



## PURPOSE

This policy is to assist staff in managing communication processes and complaints, and should be read in conjunction with the State Procurement Board (SPB): Supplier Communication and Complaints Management Policy, available from: <http://www.spb.sa.gov.au/content/policies-guides>

## SCOPE

This policy applies to all procurement – construction, buildings, and goods and services – and applies to communication with suppliers during the *tender* period and contract management phase, including dealing with complaints.

## POLICY STATEMENT - COMMUNICATION

### 1 General

- 1.1 Suppliers and potential suppliers **must** be dealt with equally, fairly and in a non-discriminatory manner when information is provided to them. All suppliers must have access to the same information so there is no potential for, or perception of, bias.
- 1.2 All correspondence and communication **must** be recorded and saved in KNet against the relevant contract file.
- 1.3 Comprehensive pre-tender briefings may be used to ensure that potential tenderers are provided with the same information, and to address any enquiries/clarifications to ensure a sound understanding of the department's requirements. Briefings must be conducted in accordance with [PR355](#): Briefings.

## 2 Communication during the Tender Period

- 2.1 All communications and enquiries with potential tenderers **must** be managed by the nominated contact person(s) whose contact details are listed on the cover page of the tender documents. In most cases, this is the *Procurement Lead*.
- 2.2 Potential tenderers seeking additional information **must** have their request acknowledged via email, noting that any subsequent information will be shared with all tenderers.
- 2.3 Potential tenderers may seek a meeting with the nominated contact person prior to tender close to discuss the tender or proposed alternatives. These meetings are acceptable as they may assist tenderers in generating innovative approaches and prevent misunderstandings about the department's requirements. However, extreme care must be used in managing this process to maintain [probity](#).
- 2.4 All tender communication **must** be saved in KNet, including listing dates, types of requests and actions taken. This includes any verbal discussions, the content of which must be recorded in a follow-up email and saved in the project file. A communication register in the form of a table should be used to capture and track the information.
- 2.5 Evaluation panel members **must** notify the *Procurement Lead* of any contact with a tenderer.
- 2.6 Any clarifications that materially change anything in the tender documents require an amendment to be issued. Refer [PR357](#): Amendments to Tender documents.
- 2.7 Any amendments introducing significant changes to the requirement(s) or the terms of making the offer may require an extension to the closing time. In this case, all potential tenderers must be notified of the amended closing time, managed in accordance with [PR357](#): Amendments to Tender documents.
- 2.8 Potential tenderers may be required to provide a presentation or be involved in evaluation workshops or undergo a preliminary interview as part of the tender process. This requirement must be included in the *tender* documents. For guidance on conducting clarification & evaluation workshops see the [Supplier Workshops Guideline](#).

## 3 Debriefing Unsuccessful Tenderers

- 3.1 All unsuccessful tenderers **must** be offered the opportunity for a debriefing session. Debriefing provides a valuable opportunity for both parties to gain benefits from the process, in particular helping unsuccessful tenderers to improve their competitive performance.
- 3.2 Debriefing sessions **must** be conducted in accordance with [PR369](#): Guidelines for Debriefing Unsuccessful Tenderers.

## 4 COMMUNICATION – During the Contract Term

- 4.1 The *contract manager* **must** communicate with the supplier when appropriate during the contract term. This communication may involve arranging or following up delivery of goods, or more complex management of outcomes. The *contract manager* may contact the supplier to discuss variations, claims, complaints, terminations, amendments and reviews of Key Performance Indicators. Communication during this time is governed by the Department's Contract Management Policies [PR400-PR499](#).
- 4.2 All communication with the supplier during the contract term **must** be documented and stored as per [PR461](#): Correspondence and Document Control.

## POLICY STATEMENT - COMPLAINTS

### 5 COMPLAINTS MANAGEMENT - General

- 5.1 Complaints may be received from the supplier or unsuccessful tenderers at any time during the tendering, contracting and contract management phase. These must be addressed by the *Procurement Lead* or *contract manager* (as appropriate) in the first instance. The SPB [Supplier Communication and Complaints Management Policy](#) outlines the principles to be followed in preventing and managing complaints.
- 5.2 Prior to the Supplier Formal Complaint Resolution Process being implemented, the investigating officer (see above 7.1) must consider the following:
- If a *tenderer* indicates that they have a complaint, it should be addressed at the debriefing if possible.
  - The investigating officer must endeavour to resolve the issue as quickly as possible; the longer it remains unresolved the more likely it is to become a major issue from the complainant's perspective.
- 5.3 If the matter relates to an alleged irregularity in the procurement process or an alleged breach of the Public Sector [Code of Ethics](#), the matter may be referred to the Manager, Risk & Assurance for investigation.
- 5.4 If the complaint relates to a criminal matter, it must be referred immediately to the South Australia Police.
- 5.5 If the issue cannot be resolved by the *Procurement Lead* through the provision of feedback, the Supplier Formal Complaint Resolution Process must be followed (refer section 8 below and flowchart at [Appendix 1](#)).

### 6 COMPLAINTS MANAGEMENT – Supplier Formal Complaint Resolution Process

- 6.1 The supplier must be asked to put the complaint in writing and forward it to the Supplier Complaints Officer which is the Manager, Procurement Governance & Policy, at [DPTI.TenderSupplierComplaints@sa.gov.au](mailto:DPTI.TenderSupplierComplaints@sa.gov.au).
- 6.2 All formal complaints must be entered into [PR119-1](#): Supplier Complaints Register when the complaint is received. The entry must be updated during

the complaint and after resolution by the officer responsible for the management of the complaint at that stage. The contents of this register will be reported to the Director, Financial and Procurement Services on a quarterly basis.

6.3 The Supplier Complaints Officer **must**:

- acknowledge receipt of the complaint in writing to the supplier including the name of the investigating officer, the proposed action and timeframes;
- keep the supplier regularly informed of the progress; and
- investigate the matter and prepare a recommendation and written response to the supplier or refer the matter to the Director, Financial and Procurement Services for a determination.

6.4 The complainant **must** be advised of the outcome in writing, and be provided with an opportunity to discuss the outcome of the complaint with the investigating officer.

6.5 Where the complainant is still not satisfied with the outcome, the Director, Financial and Procurement Services, may engage an independent adviser (which may include an independent arbitrator) to seek resolution. In this case, the supplier **must** be advised of the outcome in writing, and provided with an opportunity to discuss the outcome with the Director, Financial and Procurement Services or other nominated manager.

6.6 The investigating officer may seek assistance from an appropriate and independent officer, which may be:

- a Probity Auditor;
- Manager, Risk & Assurance; or
- an Executive Director.

6.7 For goods and services matters, if a supplier is dissatisfied with the determination, they may lodge their complaint in writing to the Presiding Member of the SPB. The Board will only accept complaints where all attempts to resolve the complaint have first been made by the department.

## DEFINITIONS

All definitions not specific to this policy are available in the Procurement Governance & Policy [Glossary of Terms](#). Defined terms are in *italics*.

Clarification Workshops - workshops held with tenderers on complex, high value projects following the calling of tenders but prior to close of tenders. These can assist with the identification of project constraints, ensure that tenderers are working on technical solutions that will meet the department's requirements and be interpreted the same way by all tenderers, and ensure that the specification adequately reflects the department's requirements whilst also being logical and practical.

## REFERENCES AND RELATED DOCUMENTS

### [SPB Supplier Communication and Complaints Management Policy](#)

PR119-1 Supplier Complaints Register

PR355 Briefings

PR356 Enquiries Prior to Closing of Tenders

PR357 Amendments to Tender documents

PR358 Guidelines for Evaluation workshops and Interviews

PR359 Guidelines for Conducting Clarification Workshops

PR369 Guidelines for Debriefing Unsuccessful Tenderers

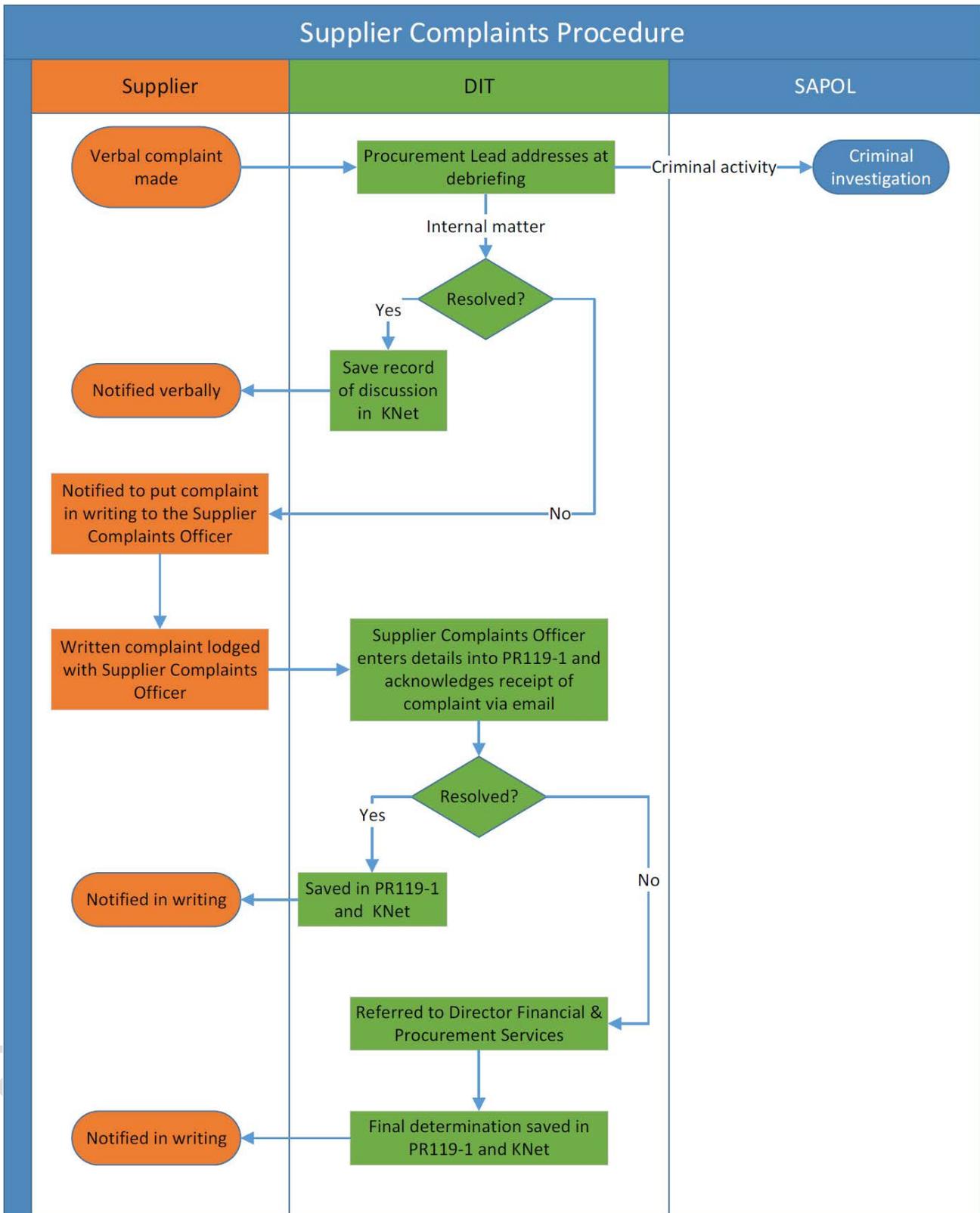
PR461 Correspondence and Document Control

## DOCUMENT APPROVAL

Approval Date:	18 March 2020
Review Date:	18 March 2023
Policy Contact Officer:	Team Leader Policy
Policy Custodian:	Manager Procurement Governance & Policy
Division:	Finance & Procurement
Policy Owner:	Chief Executive

# Appendix 1

## Supplier Complaint Resolution Process



\*See Section 8 for escalation process post final determination

PR119 – Supplier Communications and Complaints

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