

## TITLE: PROCUREMENT COMPLAINTS PROCEDURE



<b>Document Type:</b>	Procedure	<b>Approved by:</b>	Corporate Governance Committee
<b>Department:</b>	Finance & Corporate Services	<b>Section:</b>	Corporate Services

### 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 & Corporate 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.
- HealthShare Victoria (HSV) 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
- Termination of the relevant procurement activity

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- 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 HealthShare Victoria (HSV) 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 HSV 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 HSV Purchasing Policies in relation to 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 HSV Board to assist it in its findings.

The HSV Board can be contacted using this address:

The Chair  
HSV Board  
HealthShare Victoria  
Level 34, 2 Lonsdale Street  
Melbourne VIC 3000

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**Reporting on procurement complaints**

Colac Area Health is to inform the HealthShare Victoria (HSV) 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:
  - Whether the complaint was resolved
  - Whether it is still under investigation or
  - Whether it could not be resolved.

**REFERENCES:****Key Aligned Documents**

Procurement Governance Framework  
 Procurement Strategic Analysis Policy  
 Procurement Market Approach Policy  
 Contract Management and Asset Disposal Policy  
 Collective Procurement Policy  
 Procurement and Contract Management Procedure

**Key Legislation, Acts and Standards**

Health Purchasing Policies are made by the HealthShare Victoria (HSV) Board in accordance with subsection 134(1) of the Health Services Act 1988 (Vic) (The Act). Colac Area Health is a Schedule 1 public hospital and must comply with HSV Purchasing Policies.

See: <https://healthsharevic.org.au/hsv-purchasing-policies/>

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

Name:	Position	Section/Unit
Gaye McCulloch	Director Capital Projects and Compliance	Finance & Corporate Services
Ian Martin	ED Finance and Corporate Services	Finance & Corporate Services

**Ratified by Relevant Governance Committee**

Committee	Manager/Chairperson	Date
Corporate Governance Committee	Executive Director People and Culture	7/06/2023

**Final Approval by:**

Name	Position	Date
Ian Martin	ED Finance and Corporate Services	7/06/2023