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| Questions + Answers - Procurement Webinar Private Sector Webinar on “How to Complain” - June 8, 2017 | The following terms and acronyms are used:**IPF** = Investment Project Financing**RFP** = Request for Proposals**TL** = Task Leader |

| No | Question | Answer |
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|  | **Borrower’s Inadequate Responses** **Q1:** What should a bidding consulting firm do when the client’s answers to questions on the RFP are not adequately answered (e.g. poorly worded response, unclear response, simply referring back to the unclear pertinent text in the RFP, answers provided too close to the due date for proposals)? Should we immediately contact the Team Leader (TL) and if so, how do we identify him/her? RFPs do not indicate who that is and what their contact information is. Regarding TLs not having enough time, there are rarely more than 50 questions on RFPs, so TLs should have enough time to review all Q&As. Frankly, this is an important part of the process and they should make the time to do it. Also, sometimes the client does not even acknowledge that a question has been asked.**Q2:** When a clarification question is asked, every  participant is given the response. Will that practice  continue?  | **A1:** It is important to note that request for clarifications are not considered complaints. If the Borrower’s responses to requests for clarification are inadequate, bidders/consultants should request the Borrower for further clarifications. The Bank’s TLs can also be contacted with regards to providing clarity on the response from the Borrower and advising on the expected timeliness of the Borrower’s response. Contacts for TLs can be found on the project portal on the World Bank website. For prior review contracts, the Bank routinely assists the Borrower to respond to requests for clarification. When it comes to complaints challenging aspects of the bidding documents or request for proposals as implied in the question, the timelines are clearly specified in Annex III of the Procurement Regulations for IPF Borrowers, the bidding or request for proposals documents and in the Guidance on How to Complain. For example, the Borrower should acknowledge the receipt of a complaint within 3 business days of the receipt of the complaint, and should review the complaint and respond to the complainant not later than seven (7) Business Days from the date of receipt of the complaint.  **A1:** Yes, this continues. |
|  | **Effectiveness of Complaints Mechanism****Q1:** Do projects for which procurement started prior to 1 July 2016 still fall under the previous complaints mechanism?**Q2.** When are Borrowers going to have to start issuing a “Notice of Intention to Award” by email to all shortlisted firms? We submitted a proposal in February 2016, and did not receive a “Notice of Intention to Award” … we were only informed after the contract was awarded that another firm had won the contract. This is under the old procurement regime.**Q3.** When does this complaint mechanism become effective? | **A1:** Yes, they do.**A2:** The “Notification of Intention to Award” and other features explained in the webinar do not apply under the Procurement and Consultant Guidelines. The issuance of the “Notification of Intention to Award” applies only to procurement processes under the Procurement Regulations for IPF Borrowers (dated July 2016).**A3:** This complaints mechanism covered in the webinar is applicable to procurement activities that are subject to the Procurement Regulations for IPF Borrowers which became effective on July 1, 2016.  |
|  | **Debriefing****Q1:** What if you request a debrief and there is no reply, even after you send a couple of reminders?  | **A1:** You may inform the Bank about the Borrower’s lack of response. Please note that you can submit a complaint, if you consider there are grounds to complain, even if you have not yet been given a debriefing by the Borrower.  |
|  | **Complaints During Shortlisting****Q1:** Do the complaint rules also apply to the decision on shortlisting applicants? (i.e. after a company has submitted an Expression of Interest, and has not been shortlisted to receive the RFP).  | **A1:** No, the rules covered in the webinar do not apply to complaints challenging the shortlisting results. The Procurement Regulations for IPF Borrowers include *inter alia*, the following provisions on shortlisting process “…the Borrower prepares the shortlist of firms that have expressed interest and have the relevant experience and managerial and organizational capabilities for the assignment. The shortlist shall include not fewer than five (5) and not more than eight (8) eligible firms…”While it is expected that firms with the most suitable and relevant qualifications and expertise will be shortlisted, it is left to the Borrower’s judgment on how it would come up with the shortlist. That being said if a firm or individual wants to bring up a concern with regards to the results of shortlisting process, they could certainly do so.   |
|  | **Complaints related to issued RFPs****Q1:** Does the complaint rules also apply to the decision of adding a new company to a proposal shortlist after a new RFP where only it is mentioned that the clarifications and deadline submission have changed but there is no mention of a new company being added to submit a proposal. | **A1:** Names of all shortlisted firms should be in the list provided under PART I, Section 1 of the Request for Proposal document (Request for Proposal Letter). For the sake of transparency, if a firm is later included in or dropped from the shortlist, it would be a good practice to inform all the other shortlisted firms of the change, even though such requirement is not explicitly required by the Request for Proposals document. That said, the failure by the Borrower to not disclose such list would not constitute a valid ground for complaint.  |
|  | **Instructions on how to Complain****Q1:** Where specifically can we find the instructions to bidders/proposers on how, where and when to file a complaint? (provide the URL please). | **A1:** The instructions on how to complain can be found in the documents listed below (relevant URLs provided):* [Procurement Regulations for IPF Borrowers](https://policies.worldbank.org/sites/ppf3/PPFDocuments/Forms/DispPage.aspx?docid=4005&ver=current)
* [Standard Procurement Documents](http://www.worldbank.org/en/projects-operations/products-and-services/brief/procurement-new-framework#SPD)
* [Guidance on How to Complain](http://pubdocs.worldbank.org/en/975671478891365829/Complaints-Guidance-FINAL-Revised.pdf)

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|  | **Application to eConsultant2****Q1:** Do the same new complaint rules also apply to World Bank procurement of consulting services via eConsultant2? | **A1:** No |
|  | **Bank review of Contracts****Q1:** When is a contract not subject to prior review by the Bank?  | **A1:** A contract is subject to the Bank’s prior review depending on its risk and value. The Bank sets monetary thresholds for prior review based on procurement risk ratings. The Procurement Procedure provides mandatory procurement prior review thresholds. All contracts with an estimated value above such thresholds are prior reviewed by the Bank and those that are below the thresholds are post reviewed by the Bank. The Procurement Plan for each project also lists the contracts that are subject to prior and post review.  |