

**PART VII - ADMINISTRATIVE REVIEW OF
PROCUREMENT PROCEEDINGS**

Request for a
review.

93.(1) Subject to the provisions of this Part, any candidate who claims to have suffered or to risk suffering, loss or damage due to the breach of a duty imposed on a procuring entity by this Act or the regulations, may seek administrative review as in such manner as may be prescribed.

(2) The following matters shall not be subject to the review under subsection (1)-

- (a) the choice of a procurement procedure pursuant to Part IV;
- (b) a decision by the procuring entity under section 36 to reject all tenders, proposals or quotations;
- (c) where a contract is signed in accordance to section 68; and
- (d) where an appeal is frivolous.

Suspension of
proceedings, etc.

94 Upon receiving a request for a review under section 93, the secretary to the Review Board shall notify the procuring entity of the pending review and the suspension of the procurement proceedings in such manner as may be prescribed.

Dismissal of
frivolous
requests, etc.

95. The Review Board may dismiss a request for a review if the Review Board is of the opinion that the request is frivolous or vexatious or was made solely for the purpose of delaying the procurement proceedings or the procurement.

Parties to review.

96. The parties to a review shall be —

- (a) the person who requested the review;
- (b) the procuring entity;
- (c) if the procuring entity has notified a person that the person's tender, proposal or quotation was successful, that person; and
- (d) such other persons as the Review Board may

determine.

Completion of review.

97.(1) The Review Board shall complete its review within thirty days after receiving the request for the review.

(2) In no case shall any appeal under this Act stay or delay the procurement process beyond the time stipulated in the Act or the regulations.

Powers of Review Board.

98. Upon completing a review the Review Board may do any one or more of the following —

- (a) annul anything the procuring entity has done in the procurement proceedings, including annulling the procurement proceedings in their entirety;
- (b) give directions to the procuring entity with respect to anything to be done or redone in the procurement proceedings;
- (c) substitute the decision of the Review Board for any decision of the procuring entity in the procurement proceedings; and
- (d) order the payment of costs as between parties to the review.

Right to review is additional right.

99. The right to request a review under this Part is in addition to any other legal remedy a person may have.

Right to judicial review to procurement.

100.(1) A decision made by the Review Board shall, be final and binding on the parties unless judicial review thereof commences within fourteen days from the date of the Review Board's decision.

(2) Any party to the review aggrieved by the decision of the Review Board may appeal to the High Court, and the decision of the High Court shall be final.

(3) A party to the review which disobeys the decision of the Review Board or the High Court shall be in breach of this Act and any action by such party contrary to the decision of the Review Board or the High Court shall be null and void.

(4) If judicial review is not declared by the High Court within thirty days from the date of filing, the decision of the Review Board shall take effect.