



Complaints Management Framework

Date: 26/5/15

Version: 1.0



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Document information, Version Control & Approvals

Document Information

Criteria	
Document ID:	2849672
Document title:	Complaints Management Framework
Document owner:	Mark Koliba
Document author:	Felicity Roberts
Version:	1.0
Issue date:	26/5/15

Version Control

Version	Date	Description	Updated by
0.1	1/12/14	First draft	F.Roberts
0.2	16/3/15	Second draft	F.Roberts
0.3	19/5/15	Third draft	F.Roberts
1.0	26/5/15	Final Document	F.Roberts

Document Approval

Name/Position	Action	Signature	Date
Mark Koliba Chief Procurement Officer	Recommend		
Procurement Governance Committee	Approve		

Introduction

Background:

- A complaint is an issue or concern expressed by a supplier in relation to the process and probity applied by an organisation when carrying out a procurement activity.
- As per the Victorian Government Purchasing Board (VGPB) procurement framework Victorian Government Departments and some Agencies, including VicRoads, will be required to manage a formal Complaints Management Framework as part of its Procurement Governance Framework.

Definition:

- A complaints management framework sets out the process and procedures to be followed by the organisation when addressing a complaint. The purpose is to address complaints, issues or concerns expressed by a supplier in relation to the process and probity applied by an organisation when carrying out a procurement activity.
- The intention of this document is to describe the Complaints Management Process in order to provide suppliers with a mechanism to raise concerns about how VicRoads manages a procurement activity.
- This document will:
 - Define the process for the complaints management process;
 - Identify roles and responsibilities for the complaints management process; and
 - Classify the acceptable timeframe for the complaints management process.

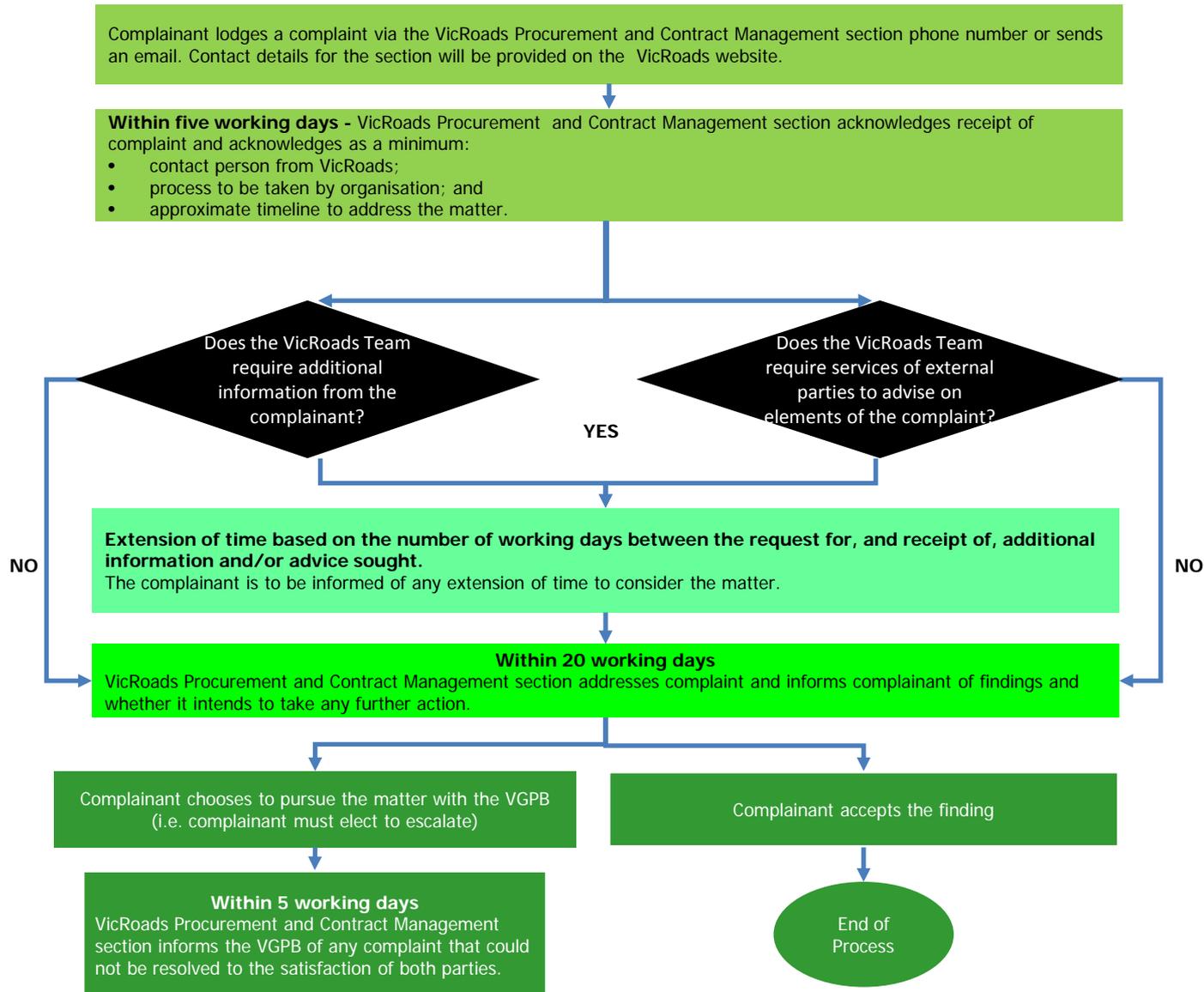
Desired Outcomes:

- Improved transparency in process and procedures addressing complaints through outlining:
 - How the investigation will be dealt with;
 - What documentation the organisation requires from the complainant in terms of scope and format;
 - Contact and lodgement details for all documents;
 - Timelines for conducting the investigation and providing a response;
 - The range of outcomes available to the organisation in responding to a complainant; and
 - Other government bodies that may be able to assist.

Governance and Process Approval Framework

- VicRoads approach is based on the complexity, risk and value for the approval and governance of procurement activity in the new VGPB environment.

Note: Based on the recommended process and timelines, as provided by the VGPB in the Managing Complaints guide



Process for Resolving Complaint

- **The Process for Resolving Complaints should be read in conjunction with the Governance and Process Approval Flowchart shown above.**

- All procurement related complaints will be referred to the Chief Procurement Officer (CPO) who will determine the process for resolving the complaint and attend to the following:
 - Register the complaint and monitor compliance within specified timelines.
 - Confirm that an officer within the Procurement and Contract Management section is free of any conflict of interest in regard to the subject matter of the complaint and is available to manage the complaint. Should a suitable officer be unavailable, the CPO must determine a suitable officer with appropriate knowledge of procurement policies and relevant processes. Please note that a key VGPB principle in managing complaints is that the investigation and subsequent response **MUST** be overseen by a person **NOT** involved in the subject matter of the complaint.
 - Investigate the complaint and attend to the following:
 - prepare a response;
 - Consider if the CPO should appoint an independent probity advisor; or
 - recommend legal or other advice be sought.
 - The response must provide grounds and avenues for escalating the matter for further review by the VGPB if VicRoads' findings are not acceptable to the complainant.
 - Notify the VGPB within five working days of any complaint that could not be resolved to the satisfaction of both parties.
 - In relation to each complaint received, disclose the following information in the Annual Report:
 - The procurement activity to which the complaint related; and
 - The status of the complaint confirming whether it was resolved, is still under investigation or could not be resolved.

Subject	Type	Action
Search for information / clarification of procurement process	Issue	Procurement & Contract Management section will clarify the matter and / or provide the requested information in writing
Personal conduct of the Chair of the Tender Evaluation Panel or the Project Manager	Complaint	Procurement & Contract Management section may investigate or recommend to the CPO to appoint an independent probity advisor
Inappropriate application of supply policies	Complaint	
Conduct of the tender process	Complaint	
Other grievance	Issue / Complaint	CPO may seek legal or other advice

Process for Resolving Complaint (cont)

Acceptable Grounds for Complaint

- Complaints generally relate to one or more of the items listed below. This is an indicative list and is not intended to limit the grounds of complaint:
 - Inappropriate application / breach of Victorian Government Purchasing Board or VicRoads' procurement policies and procedures;
 - Demonstrable Evaluation Panel bias in relation to the selection of supplier awarded the contract; and
 - Unfair collusion amongst bidders, compromising the equity of the tender process.
- Please note that complaints must relate to a procurement process issue. Matters of improper conduct, corruption or fraud should be directed to the Chief Executive /Manager Investigations to be dealt with via other means.

Timelines for conducting the investigation and providing a response

- All complaints shall be dealt with promptly and within an appropriate timeframe according to the complexity of the issues.
- The timelines specified in the flowchart must be complied with as a general rule.
- Any variation is to be agreed by the CPO and notified to the complainant.
- The Procurement and Contract Management section will acknowledge receipt of the complaint within 5 working days and advise the complainant in writing of the estimated time frame for a response.
- Complaints that arise during the tender or tender assessment period will, where possible, be finalised prior to awarding the contract.

Range of outcomes available in responding to a complaint

- Further to the information included above, the Procurement and Contract Management section will investigate the circumstances of the complaint and take into account a range of advice before making a determination.
- Outcomes include:
 - Continuing the current procurement process;
 - Calling a halt to the current procurement process and commencing a new procurement process;
 - Endorsing the probity of the completed procurement process;
 - Resolving the matter to the satisfaction of both parties; and
 - Referring the complaint to the VGPB within five working days if the complaint could not be resolved to the satisfaction of both parties.

Content for Suppliers

- **The following should be available on the VicRoads website and included in all 'Conditions of Contract' Component of Contracts**

Documentation Required from a Complainant

- The complaint should be in the form of a letter or email and include the following:
 - A concise written statement clearly setting out the basis and specific details for the complaint;
 - How the subject of the complaint and the specific issues affect the person or organisation making the complaint;
 - Any relevant background information including prior actions or correspondence involving VicRoads in relation to the issue; and
 - The outcome desired by the person or organisation making the complaint;
- Copies of all relevant documentary evidence supporting the complaint.

Time Period for Complaints

- Complainants are encouraged to submit their complaint during the evaluation period, before the tender process is finalised. However, complainants may choose to submit complaints at any stage.
- Written complaints should be received within 5 working days of the complainant's initial contact with VicRoads regarding the complaint. Any delays are likely to adversely affect the timeliness of VicRoads' response and any proposed remedial actions.

Contact and Lodgement Details for all Documents Pertaining to the Complaint

The complaint should be in the form of a letter or email addressed as follows:

Chief Procurement Officer
VicRoads Procurement and Contract Management Office
60 Denmark Street
Kew VIC 3101

Content for Suppliers (Cont)

Other Government Bodies

- Other government bodies that may be able to assist include the Office of Small Business Commissioner and the Office of the Ombudsman.

Victorian Government Purchasing Board

- A complainant may refer a complaint to the VGPB for review if not satisfied with the findings and actions of VicRoads. This could be related to the management of the complaint or the application of supply policies (see www.procurement.vic.gov.au).
- Complaints submitted to the VGPB must be lodged by letter, email or fax within 10 working days of the receipt of the findings by VicRoads to:
The Chair
Victorian Government Purchasing Board
Department of Treasury and Finance
GPO Box 4379
MELBOURNE VIC 3001
- The complainant must provide the following material:
 - evidence that VicRoads did not correctly apply supply policies in relation to a procurement activity;
 - evidence that VicRoads complaints management procedures were not applied correctly;
 - a copy of all relevant correspondence between the complainant and VicRoads in relation to the nature of the complaint; and
 - any additional material requested by the VGPB to assist it in its findings.
- The VGPB:
 - will inform VicRoads and complainant of its findings and any further action it intends to take in relation to the matter;
 - can require the accountable officer to audit its application of supply policies in relation to the procurement activity;
 - can inform the Assistant Treasurer of its review of a complaint and advise the Minister of further action that could be taken; and
 - note the outcome of a review in relation to any complaint in its annual report to Parliament.