

Title:	Procurement Complaints Management
Document type:	Guideline

PURPOSE:

This Guideline provides a process for complaints management relating to a procurement activity carried out by Bairnsdale Regional Health Service and is part of a suite of guidelines that relate to the Procurement Policy.

The Guideline outlines for Procurers and Suppliers mechanisms and steps in place to raise issues, concerns or to make complaints regarding a particular procurement activity or contract/service agreement arrangement.

All Complaints will be handled in a consistent, fair and transparent manner using the following processes:

This guideline applies only in relation to Procurement Complaints. For the avoidance of doubt, this Guideline does not cover enquiries or queries relating to a procurement activity of Bairnsdale Regional Health Service. Such communication is not a Procurement Complaint under the definition made in accordance with this guideline.

Principles:

Procurement Complaints will be investigated without prejudice to the Supplier or other related stakeholder who has made the Procurement Complaint.

1. Procedural fairness will apply to review and investigation of all Procurement Complaints including the application of the Probity (Conflict of Interest) Declaration.
2. Procurement Complaints will be handled with confidentiality and in accordance with the law, including but not limited to, Federal and State privacy laws.
3. All parties to a Procurement Complaint will receive information explaining the reasons for a decision concerning a Procurement Complaint investigated under this Guideline.

Procedure:

BRHS will require that all complaints are documented in writing and sent to the Chief Procurement Officer, BRHS P.O. Box 474 Bairnsdale 3875 or emailed to feedback@brhs.com.au for investigation and management. Internal Complaints should be sent in writing via email or sent via internal mail to feedback@brhs.com.au

Upon receipt of a Procurement complaint from the Procurer (BRHS Manager or staff member) or Supplier, the Chief Procurement Officer (CPO) will:

1. Enter the complaint into the Procurement Complaints Register, maintained by the CPO
2. Clarify the specifics of the complaint with respect to the procurement activity
3. Notify the relevant parties that a complaint has been received and method of investigation (within 5 working days)
4. Provide timelines for response and resolution (if not specified in the service agreement). BRHS has a 30-day key performance indicator for complaints to be resolved to both parties satisfaction.

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5. Conduct an investigation; this may include meetings, interviews, and the acquisition of additional information.
6. Provide recommendations to the BRHS CEO and the CEO will then determine the appropriate course of action.
7. Provide all parties with written correspondence regarding the complaint whether substantiated or not, dismissed, or unable to be determined, and provide reasons for that decision.
8. If the complainant is unsatisfied with the outcome from BRHS, an unresolved complaint that specifically relates to Health Share Victoria (HSV) contracts can be directed to the HSV Board for review.

If complaints remain unresolved BRHS will inform the VGPB within five working days of any escalated complaint that could not be resolved to the satisfaction of both parties.

BRHS must disclose in its annual report the following information in relation to each complaint received:

The procurement activity to which the complaint relates; and the status of the complaint confirming whether it:

- was resolved
- is still under investigation
- could not be resolved.

Referring a complaint to the VGPB/HSV Board for review

A complainant can refer a complaint to the VGPB/HSV Board for review if not satisfied with the findings and actions of the organisation involved. This could be related to the management of the complaint or the application of supply policies.

Complaints submitted to the VGPB/HSV Board must be lodged by letter, email or fax within 10 working days of the receipt of the findings by the organisation to:

The Chair

Victorian Government Purchasing Board
Department of Treasury and Finance
GPO Box 4379
MELBOURNE VIC 3001

Health Share Victoria.

The Chair
HSV Board
Health Share Victoria
Level 34, 2 Lonsdale Street
Melbourne Victoria 3000

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The complainant must provide the following material:

- Evidence that the organisation did not correctly apply supply policies in relation to a procurement activity;
- Evidence that the organisation's complaints management procedures were not applied correctly;
- A copy of all relevant correspondence between the complainant and the organisation in relation to the nature of the complaint; and
- Any additional material requested by the VGPB to assist it in its findings.

The VGPB/HSV Board:

- Will inform the organisation 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 Minister of Health (HSV complaints) or Assistant Treasurer (VGPS complaints) 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.

EVALUATION: *Annual Procurement Compliance Statement. Contracts meeting key performance indicators.*

KEY WORDS: *procurement, purchasing, complaints, complaint, management, HSV, supply, purchase, acquisition, oracle, quote, buy, order*

ASSOCIATED DOCUMENTATION:

[BRHS Procurement Policy](#)

[Probity \(Conflict of Interest\) Declaration](#)

Health Share Victoria contracts

BRHS Service Agreements

Code of Conduct for the Victorian Public Sector – Code of conduct.

[BRHS Procurement Framework](#)

KEY LEGISLATION, ACTS and STANDARDS:

Health ShareVictoria Section 134 of the Health Service Act 1988 (the act)

Contracts Financial Management Act 1994, Ministerial Directions, Audit Act 1994,

REFERENCES:

Victorian Government Purchasing Board <http://www.procurement.vic.gov.au/Home?Open>

Heath Share Victoria policy 2 Governance healthsharevic.org.au

Heath Share Victoria – Tender Managers Pack – healthsharevic.org.au

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Victorian Governments Suppliers Code of conduct - <http://www.procurement.vic.gov.au/Suppliers/Supplier-Code-of-Conduct>.

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Approved by Committee		Executive Governance
Date:		
Agenda Number:		

DEFINITIONS:

Word

Procurement

Definition

Refers to all the business processes associated with purchasing, spanning the whole cycle from the identification of needs to the end of a service contract or the end of the useful life and subsequent disposal of an asset. It also includes the organisational and governance frameworks that underpin the procurement function.

Chief Procurement Officer (CPO)

Provide expert advice and guidance to the CEO and/or the Board on matters relating to the Procurement Governance Framework and any strategies Procurement Initiatives.