

Procurement complaints procedure



Tasmanian
Audit Office

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| Related policy | Procurement Policy |
| Next review date | 29 June 2026 |

1. Scope and objective

This procedure applies to all Office employees.

Procurement processes in the public sector must be robust and defensible. Complaint handling procedures must be fair, equitable and non-discriminatory.

[Treasurer's Instruction \(TI\) PF-5 Procurement Framework- Accountability and Reporting](#) requires all Agencies to establish a procurement complaints process.

This procedure reflects the requirements of *TI PF-5* and provides guidance in the management of procurement complaints received by the Tasmanian Audit Office (the Office).

2. Definitions and acronyms

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| AG | Auditor-General |
| AAG | Assistant Auditor-General |
| Business unit | <ul style="list-style-type: none">• Financial Audit Services (FAS)• Performance Audit Services (PAS) and• Corporate Support and Strategy (CSS). |
| Complainant | Tenderer or supplier making a complaint |
| Deputy | Deputy Auditor-General |
| EC | Executive Committee |

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| Employee | A person employed by the Office in any capacity, including contractors and consultants |
| Justice | Department of Justice |
| Procurement complaint | Complaint about the procurement process at an agency level |
| Procurement complaints officer | Person responsible for conducting and managing procurement complaints |
| TACMAN | Electronic document and records management system used by the Office |
| TAO | Tasmanian Audit Office (the Office) |
| TI | Treasurer's Instruction |

3. Procedure maker

Executive Committee.

4. Procedure

This procedure applies to complaints about a procurement process.

This procedure covers events that occur from the time that the request for tender or quotation is released until the time the contract is signed, irrespective of when the actual complaint is received. This procedure applies to a complaint that is made after a contract has been signed if the event that gave rise to the complaint occurred before that date.

This procedure does not apply to:

- A dispute between the Office and a contractor that arises after contract signature (this should be managed under the conditions of the contract and the dispute resolution process contained in the contract); or
- A complaint lodged by Office staff (this should be managed in accordance with the [Public Interest Disclosures Act 2002](#)).

This procedure is based on devolved management principles. A complaint should be handled at the lowest possible level, with issues that cannot be resolved being elevated to higher level management as necessary.

The existence of a complaint, does not, in itself, stop the Office from concluding the procurement process that is the subject of the complaint.

This procedure will be made available on the Office's external website and will be brought to the attention of procurement participants when requested.

Receiving complaints

Procurement complaints may be received verbally. However, it is preferable that complaints are submitted to the Office in writing.

Complainants should always be advised to put their complaints in writing to the Procurement Complaints Officer. However, any staff member may receive a complaint to pass onto the Procurement Complaints Officer.

If a verbal complaint is received and can quickly and effectively be dealt with verbally, the Procurement Complaints Officer should do so. When this occurs, a written record of the conversation must be made and appropriately filed in TACMAN. If the initial verbal response does not satisfy a complainant, the complainant should be asked to lodge a written complaint. The procedure for dealing with written complaints will then apply.

All complaints received should be saved in TACMAN and noted on the Tasmanian Audit Office's Procurement and General Complaints Register.

Investigation

The Office's Procurement Complaints Officer is as specified in the Office's Delegations, Appointments and Administrative Authorities. The Procurement Complaints Officer should not be someone involved in the procurement process.

Upon receipt of a complaint, the Procurement Complaints Officer must investigate the merits of the complaint. The Procurement Complaints Officer must not have had day-to-day involvement in the activity that led to the complaint.

The Procurement Complaints Officer should acknowledge receipt of a complaint in a timely manner, noting in the acknowledgement to the complainant that the Office's procurement complaint handling procedure is the same for all Office complaints.

Time requirement

The Office must respond to all complaints and related correspondence in a timely and impartial manner and free of charge to the complainant. The Office should provide a response to a complainant within 10 working days of receipt of a complaint.

A complainant must be given at least 10 working days to respond to any communication from the Office, unless the matter is urgent.

A supplier that lodges a complaint must not be discriminated against in any future procurement process.

Recording complaints

All procurement complaints must be recorded in the Tasmanian Audit Office's Procurement and General Complaints Register. The Procurement and General Complaints Register must include the following information:

1. the date the complaint was made
2. the complainant's details (e.g. business name, contact details)

3. a brief description of the complaint
4. action in progress (including dates action taken)
5. the outcome (including whether the complaint was resolved or whether it was referred to another body for further review)
6. the response time.

Reporting

The Office must provide a report of all complaints received during a financial year to the Department of Treasury and Finance within 30 days of the end of the financial year.

Any changes to the Office's Procurement Complaints Officer must be notified to the Department of Treasury when it occurs.

Department of Treasury and Finance

For procurement complaints that remain unresolved, a complainant can refer the matter to the Secretary of the Department of Treasury and Finance.

Ombudsman Tasmania

The Ombudsman is a public official who can investigate complaints about the administrative actions of Tasmanian public authorities. This includes complaints about tender processes or procurement generally. If a complainant is not satisfied with the Office's complaints process or the outcome of their complaint, the complainant should be provided with the Ombudsman's contact details and referred to the Ombudsman for further review.

The Ombudsman will only consider investigating a complaint if the agency has already been given the opportunity to resolve the complaint and the complainant is still dissatisfied. The Ombudsman will then make a decision as to whether or not to investigate a complaint in order to decide whether an agency's actions are wrong, unjust, unlawful or discriminatory. The Ombudsman has strong legislative powers to obtain documents and information to assist with investigations. While the Ombudsman has 'suggest' or 'recommend' remedies, it cannot direct an agency in its handling of an issue or overrule its decisions.

If the Ombudsman decides not to investigate a particular complaint, the complainant will be provided with reasons for this decision and the Ombudsman may be able to suggest other avenues for resolving the matter.

5. Supporting procedures/guidelines/related documents

[Audit Act 2008](#)

[Financial Management Act 2016](#)

[Treasurer's Instructions](#)

Procurement policy.

Responsibilities

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| Implementation | Director, CSS |
| Compliance | EC |
| Monitoring and evaluation | Director, CSS |
| Development and/or review | Director, CSS |
| Interpretation and advice | Director, CSS |

Procedure history

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| Procedure No. | SOP 8.0 T |
| Approved / Rescinded | Approved |
| Date | 1 October 2013 |
| Chief Operating Officer | Ric De Santi |

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| Date of Review | 5 October 2018 |
| Amendment Required | Yes – Minor amendment to reflect changes in titles. SEMG agreement to review again in five years (or earlier if required). |
| Name of Procedure Maker | Rod Whitehead |
| Title | Auditor-General |

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| Date of Review | 20 February 2024 |
| Amendment Required | Yes – Minor amendment to reflect changes in TI references, removal of references to Chief Operating Officer and outdated documents. |
| Name of Policy Maker | Debbie White |
| Title | Director, CSS |

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| Date of Review | 26 June 2024 |
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| Amendment Required | Yes – Minor amendment to reflect recommendations from procurement internal audit |
| Name of Policy Maker | Martin Thompson |
| Title | Auditor-General (Chair of EC) |