

## **DTPC INTERNAL APPEALS PROCEDURE - RFP**

1. The SCM department on behalf of the award committee must notify all bidders of the results of their bid and give reasons to unsuccessful bidders as to why their bids were rejected.
2. A bidder aggrieved by a decision of the award committee must lodge a Notice of Appeal to the Appeals Authority within five (5) calendar days of receipt of the Letter of Regret. The Notice of Appeal must state the Grounds of Appeal and must be submitted to the Appeals Authority as follows:

**DTPC Appeals Authority,  
Dube City, 29° South,  
7 Umsinsi Junction,  
La Mercy, 4399.**

Alternatively, the Appeal may be sent to the following email address:

**Email:** [tenderappeals@dubetradeport.co.za](mailto:tenderappeals@dubetradeport.co.za)

3. Within seven (7) calendar days of receipt of the Notice of Appeal, SCM must respond to the aggrieved bidder's grounds of appeal and may hold a debriefing meeting with the aggrieved bidder. Should the bidder elect to attend a debriefing meeting, the debriefing meeting must take place no later than seven (7) calendar days from the day that the decision to hold such debriefing meeting is taken.
4. The aggrieved bidder must within 2 working days of the SCM response or the debriefing meeting, whichever is the later, inform the Appeals Authority of its intention to either proceed or withdraw its Appeal. Should the bidder fail to notify the Appeals Authority of such decision, the Appeals Authority shall be entitled to assume that the bidder has withdrawn its Appeal.
  - 4.1. The aggrieved bidder may be required to lodge a deposit of R5 000.00 with the Appeals Authority within 2 working days of its notice to proceed and provide proof of payment thereof to the Appeals Authority.
5. The Appeals Authority must decide on the Appeal within 10 working days of the aggrieved bidder's decision to proceed with the Appeal. No oral hearing of Appeals will be allowed unless the Appeals Authority, in the interests of justice, issues a directive indicating otherwise, in which event the process to be followed will be as advised by the Appeals Authority.

## **6. Grounds of Appeal**

6.1. The Appeals Authority may interfere with a decision of the award committee, only if the award committee, Bid Evaluation Committee or the delegated official/committee -

- (a) committed misconduct in relation to their duties concerning the awarding of a bid;
- (b) committed a gross irregularity;
- (c) exceeded its or their power;
- (d) awarded a bid in an improper or erroneous manner; or
- (e) awarded a contract inconsistent with the objectives of the Public Finance Management Act 1 of 1999.

## **7. Determining whether an Appeal is frivolous, vexatious or without merit**

7.1. The Appeals Authority must determine, within five (5) working days after receipt of the aggrieved bidder's intention to proceed with the Appeal in paragraph 4, whether an Appeal is frivolous, vexatious or without any merit.

7.2. If the Appeals Authority finds that an Appeal is frivolous, vexatious or without any merit, the Appeals Authority -

- (a) must dismiss the Appeal and in writing notify the appellant of reasons for the decision; and
- (b) may make an appropriate order as to costs, which may include the costs of having the Appeal heard.

## **8. Powers of the Appeals Authority**

8.1. In respect of Appeals determined under paragraph 7 not to be frivolous, vexatious or without any merit, the Appeals Authority -

- (a) must hear and finalize the Appeal within ten (10) working days of the receipt of the notice to proceed under paragraph 4;
- (b) must make recommendations to the award committee to confirm, vary or set aside their decision; and
- (c) may make an appropriate order as to costs, which may include the costs of having the Appeal heard.

- 8.2. In respect of the deposit as per 4.1 above, the Appeals Authority may waive the lodgement of the deposit or reduce the deposit amount to be lodged based on representations made to the Appeals Authority regarding affordability and will refund the deposit if the Appeal is successful.
- 8.3. The Appeals Authority may request additional information from any of the stakeholders, including the appellant, the SCM department, and other bidders relevant to the bid, in order to arrive at a competent decision.
- 8.4. If the award is set aside, the Appeals Authority may make any appropriate order regarding the process to be followed to finalise the matter.

## **9. COURT ACTION**

This Appeals Procedure does not prevent the bidder(s) from approaching a court of competent jurisdiction for relief in the event that the bidder(s) are aggrieved by the decision of the Appeals Authority.