



SCCB Contract - Complaint handling procedure

When a complaint is received from a business about an agency tender, the State Contracts

Control Board chairperson will:

- provide a prompt response to the business, with a clear timetable,
- confirm by fax all phone communication between the parties,
- regularly inform the business of progress, and
- inform all parties about the investigation process to ensure that issues are clearly identified and efficiently resolved.

When the chairperson has investigated the complaint and informed the business of the outcome, the matter will be closed unless significant, additional and relevant information is provided.

Procedure for identifying issues

The chairperson will:

- send a fax to the business, with a copy of this procedure,
- phone the business and if not already provided, request
 - if the business agrees to be identified when the matter is raised with the agency
 - the name of the agency
 - the contract or tender number
 - a description of the project or products being tendered
 - the approximate value of the tender
 - the tendering timetable, including when tenders were invited, the closing date for tenders, and if applicable, the date the contract was awarded or orders placed, and
- if the business agrees to be identified, inform the business that the written complaint and the above details will be faxed to the agency.

Descriptions of complaints

- An incorrect application of the preference margin
- Bias of specifications towards or against products of a particular business
- Specified quantities and delivery schedules
- Unfair settlement and payment schedules
- Other factors that discriminate against local suppliers or contractors, preventing businesses from submitting tenders

Requesting a response from the agency

The chairperson will call the agency's senior manager for procurement and:

- advise that a complaint has been received,
- request the agency's fax number, and



- request a response in an agreed and reasonable time.

If no response has been received at the end of this time, the chairperson will call the agency again.

The chairperson will also inform the business of progress and the agreed time for a response from the agency.

Informing the business of the agency's response

When a response has been received from the agency, the chairperson will send the business a covering letter and a copy of the agency's response.

Further assistance

The chairperson can also assist in resolving the complaint by:

- requesting the agency change specifications to remove bias, and call for new tenders,
- requesting tenders be re-evaluated,
- writing to the responsible Minister about any possible breach of purchasing policy,
- requesting a meeting with the agency to resolve policy differences,
- organising a meeting between the business and the agency to inform the parties on the tender and tender evaluation process, and
- encouraging the agency to discuss with the business the reasons for not winning the contract.

Complaints about awarded contracts

If a contract has been awarded and the chairperson considers that any business has been treated unfairly in the tender process, the chairperson can make an appropriate recommendation to the agency.

Ombudsman & Independent Commission Against Corruption

If the business considers any arrangements unsatisfactory the chairperson will suggest that the business raise the complaint with the Ombudsman, or if there is possible corrupt conduct by a public servant, with the Independent Commission Against Corruption.

Contact Us:

For further information, contact the NSW Procurement Client Support Centre on:

P: 1800 NSW BUY (1800 679 289)

E: nswbuy@commerce.nsw.gov.au