



Procurement Complaints Management Policy

West Gippsland Healthcare Group (WGHG)

MAY 2017

Policy Type: Procurement
Distribution: Organisation Wide
Section: Finance
Previous Review Dates: 07/2014, 05/2017,
Responsibility: Contracts Manager
Endorsed by: Director of Corporate Services

Authorised by: Signature: Date:.....
Director of Corporate Services

Prompt Doc No: WGHG0003411 v2.0 Approval Date: 29/07/2014 Review & Update by: 02/06/2019

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Document name Procurement Complaints Management Policy

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POLICY

1. Purpose

This policy outlines a process for complaints relating to a procurement activity carried out by West Gippsland Healthcare Group to be addressed within a given timeframe.

2. Definitions

The key terms used in this policy and their definitions are set out below. Unless the context indicates otherwise, words used in the singular include the plural and vice versa.

Nominated Executive means the member of the Executive Staff of West Gippsland Healthcare Group to whom Procurement Complaints relating to the conduct of the Project Manager may be addressed, as notified to Suppliers by West Gippsland Healthcare Group.

Procurement Complaint – The complaint must relate to a procurement process issue. Matters of improper conduct, corruption or fraud etc., when carrying out a procurement activity.

Project Manager means the manager or coordinator (however described) of a particular procurement activity, as notified to Suppliers by West Gippsland Healthcare Group.

Supplier means a supplier or potential supplier of goods or services to West Gippsland Healthcare Group.

3. Scope of this policy

This policy only applies to Procurement Complaints. This policy does not cover enquiries or queries relating to a procurement activity of West Gippsland Healthcare Group, where such communication is not a Procurement Complaint made as described in this policy.

4. Principles for application of this policy

- 4.1 Procurement Complaints will be investigated without prejudice to the Supplier who has made the Procurement Complaint.
- 4.2 Procedural fairness will apply to investigation of all Procurement Complaints.
- 4.3 Procurement Complaints will be handled with confidentiality and in accordance with the law, including but not limited to, Federal and State Privacy law.
- 4.4 All parties to a Procurement Complaint will receive information explaining the reasons for a decision concerning a Procurement Complaint investigated under this policy.

5. Procedure

5.1 If a Procurement Complaint arises, the relevant parties must follow the procedure set out below:

5.1.1 A Procurement Complaint must be submitted by the Supplier in writing to the Project Manager, or to the Nominated Executive only if the Procurement Complaint relates to the conduct of the process, and:

5.1.1.1 include any supporting documents that the Supplier wishes to rely upon

5.1.1.2 contain contact details for the Supplier

5.1.1.3 specify the alleged breach of process or probity applied by West Gippsland Healthcare Group when carrying out a procurement activity

5.1.1.4 explain the consequences of such breach on the Supplier and

5.1.1.5 set out the desired outcome/s of the Supplier.

5.1.2 West Gippsland Healthcare Group may reasonably require further supporting information or documents to be submitted by the Supplier in relation to a Procurement Complaint within a specified timeframe, and the Supplier must comply with any such request – Refer Page 6 Process of Complaints Lodgment - Flow Chart

5.1.3 At first instance:

5.1.3.1 the Supplier and the Project Manager; or

5.1.3.2 only if the Procurement Complaint relates to the conduct of the Project Manager, the Supplier and the Nominated Executive,

must use reasonable endeavor to resolve the Procurement Complaint by direct discussion or negotiation within 14 days of the Supplier making the Procurement Complaint. The relevant parties may agree to use an external mediator to resolve the Procurement Complaint during this time.

5.1.4 If the Procurement Complaint is still unresolved following the steps taken in clause 5.1.3, the Procurement Complaint shall be referred by the Project Manager or Nominated Executive who handled the Procurement Complaint in accordance with clause 5.1.3, to a member of the Executive Staff or a Board Member of West Gippsland Healthcare Group, who:

5.1.4.1 is nominated by West Gippsland Healthcare Group and

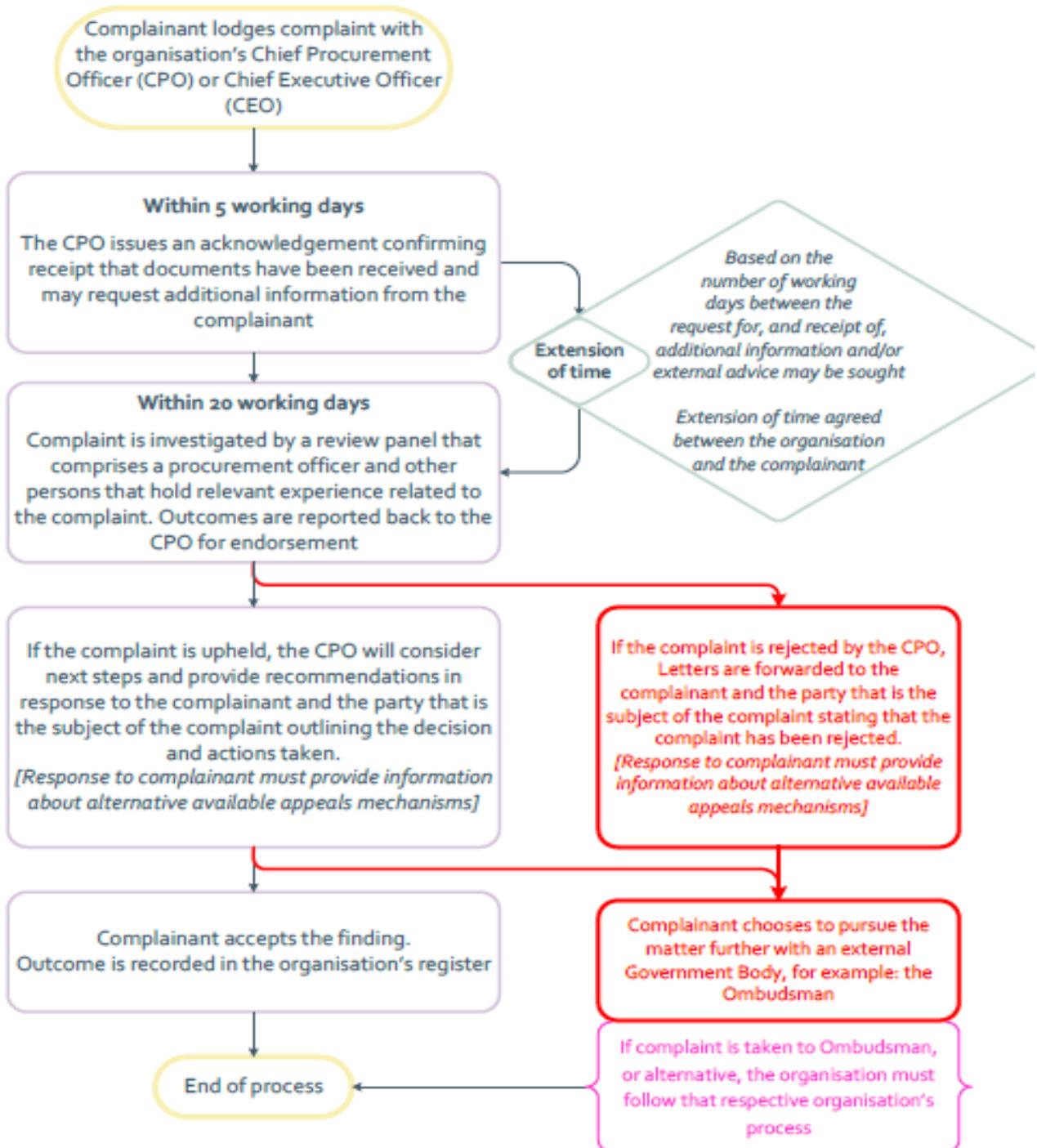
5.1.4.2 is not involved in the subject matter of the Procurement Complaint and

5.1.4.3 is not the Nominated Executive, if the Nominated Executive has already handled the Procurement Complaint in accordance with clause 5.1.3.2.

- 5.1.5 The member of West Gippsland Healthcare Group as nominated in accordance with clause 5.1.4 (the '**Investigating Officer**') must investigate the Procurement Complaint.
- 5.1.6 The Investigating Officer may reasonably require a meeting with the relevant Supplier or further information or documents to be submitted by the Supplier. The Supplier must comply with any such request.
- 5.1.7 The Investigating Officer will:
 - 5.1.7.1 review all relevant West Gippsland Healthcare Group materials and any information and documents submitted by the Supplier
 - 5.1.7.2 interview witnesses as considered necessary
and
 - 5.1.7.3 obtain any other necessary evidence.
- 5.1.8 The Investigating Officer will investigate the Procurement Complaint as soon as is reasonably possible, taking into account the nature and complexity of the Procurement Complaint, and the availability of any witnesses required.
 - 5.1.8.1 Investigation of Procurement Complaints that relate to a confined or uncomplicated matter should be completed within 30 days.
 - 5.1.8.2 Investigation of more complicated matters may require extended time for completion, in which case, the rationale for extended time required and an indicated timeline for investigation will be communicated by West Gippsland Healthcare Group to the relevant Supplier, with regular updates provided to the Supplier regarding the progress of the investigation.
- 5.1.9 When the Investigating Officer has completed the investigation, West Gippsland Healthcare Group will write to the relevant Supplier in response to the Procurement Complaint and state:
 - 5.1.9.1 whether the Procurement Complaint has been substantiated or not, dismissed, or unable to be determined, and provide reasons for that decision;
 - 5.1.9.2 the steps taken in the investigation and the evidence obtained
 - 5.1.9.3 the actions (if any) that West Gippsland Healthcare Group has taken or will take in response to the findings of the investigation and
 - 5.1.9.4 the options or process available to the relevant Supplier to escalate the Procurement Complaint to an external body, such as Health Purchasing Victoria, the Victorian Ombudsman, or the Victorian Government Purchasing Board, should the Supplier be dissatisfied with the outcome of the Investigation.

- 5.2 The outcomes that may result following an investigation either by the Project Manager or Nominated Executive at first instance in accordance with 5.1.3, or following investigation by the Investigating Officer, include but are not limited to:
- 5.2.1 variation of a decision concerning a procurement activity of West Gippsland Healthcare Group
 - 5.2.2 explanation of what has occurred in relation to the subject matter of the Procurement Complaint
 - 5.2.3 an apology
 - 5.2.4 an action which addresses the Supplier's Procurement Complaint
 - 5.2.5 review of West Gippsland Healthcare Group policies and procedures to improve future procurement practice by West Gippsland Healthcare Group
 - 5.2.6 termination of the relevant procurement activity and/or recommencement of the relevant procurement activity
 - 5.2.7 no further action, or
 - 5.2.8 a combination of more than one of the above outcomes.

6. Process of Complaints Management - Flow Chart



7. Complaint Register and Complaints Management System

West Gippsland Healthcare Group will keep and maintain a complaints Management System to be utilized for all procurement activities if and when a complaint arises. Refer WGHG Complaints Register. The register will be held by WGHG Contracts Manager.

The Complaints Management System gives a supplier involved in a procurement activity - or an agent acting in the interest of the Supplier, mechanisms to raise concerns about how an organization manages a procurement activity.

The Complaints Management System is utilised to maintain a high standard of probity and complaints being managed in a consistent, fair and transparent manner.

Complaints will ideally be resolved by the organisation to the satisfaction of both parties. The Complaints Register is to register complaints and maintain a record of the complaint and its lifecycle in accordance with HPV's Guide to Complaints Management

Should a complaint not be resolved internally and escalated to external entities there is significant risk and potential delay to WGHG procurement activities.