

Procurement Complaints Management Procedure

RELATED RULE OR POLICY:

[Procurement and Tendering Rule](#)

1. PURPOSE

This procedure outlines the processes for current and potential vendors and suppliers to make a complaint to the Institute about its procurement and tendering processes. It ensures that the complaint is handled in a fair and courteous manner by employees when receiving, responding to, and managing complaints.

2. SCOPE

This procedure applies to all complaints involving current and potential vendors and suppliers to the Institute and includes administrative issues or processes relating to our procurement and tendering processes including mismanagement, unreasonable decisions, inconsistent application of Holmesglen policy or procedure, and denial of procedure fairness.

3. PROCEDURE

Action		Accountability
3.1 Complaint Lodgement and Receipt		
3.1.1	<p>Make a complaint informally to the Procurement Manager or lodge formally in writing to: Complaints@holmesglen.edu.au or Complaints and Appeals Officer (Holmesglen Institute, PO BOX 42 Holmesglen VIC 3148).</p> <p>The complaint must be in writing and sets out:</p> <ul style="list-style-type: none"> ▪ the organisations' name and contact details ▪ the procurement or tender process that the complaint relates to ▪ the reason for the complaint outlining the specific issues involved ▪ how these issues affect the complainant's organisation ▪ any other relevant background information and ▪ the desired outcome. 	Complainant
3.1.2	Forward procurement and tendering processes related complaints received at complaints@holmesglen.edu.au to the Procurement Manager for initial review.	Complaints and Appeals Officer
3.1.3	Receive complaint from the complainant. Where a complaint is received directly by the Procurement Manager, inform the Complaints and Appeals Officer and have the complaint recorded on the Institute's Complaints Register.	Procurement Manager Complaints and Appeals Officer
3.1.4	Acknowledge the complaint within 5 working days indicating as a minimum: <ul style="list-style-type: none"> ▪ contact person ▪ processes that will be followed by the Institute ▪ approximate timeline to address the matter. 	Procurement Manager Internal Audit Manager

Action	Accountability
<p>Obtain additional information if required and attempt to resolve the concern or complaint as quickly as possible using informal processes and within 5 working days.</p> <p>Refer the complaint to the Internal Audit Manager, if the complaint cannot be resolved informally, to conduct investigation processes as per section 3.2 and advise the complainant of any extension of time required to consider and investigate the matter further.</p>	
3.2 Complaint Investigation	
<p>3.2.1 Investigate complaint and negotiate resolution with all involved parties. Investigation process may include but is not limited to:</p> <ul style="list-style-type: none"> (a) providing both the complainant and respondent/s (relevant employee or external person/s) with the opportunity to present their cases (b) examining relevant documentation and policy and procedures (c) seeking clarification from relevant parties on information received (d) seeking internal advice or advice from external agencies, including legal advice or otherwise as appropriate. <p>Note: The complaint investigation process should be completed within 20 working days of receipt of the complaint. If this is not possible, where the matter involves several respondents and/or the circumstances are complex, provide the Chief Financial Officer with updates on the process of the investigation, reasons for the delay, and the projected timeframe for resolution and advise the complainant and the Complaints and Appeals Officer.</p>	<p>Internal Audit Manager Chief Financial Officer</p>
<p>3.2.2 Monitor the investigation process and follow up with the Internal Audit Manager and the Procurement Manager if the investigation outcome is not provided within 8 working days of receipt of the complaint.</p>	<p>Internal Audit Manager Procurement Manager Complaints and Appeals Officer</p>
<p>3.2.3 Make findings of facts and recommendations for resolving complaints, in accordance with Holmesglen policies and procedures.</p> <p>Outcomes of the complaint investigation may be that the complaint:</p> <ul style="list-style-type: none"> ▪ is upheld or partly upheld. Recommendations for actions may also be made ▪ has not been substantiated, no recommendations for action are required. 	<p>Internal Audit Manager Chief Financial Officer</p>
3.3 Complaint Response following investigation	
<p>3.3.1 Write a response letter to inform the complainant the outcome of their complaint. The outcome letter must include the following information:</p> <ul style="list-style-type: none"> ▪ complaint and identified issues ▪ steps and process undertaken to investigate or resolve the complaint, including the review of relevant policies, 	<p>Internal Audit manager Chief Financial Officer</p>

Action		Accountability
	<p>procedures and laws</p> <ul style="list-style-type: none"> ▪ outcome of any investigation, including any recommendations for administrative action that Holmesglen will consider ▪ proposed resolution of the complaint and/or the remedies Holmesglen is offering ▪ reason(s) for the decision ▪ name and telephone number of the complaint investigator for the complainant to contact to discuss the outcome, and/or ▪ actions to be taken as a result of the investigation and ▪ avenue of appeal available to the complainant. <p>Note: The reasons for the outcome must provide enough detail for complainants and respondents to determine whether there are sufficient grounds for an appeal.</p>	
3.3.2	<p>Send the complainant the outcome letter and retain a copy on file for future reference.</p> <p>Forward a copy of the outcome letter to the Complaints and Appeals Officer.</p> <p>Notes:</p> <ul style="list-style-type: none"> ▪ A copy or summary of the outcome of the investigation and/or any proposal for resolution of the complaint may be provided to all parties involved in the process, including other officer(s) of Holmesglen that may need to take action as a result of the decision. ▪ Holmesglen may instruct the complainant or respondent that information arising from investigation of the complaint must remain confidential to them and their advocate and/or support persons and cannot be discussed with or distributed to others without permission from Holmesglen. 	Internal Audit Manager Procurement Manager
3.3.3	<p>Implement any actions to be taken as a result of the investigation and resolution process within nominated timeframe.</p>	Internal Audit Manager Chief Financial Officer Procurement Manager
3.4 Appeal and Review Processes		
3.4.1	<p>Notify the Victorian Government Purchasing Board within five (5) days, if the complainant advises that they are not satisfied with the outcome of the investigation.</p>	Internal Audit Manager Chief Financial Officer Procurement Manager
3.4.2	<p>a) Advise the complainant that they may refer the complaint to the Victorian Government Purchasing Board (VGPB) for review via email at vgbp@dtf.vic.gov.au or by letter addressed to:</p> <p>Victorian Government Purchasing Board Department of Treasury and Finance GPO Box 4379 Melbourne, 3001</p> <p>b) Information to be provided by the complainant to the VGPB</p>	Internal Audit Manager Chief Financial Officer Procurement Manager

Action		Accountability
	<p>when referring a complaint must include:</p> <ul style="list-style-type: none"> ▪ evidence that the Institute did not apply its procurement and tendering rule to the procurement activity ▪ evidence that the Institute did not apply its procurement complaints procedure correctly ▪ a copy of all relevant correspondence between the complainant and the Institute in relation to the complaint. 	
3.4.3	Review and accept recommendations relating to investigation of procurement or tendering complaints including authorisation of independent advice or investigation if determined that it is required.	Chief Financial Officer
3.4.4	<p>Facilitate the investigation of procurement or tendering complaints, and in consultation with the CFO, engage appropriate external resources to support any required investigations as relevant</p> <p>Ensure complaint and appeal records are securely kept</p>	Internal Audit Manager

4. DEFINITIONS

Term	Meaning
Appeal	Formal written request by a complainant to have a matter heard and/or re-considered after receiving an unfavourable decision.
Complaint	An expression of dissatisfaction that their rights, existing interests and/or reasonable expectations have been adversely and unjustifiably impacted because of an action, decision or omission within the control or responsibility of Holmesglen. Any circumstance related to Holmesglen operations, services, and decisions, or the conduct of its employees, its learners, or people associated with Holmesglen or using Holmesglen facilities may be the subject of a complaint.
Complainant	The party lodging a complaint.

5. CONTEXT AND/OR REFERENCED DOCUMENTS

Internal

[Procurement and Tendering Rule](#)

[Procurement and Tendering Procedure](#)

External

Financial Management Act 1994 (Vic)

Standing Directions under the Financial Management Act (Vic) 2018

Ministerial Directions and Instructions for Public Construction Procurement in Victoria

Victorian Government Purchasing Board Supply Policies

6. VERSION HISTORY

Version Number	Date	Summary of changes
1	August 2021	New procedure for procurement complaints processes which were previously included in the Procurement and Tendering Procedure.
2	September 2022	Re-assigned ownership (no change to verification date)