

**Grant No 0599-LAO: Second Greater Mekong Subregion Tourism Infrastructure for  
Inclusive Growth Project (TIIGP2)  
Grievance Redress Mechanism on Procurement**

**A. Introduction**

The Asian Development Bank supports the implementation of the Second Greater Mekong Subregion Tourism Infrastructure for Inclusive Growth Project (TIIGP2). All procurement of goods, works and services will be undertaken in accordance with ADB's Guidelines on the Use of Consultants by Asian Development Bank and its Borrower's (2013) and ADB's Procurement Guidelines (2015). TIIGP2 is committed to adhere with ADB's seven basic principles on procurement: (i) economy; (ii) efficiency; (iii) fairness; (iv) open competition; (v) transparency; (vi) quality; and (vii) value for money.

This guideline provides guidance on the procedures for dealing with procurement-related complaints arising out of any bidding process specifically subject to compliance with ADB's Procurement Guidelines. Any complaints alleging issues relating to fraud, corruption, and/or any other prohibited practice under the Asian Development Bank (ADB) Anticorruption Guidelines shall be immediately referred to ADB's Office of Anticorruption and Integrity (OAI) for investigation and resolution at <https://www.adb.org/site/integrity/complaint-form>.

A bidding process includes procurement planning; framing of specifications; terms of reference; costing; packaging; preparation and issuance of all bid-related documentation (including for prequalification or short-listing) for procurement of goods, works, and nonconsulting and consulting services; and selection, evaluation, and final notice of contract award.

**B. Complaint**

A complaint is a communication in writing, including mail, e-mail, or fax (hereafter referred to as communication) submitted by an interested party to the Government of Lao (GOL)/Ministry of Information, Communications and Tourism (MICT) and/or ADB arising out of or relating to a specific bidding process that alleges a misapplication, or omission in application, of ADB's Procurement Policy and/or any of these Regulations amounting to a breach thereof. An interested party for this purpose is a party interested in bidding or expressing interest; or a bidder bidding for, proposing to bid for, or being notified of award of (including notification of intention to award) a contract.

Such process does not include post-award contract signing and subsequent contract administration or management, which is subject to the terms and conditions of the legal agreement between the GOL/MICT and the bidder awarded the contract.

**C. Bidding-Related Complaints**

In a bidding process subject to ADB's prior review, complaints will be promptly shared by the GOL/MICT with ADB to determine an appropriate course of action. In such cases, the GOL/MICT shall provide ADB with all relevant information and documentation, including a draft response to the interested party concerned, for ADB review, and any additional information that may be requested by ADB.

Procurement documentation as evidence or to substantiate a complaint includes, among other things, an invitation for bid; a specific procurement notice; an invitation for prequalification; a

prequalification application; an expression of interest; any and all documentation constituting a bid or proposal, including but not limited to instructions to bidders; and related forms, templates, correspondence, notice of rejection of bid or proposal, notice of technical and/or financial score or evaluated bid price, and debriefing-related minutes or communications from the GOL/MICT or ADB to the bidder.

#### **D. Requirements for Consideration**

For effective and expeditious resolution, a complaint should provide the following:

- (a) Basic information: The submission should include the name, contact details, and address of the interested party. The specific project, prior material correspondence with the GOL/MICT, and any other pertinent information should also be detailed.
- (b) Stage of bidding process: The stage of the bidding process (including prequalification or short-listing) should be identified. The complaint may include, among other things,
  - (i) procurement documentation and related processes and procedures, if the complaint is filed prior to bid submission;
  - (ii) a GOL/MICT's decision to declare the bid or proposal nonresponsive or bidder unqualified, if the GOL/MICT has made a firm decision to reject the bid or proposal or bidder in advance of contract award in accordance with applicable procedure; or
  - (iii) a GOL/MICT's decision to award the contract to another bidder.
- (c) alleged inconsistency or violation: The manner in which the GOL/MICT's actions or circumstances give rise to the alleged violation of applicable procurement policy provisions and/or procedures. Any actual or potential adverse impact on the interested party should be detailed.

#### **E. Steps for Filing Complaint**

Step 1: Complainant fills-in attached Complaint Form

Step 2: Complainant email to Project's email address: [tiigp2g0599lao@gmail.com](mailto:tiigp2g0599lao@gmail.com)

## **F. Process for Receiving Complaints (GOL/MICT)**

### **Step 1: Receiving and registering the complaint**

Within 2 days of receiving the complaint

- The complaint is filed with the complaint-receiving officer.
- The complaint-receiving officer informs the PCU, BEC and Procurement Specialist about the complaint, with a copy of the complaint letter.
- The complaint-receiving officer registers the complaint on the TIIGP2 website.

Notes:

- Complaints received by other Government ministries and ADB should be forwarded to the complaint-receiving officer.
- The complaint-receiving officer ensures the confidentiality of complainants' identities if requested.

### **Step 2: Acknowledging the complaint**

Within 2 days of receiving the complaint

- The complaint-receiving officer acknowledges receipt of the complaint.

### **Step 3: Forwarding the complaint**

Within 2 days after receiving the complaint, complaint-receiving officer forward the complaint for handling to the:

- (a) Project Manager,
- (b) BEC member or the
- (c) Procurement Specialist

### **Step 4: Responding to Complaints**

Within 4 days of receiving the complaint, the Project through the Project Manager, BEC Member, or Procurement Specialist meet and discuss the complaints, and then draft/prepare the response letter.

### **Step 4: Informing the complainants**

Within 10 days of receiving the complaint, PCU emailed to complainant the Project's response with copy to ADB.

In the letter response, complainant will be requested to acknowledge receipt and respond in case of further comments within 5 working days from receipt of Project's response. If no response from complainant, the complaint will be considered closed.

Source: ADB Bidding-Related Complaints, Guidance Note on Procurement  
The ADB Accountability Mechanism

**Grant No 0599-LAO: Second Tourism Infrastructure for Inclusive Growth Project  
Bidding Related Complaints Form**

<b>Type of Complaint</b>	
<input type="checkbox"/> Procurement (Complaint Related to procurement of goods, works, or non-consulting services)	<input type="checkbox"/> Consulting (Complaint related to consulting services)
<b>Contract Package Number and Name</b>	
<b>Complaint Description</b>	
Provide a detailed description of the complaint	
<b>Evidence/Clarification</b>	
Provide evidence/short write up to the information above	
<b>Type of Complainant</b>	
<input type="checkbox"/> Potential Bidder <input type="checkbox"/> Bidder <input type="checkbox"/> Interested Party <input type="checkbox"/> Other	
<b>Sub-type of complainant</b>	
<input type="checkbox"/> Supplier <input type="checkbox"/> Contractor <input type="checkbox"/> Consultant	
<b>Contact Details</b>	
Name:	
Organization:	
Address:	
Email:	

Source: <https://www.adb.org/forms/complaints>