



Guidance
Note on
Procurement
Related Complaints
Handling

December 2018

This Guidance Note is intended to complement the Guidelines for Procurement of Goods and Works and related services and for the Procurement of Consultant Services under Islamic Development Bank Financing, approved by the Board of Executive Directors (BED) of the Islamic Development Bank, and published September 2018. This document may be used and reproduced for non-commercial purposes. Any commercial use, including without limitation reselling, charging to access, redistribute, or for derivative Works such as unofficial translations based on these documents is not allowed.

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Common Abbreviations and Defined Terms

Common abbreviations and defined terms that are used in these Guidelines. Defined terms are written using capital letters.

Abbreviation / term	Full terminology / definition
Applicant	A firm, joint venture or Consultant that submits an Application in response to an invitation for Prequalification, Request for Expression of Interest or Shortlisting.
BED	Board of Executive Directors
Beneficiary	A Beneficiary is the recipient of IsDB Project Financing. This term includes any entity involved in the implementation of an IsDB financed project on behalf of the Beneficiary.
Bid	An offer, by a Bidder, in response to a Request for Bids, to provide the required Goods, and/or Works and/or related services.
Bidder	A Firm that submits a Bid for the provision of Goods and/or Works and/or related Services
Complainant	A Complainant is an Interested Party to the procurement process who submits a Procurement-Related Complaint.
Consultant	A Consultant Firm or Individual Consultant that provides Consultant Services. A Consultant is independent of both the Beneficiary and IsDB.
Consultant Service(s)	Consultant Services are those intellectual services delivered by a Consultant Firm or an Individual Consultant. Consultant Services are normally of a professional, expert or advisory nature. Consultant Services are governed by these Guidelines.
Fraud and Corruption	The sanctionable practices of corruption, fraud, collusion, coercion or obstruction defined in IsDB's <i>Guidelines on Combatting Fraud and Corruption</i> and in <i>IsDB Group Anti-Corruption Guidelines on Preventing and Combating Fraud and Corruption in IsDB Group-Financed Projects</i> .
Goods	A category of procurement that includes, for example: consumables, equipment, machinery, vehicles commodities, raw materials or industrial plant. The term may also include related services, such as: transportation, insurance, installation, commissioning, training or initial maintenance.
IsDB	Islamic Development Bank
MC	Member Country
NCB	National Competitive Bidding
Non-Consulting Services:	Services which are not Consulting Services. Non-Consulting Services are normally Bid and contracted on the basis of performance of measurable outputs, and for which performance standards can be clearly identified and consistently applied.

COMMON ABBREVIATIONS AND DEFINED TERMS

Abbreviation / term	Full terminology / definition
	Examples include: drilling, aerial photography, satellite imagery, mapping, and similar operations.
PPR	Project Procurement
Prequalification	The shortlisting process, which can be used prior to inviting Request for Bids in the procurement of Goods, Works and related services.
Procurement	The function of planning for, and sourcing Goods, Works, Non-Consulting Services, and/or Consulting Services to meet required objectives.
Procurement Documents	A generic term used in these Guidelines to cover all Procurement Documents issued by the Beneficiary. It includes: GPN, SPN, EOI, REOI, Prequalification document, Request for Expression of Interest, RFB and RFP, including any addenda.
Project Procurement Guidelines	Covers the Project Procurement Guidelines know as ‘Guidelines for the procurement of Goods, Works and related services under IsDB Project Financing, September 2018’ and Guidelines for the Procurement of Consultant Services under IsDB Project Financing, September 2018.
Proposal	An offer, by a Proposer, in response to a Request for Proposal to provide the required Services.
Proposer	A Firm that submits a Proposal for the supply of the required Services.
RFB	Request for Bid
RFP	Request for Proposal
SOE’s	State Owned Enterprises
SBDs	Standard Bidding Documents
Standard Bidding Documents	Standardised procurement documents issued by IsDB to be used by Beneficiaries for IsDB financed projects. These include IsDB’s standard documents for, e.g.: GPN, SPN, Prequalification, LOI, RFB and RFP.
Works	A category of procurement that refers to construction, repair, rehabilitation, demolition, restoration, maintenance of civil work structures, and related services such as transportation, insurance, installation, commissioning, and training.
UN	United Nations

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Section 1 - Introduction

1.1 Overview

This Guidance Note relates to the administration of Procurement-related Complaints for Islamic Development Bank (IsDB) financed Procurements by expanding on and explaining the Islamic Development Bank's 2018 revised Procurement Policy and Guidelines¹. The purpose of this guidance is to provide additional information to Beneficiaries and Bidders/Proposers.

IsDB promotes an open and fair procurement process and their Beneficiaries must always make every effort to address any Procurement-Related Complaint received objectively and in a timely manner, with transparency and impartiality. A well-managed, robust, and objective complaints handling system is critical for any public procurement system. It provides a check on arbitrary decision-making and encourages open and transparent competition.

It is the Beneficiary's responsibility to carry out the selection and award procedures for any procurement process. Bidders or Proposers should the Beneficiary for any queries, issues and grievances. In the case of grievances, they should be addressed in accordance with the Procurement-Related Complaints process as outlined in IsDB's Project Procurement Guidelines¹ and further expanded in this Guidance Note.

Procurement-Related Complaints may be brought, at the appropriate stage of the procurement process, to the attention of the Beneficiary and copied to IsDB. Procurement-Related Complaints normally arise from three possible scenarios outlined below.

- Allegations of Fraud and Corruption (F&C), or any prohibited practice under IsDB Group Anti-Corruption Guidelines² (January 2012), IsDB Group Integrity Policy³ (August 2010) and IsDB Group Integrity Principles and Guidelines (June 2012).
- Complaints that arise out of, or relate to, a Procurement Process subject to joint financing with another Multi-Lateral Development Bank (MDB).
- Complaints that allege misapplication or omission in application of IsDB's 2018 revised Procurement Policy and Guidelines⁴ (and reflected in the Standard Bidding Documents (SBD's)) during a procurement process financed in whole or in part by IsDB to which the Project Procurement Guidelines apply, which would amount to a breach of the Policy and/or Guidelines and/or the SBD's.

To promote an economic, efficient, effective and fair procurement process, the Beneficiary is required to seek to resolve complaints in a timely and objective manner and in accordance with the requirements set forth in this Guidance Note and IsDB Procurement Policy and Guidelines.

¹ <https://www.isdb.org/procurement>

² <https://www.isdb.org/sites/default/files/2018-03/Anti-CorruptionGuidelines.pdf>

³ <https://www.isdb.org/sites/default/files/2018-03/IntegrityPolicy.pdf>

⁴ ADD WEBLINK WHEN PROVIDED

1.2 Exclusions

The complaints handling processes and procedures detailed in this Guidance Note do not apply to the handling of Procurement-Related Complaints that allege integrity violations, which are governed by IsDB's anticorruption policy and integrity principles and guidelines⁵. Any complaint received by a Beneficiary that alleges an integrity violation must be promptly referred to IsDB's Group Integrity Office (GIO).

Complaints related to transactions under co-financing agreements with other MDB's are also not covered in this Guidance Note. The handling of such complaints will depend on the applicable procurement regime, whether it will be with the lead co-financier. In co-financing situations, in the absence of actual or suspected integrity violations, Procurement-Related Complaints are handled by either the lead co-financier, under the relevant mutual reliance agreement(s), or by the accredited agency of the Beneficiary under the relevant project.

Complaints received from anonymous sources or parties that do not qualify as interested parties, such as civil society organizations, while not covered under this Guidance Note, must be addressed by the Beneficiary. Any such complaints received by the Beneficiary must be promptly reported to IsDB and will be dealt with on a case-by-case basis in consultation with IsDB.

⁵ <https://www.isdb.org/who-we-are/integrity/integration-and-anti-corruption-policy>

Section 2 - Roles and Responsibilities

The Beneficiary and IsDB have clearly defined roles in the administration of Procurement-Related complaints as defined in the Procurement Policy and Guidelines⁶.

2.1 Role and Responsibilities of the Beneficiary

The Beneficiary's responsibilities with respect to Procurement-Related Complaints include:

- Providing timely and sufficient information to Bidders, including through the 'Notification of Intention to Award' and debriefing, so that they can both understand the basis for the Beneficiary's decision and make an informed decision on whether to lodge a complaint challenging that decision;
- Acknowledging the receipt of each complaint, and undertaking a prompt review of such complaint;
- Treating Procurement-Related Complaints fairly by providing timely information to prevent and resolve issues;
- Preserving the confidentiality of commercial and financial information and trade secrets that relate to any complaint;
- Ensuring that Procurement-Related Complaints are handled in an independent and impartial manner;
- Maintaining complete records of all Procurement-Related Complaints and their resolution; and
- Providing timely information to IsDB of any complaint submitted and furnishing all relevant information in relation to such complaint (and the underlying project and/or procurement process to which such complaint relates).

IsDB requires Beneficiaries to promptly and adequately address any complaints received during the Bidding or selection process, and to promptly notify IsDB. Failure by a Beneficiary to comply with the requirements set out above may result in IsDB acting in accordance with the terms and conditions of the relevant Financing Agreement.

2.2 Role and Responsibilities of Complainants

The Complainant's responsibilities with respect to Procurement-Related Complaints include:

- Comply with the requirements in relation to the complaint and the time frames that apply to Procurement-Related Complaints as outlined in Section V of this document;
- Understand the provisions of the Procurement Documents as well as the Project Procurement Guidelines which detail the rules that govern the procurement process;
- Ensuring that debriefings are requested in a timely manner; and

⁶ <https://www.isdb.org/procurement>

- Submit any Procurement-Related Complaint within the stated timeframe and to the correct entity using the template in Annex I.

2.3 Role and Responsibilities of IsDB

Procurement-Related Complaints are managed by the Project Procurement Unit within IsDB. The unit primarily performs a fiduciary role in the operations of the Bank in relation to project procurement. It ensures that IsDB's Project Procurement Guidelines are aligned to the best practices of similar institutions to support Beneficiaries in delivering sustainable development with integrity, through the application of the Bank's core project procurement principles in its operations. The role ensures that "financing made available by" the Bank "is used strictly for the purposes for which it was provided", in a transparent manner and with due attention to considerations of economy and efficiency, and as inscribed in the Articles of Agreement establishing the Islamic Development Bank. The role encompasses the application of the Bank's Project Procurement Guidelines to all operations financed by IsDB through its various modes of financing, including Public Private Partnership (PPP) arrangements and funds managed by the Bank.

The Project Procurement Unit oversees project procurement compliance on matters related to IsDB's financing provided to Beneficiaries, including Procurement-Related Complaint handling, and in cases of possible Fraud and Corrupt (F&C) practices the Unit is responsible for transferring the case to the Integrity Unit.

Whenever a Procurement-Related Complaint is addressed to IsDB directly, IsDB will promptly forward it to the Beneficiary for review and action. Except for acknowledging the receipt of the complaint, IsDB does not enter into discussion or communication with any Bidder/Proposer.

An independent Committee within IsDB is responsible for the examination, review and settlement of Procurement-Related Complaints. In the case of Prior Review contracts, IsDB shall consider in a timely manner any action proposed by the Beneficiary, including, but not limited to, with respect to the conduct and content of a debriefing, the denial of a Procurement-Related Complaint; or the taking of action to correct the impropriety identified in the complaint.

IsDB, except for acknowledging receipt of a complaint will not discuss or communicate with any Bidder/Proposer during the evaluation and review process, until the publication of the Award of the Contract.

Section 3 - Complaint Process

3.1 Complainants

Procurement-Related Complaints can only be brought to the Beneficiary or IsDB by an 'Interested Party'. An 'Interested Party' is either:

- **Potential applicants/Bidders:** Firms, Suppliers, Contractors (including sub-Contractors) or Individuals that are interested in participating in a Prequalification or, where there is no Prequalification, a Request for Bid (RFB) but have not yet submitted an application or Bid. Potential applicants/Bidders can seek to challenge the Prequalification or RFB procurement processes or Bidding Documents.
- **Actual applicants/Bidders:** Firms, Suppliers, Contractors (including sub-Contractors) or Individuals that are participating in a procurement process by having submitted an application or Bid.

To determine whether an 'Interested Party' is a potential or actual participant depends on the stage of the procurement process when the Procurement-Related Complaint is received by the Beneficiary and what action the 'Interested Party' has taken.

Detailed in table I are examples of an 'Interested Party'.

'Interested Party'	Description
Potential Participant	<p>A Firm, Supplier, Contractor (including sub-Contractors) or Individual that is interested in participating in the procurement process but has not yet submitted a Bid or Proposal.</p> <p>For example:</p> <ul style="list-style-type: none"> • A potential Applicant, Bidder, Proposer or Consultant that is interested in submitting an application, Bid or Proposal or Expression of Interest, in a Prequalification, Request for Bids/Request for Proposals or Request for Expression of Interest process but as yet has not submitted a response.
Actual Participant	<p>A Firm, Supplier, Contractor (including sub-Contractors) or Individual that has submitted an application/Bid/Proposal in response to a procurement opportunity.</p> <p>For example:</p> <ul style="list-style-type: none"> • An Applicant that has submitted an Application to Prequalify, be Shortlisted; or • A Bidder, Proposer or Consultant that has submitted a Bid, Proposal or Expression of Interest.

Table I – 'Interested Party' Example

3.2 Submission of Complaints

Complaints may be submitted to the Beneficiary and/or IsDB at any time in the procurement process and about any aspect of the Bidding/Procurement Documents and/or selection process as detailed in IsDB's Procurement Cycle.

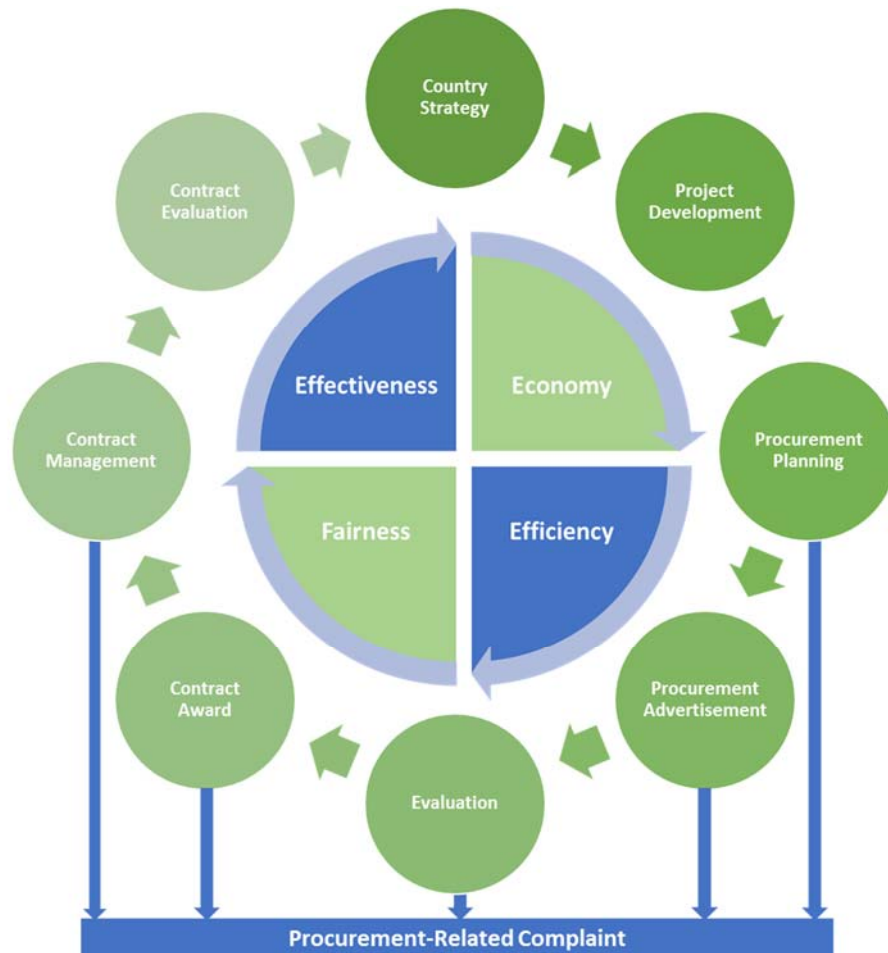


Figure 1 – Procurement Cycle

All procurement related complaints must be submitted in writing to the Beneficiary using the template provided in Annex I of this document, and the complainant must provide the following information.

STAGE	DETAILED INFORMATION
Complainant Identity	Enter the name of the “Complainant” For example: potential or actual applicant, Bidder, Proposer, or Consultant
Complainant Details	Provide details of how the Complainant can be contacted. This should include the Complainant’s:

	<ul style="list-style-type: none"> • Contact details; • Email; • Phone Number; and • Address of the Complainant <p>For actual applicants, Bidders, Proposers or Consultants, enter the name of the Authorized Representative as stated in the Procurement Documents. If different for purposes of the complaint, state it in the complaint.</p>
Complainants Interest	<p>Identify that the complainant is an Interested Party.</p> <p>Please clarify whether the complainant is a potential or an actual participant in a procurement process.</p>
Identify the specific project	<p>Identify the specific project, the procurement reference number, the current stage of the procurement process, and any other relevant information.</p> <p>Identify the current stage the procurement process has reached, for example:</p> <ul style="list-style-type: none"> • Request for Bids (RFB) or Request for Proposals (RFP) has been advertised and closes on [insert date], or • Notice of Intention to Award was sent on [insert date].
Previous Communications	<p>Specify any previous communication between the complainant and the Beneficiary on the matters addressed in the complaint</p>
Nature of Procurement-Related Complaint	<p>Specify the nature of complaint, and the perceived adverse impact on the complainant. This means describing the facts and circumstances leading to the complaint, and the nature of the grievance, problem, concern or adverse impact that has allegedly resulted.</p>
Grounds for the Procurement-Related complaint	<p>State the alleged inconsistency with or violation of the relevant Project Procurement Guidelines.</p>
Any Other Information	<p>The complainant may include any other information it considers to be relevant.</p>

Table II – Complaint Contents Guide

To ensure that a Procurement-Related Complaint is received within the deadline it must be submitted directly to the Beneficiary. This is usually the entity that is undertaking the procurement and has issued the Standard Procurement Notice (SPN) or General Procurement Notice (GPN). The details of the entity/person to whom complaints should be addressed are detailed in the relevant issued Procurement Documents.

Procurement-Related Complaints must be submitted in writing. This should be made by the quickest means available, e.g. by letter, email, fax or through the Beneficiary's electronic procurement system if available.

The Beneficiary is required to acknowledge in writing the receipt of the complaint within three (3) days following its receipt using the template provided in Annex I of this document. The Beneficiary is responsible to inform IsDB about the receipt of the complaint without delay, regardless of whether the complaint is related to a procurement activity subject to Prior or to Post Review⁷.

A Procurement-Related Complaint sent to IsDB will be forwarded to the Beneficiary. In forwarding the complaint, IsDB is not responsible for ensuring that it is received within the deadline.

Submitted complaints must be distinguished from communications relating to clarifications regarding the Bid or Procurement Documents and contract administration.

3.3 Contracts subject to Prior Review

For contracts subject to Prior Review, the Beneficiary is required to promptly inform IsDB of any complaints received and shall provide for IsDB's review all relevant information and documentation, including their draft response to the complainant once available.

If the Bidders or Proposers complaint results in:

- A modification of the prequalification, request for expression of interest, RFB's, or other procurement documents;
- The Beneficiary changing its decision to exclude a Bidder/Proposer;
- The Beneficiary changing its contract award recommendation;

The Beneficiary shall, upon confirmation by IsDB of the satisfactory resolution of the complaint:

- Issue an addendum, and if necessary, extend the submission deadline; or promptly transmit to IsDB a revised evaluation report.

The Beneficiary shall not proceed with the next stage/phase of the procurement process, including with awarding a contract without receiving from IsDB confirmation of the satisfactory resolution of complaint(s).

Procurement-Related Complaints challenging the prequalification, Request for Bids or other such procurement documents, or challenging exclusion prior to award, the Beneficiary should consult with IsDB about which, if any, steps in the procurement process may appropriately go forward while the complaint is being considered.

⁷ Anonymous complaints will be considered and handled on their own merit

3.4 Resolution of Complaints

In resolving a Procurement-Related Complaint, the Beneficiary should ensure a timely and meaningful review of the complaint, including all relevant documentation and facts and circumstances related to the complaint.

The Beneficiary is required to provide sufficient information in its response to the complainant, while maintaining the confidentiality of information provided by the Bidders or Proposers which they have marked as confidential.

A response to a complaint should, as a minimum include the following elements:

- **Statement of Issues**
 - Specify the issues raised by the complainant that need to be addressed;
- **Facts and Evidence**
 - Specify the facts and evidence that in the Beneficiary's view, are relevant to the resolution of the complaint;
- **Decision and reference to the basis for the decision**
 - State the decision that has been made following the review. Also, include reference to the basis for the decision e.g., the Guidelines, RFB for the contract in question, etc. The response should be as precise as possible in referring to the specific decision basis;
- **Analysis**
 - Provide an explanation why the basis for the decision applied to the facts/issues raised by the complaint necessitates this particular decision; and
- **Conclusion**
 - State clearly the resolution of the complaint and describe the next steps to be taken.

The requirement that the Beneficiary provides sufficient information is subject to the Beneficiary's obligations to maintain the confidentiality of certain information provided to it, such as proprietary information, trade secrets and commercial or financially sensitive information, and as regulated by IsDB's Project Procurement Guidelines.

3.5 Process for Review of Complaints

The way the Beneficiary handles a complaint depends on the nature of the Procurement-Related Complaint and the stage of the Bidding or selection process at which the complaint is brought.

For contracts subject to either Prior or Post Review by IsDB, except as expressly provided for in the context of certain situations of Post Review, the following processes apply.

3.5.1 Prior to the RFB or RFP Closing

If the Beneficiary receives a Procurement-Related Complaint prior to the deadline for the submission of the Bid/Proposal, the Beneficiary should first acknowledge the receipt of the complaint using the template in Annex II before conducting a detailed review of the complaint received.

The Beneficiary is responsible to take all actions regarding the complaint that it determined appropriate as part of their review of the complaint, such as amending the Procurement Documents if required.

Simultaneously, the Beneficiary is required to inform IsDB of the actions taken with regards to the complaint and provide all relevant information and documentation, including a draft response to the complaint for IsDB review. If the complaint results in a modification of the Procurement Documents, the Beneficiary is required to issue an addendum, and if necessary, extends the Bid or Proposal submission deadline. Any issuance of an addendum or extension of submission deadlines must first be approved by IsDB via No-Objection.

The process for dealing with Procurement-Related Complaints received prior to the RFB or RFP Closing is outlined in the following figure.

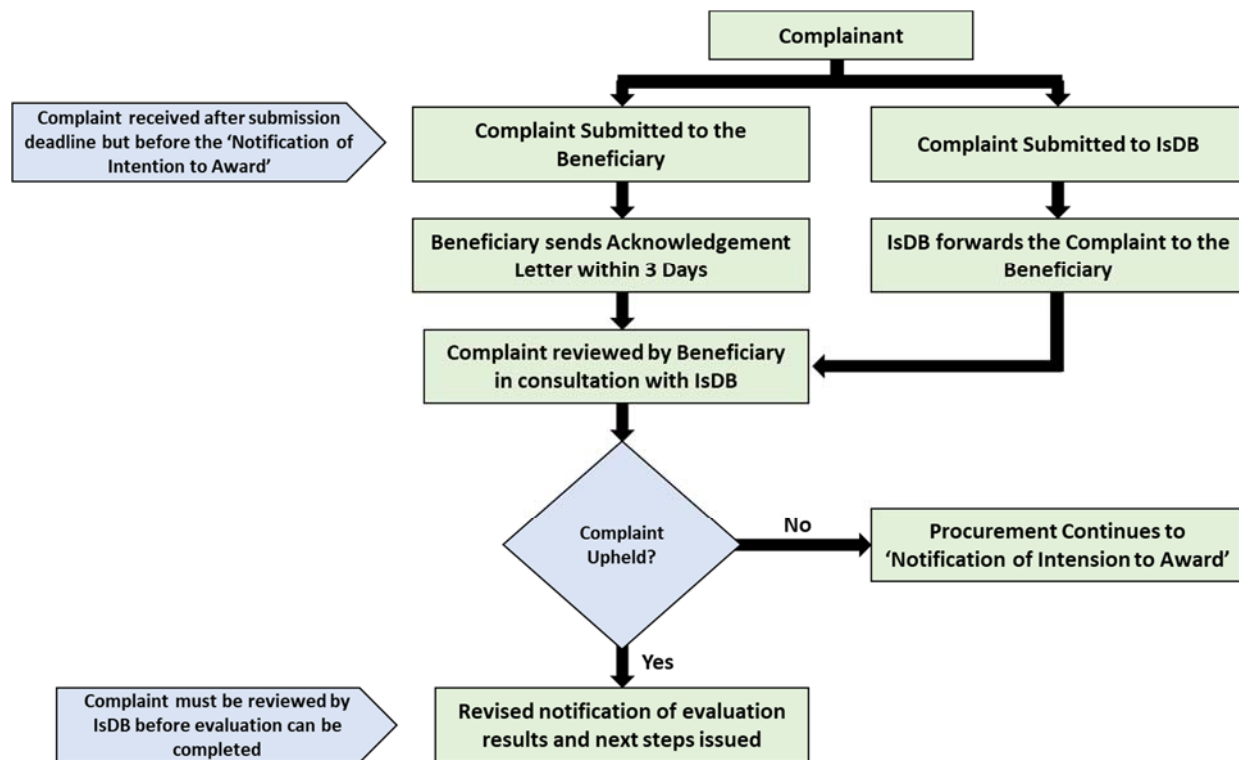


Figure II – Procurement-Related Complaints received prior to the RFB or RFP Closing

3.5.2 Following RFB or RFP Closing but before the 'Notification of Intention to Award'

If the Beneficiary receives a Procurement-Related Complaint after the deadline for the submission of Bids/Proposals, but before the 'Notification of Intention to Award' a contract has been issued, the Beneficiary is responsible for examining the complaint in consultation with IsDB.

If the outcome of the review is for the Beneficiary to change the results of the earlier stage/phase of the procurement process the Beneficiary must promptly transmit a revised notification of the evaluation results for the procurement process to all relevant parties detailing the next steps due to the complaint being upheld.

Any complaints received must be fully examined and considered by IsDB before the Bid or Proposal evaluation will be considered by IsDB for Prior Review and the evaluation can be completed.

The process for dealing with Procurement-Related Complaints received following RFB or RFP Closing but before the 'Notification of Intention to Award' is outlined in the following figure.

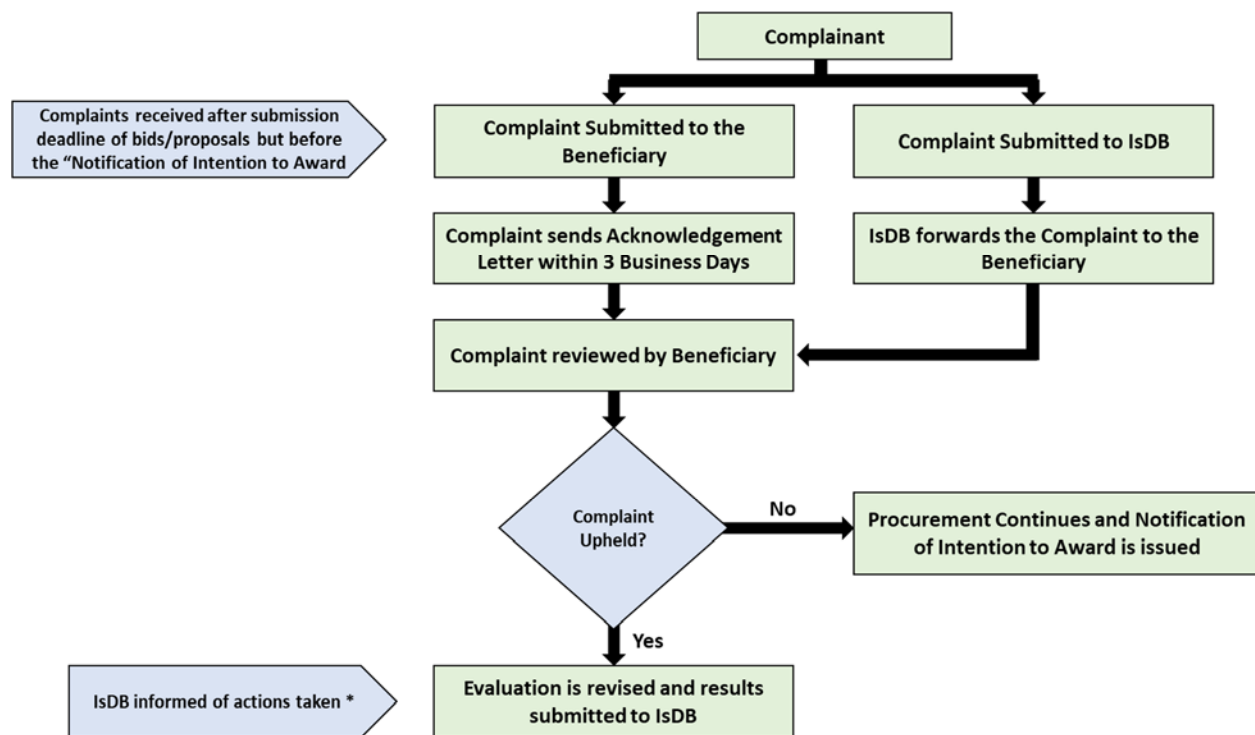


Figure III – Following RFB or RFP Closing but before the 'Notification of Intention to Award'

3.5.3 Following 'Notification of Intention to Award' and within the Standstill Period

If the Beneficiary receives a Procurement-Related Complaint after the 'Notification of Intention to Award' the contract has been issued, but before the end of the Standstill Period (See Section IV), challenging the grounds on which a Bid/Proposal was not selected. The Beneficiary must take prompt and appropriate action, including reviewing the complaint, and preparing a response in writing. Simultaneously, the Beneficiary must inform IsDB and provides all the relevant information and documentation, including a draft response to the complaint, for IsDB Prior Review.

If the outcome of the review is for the Beneficiary to change its contract award recommendation, the Beneficiary must provide the reasons for their decision and a revised evaluation report must be produced and provided to IDB for No-Objection. The Beneficiary must not award the contract without receiving IsDB prior No-Objection to the revised contract award recommendation.

Once IsDB's No-Objection has been provided the Beneficiary must notify the revised "Notification of Intention to Award" to all previously notified Bidders/Proposers and shall proceed with the contract award.

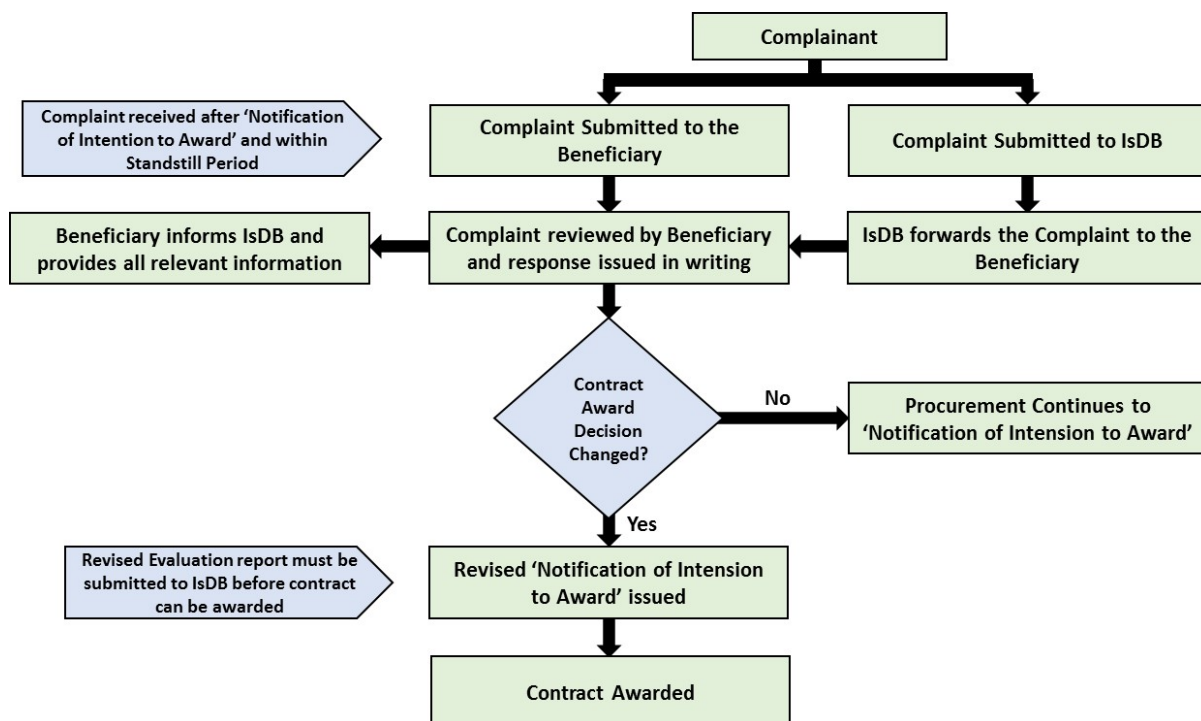


Figure IV – Following 'Notification of Intention to Award' and within the Standstill Period

3.5.4 Complaints regarding Bidding or selection procurement processes subject to Post Review

In the case of Bidding or selection activities subject to Post Review by IsDB, if the relevant Procurement Plan provides for another method of handling complaints such as, for example, only requiring the complaints procedure to apply to those Bids/Proposals involving alleged fraud and/or corruption or other prohibited practices, then in such cases the complaint handling provisions set out in the Procurement Documents would apply to procurements subject to Post Review.

Section 4 - Standstill Period

4.1 Overview

The Standstill Period is a period of at least ten (10) Business Days following the ‘Notification of Intention to Award’ decision, before the contract is signed with the successful Firm, Supplier, Contractor (including sub-Contractors).

The purpose of a Standstill Period is to allow unsuccessful Bidders or Proposers an opportunity to challenge an intended contract award decision before the actual ‘Notification of Contract Award’ is issued. Although in some situations it delays the contract award for a period, the benefits are that it mitigates the risk of legal challenges following contract award. Legal challenges can delay a contract for far longer than a Standstill Period.

A Standstill Period can also improve the level of competition, as it can in some cases increase potential Bidders/Proposers confidence that the procurement process will be conducted in a fair and transparent way. The Standstill Period starts at the contract award stage of IsDB’s Procurement Cycle as outlined in Figure V below, when the ‘Intention to Award the Contract’ notice is issued.

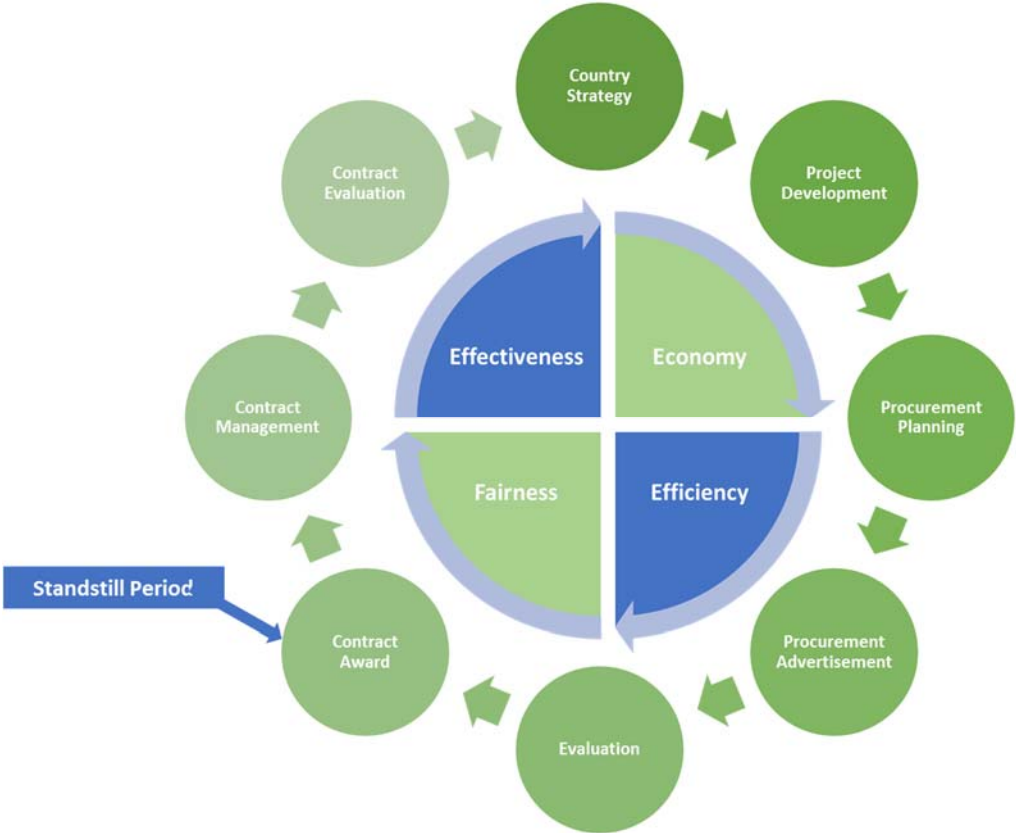


Figure V – Procurement Cycle (Including Standstill Period)

A Standstill Period was included in IsDB's revised Project Procurement Guidelines to enable unsuccessful Bidders and/or Proposers time to determine once the 'Notification of Intention to Award' has been issued whether to seek a debrief or to submit a Procurement-Related Complaint.

A Standstill Period is not applied to all procurement financed by IsDB and does not apply under the following conditions:

- Framework Agreements
 - The mandatory Standstill Period only applies at the stage at which the agreement itself is awarded but does not apply to subsequent call-offs or mini-competitions within the agreement;
- When only one Bid or Proposal is received in an open competitive Bidding process;
- Direct Contracting;
- The first stage of a two-stage procurement process;
- The technical evaluation of a two-envelope procurement process; and
- Following prequalification.

If the Beneficiary receives a written Procurement-Related Complaint within the Standstill Period, the Beneficiary must immediately acknowledge receipt of the complaint using the template in Annex II. The Beneficiary is required to promptly take appropriate action, including preparing a response in writing. Simultaneously, the Beneficiary must inform IsDB and provides IsDB with all relevant information and documentation, including its proposed course of action and justification and a draft response to the complaint for IsDB review.

Any contract financed by IsDB, the Beneficiary is required to include in the applicable Procurement Documents a Standstill Period. The Standstill period must be for a minimum of ten (10) Business Days between the date of the 'Notification of Intention to Award' the contract and the contract signature. In certain situation this period may be extended as described later in this document.

4.2 Notification of Intention to Award

Once the procurement process is concluded the Beneficiary will promptly notify in writing each responsive Bidder or Proposer of its 'Intention to Award' a contract to the successful Firm/Contractor or Consultant. The 'Intention to Award' triggers the start of the Standstill Period.

The 'Notification of Intention to Award' must contain the details of the successful Firm/Contractor or Consultant including:

- Name and address;
- The evaluated price and contract price for all fully responsive Bids/Proposals;
- Instructions on how to request a debriefing or how to submit a Procurement-Related complaint during the Standstill Period; and

- The Standstill Period end date.

The notification must include individually a brief statement to each of the unsuccessful Bidders or Proposers of the reasons why its Bid or Proposal was unsuccessful. In no case shall any information provided by a Firm, Contractor or Consultant in its Bid or Proposal on a confidential basis be disclosed to any of the other Bidders or Proposers. The 'Notification of Intention to Award' must also indicate the Standstill Period duration, as detailed in the issued Procurement Documents, along with the transmission date.

Information relating to the examination, clarification and evaluation of Bids or Proposals and recommendations concerning awards must not be disclosed to those who have submitted Bids or Proposals, or other persons not officially concerned with the procurement process, until 'The Notification of the Intention to Award' is communicated as part of the activation of the Standstill Period.

4.3 Start of the Standstill Period

The Standstill Period needs to be managed effectively to ensure it does not add any additional delays to the procurement and project delivery. It is IsDB's policy that the Standstill Period should not be less than ten (10) business days following the 'Notification of Intention to Award' a contract. During this ten (10) business days period a Bidders or Proposer may challenge the award decision.

The Standstill Period is fixed, and the Beneficiary has no obligation to respond to challenges received after its expiry. The following figure describes a typical Standstill Period process.

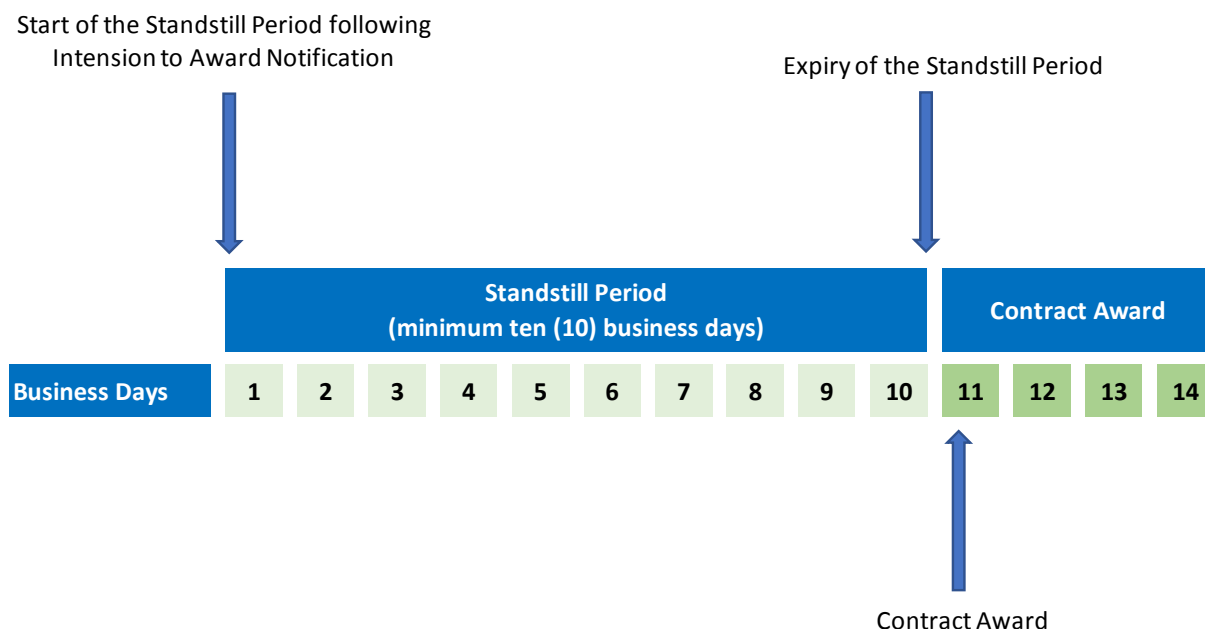


Figure VI – Standstill Period Timeline

4.4 Debriefing

IsDB’s Project Procurement Guidelines gives unsuccessful Bidder or Proposers the opportunity to request a debriefing by the Beneficiary. The requirements for debriefing by Beneficiaries are:

- Requesting a Debrief does not remove a Bidder’s or Proposer’s right to challenge an award decision. Beneficiaries are required to provide debriefings regardless of whether a Standstill Period applies or not.
- When a Standstill Period applies, the Procurement Documents must allow a Bidders or Proposer three (3) business days from their receipt of the ‘Notification of Intent to Award’ a contract to request a debriefing.
- The Beneficiary is required to debrief the Bidder or Proposer within five (5) business days after receiving a debriefing request in writing. If the Beneficiary fails to deliver a debriefing within this five (5) day period, for reasons not within the control of the Bidder or Proposer, the Standstill Period must be extended by five (5) business days after completion of the debriefing.
- Any costs incurred for participating in a debriefing shall be borne solely by the Bidder or Proposer.
- A written summary of each debriefing must be completed by the Beneficiary and included in their official procurement records and copied to IsDB for contracts subject to prior review.

The following figure describes a typical Standstill Period process including a debriefing request and debriefing delays.

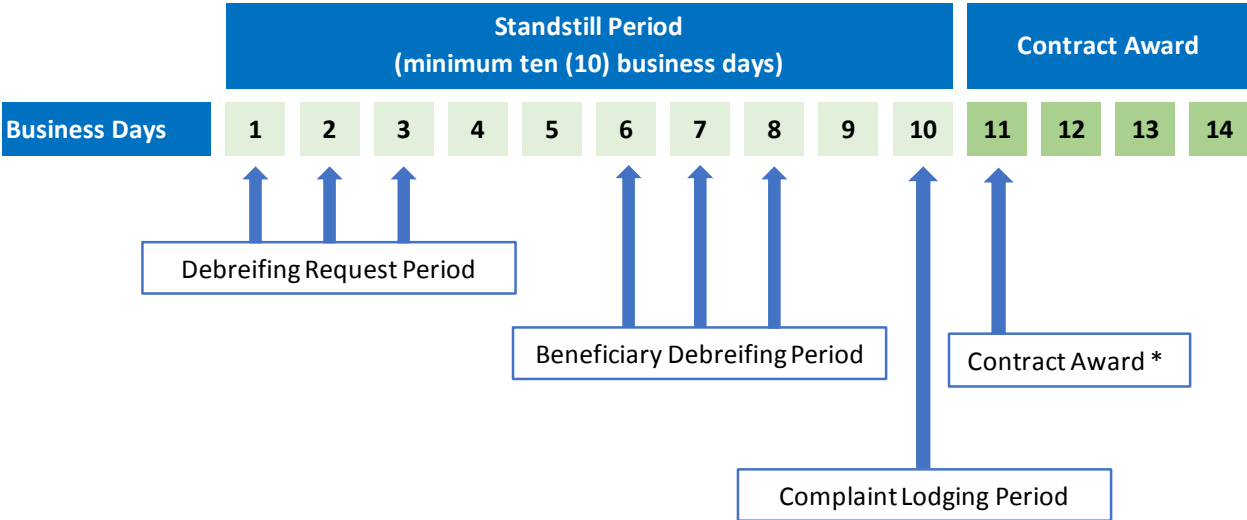


Figure VII – Standstill Period Including Debriefing (- If no Complaint is Received)*

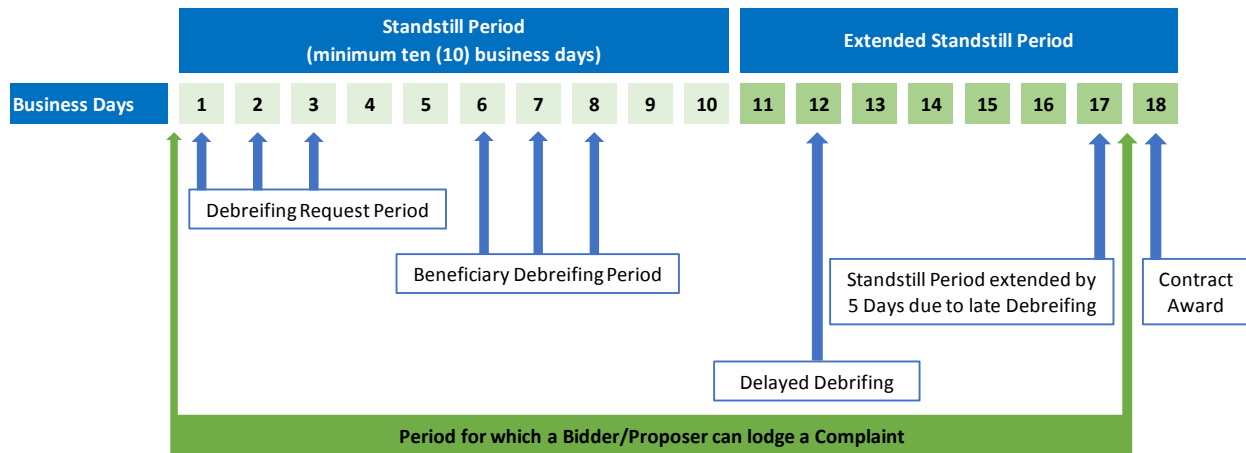


Figure VIII – Extended Standstill Period

4.5 In the case of Prior Review

If following the Beneficiary's review of a Procurement-Related Complaint, the Beneficiary proposes to change its contract award recommendation, it must first revise the evaluation report and submit to IsDB for review. The Beneficiary will not award the contract without receiving IsDB No-Objection. If IsDB No-Objection is not received by the Beneficiary during the Standstill Period, the Standstill Period is automatically extended until IsDB No-Objection is received.

4.6 Standstill Period Conclusion

Once the Standstill Period concludes the Beneficiary should then proceed with the contract award to the successful Bidder/Proposer if:

- The Beneficiary has not received a challenge from an unsuccessful Bidder/Proposer.
- The Beneficiary receives a challenge from an unsuccessful Bidder/Proposer, the Beneficiary shall not proceed with contract award until the challenge has been suitably resolved.
- Five (5) business days after a late debriefing is delivered, if the borrower previously failed to deliver a valid debriefing request as required within the original Standstill Period.

The Beneficiary is then required to issue a 'Notification of Contract Award' to all unsuccessful Bidders and/or Proposers and within ten (10) Business Days. The 'Notification of Contract Award' should be published using the same media as used for the GPN and SPN, in accordance to paragraph 2.5 of the Project Procurement Guidelines for Goods & Works, in addition to IsDB's external Website. This notice provides details of the procurement and the contract award details.

Following conclusion of the Standstill Period a Bidder or Proposer can request an explanation from the Beneficiary as to the grounds on which their Bid or Proposal was not selected. If the Bidder or Proposer is not satisfied with the explanation provided by the Beneficiary, or if the Beneficiary fails to provide such explanation, the Bidder/Proposer may forward the request in writing directly to IsDB.

Section 5 - Timelines

This section details the required submission and response timelines that must be adhered to by Complainants, the Beneficiary, IsDB and interested parties and timelines relating to Standstill Periods.

Procurement Stage	Timeline for Submission
Pre-Bid/Proposal Submission	<p>Complaints must be filed within the time specified in the Procurement Documents, or not later than seven (7) business days prior to the deadline for submission of Bids/Proposals or prequalification, if the Procurement Documents or prequalification document does not specify a time.</p> <p>The Beneficiary shall acknowledge in writing the receipt of the complaint within three (3) days following its receipt.</p>
Post-Bid/Proposal Submission (Standstill Period)	<p>For each contract financed by IDB, the Beneficiary shall include in the applicable Procurement Documents a Standstill Period (which shall be a minimum of ten (10) business days) between the date of the 'Notification of Intention to Award' the contract and the contract signature.</p> <p>The Beneficiary shall promptly notify in writing each responsive Bidder of its intention to award a contract to the successful Firm which must be done at the beginning of the Standstill Period.</p>
Post-contract Award (No Standstill)	<p>The complaint must be submitted as soon as possible after 'Notification of Contract Award'.</p>

Table III – Complaint Submission Timelines

Section 6 - Contract-Related Complaints

Contract-Related Complaints are governed by the contract between the Beneficiary and the Firm, Contractor or Consultant, to which IsDB is not a party. Any dispute under the contract between the Firm, Contractor or Consultant and the Beneficiary must be addressed by the parties to the contract in accordance with the provisions of that contract.

The Beneficiary must promptly inform IsDB of any controversy arising between the parties to any contract financed by IsDB during contract execution, which could trigger the use of a dispute resolution mechanism established under the contract, regardless of whether the relevant procurement related activity was subject to IsDB Prior or Post Review. The Beneficiary must communicate to IsDB its proposed actions on how to resolve any pending contractual dispute(s) in a timely manner.

Annex I – Complaint Template

Outlined below is a sample complaint submission letter that should be modified to contain the specific details and circumstances of each actual complaint scenario. The interested party may submit the complaint by mail, e-mail, or fax to the address or numbers specified in the Procurement Documents; through the Beneficiary’s electronic procurement system, if applicable. The subject line of the cover communication should state “Procurement-Related Complaint” and specify if the complaint is related to “Pre-bid,” “Post-bid,” or “Award” situations.

Procurement-Related Complaint Template Letter

[To be submitted by the Complainant on their letterhead — must include all contact information, e.g., street address, fax, e-mail, telephone number, name of authorised representative]

Reference number: [as applicable]

Date:

[Executing agency’s address, project or procurement contact person details]

Dear _____ ***[executing agency contact person]:***

RE: _____ ***[specify project name and reference number, procurement package and transaction number, country name]***

Procurement-Related Complaint

1. We are an interested party in the above procurement process because: ***[e.g., purchased bidding documents, filed expression of interest, filed application for prequalification, submitted a bid or request for proposal, etc.]***

2. The procurement process is currently at the following stage: ***[Procurement Plan] [Advertisement] [Prequalification] [Issuance of Bidding Documents] [Submission of Bids] [Technical or Financial Bid Evaluation] [Contract Award Notification] [Intention to Award Notification]*** [Expand (if required) _____]

3. Briefly, the facts giving rise to our complaint are as follows:

_____ ***[provide the chronology and factual circumstances giving rise to the complaint, e.g., specifications or terms of reference, or (pre-) qualification criteria, are perceived to be unduly restrictive, technical bid has been held nonresponsive, debriefing indicates wrong scoring in final evaluation, etc.]***

4. The following previous communication has taken place with the Beneficiary on the matters addressed in this complaint: ***[Provide details of any previous communication]***

5. In our understanding, these facts clearly indicate the following misapplication and/or violation or omission to apply of the Islamic Development Bank’s (IsDB’s) IsDB Guidelines for Procurement of Goods, Works and Non-Consultant Services under Project Financing and the Guidelines for the Recruitment and Use of Consultants under Project Financing (2018).

6. ***[Provide specifics of the alleged irregularity; the exact provisions of the 2017 procurement policy and/or procurement regulations that have been misapplied, violated, and/or not applied; details on how this has happened under the relevant facts and circumstances; and its adverse impact on the position of the interested party in relation to the relevant bidding process as a result.]***

7. Therefore, we submit that such action should be corrected as follows: ***[provide details of requested corrective or remedial action]***.

8. In substantiation of our complaint, we attach the following procurement and related documentation with references to the relevant sections and/or provisions highlighted for ease of reference: ***[Provide copies of relevant correspondence, notices, bidding documentation, and/or any other applicable documentation.]***

Reference No.	Document Type	Relevant Section
[e.g. XXXXX XXXX]	[e.g. Request for Proposal]	[Section 4 – Terms of Reference]
[e.g. Bidding Document]	[e.g. Bidding Document]	[Section Two – Qualification]

9. ***[Please indicate if you are requesting a debrief if the complaint is related to the decision to award the contract]***

10. We request your urgent review and response; kindly acknowledge receipt.

Thank you for your consideration.

Sincerely,

[Authorized representative of Complainant]

[cc: Islamic Development Bank [as necessary]]

Annex II – Acknowledgment of Procurement-Related Complaint Template

[To be sent by the executing agency: Use letterhead of executing agency—include all contact information, e.g., street address, fax, e-mail, telephone number]

Reference number: *[as applicable]* Date:

[Interested party's address, project or procurement contact person details]

Dear _____ *[interested party contact person]:*

RE: _____ *[specify project name and reference number, procurement package and transaction number, country name]*

— Acknowledgment of Bidding-Related Complaint

1. We acknowledge receipt of your communication dated *[date of complaint letter]*, including attachments.
2. **[Option 1]:** “Your submission does not constitute a complaint for the following reasons:

[e.g., status as interested party not clearly identified, makes vague and general allegations, lacks supporting documentation, etc.]

Please address these issues and resubmit your communication for us to consider your representations further.”

3. **[Option 2]:** “We are considering your complaint and will respond to you at the earliest possible time. We will revert to you if we need further documentation or elaboration on any particular issue you have raised.”

Thank you.

Sincerely,

[Authorized representative of executing agency]



For any additional information, such as Standard Bidding Documents (SBDs), Guidance, training materials and briefing, please see

www.isdb.org/procurement

