



AusAID's Procurement Related Complaints Handling Process

This complaints handling procedure applies to complaints received in relation to an AusAID procurement exercise, including the conduct of the procurement process or its outcome. The process for dealing with disputes arising during the contract period is dealt with in the contract and AusAID's Contracts Charter and therefore is not covered below.

CPG requirement	AusAID
Agencies need to have fair, equitable and non-discriminatory complaint handling procedures.	The following process outlines the steps to be taken in the event of a dispute or complaint about an AusAID procurement process.
Agencies should in the first instance attempt to resolve a complaint internally.	<p>AusAID's complaints handling process reflects AusAID's desire to manage and resolve all complaints internally, where possible, through communication and conciliation with the supplier.</p> <p>In order to lodge a complaint about an element of the procurement process or its outcome, suppliers should initially raise the issue in writing with the contact person nominated in the tender documentation. This person, his or her supervisor/manager and the Director of the Section will attempt to resolve the issue.</p> <p>AusAID will respond to the supplier in writing outlining the issue that has been raised and AusAID's initial response. AusAID's correspondence will also include an assessment of the complaint and inform the supplier of its options, if it remains dissatisfied with the issue.</p> <p>Where a supplier remains dissatisfied, it may lodge a request in writing to the Assistant Director General of the Australian Partners Branch (ADG AUSP) if it wishes to escalate the issue. The issue will then be examined by AusAID's Independent Complaints Committee (ICC). The ICC comprises the ADG AUSP, a senior officer from the relevant program area (excluding the senior officer involved in the initial attempt to resolve the complaint, if relevant) and a Director from within AUSP (excluding the Director involved in the initial attempt to resolve the complaint, if relevant).</p>
Senior management and officials independent of the process should be involved as appropriate.	The ICC will have been, to this point 'arms length' from the complaint and the process or decision in dispute. The ICC may wish to examine any tender documentation or other correspondence from either party in relation to the matter. This will be done having regard to the commercial-in-confidence nature of the information.

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CPG requirement	AusAID
Complaints should be dealt with in writing	In all instances, complaints should be issued, and responded to, in writing, with reasonable notice – not less than ten days – provided for each party to respond to the correspondence.
Each party must have sufficient time to appropriately respond to developments (no less than ten days unless urgent).	
Agencies must ensure that the initiation of a complaint process does not prejudice a supplier's or a potential supplier's participation in future procurement processes.	All AusAID staff involved in the management of a complaint will ensure the process is applied ethically and professionally. To this end, tenderers or potential contractors who initiate a complaint will not be prejudiced with regard to their participation in any future AusAID procurement processes.
External options are available if independent review of a complaint is necessary.	<p>Suppliers may seek external review of a complaint where it has not been satisfactorily resolved through AusAID's internal mechanism.</p> <p>Complaints may be made to the Commonwealth Ombudsman (www.ombudsman.gov.au) or the Department of Finance and Administrations Purchasing Advisory Complaints Service (PACS) (http://www.finance.gov.au/ctc/pacs/purchasing%5Fadvisory%5Fand%5Fcompla.html)</p> <p>The Commonwealth Ombudsman has powers to investigate procurement complaints. The Ombudsman aims to resolve matters by negotiation and persuasion and may make recommendations to the senior levels of government in the context of continuous improvement to Commonwealth administrative processes.</p> <p>The PACS can assist and provide advice to suppliers through the provision of information relating to procurement policy. The person making a complaint will generally be referred back to AusAID as the agency that conducted the relevant procurement process.</p> <p>Neither PACS nor the Commonwealth Ombudsman are able to overturn AusAID's procurement decisions, nor specifically direct AusAID to vary it. However, their comments on the dispute may influence AusAID's response.</p>
If a matter has been referred to an external body for review, agencies may be required to provide all relevant documents to that body as required by law.	If a matter is referred to an external body for review, AusAID must provide all relevant documents to that body as required by law.

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Guidance for AusAID staff

This guidance should be read in conjunction with AusAID's published complaints procedure (available at www.ausaid.gov.au/publications/pdf/business/complaints.pdf)

The Commonwealth Procurement Guidelines (Revised in January 2005) state that "Agencies need to have fair, equitable and non-discriminatory complaint handling procedures..."

To this end, AusAID has published on its internet (under 'Doing Business with AusAID') a policy for suppliers to follow should they be dissatisfied with the processes and or outcome of an AusAID tender process.

AusAID officers should familiarise themselves with AusAID's stated policy and in the context of ensuring internal consistency, adhere to the following principles if they receive a complaint from a supplier.

Complaints and responses are to be made in writing

Suppliers must lodge their complaint in writing to the area with direct responsibility for the tender process. The correspondence should be addressed to the nominated contact person in the tender documentation.

A response to a complaint from a supplier should:

- Outline the issue that has been raised.
- What has been examined, including an assessment of the complaint.
- Inform the supplier of its options if it is dissatisfied with the response - the onus is on the supplier to escalate the issue within AusAID for internal independent review.

Be sure to keep a record of any conversations that take place during the review, as these may be required by the AusAID Independent Complaints Committee or by external bodies such as the Commonwealth Ombudsman or the Purchasing Advisory Complaints Service. They may also be especially important if the matter progresses to a court of law.

Each party is to be given reasonable notice to respond to written correspondence

Each party must be given at least 10 days to respond to a complaint unless urgent.

Suppliers have recourse to seek external review of a complaint

If a matter has been referred to an external body for review, AusAID must provide all relevant documents to that body, further highlighting the need for adequate and accurate record keeping during the complaints process period.

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External review is available through the Commonwealth Ombudsman www.ombudsman.gov.au or the Purchasing Advisory Complaints Service (PACS) <http://www.finance.gov.au/ctc/pacs/purchasing%5Fadvisory%5Fand%5Fcompla.html> .

Neither PACS nor the Commonwealth Ombudsman are able to overturn agencies' procurement decisions, but rather aim to improve the processes associated with agency procurement (in the case of PACS) and overall government administration (regarding the Commonwealth Ombudsman). However, their comments on the dispute may influence AusAID's response.

AusAID's Procurement Related Complaints Handling Process

For Latest News under 'Doing Business with AusAID' (Internet)

7 April – Procurement and Related Complaints Handling Process

AusAID's newly developed Complaints Handling Procedure is now available at www.ausaid.gov.au/publications/pdf/business/complaints.pdf. The procedure applies to complaints received in relation to an AusAID procurement exercise, including the conduct and outcome of a procurement process.

For Current Information Page (Intranet)

AusAID's Procurement and Related Complaints Handling Process

AusAID's newly developed Complaints Handling Process is now available on the AusAID internet at www.ausaid.gov.au/publications/pdf/business/complaints.pdf

The attached [Guidance for AusAID Staff](#) should be read in conjunction with the published Complaints Handling Process. AusAID staff should familiarise themselves with both the Complaints Handling Process and the Guidance to ensure internal consistency when dealing with procurement related complaints.

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