

TITLE: PROCUREMENT COMPLAINTS PROCEDURE



Document Type:	Procedure	Approved by:	CEO
Department:	Finance and Business	Section:	Finance
Author/Reviewed by:	G McCulloch	Position:	Ac Director Finance & Business

OBJECTIVE/EXPECTED OUTCOME:

A procurement complaint is an issue or concern expressed by a contractor or supplier in relation to the procurement process and probity applied by Colac Area Health (CAH) when carrying out a procurement activity.

PROCESS:

Format of Procurement Complaint

The complaint should be in writing by letter or email to the Chief Executive of CAH, or Chief Purchasing Officer (Director Finance & Business Services), and marked as a "Procurement Complaint".

The Complaint must contain the complainants name and address and the name and ABN of the Supplier or other interested party they represent. The complainant must also provide any supporting evidence.

The CAH website must include details of this policy and instructions on how a supplier or contractor may complain about the procurement process.

Investigation of a procurement complaint

When received, a procurement complaint must be referred to the Quality and Safety Manager who will:

- Register the complaint on RiskMan, and
- Allocate the investigation of the complaint to a CAH Executive (usually CEO or CPO) who is not directly involved in the subject matter of the complaint

Timeframes for managing the complaint

To ensure a timely response to the complaint, the key timeframes are outlined:

- Formal correspondence acknowledging receipt of the procurement complaint is to be provided to the complainant within 5 working days.
- Investigation of urgent complaints must commence within 5 days of receipt of the complaint.
- The investigation and formal letter drafted should be completed by 20 working days of the complaint.
- Formal response is provided to the complainant within 30 business days of receipt of the written complaint.
- If there are delays to the investigation, the complainant must be formally advised, and providing an anticipated timeline for the resolution of the complaint.
- Health Purchasing Victoria must be advised within 5 days if the complaint cannot be resolved to the satisfaction of either party.

Outcomes of investigation

The outcomes of an investigation should be made in writing summarising the important facts, the evidence relied on, and the reasons for the decision. Investigation outcomes could be a combination of the following:

- Variation of the decision of the original procurement activity
- An explanation of the investigation procedure
- An apology
- An action that addresses the suppliers complaint
- Review of Colac Area Health policies and procedures to improve future practice

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- Termination of the relevant procurement activity
- Referral of the matter to external government channels for management (ie in instances of gross misconduct, corruption or fraud)
- No further action

Response to the complaint

Once the investigation into the complaint has been completed, a formal response by the Chief Executive must be provided to the supplier stating:

- the steps taken in the investigation and the evidence obtained;
- whether the Procurement Complaint has been substantiated or not, dismissed, or unable to be determined, providing reasons for the decision;
- the actions (if any) that Colac Area Health has taken or will take in response to the findings of the investigation; and
- the options or further process available to the Supplier should the Supplier be dissatisfied with the outcome of the investigation.

Escalation of Procurement Complaint to external bodies

In instances where suppliers are not satisfied with the outcome of the complaint management process they may refer the complaint to Health Purchasing Victoria (HPV) Board and other government bodies such as the Ombudsman, Australian competition and Consumer Commission (ACCC) or the Department of Health and Human Services (DHHS).

Suppliers should be informed that they are entitled to escalate their complaint.

Written complaints for submission to the HPV Board must be lodged within 10 working of the supplier's receipt of the findings of Colac Area Health.

Suppliers should be informed that their escalated complaint must contain the following details:

- Evidence that CAH did not correctly apply Health Purchasing Policies in relation the a procurement activity;
- Evidence that CAH complaints management procedures were not applied correctly;
- A copy of all relevant correspondence between the complainant and CAH in relation to the complaint;
- Any additional material requested by the HPV Board to assist it in its findings.

Reporting on procurement complaints

Colac Area Health is to inform the Health Purchasing Victoria (HPV) Board within five working days of any complaint that could not be resolved to the satisfaction of both parties.

Colac Area Health must report annually to the Board the following information for each complaint received:

- Procurement activity to which the complaint relates
- Status of the complaint confirming:
 - o Whether the complaint was resolved
 - o Whether it is still under investigation or
 - o Whether it could not be resolved.

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Evaluation

This document will be reviewed in the event of any change in legislation, best practice, and accreditation recommendations or within three years.

Key Aligned Documents

CAH Procurement Governance Framework
[Consumer Feedback and Complaints](#)

Key Legislation, Acts & Standards

Health Purchasing Victoria (HPV) [Health Purchasing Policy 1. Procurement Governance, 4.2](#)

References

HPV [Guide the Complaints Management](#), accessed 4 Mar 2020

DOCUMENT DEVELOPMENT/REVIEW PROCESS**Prepared/Reviewed By**

Name:	Position	Section/Area
G McCulloch	A/c Director Finance & Business	Finance
N Melville	Manager,	Governance for Quality and Safety

Endorsement by

Name	Manager/Chairperson	Date
Finance, Risk and Audit Committee		23/3/2020

Final Approval by Executive Director or CEO

Name	Position	Date
Fiona Brew	CEO	15/4/2020