

Interim Bid Challenge System

Bid Challenges

1. The UC-PMC shall entertain a bid challenge from any bidder or potential bidder that claims to have suffered or that may suffer loss or injury due to a breach of a duty by the UC-PMC in the conduct of this procurement. The Interim Bid Challenge System is not intended to examine or review the implementation or conduct of any contract once awarded. A bid challenge shall:
 - a. Identify the procurement out of which the bid challenge arises;
 - b. Describe the nature of the bid challenge and supporting facts, including the bidding documents or portion of the procurement process that was allegedly in non-compliance;
 - c. Identify the specific provision(s), as set forth in the bidding documents, which were allegedly breached;
 - d. Indicate the requested remedy or relief, which may include compensation for any reasonable and verifiable cost of bid preparation and appeal, excluding attorney fees or lost profits;
 - e. Explain why the bid challenge was timely (see para 2. below); and
 - f. Include the name, address, telephone and facsimile numbers, as well as the email address of the challenger.
2. A bidder or potential bidder that claims to have suffered or claims that it may suffer loss or injury because of an alleged decision or action of UC-PMC that is not in compliance with the bidding documents, may challenge the decision or action concerned, except for:
 - a. The selection of a method of procurement or selection procedures (e.g., shopping or competitive bidding etc.);
 - b. The selection of the type of procurement (e.g., goods, works, non-consultant services etc.);
 - c. The decision by UC-PMC to reject all bids, proposals, offers or quotations; and
 - d. Allegations of fraud or corruption or intent of wrong doing in the procurement process, which shall be processed in accordance with MCC's Policy on Preventing, Detecting and Remediating Fraud and Corruption in MCC Operations, a copy of which is available on MCC's Website (www.mcc.gov).
3. An "Intent to Award" notice will be published in the national daily newspaper and a copy will be sent¹ to all bidders who have submitted a bid/proposal. UC-PMC will also send this letter to the winning bidder, and to all losing bidders informing them of the reasons for not awarding the contract.
4. Any losing bidder, if it wishes to, may submit a bid challenge to UC-PMC in writing (can be submitted electronically), within three (3) working days after the publication of the "Intent to Award" notice. All challenges will be submitted to the following address:

¹ e-mail and/or paper mail

National Coordinator: Mme Salmou Gourouza
Unité de Coordination des Programmes du Millenium Challenge,
Avenue du Monio Issa Beri, BP:738 Niamey-Niger
Téléphone: (227) 20 35 08 15/16, Fax:(227) 20 35 08 18 -
Email: s.gourouza@ucpmc.ne

5. The UC-PMC shall, within five (5) working days after submission of the bid challenge, issue a written decision to the challenger (“Challenger”) stating the reasons for the decision and, if the bid challenge is upheld in whole or in part, indicating the corrective measures that are to be taken.

Appeals

6. In certain cases, the Challenger may seek review by MCC if it is not satisfied with the decision of UC-PMC as above. Please note that MCC’s review is not the review of the procurement process or the evaluation of a particular bid, but is limited to claims that (a) UC-PMC failed to entertain its bid challenge, (b) UC-PMC failed to issue a written decision on the bid challenge within the time specified in this system, or (c) claims that UC-PMC violated the procedures set out in the bidding documents. The appeal to MCC must be received in writing (may be in electronic form) within five (5) working days of the date the Challenger learned or should have learned of an adverse decision by UC-PMC as above. MCC will issue a final decision within fifteen (15) working days of the submission of the appeal.

7. A bid appeal shall:

- a. Identify the procurement out of which the bid challenge arises;
- b. Describe the nature of the appeal and supporting facts, including full correspondence and decision of UC-PMC;
- c. Indicate the requested remedy or relief, which may include compensation for any reasonable and verifiable cost of bid preparation and appeal, excluding attorney fees or lost profits;
- d. Explain why the appeal is timely (see paragraph 6. above); and
- e. Include the name, address, telephone and facsimile numbers, as well as the email address of the appellant.

8. The appeal should be addressed to:

Millennium Challenge Corporation
Attention: Vice President, Department of Compact Operations
(with a copy to the Vice President and General Counsel)
1099 14th Street NW; Suite 700
Washington, DC 20005-3550
United States of America
Fax: (202) 521-3700
Email: VPOperations@mcc.gov (Vice President for Compact Operations)
VPGeneralCounsel@mcc.gov (Vice President and General Counsel)