Goods and Services Procurement Complaints Procedure

April 2023

# Introduction

MTIA is committed to conducting fair, efficient, and effective goods and services procurement activities. We value your feedback about our performance as it helps us to stay connected with suppliers and industry. We acknowledge your right to complain and to receive a timely and appropriate response to your concerns.

This Procurement Complaints Procedure sets out the key steps that occur when you make a complaint, who performs each step, and when each step occurs. It encourages complaints to be resolved efficiently and provides options for concerns to be escalated if you are not satisfied with the initial response.

Please ensure that you follow the process in section 3 if you need to make a complaint.

# Link to policy

This procedure forms part of the MTIA Complaints Policy. The policy is based on *AS/NZS 10002: 2014 Guidelines for complaint management in organisation*s This procedure also references the [*VGPB Procurement Governance Policy Section 4: Complaints management: Managing complaints from suppliers*](https://www.buyingfor.vic.gov.au/governance-goods-and-services-policy#4-complaints-management)*.*

# Procurement Complaint Procedure

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| **Acknowledgment, registration, and early resolution** | |
| You may make a complaint related to a goods and services procurement by submitting the following details of your complaint on the [MTIA Procurement complaint form](https://bigbuild.vic.gov.au/contact/feedback-and-complaints/procurement-complaint-form) on the Big Build website:   * Your contact details and the organisation you represent; * Request for Quote/Tender reference number (if applicable); * When asked to select the relevant Project Office, please ensure you select the Chief Procurement Office option; * Details of the complaint; * How you or your organisation’s interests have been affected; * Any relevant background information or attachments; and * Your desired outcome.   Complaints should be referred to the Chief Procurement Officer.  Within **one business day** of receipt of the complaint MTIA will:   * Provide a written acknowledgment of the complaint. * Record the complaint on the Complaints Register. | |
| **Investigation** | |
| MTIA will appoint an independent person to investigate the complaint, which will be completed in consultation with the relevant MTIA Office managing the procurement. A final response to the complaint will be provided within **7 business days** of receipt, when reasonably practicable. If we need longer, we will advise you of the expected timeframe and the need for a longer response time. This may occur if the investigation involves input from external parties or it is a complex matter to investigate.  The response will seek confirmation of your acceptance of the resolution of the complaint. Where this confirmation is received, the complaint file will be closed. If you are not satisfied with the response provided, you may escalate the complaint for further consideration as outlined below. Where you seek to escalate the complaint, you need to notify MTIA of this and advise which escalation path you seek to use and what aspect of the response/resolution of the complaint you are dissatisfied with. | |
| **Internal Escalation** | |
| Following receipt of the response to an initial complaint, you may request an internal escalation. Where an internal escalation is requested, the complaint is referred to the MTIA Chief Procurement Officer (CPO) for investigation (except for where the complaint relates to a procurement under the control of the CPO, in which case the escalation will be referred to the General Counsel).  MTIA will provide a final response to escalated complaints within **20 business days** of receipt, when reasonably possible. If we need longer, we will advise you of the expected timeframe and need for a longer response time. This may occur if the investigation involves input from external parties or it is a complex matter to investigate.  If you are not satisfied with the response provided, you may escalate the complaint externally as detailed below. | |
| **External Escalation** | |
| If you are dissatisfied with the response provided by MTIA, you must notify MTIA and you may choose to escalate your complaint further through choosing one of the following escalation pathways. | |
| **Victorian Government Purchasing Board (VGPB)** | **Victorian Ombudsman (VO)** |
| You may choose to refer your complaint to the VGPB for if you are dissatisfied with the response provided by MTIA. You must submit the complaint in writing to the VGPB within **ten business days** of the receipt of the outcome / findings from MTIA and notify MTIA that this has occurred.  The VGPB reviews and investigates procurement complaints, in accordance with the complaints management process outlined in their Governance Policy.  Refer to the Complaints Management process on the [Buying for Victoria](https://www.buyingfor.vic.gov.au/governance-goods-and-services-policy#4-complaints-management) website for further details, including guidance on the information required to include with your correspondence to the VGPB.  The VGPB is independent from MTIA. | You may choose to refer your complaint to the VO if you are dissatisfied with the response provided by MTIA.  The VO investigates complaints about Victorian Government Departments and Agencies as well as Local Government.  Refer to the [VO website](https://www.ombudsman.vic.gov.au/complaints/) for further details.  The VO is independent from MTIA. |

# Fairness and objectivity

This procedure has been designed to be fair to all parties and ensures that complaints are dealt with objectively and without bias. The process provides for complaints to be dealt with in a timely and transparent manner.

# If you suspect fraud or corruption

MTIA has fraud prevention policies, procedures, and controls in place to minimise the possibility of the occurrence of fraud and corruption. However, it is recognised that the best method of detecting fraud or corruption is through observation and reporting by its people, contractors, suppliers, and members of the public.

If your complaint relates to suspected fraud or corruption, you can make a report via the MTIA Integrity Hotline, an independent and confidential reporting service - see below on how to access the hotline:

Visit MTIA Integrity Hotline - https://majortransportintegrityhotline.stoplinereport.com - an independent and confidential reporting service.

Call 1300 30 45 50

Email mtia@stopline.com.au

Learn more about the protections available by visiting  https://bigbuild.vic.gov.au/contact/feedback-and-complaints/public-interest-disclosures

Alternatively, you can report fraud or corruption concerns directly to the Victorian [Independent Broad-based Anti-Corruption Commission (IBAC)](https://www.ibac.vic.gov.au/reporting-corruption/report/complaints-form).