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| <b>POLICY</b> | <b>PROCUREMENT COMPLAINTS<br/>MANAGEMENT</b> |
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| <b>PURPOSE</b>                         | In order to maximise probity, Boort District Health (BDH) aims to conduct a transparent and fair procurement complaints process.<br><br>This procedure describes the process for managing complaints that stem from procurement activities at BDH. It provides guidance to BDH staff receiving and managing a procurement complaint and the process for an external party in lodging a procurement complaint. |
| <b>AUTHOR</b>                          | Facilities and Support Services Manager   |
| <b>NATIONAL STANDARDS</b>              | National Standard 1.1   |
| <b>AGED CARE STANDARDS</b>             | 1.1, 1.4  |
| <b>COMMUNITY COMMON CARE STANDARDS</b> | 3.3   |
| <b>AUTHORISED BY</b>                   | Board of Management   |
| <b>DATE OF AUTHORISATION</b>           | 27.04.2015  |

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| <b>1. DEFINITION</b> | <p><b>Procurement Complaint</b><br/>A procurement complaint is an issue or concern expressed by a supplier in relation to the process and probity applied by BDH in carrying out a procurement activity. The complaint should be lodged with the Chief Procurement Officer (CPO) in writing.</p> <p><b>Chief Procurement Officer (CPO)</b><br/>The Chief Procurement Officer role is established by the Chief Executive Officer of a mandated health service. The role has visibility and oversight of the entire non-salary spend profile of the health service.</p> <p><b>Health Purchasing Victoria (HPV)</b><br/>Established in 2001 to improve the collective purchasing power of Victorian public health services and hospitals. HPV achieves 'best value' outcomes in the procurement of health related goods, services and equipment through more than 40 contract categories.</p> <p><b>Victorian Government Purchasing Board (VGPB)</b><br/>The VGPB is the governing body responsible for developing, implementing and reviewing policies and practices in relation to procurement of non-construction goods and services across the Victorian Government.<br/><br/>The VGPB does not purchase goods and services on behalf of the government, nor does it market to government on behalf of suppliers.</p> |
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| 2. SAFETY & QUALITY   | Ensures maximum probity and Boort District Health conducts a transparent and fair procurement complaints process.   |
| 3. RISK               | Non-compliance with Policies by Health purchasing Victoria (HPV) and Victorian Government Purchasing Board (VGPB)   |
| 4. TARGET AUDIENCE    | This procedure is applicable to all staff at BDH who have a professional responsibility for undertaking procurement activities.   |
| 5. COMMUNICATION      | BDH Policies<br>BDH Website   |
| 6. POLICY APPLICATION | A procurement complaint is an expression of dissatisfaction, issue or concern expressed by a supplier or other interested party in relation to the procurement process conducted. |

## PROCESS

A procurement complaint is an issue or concern expressed by a supplier in relation to the process and probity applied by BDH in carrying out a procurement activity. The complaint should be lodged with the Chief Procurement Officer in writing.

The investigation of a complaint and subsequent response must be overseen by a person not involved in the subject matter of the complaint. BDH's procurement complaints management process must be published in a public domain and easily accessible to a complainant.

### Complaint Process

The timely investigation and resolution of complaints by suppliers, in accordance with established formal procedures is an essential requirement for maintaining good relationships between BDH and suppliers.

This section is divided into the process for the complainant and the BDH complaints officer.

#### Complainant

The complainant is required to provide details of the basis upon which the dispute or complaint is being lodged, including:

- Contain the complainants name and address and the name and ABN, or the other interested party they represent
- a clear written statement regarding what you consider was unsatisfactory in the procurement process
- copies of, or references to, information to support the complaint
- a statement regarding what you wish to achieve as an outcome from the complaint process
- if further correspondence or information is required, the supplier will be given no less than 15 working days to respond to any communication from BDH unless the matter is urgent
- if the outcome of the investigation is unsatisfactory, the complainant can refer the complaint to Health Purchasing Victoria (see below)

Be lodged marked 'Procurement Complaint' at the following;

**Post:** Chief Procurement Officer  
Boort District Health  
PO Box 2  
Boort Vic 3537.

**Email:** procurement@bdh.vic.gov.au

#### BDH Complaints Procurement Officer (CPO)

The CPO will receive and review the complaint and assign a dedicated complaints officer. The BDH complaints officer will have had no involvement with the subject matter of the complaint. Upon receipt of the complaint, this officer will:

- enter the complaint into the feedback register
- acknowledge receipt of the complaint within 3 working days of receiving it. This acknowledgement will contain the contact name of the investigating officer, the proposed action and the associated timeframes
- if additional correspondence is required, BDH will advise the supplier of this and allow at least 15 working days to respond unless the matter is urgent
- attempt to resolve the complaint
- the supplier should be advised in writing as to the outcome of the investigation, usually within 28 working days of receiving all written correspondence relating to a complaint. This correspondence should also advise the complaint review and escalation process

#### **Unresolved complaints**

Unresolved complaints that specifically relate to Health Purchasing Victoria (HPV) contracts can be directed onto the HPV Board for review. All other complaints can be referred the Victorian Government Purchasing Board (VGPB).

A complainant can refer a complaint to the HPV Board/VGPB for review if not satisfied with the findings and actions of BDH. This could be related to the management of the complaint or the application of procurement policy and procedures.

BDH is to inform the HPV Board/VGPB within five working days of any complaint that could not be resolved to the satisfaction of both parties.

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

#### **HPV**

The Chair  
HPV Board  
Health Purchasing Victoria  
Level 34, 2 Lonsdale Street  
Melbourne Victoria 3000

#### **VGPB**

The Chair  
Victorian Government Purchasing Board  
Department of Treasury and Finance  
GPO Box 4379  
Melbourne Victoria 3001

The complainant must provide the following material:

- evidence that BDH did not correctly apply the procurement policy and procedures in relation to a procurement activity
- evidence that BDH's complaints management procedures were not applied correctly
- a copy of all relevant correspondence between the complainant and BDH service in relation to the nature of the complaint
- any additional material requested by the HPV Board/VGPB to assist it in its findings

The HPV Board/VGPB:

- will inform BDH and complainant of its findings and any further action it intends to take in relation to the matter
- can require the CEO to audit its application of procurement policy and procedures in relation to the procurement activity
- can inform the Minister of Health (HPV complaints) or Assistant Treasurer (VGPB complaints) of its review of a complaint and advise the Minister of further action that could be taken
- may note the outcome of a review in relation to any complaint in its annual report to Parliament

### Reporting complaints

BDH is to disclose in its annual report the following information in relation to each complaint received:

- procurement activity to which the complaint relates
- status of the complaint confirming whether it:
  - was resolved
  - is still under investigation
  - could not be resolved

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| <b>7. EVALUATION</b> | Procurement complaints regarding an issue or concern expressed by a supplier in relation to a process and probity are dealt with in an fair and equitable manner. |
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| <b>LINKS</b>                                 |  |
| <b>RELEVANT LEGISLATION &amp; GUIDELINES</b> | <b>State and Commonwealth Legislation - Health Services Act 1988 s134</b><br><b>Standards / Codes of Practice / Industry Guidelines</b><br>Health Purchasing Policy, procurement governance, Health Purchasing Victoria. |
| <b>REFERENCES</b>                            | <b>Boort District Health Policies and Protocols</b><br>Purchasing policy<br>Procurement Governance Policy  |
| <b>ATTACHMENTS</b>                           |  |

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