



HIMACHAL PRADESH POWER CORPORATION LIMITED

(A Govt. of HP Undertaking)

**PROCUREMENT GRIEVANCE REDRESSAL
MECHANISM (PGRM)**

First Edition

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SECTION-1

INTRODUCTION

1. INTRODUCTION

1.1 Purpose

The Procurement Grievance Redressal Mechanism (PGRM) aims to establish the procedure for processing and handling of Procurement related Grievance(s)/ Complaint(s) arising at different stages of procurement process(es) i.e. in connection with the Bidding document(s)/ award of contract etc. This can be an effective tool for early identification, assessment and resolution of procurement grievance(s)/ complaint(s).

The timely cognizance of grievance(s)/ complaint(s) related to the procurement process(es) and their redressal/ resolution is of critical importance. Keeping this in view, the HPPCL's Procurement Grievance Redressal Mechanism (PGRM) aims to enhance the responsiveness and accountability by ensuring that procurement related grievance(s)/ complaint(s) are promptly reviewed and addressed. This mechanism is a key initiative to mitigate, manage, and resolve potential or realized negative impacts and intends to avoid undue delay and disruption in the procurement process.

SECTION-2

REQUIREMENTS FOR FILING PROCUREMENT GRIEVANCE(S)/ COMPLAINT(S)

2. REQUIREMENTS FOR FILING PROCUREMENT GRIEVANCE(S)/ COMPLAINT(S)

Grievance(s)/ Complaint(s) shall qualify as a Procurement Grievance(s)/ Complaint(s) only if, they meet up the following defined criteria:

2.1 Types of Procurement Grievance(s)/ Complaint(s): On the basis of the stages of procurement process, Procurement Grievance(s)/ Complaint(s) are classified as under:

2.1.1 Challenge to the Procurement Document(s): The complainant may seek to challenge the terms of the Procurement Document(s), including but not limited to:

- (i) Prequalification document.
- (ii) Initial Selection document,
- (iii) Request for Bids or Request for Proposals,
- (iv) Addendum/ corrigendum to any of the above documents.

2.1.2 Challenge to the decision of excluding firm prior to contract award: The complainant may seek to challenge the decision to exclude it from a procurement process, prior to the contract award decision is made, which may include:

- (i) not qualifying in a Prequalification,
- (ii) not being selected in an Initial Selection,
- (iii) being eliminated from a multi-stage procurement process.

2.1.3 Challenge to the decision of awarding the contract: The complainant may seek to challenge the decision to award the contract. This procurement Grievance(s)/ Complaint(s) can only be made after issuance of Letter of Acceptance/ Award (LoA) of the contract.

2.2 Eligibility criteria for Complainant: In order to ensure that filed grievance(s)/ complaint(s) are relevant and related to the procurement process, it is mandatory that only an „*Interested*

party“ files grievance(s)/ complaint(s) related to the procurement process. Procurement grievance(s)/ complaint(s) only from interested party (ies) shall be entertained.

Here, „*Interested party*” means either:

- a) A potential participant in a procurement opportunity, having background similar to the requirement(s) of procurement document, or
- b) An actual participant.

Further, to have more clarity, Table 2.1 describes the examples of ‘*Interested party*’ who can file procurement grievance(s)/ complaint(s) defined at 2.1 clause above.

Table 2.1- Examples of Interested Party	
Interested Party	Description
A potential participant	<p>This is a firm/individual that is interested in participating in the procurement opportunity, having background similar to the requirement(s) of procurement document, but has not yet submitted its response/ bid.</p> <p>For example: A potential Applicant/ Bidder/Proposer/Consultant that is interested in submitting an application/ bid/ proposal, in a Prequalification, Initial Selection, Request for Bids/ request for proposals process but has not yet done so.</p>
An actual participant	<p>This is a firm/individual that has submitted an application/ bid/ proposal in response to a contract opportunity.</p> <p>For example:</p> <ul style="list-style-type: none"> (i) An Applicant that has submitted an Application for Prequalification/ initial selection, or (ii) A Bidder/Proposer/ Consultant that has submitted a Bid/Proposal.

2.3 Format for Procurement Grievance(s)/ Complaint(s): All Grievance(s)/ Complaint(s), (Refer Clause No. 2.1) must be submitted in writing in the prescribed format defined at **Annexure-1** to the Procurement Grievance Receiving and Screening Authority (PGRSA), (Refer Clause no. 3.1).

SECTION-3

AUTHORITIES FOR PROCESSING PROCUREMENT GRIEVANCE(S)/ COMPLAINT(S)

3. AUTHORITIES FOR PROCESSING PROCUREMENT GRIEVANCE(S)/ COMPLAINT(S)

Procurement grievance(s)/ complaint(s), defined at Section-2, mainly challenges the procurement document(s) (including prequalification, initial selection, request for bids, requests for proposal document(s) etc.), procurement process prior to award or procurement process following transmission of Letter of Acceptance/ Award (LoA) etc. The authorities responsible for attending the Procurement Grievance(s)/ Complaint(s) shall be as under:

3.1 Procurement Grievance Receiving and Screening Authority (PGRSA): All procurement related grievance(s)/ complaint(s), which fulfill the requirements mentioned under Section 2 and Clause no. 4.1, must be submitted in writing to the office of the designated authority entrusted for calling of tender on behalf of HPPCL i.e. office address mentioned in Bidding document(s)/ Notice Inviting Tender (NIT)/ Request for Proposal (RFP) etc.

The said designated authority shall act as Procurement Grievance Receiving and Screening Authority (PGRSA) and shall be authorized to receive, acknowledge, screen and further respond to the procurement grievance(s)/ complaint(s).

3.2 Procurement Grievance Redressing Authority (PGRA): PGRA shall be responsible for analyzing and preparing response of the screened procurement grievance(s)/ complaint(s) as shall be forwarded to it by the PGRSA from time to time. The Procurement Grievance Redressing Authority (PGRA) shall be as under:

3.2.1 Project Level Committee

1	HoP * (Concerned)	Chairman
2	Deputy General Manager (C or E)	Member
3	Sr. Manager concerned (C or E)	Member Secretary
4	Senior most functionary of F&A	Member
5	Senior most functionary of P&A	Member

* In the projects headed by AGM/DGM, structure/constitution of the committee is to be adjusted accordingly.

3.2.2 Corporate Level Committee:-

1	Director (Civil or Electrical)	Chairman
2	GM (Civil Contract or Electrical)	Member
3	AGM/ DGM (Contract or Electrical)	Member
4	Sr. Manager concerned (Contract or Electrical)	Member Secy.
5	AGM/DGM (F&A)	Member
6	AGM/DGM (P&A)	Member

3.3 Procurement Grievance Appellate Authority (PGAA): The PGAA shall be responsible for analyzing and preparing response to the resubmitted procurement grievance(s)/ complaint(s) (Refer Clause no. 2.1.1, 2.1.2 & 2.1.3), which shall be forwarded to it by the PGRSA from time to time. On the basis of competency to award the tender, the Procurement Grievance Appellate Authority (PGAA) shall be as under:

3.3.1 Appellate Authority for Project level: In such cases, the Director (Civil) or (Electrical) based upon the type of complaints i.e related to civil or electrical procurements at site shall act as Procurement Grievance Appellate Authority (PGAA). The PGAA shall be as under:

1	Director (Civil or Electrical)	Chairman
2	HoP Concerned	Member Secy.
3	Concerned General Manager at corporate level	Member

3.3.2 Appellate authority for Corporate Level:- In such cases, Whole Time Directors shall act as PGAA. The General Manager (Civil Contracts) or General Manager (Elect.) would be the Member Secretary in their respective matters.

SECTION-4

**TIMELINES FOR FILING AND REDRESSAL
OF PROCUREMENT GRIEVANCE(S)/
COMPLAINT(S)**

4. TIMELINES FOR FILING AND REDRESSAL OF PROCUREMENT GRIEVANCE(S)/ COMPLAINT(S)

Following defined timelines should be adhered for filing and Redressal of the procurement grievance(s)/ complaint(s).

4.1 Timelines for filing Procurement Grievance(s)/ Complaint(s): Since, any change in the procurement related document(s) or evaluation criteria etc. can impact the final outcome of the tender process, therefore, procurement related grievance(s)/ complaint(s) must be submitted in a timely manner and in writing to the PGRSA, defined at Clause No. 3.1, so that no party is affected if any procedural change/ corrigendum/ amendments etc. is required to be adopted/ issued. Complainant (Refer Section-2) must file its grievance(s)/ complaint(s) adhering to the following timelines:

4.1.1 Grievance(s)/ Complaint(s) regarding challenge to the Procurement document(s): Such grievance(s)/ complaint(s), defined at clause no. 2.1.1, must be submitted within following deadline, whichever is later:

- (i) At least 17 days prior to the deadline set for submission of bids, or
- (ii) In case amended terms have been issued, within 5 Days after issuance of such amended terms (For example: an addendum/ corrigendum to a Pre-qualification document).

4.1.2 Grievance(s)/ Complaint(s) regarding challenge to the decision of excluding firm prior to contract award: Such grievance(s)/ complaint(s), defined at clause no. 2.1.2, must be submitted within 10 Days following the communication to the „Interested party“ (Refer Clause no. 2.2) regarding its exclusion prior to contract award.

4.1.3 Grievance(s)/ Complaint(s) regarding challenge to the decision of awarding the contract: Such grievance(s)/ complaint(s), defined at clause no. 2.1.3, must be submitted within 10 Days after the issuance/ transmission of the Letter of Acceptance/ Award (LOA).

4.2 Timelines for redressal/ resolution of Procurement Grievance(s)/ Complaint(s):

Grievance(s)/ Complaint(s) that meet the requirements, stated under Section-2 and Clause no. 4.1, should be resolved within specific timelines. Anonymous complaints from parties not coming under the definition of the „Interested party“ (Refer Clause no. 2.2) and received after due time shall be rejected. The next stage/ phase of the procurement process should be initiated/ proceeded with, only after properly addressing and attending any such grievance(s)/ complaint(s). The authorities, defined under Section-3, must adhere following timelines depending upon type/ nature of procurement grievance(s)/ complaint(s):

4.2.1 Screening and acknowledging the grievance(s)/ complaint(s): The PGRSA (Refer Clause No. 3.1) shall screen the procurement grievance(s)/ complaint(s) based on the criteria defined at Section-2 and clause no. 4.1 and acknowledges in writing to the complainant within two (2) days, from the date of its receipt, as per the letter templatedefined at **Annexure-2** and also, forward the relevant information regarding thegrievance(s)/ complaint(s) in the prescribed format, defined at **Annexure-3**, to theSr. Manager (IT).

PGRSA shall forward/ transmit only the aforesaid screened eligible grievance(s)/ complaint(s) to the Procurement Grievance Redressing Authority (PGRA)/ Procurement Grievance Appellate Authority (PGAA) within three (3) days from the date of receipt of the grievance(s)/ complaint(s).

4.2.2 Redressal of Procurement Grievance(s)/ Complaint(s) by PGRA: The PGRA shall review the grievance(s)/ complaint(s), prepare the draft response of the same and give its recommendation, keeping in view Clause No. 5.2, and obtain necessary approval within seven (7) days from the date of receipt of the grievance(s)/ complaint(s) to it. Thereafter, the PGRA shall forward the

approved response of the grievance(s)/ complaint(s) to the PGRSA within one (1) day from the date of receipt of the approval from the competent authority.

Further, depending upon the result/ outcome of review/ redressal of the procurement grievance(s)/ complaint(s) following measures shall be taken:

- a) If PGRA recommends to modify the prequalification/ initial selection criteria or request for proposals, or other procurement related documents, the necessary corrigendum/ addendum shall be issued and if necessary, application/ Bid/ Proposal submission deadline shall also be extended accordingly.
- b) If PGRA recommends for changes in the results of the earlier stage/ phase of the procurement process, then the same must be promptly notified to all the relevant parties advising on the next steps.
- c) If PGRA changes its contract award recommendation, then the same must be promptly notified to all the previously notified Bidders/ Proposers/ Consultants, and shall proceed with the contract award accordingly.

4.2.3 Redressal of Procurement Grievance(s)/ Complaint(s) by PGAA: The committee, chaired by the PGAA, (Refer Clause no. 3.3) shall review the grievance(s)/ complaint(s), prepare the response, keeping in view Clause No. 5.2, and forward the same to the PGRSA within seven (7) days from the date of receipt of grievance(s)/ complaint(s) to the PGAA/ date of constitution of the committee, whichever is later.

4.2.4 Responding to the Procurement Grievance(s)/ Complaint(s): The PGRSA shall forward the response to the complainant, as received to it from PGAA/ PGRA, within two (2) days from the date of its receipt.

4.3 Timelines for the Disclosure of the Procurement Grievance(s)/ Complaint(s) on the HPPCL's website: The PGRSA shall forward the relevant information related to the grievance(s)/ complaint(s) and its response/ resolution in the prescribed format, defined at

Annexure-3, within two (2) days, from the date of receipt of response of the grievance(s)/ complaint(s) from PGAA/ PGRA, to the Sr. Manager (IT) for its disclosure on HPPCL's Website. Sr. Manager (IT) shall accordingly make disclosure of the said information on the HPPCL's website on the same day of its receipt from PGRSA.

SECTION-5

RESOLUTION OF PROCURMENT GRIEVANCE(S)/ COMPLAINT(S)

5. RESOLUTION OF PROCUREMENT GRIEVANCE(S)/ COMPLAINT(S)

In resolving and responding to a grievance(s)/ complaint(s), the Authorities, defined at Section-3, should ensure adherence to the timelines set under Section 4, alongwith meaningful review of the grievance(s)/ complaint(s), including all relevant documentation and facts and circumstances related thereto.

5.1 Screening, acknowledging and making response to Procurement Grievance(s)/ Complaint(s): The Procurement Grievance Receiving and Screening Authority (PGRSA) shall screen and acknowledge the receipt of the grievance(s)/ complaint(s) to the complainant(s) as per Annexure-2, and forward only the screened grievance(s)/ complaint(s) to the Procurement Grievance Redressing Authority (PGRA)/ Procurement Grievance Appellate Authority (PGAA) in accordance with the steps and timelines mentioned at Section-4. Thereafter, the PGRA/ PGAA shall deliberate and prepare the response of the grievance(s)/ complaint(s), as per Clause No. 5.2 below.

5.2 Response to the Procurement Grievance(s)/ Complaint(s): The PGRA/ PGAA shall mention sufficient information in its draft response, while maintaining the confidentiality of information. The confidential information shall include information provided by the Applicants/ Bidders/ Proposers/ Consultants in their Applications/ Bids/ Proposals, which they have marked as confidential. This may include proprietary information, trade secrets and commercial or financially sensitive information. Further, the information relating to the examination, clarification, and evaluation of Applications/ Bids/ Proposals shall be treated in such a way that it avoids disclosure of their contents to any other Applicant/ Bidder/ Proposer/ Consultant participating in the selection process, or any other party not authorized to have access to this type of information, until the Competent Authority notifies the outcome of evaluation of Applications/ Bids/ Proposals, in accordance with the procedures in the applicable Procurement Document(s).

Response to grievance(s)/ complaint(s) should, as a minimum, include the following elements:

- (i) **Brief Statement of grievance(s)/ complaint(s):** A clear, succinct statement of the grievance(s)/ complaint (s) raised by the complainant that needs to be addressed.
- (ii) **Facts and Evidence:** A clear, succinct statement of the facts and evidence that in the PGRA's view are relevant to the resolution of the grievance(s)/ complaint(s). These facts and evidence should be presented as a narrative and organized around the issue(s).
- (iii) **Decision and reference to the basis for the decision:** A precise statement explaining the decision that has been made following the review. This should include the basis for the decision, for example, PGRA's interpretation of the facts, or citing a specific procurement document's provision etc. This should describe why the facts, circumstances and evidence support the decision. This explanation should identify and address each question that has to be answered in order to arrive at the decision.
- (iv) **Conclusion:** A clear statement of the resolution of the procurement grievance(s)/ complaint(s) and description of the next steps to be taken, if any.

5.3 Disclosure on the website of HPPCL: After the grievance(s)/ complaint(s) is attended and responded, the Procurement Grievance Receiving and Screening authority (PGRSA) shall forward the relevant information related to the grievance(s)/ complaint(s) and its response/ resolution in the prescribed format, defined at **Annexure-3**, to the Sr. Manager (IT) for its disclosure on HPPCL's Website within the timelines defined under Section-4. Thereafter, Sr. Manager (IT) shall accordingly make disclosure of the said information on the HPPCL's website as per Clause no. 4.3.

SECTION-6

FORMATS

Annexure-1**6.1 FORM FOR FILING PROCUREMENT GRIEVANCE(S)/ COMPLAINT(S)**

Information	Detail
The identity of the complainant	<i>Name of the "interested party" (Refer Clause No. 2.2) i.e. potential or actual applicant/ bidder/ proposer/ consultant.</i>
Contact details	<i>Complainant's telephone number and e-mail address.</i>
Address	<i>Complainant's postal/ mailing address.</i>
Specify why the complainant is an "interested party"	<i>Clarification regarding whether the complainant is a potential or an actual participant in a procurement opportunity (Refer Clause No. 2.2)</i>
Identify the specific project, procurement reference number and current stage of the procurement process	<i>a) Name and reference/ tender no. which appears on the procurement document(s) or procurement notice. b) Mention the stage of the procurement process, for example: i) Invitation to Prequalify has been advertised and closes on [date], or ii) Letter of Acceptance/ Award (LoA) was sent on [date] etc.</i>
Brief Statement of grievance(s)/ complaint(s)	<i>Specify brief statement of grievance(s)/ complaint(s)</i>
Previous communication	<i>Details of any Previous communication, if any, that the complainant has had with HPPCL in relation to the matters addressed in the grievance(s)/ complaint(s). Specifying the matters discussed in the said communication. Also, wherever possible copy of such communication may be provided for ready reference(s).</i>
Type of procurement grievance(s)/ complaint(s)	<i>Type of the procurement grievance(s)/ complaint(s), defined in HPPCL's PGRM at clause no. 2.1, and the perceived adverse impact i.e. describing facts and circumstances leading to the grievance(s)/ complaint(s), problem, concern or adverse impact that has allegedly resulted.</i>

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Grounds for the procurement grievance(s)/ complaint(s)	<i>Grievance(s)/ Complaint(s) must mention the violation and inconsistency, and the relevant section, paragraph or appendix of the procurement document, and/or procurement regulation that is allegedly being violated or with which there is inconsistency.</i>
Any other information	<i>Optional: the complainant may include any other information it considers to be relevant.</i>

Date:
Place:

Signature of the Complainant

Annexure-2

6.2 LETTER TEMPLATE FOR ACKNOWLEDGMENT OF PROCUREMENT GRIEVANCE(S)/ COMPLAINT(S)

[Letterhead of PGRSA- including contact information i.e. Office Address, e-mail id, telephone number]

Letter No.: *[As applicable]*

Date:

To

*[Complainant's Address,
E-mail id, Telephone Number
(As mentioned in the form at 6.1)]*

Subject: *[Specify project name, Reference/ Tender No. mentioned in the procurement document]- Acknowledgment of Procurement Grievance(s)/ Complaint(s).*

Sir/ Madam,

We acknowledge the receipt of your communication/ form dated____, including attachments.

[Option 1] Your submission does not constitute a procurement grievance(s)/ complaint(s) due to the following reason(s):

[e.g. status as "Interested party" (Refer Clause no. 2.2) not clearly identified, makes vague and general allegations, lacks supporting documentation etc.]

'Or'

[Option 2] We acknowledge the receipt of your procurement grievance(s)/ complaint(s) and will respond to you at the earliest possible time.

With Regards,

[PGRSA's signature]

Annexure-3

6.3 FORMAT FOR DISCLOSURE OF PROCUREMENT GRIEVANCE(S)/ COMPLAINT(S) AND ITS RESOLUTION ON HPPCL's WEBSITE

Details regarding the screened grievance(s)/ complaint(s), which qualify as procurement grievance(s)/ complaint(s), only shall be disclosed on the HPPCL's website.

Sr. No.	Tender No.	Tender Description	Brief Statement of Procurement grievance(s)/ complaint(s)	Date of Receipt of Procurement grievance(s)/ complaint(s)	Description of Redressal/ Resolution of grievance(s)/ complaint(s)	Date of Response to the Complainant	Status
1.			<i>[Brief Statement of grievance(s)/ complaint(s) specified by the complainant in its form]</i>		<i>[Conclusion by PGRA/ PGAA regarding Redressal/ Resolution of grievance(s)/ complaint(s)]</i>		<i>[Whether Procurement grievance(s)/ complaint(s) „Found Invalid“ or „Under Process“ or „Resolved“]</i>
2.							
...							

SECTION-7

ABBREVIATIONS AND REFERENCES

7.1 ABBREVIATIONS AND ACRONYMS

DOP	Delegation of Power
LOA	Letter of Acceptance/ Award
NIT	Notice Inviting Tender
PGRM	Procurement Grievance Redressing Mechanism
PGRSA	Procurement Grievance Receiving and Screening Authority
PGRA	Procurement Grievance Redressing Authority
PGAA	Procurement Grievance Appellate Authority
RFP	Request For Proposal

7.2 REFERENCES

- [1] *“Procurement Guidance- Procurement- related Complaints, How to Complain”*, Second Edition, The World Bank, Washington, USA, January, 2017.
- [2] *“Delegation of Powers (Revised)”*, Himachal Pradesh Power Corporation Limited, Shimla, H.P., India, www.hppcl.gov.in, October, 2016.
- [3] The World Bank, *“Grievance Redress Service (GRS)”*, <https://projects.worldbank.org/en/projects-operations/products-and-services/grievance-redress-service> (Accessed: Jan,22)
- [4] *“The World Bank Procurement Regulations for IPF Borrowers, Procurement in investment Project Financing, Goods, Works, Non- Consulting and Consulting Services”*, Fourth Edition, The World Bank, Washington, USA, November, 2020.
- [5] *“The World Bank's Approach to Grievance Redress in Projects”*, The World Bank, Washington, USA, Accessed: Jan, 2022, [Online], <https://openknowledge.worldbank.org/handle/10986/20119>, License: CC BY 3.0 IGO.
- [6] *“Bidding-Related Complaints: Guidance Note on Procurement”*, The Asian Development Bank, Mandaluyong City, 1550 Metro Manila, Philippines, June, 2018, License: CC BY-NC-ND 3.0 IGO.