be made against a Ministry, Department or Agency (MDA) as a procuring or disposing entity.

In the exercise of its functions and powers conferred on the Kano Public Procurement Bureau and the Kano State Public Procurement Board now vested in the Kano State Ministry of Public Procurement (KSMPP), the KSMPP hereby issues this Guidelines and steps for seeking redress under the Kano State Public Procurement Law.

Grounds for a Bidder’s Complaints

Section 85 of the KSPPL allows bidders to seek administrative review or in other words make complaints on two broad grounds:

To review any omission to do anything required by the law: This will mean any failure to take a step or to do anything required to be done in a procurement or disposal activity by the law. The law has given the broad powers to make Regulations, develop Standards, Standard Documents, Procurement Activity Documents etc. The import is that omissions to undertake steps set out by such instruments can be subject of a complaint by a Bidder.

To review breach by a Procuring entity or Procurement Board of the provisions of this law and Regulations made thereunder: This ground addresses all perceived breaches of the provisions of the Law, Regulations and other instruments issued under it.

Time for submitting a Complaint

The Law does not prescribe the stage at which a complaint may be made. Consequently, a bidder is expected to bring a complaint at any time he or she becomes seized of the facts grounding the complaint. Accordingly, a bidder needs not wait till the end of a procurement activity to complain if the omission or breach complained about has already occurred. In practice however, most complaints are made only after the procurement activity is concluded and winners and losers are known. Bidders are hereby advised to submit their complaints before award of contract and in all cases before the commencement of contract implementation.

STAGES OF MAKING COMPLAINTS

A bidder who at any time believes the procuring entity has omitted to do something it is required by law or related subsidiary instruments to do or has breached any provisions of the law or related subsidiary instruments, can make a complaint to the Kano State Ministry of Public Procurement. Such a bidder may also choose to wait to make a complaint when the procurement activity is completed, and a bid winner is selected, but should however ensure that his complaint (if any) has been submitted before contract award and/or commencement of implementation of the related contract.

Stage 1: Section 86(1) (i)

Prepare and submit a written complaint to the Accounting Officer of the procuring/disposing entity. It is advisable to secure proof of delivery of the written complaint, either in the form of an acknowledged duplicate copy or courier delivery receipt. The complaint should set out the following;

- a) The ground(s) for seeking review;
- b) The facts that support the grounds and related documents (if any);
- c) The corrective action sought by the complaint.

If the complaint refers to documents, it will help to attach the documents or indicate in whose custody they may be within the procuring entity to which the complaint relates.

Stage 2: Section 86(1) (i)

The Accounting Officer is required to review the complaint and make a decision and communicate its decision in writing within 15 working days of the date of receipt of the complaint. His decision may indicate corrective measures to be taken, and should suspend progress in the proceedings until indicative corrective measures (if any) are taken.

Stage 3: Section 86(1) (ii)

If the Accounting Officer fails to make a decision within the given period or the complainant is not satisfied with the Accounting Officer's decision communicated in writing, the Bidder may no later than (10) Ten days from the day the first decision was communicated to him or ten days from the date of expiration of 15 working days within which the Accounting Officer ought to have decided and communicated his decision, forward a complaint to the Kano State Ministry of Public Procurement (KSMPP) against the original omission or infraction, the Accounting Officers decision and if applicable the Accounting Officers failure to decide the complaint.

Stage 4: Section 86(1) (iii)

Upon receiving the complaint, the KSMPP shall:

Notify the procuring entity of the complaint;

Suspend any further action by the procuring or disposing entity until the matter is settled and

Hear the parties on the complaint.

Stage 5: Sections 86(1) (iv)

The KSMPP shall for the purpose of hearing each complaint constitute a panel of no less than three senior personnel, one of whom must be a specialist in Public Procurement Procedure rules preferably from the Planning Research and Statistics Department and two of which shall be subject matter experts in the area of the subject matter of the procurement activity. The KSMPP may hear the Bidder and grant the Procuring Entity a right of reply on the complaints in writing and if considered necessary orally before reaching a decision, except only that if a party is invited to make a written submission or to an oral hearing and fails to turn up or make the submission, in that case, the KSMPP may proceed to decide the complaint without

hearing such a defaulting Party, once it has assured itself that the Party received the invitation in good time to attend or respond.

Stage 6: Sections 86(1) (v)

The KSMPP shall issue its written decision on a complaint within 21 working days from the date of receipt of the complaint. Its appointed panel shall endeavor to submit its written decision and draft communications to the related Parties to the Hon Commissioner not later than 48 hours before the expiration of the 21 working days for its hearing.

Stage 7

Except where the KSMPP has dismissed the complaint, it shall Prohibit the procuring and or disposing entity from taking further implementation action, until ordered corrective measures have been taken.

Nullify part or all of the unlawful act or decision of the procuring or disposing entity, and if justified order a repeat of the process;

Declare or make known the rules and principles governing the subject matter of the complaint, and

Reverse any improper decision by the procuring or disposing entity or substitute its own decision for the improper one.

Stage 8

The Bureau shall make its decision within twenty-one (21) working days after receiving the complaint and shall give the reasons for its decision and the remedies granted (if any). In granting the remedies, the KSMPP shall endeavor to be specific to ensure clarity of corrective actions required.

Stage 9: Sections 86(2) (iii)

If the KSMPP fails to make its decision within the given time or if the complainant is not satisfied with the KSMPP's decision, the complainant may within (10) Ten working days of KSMPP failure to decide or issuance of its decision, appeal to the Multi Door Court House (ADR outfit) as specified in section 86(2) iii of the Kano State Public Procurement Law 2021 (as amended).

Stage 10

The KSMPP shall provide the Multi-door Court House with all related decisions, documents, testimonies and materials within five working days of being notified of an appeal to the Multi-Door Court House. The Multi-Door Court House may if it chooses, review the documentation arrived at and issue a decision in writing without hearing the parties within 10 working days of receipt of all relevant documents from the KSMPP. Where it decides to hear parties, it shall hear both parties and issue its written decision within 15(fifteen) working days of receipt of all relevant documents from the KSMPP.

Stage 11: Sections 86(2) (iv)

The Decision of the Multi Door Court House as provided by Section 86(2)(iv) may include:

Dismissal of the complaint in part or its entirety;

Nullification in whole or part of an unlawful act or decision made by the procuring or disposing entity or the KSMPP;

- c. A declaration of the rules or principles governing the subject matter of the complaint; and
- d. A revision of an improper decision by the procuring or disposing entity or KSMPP and substituting same with its own decision.

Stage 12: Sections 86 (3)

In accordance with section 86(3) of the Kano State Public Procurement Law, the decision of the Multi Door Court House shall be final.

Key Points To Note:

Complaint to the Accounting Officer shall always be in writing.

Complaint to the KSMPP shall also be in writing with a right of reply granted the procuring or disposing entity complained against, but further representation in support of complaint or a reply to it may be made oral if requested by the KSMPP Panel responsible for deciding the complaint.

Appeals to the Multi Door Court House must be in writing, with a right of reply to the Procuring or Disposing Entity complained against. It may decide to hear oral arguments from related parties.

Where the KSMPP Panel or Multi Door Court House requires oral hearings or written submissions, it shall require it of all relevant parties.