



DIS FRAMEWORK DOCUMENT 8

SUPPLIER COMPLAINTS PROCEDURE

Department for Innovation and Skills

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Version 1.4



Government
of South Australia

Department for
Innovation and Skills

Supplier Complaints Procedure

Purpose and Application

Purpose

Procurement processes in the public sector environment must be robust and defensible. If a complaint is received from a tenderer or supplier, the aim is to manage the process of review internally, if possible, through communication and conciliation.

This procedure provides guidance to all DIS staff associated with procurement activity as to the management of supplier complaints received during the procurement cycle.

Applications & Scope

The scope of this procedure is limited to complaints raised by a supplier regarding a DIS-managed procurement process. The Procedure applies to all DIS employees, including contractors, visitors and other persons undertaking employment at any DIS work location.

The procedure covers all events that occur between the time the procurement documentation, such as a request for tender, is released, and the time the contract is signed, regardless of when the actual complaint is made.

Document Details

Document Name	Department for Innovation and Skills Overview and Procurement Strategy
Document Owner	Chief Executive
Version	V 1.4
Approval Date	July 2021
Review Date	July 2022
Review Process	This Overview and Procurement Strategy and any associated documents (including delegations) will be reviewed every 12 months to ensure they are fit-for-purpose and continually improved.
Related Documents	This Procurement Framework is to be read in conjunction with the following documents: Treasurer's Instruction 18 PSSA Procurement Governance Policy PSSA Contract Management Policy PSSA Contract Management General Requirements Schedule Document 1 - Procurement Overview & Strategy Document 2 - Procurement Framework Governance Policy Document 3 - Procurement Planning Policy Document 4 - Sourcing Policy

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Document 5 - Procurement Procedure

Document 6 - Contract Management Policy

Document 7 - Contract Management Procedure

Document 9 - Transition Requirement and Timeframe

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Procedure detail

Complaint requirements

In order to be considered as a formal complaint within the scope of this procedure, the complaint must fulfil the following:

- Be provided in writing to the nominated Complaints Person within the applicable tender document (or to the nominated Contact Person where no tender documents were issued)
- Be provided using the published DIS Complaints Form (Appendix 1)
- Provide the following information (at a minimum):
 - Background information identifying the relevant procurement process and relevant dates
 - Summary of the concern or complaint
 - Outline of any prior dealings with DIS
 - Contact details for the complainant (including name, address, email and phone number)

Management of complaints alleging criminal behaviour

Any formal complaint received associated with a procurement process managed by DIS which allege criminal conduct shall be referred to the South Australian Police for investigation.

Management of complaints alleging public officer corruption, misconduct or maladministration

Any formal complaint received associated with a procurement process managed by DIS which allege public officer corruption, misconduct or maladministration shall be referred to the appropriate authority.

- Suspicions of Corruption shall be reported to the Office for Public Integrity (**OPI**) who may refer the matter to the Independent Commission Against Corruption (**ICAC**) for investigation.
- Suspicions of Misconduct or Maladministration shall be reported to the South Australian Ombudsman (**OMBUDSMAN**).

For the definition of Misconduct or Maladministration in public administration, reference should be made to the meaning provided under *Section 4(1) Ombudsman Act 1972*.

Management of complaints not alleging criminal behaviour or public officer misconduct

All complaints received associated with the management of a procurement process within DIS which do not make allegations of a criminal nature or require referral to either OPI or OMBUDSMAN shall be managed in accordance with the following procedure:

Assessing Severity of complaint

All received complaints will be assessed according to the following severity scale:

Level	Title	Description
1	Transactional	Procurement process is of low value (<\$55,000). Complaint can be handled and resolved by local business unit
2	Minor	Procurement process is of moderate value (>\$55,000<\$550,000).

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		To be considered by Principle Procurement Advisor with involvement from Business Unit subject matter expert in accordance with Internal Review processes. Escalation of any complaint unable to be resolved at Level 1.
3	Moderate	Procurement process is of moderate value (>\$55,000<\$550,000). To be considered by Principle Procurement Advisor , with involvement from Director, Financial and Business Services, Risk team and Business Unit Director as required in accordance with Internal Review processes. Escalation of any complaint unable to be resolved at Level 2.
4	Major	Procurement process is of high value (>550,000). To be considered by the Project, Procurement and Governance Committee (PPGC), with involvement from Director, Financial and Business Services, Risk team, Commercial Director and Business Unit Director as required in accordance with Internal Review processes. Complaint may be referred to relevant senior executive member or another government agency for review. Escalation of any complaint unable to be resolved at Level 3.
5	Extreme	Procurement process is of high value (>550,000). To be considered by an external expert, independent of DIS in accordance with External Review processes. Escalation of any complaint unable to be resolved at Level 4.
6	Unresolved	Where a complaint cannot be resolved, The Chief Executive will inform DTF's Procurement Review Committee (PRC) within seven calendar days.

Internal Review process

Where the complaint relates to an executed agreement, the dispute resolution process outlined within the DIS Contract Management Procedure shall be followed in the first instance, inclusive of any Dispute Resolution clauses within the executed agreement.

Where the complaint relates to the undertaking or management of a procurement process managed by DIS, an internal review of related activity shall first be undertaken by a suitably senior officer within DIS in accordance with the nominated severity level. The nominated person to undertake the internal review will have had no direct involvement with the procurement process.

The reviewer will be appointed within seven (7) working days of the complaint receipt and appointment of the review will be confirmed to the complainant in writing.

This internal review will assess the supplier complaint and procurement activity undertaken in accordance with DIS and DTF procurement policies and guidelines to ensure a fair and transparent process was undertaken.

Following completion of the internal review, the officer responsible for the review will provide a written response to the supplier advising of the outcome of the review with reference to the particulars of their complaint.

External review process

Where the complaint relates to an executed agreement, the dispute resolution process outlined within the DIS Contract Management Procedure shall be followed in the first instance, inclusive of any Dispute Resolution clauses within the executed agreement.

Where the complaint relates to the undertaking or management of a procurement process managed by DIS and any internal review has been unable to be satisfactorily resolve the complaint or where required in accordance with the severity rating, an external review will be undertaken.

A suitably impartial external party will be appointed (subject to any procurement approvals) to assess the supplier complaint and procurement activity undertaken in accordance with DIS and DTF procurement policies and guidelines to ensure a fair and transparent process was undertaken. For the purpose of this procedure, an external review may be undertaken by DTF Procurement Services SA in appropriate circumstances.

The undertaking of an external review will be undertaken in a timely fashion and the appointment of an external reviewer will be advised to the complainant in writing.

Consideration may also be made of any findings from any preceding internal review by the external reviewer.

Following completion of the external review, the appointed reviewer will provide a written response to DIS advising of the outcome of their review with reference to the particulars of their complaint and any relevant findings.

The DIS Procurement and Contracting Unit (or other agreed DIS Directorate) will provide a written response to the complainant advising of the outcome of the external review and conclusion of the complaint process (if applicable).

Unresolved complaints

Any complaints which remain unresolved after following the Internal Review and External Review processes detailed above shall be referred to the South Australian Ombudsman for consideration.

Reporting

A Complaints Register will be maintained on the Procurement Activity Reporting System (PARS) by the Procurement and Contracts Unit, which will capture the detail of all formal complaints.

The detail and resolution of all complaints will be included within procurement reporting obligations.

Review Period

Review annually or as changes are made to the policies and procedures that govern this Procedure. Changes will only be made following consultation with relevant employees.

Appendix 1 - DIS Supplier Complaints Form