

NOTICE TO APPELLANTS

MINIMUM REQUIREMENTS FOR AN APPLICATION FOR REVIEW

The minimum requirements for a Request for Review to have feet under The Public Procurement and Disposal Act, 2005 and the Regulations, 2006 include: -

a) Under Section 93(1), an Applicant seeking review must specify the breach of duty imposed on the Procuring Entity by the Act and the Regulations which has or may result in the applicant suffering loss or damage. Thus, the grounds of review must specify: -

- (i) The alleged breach of the Act and the Regulations
- (ii) The loss, damage or suffering, which the applicant has or is likely to suffer.

b) Under Regulation 73(1) the review shall be made in Form RB 1

c) Under Regulation 73(2)(a), the complainant must specify in the grounds of Review: -

- (i) The act or the omission by the procuring entity
- (ii) Reasons for the complaint, including loss or damage suffered or likely to be suffered.

d) Regulation 73(2) (b) provides that the request for review should be accompanied by such statements as the Applicant considers necessary to support its request. This of necessity implies that a complainant should forward, together with his grounds of review, information and arguments to support the grounds of his/her case.

e) Under Regulation 73(2) (e) the complaint must be accompanied by the requisite fee.

f) One has to be a candidate as defined under section 3 of the Act.

NB:

Unless complaints point to specific alleged wrongs under the Act and the Regulations, the Board will be fettered in its capacity to adjudicate over the complaint and would be forced to dismiss the complaint.