

COMPLAINTS MANAGEMENT PROCEDURE (PROCUREMENT AND GRANTS FRAMEWORK)

PRO13
2021
VERSION: 1.0

PURPOSE

To provide an effective complaints management mechanism for the procurement and grants process and a platform for obtaining feedback from relevant interested parties with the purpose of resolving disputes and reforming internal controls.

APPLICATION

ALL individuals involved in Secretariat's procurement and grant process.

PROCEDURE

The Secretariat is committed to effective complaints management by managing complaints in an accountable, transparent, timely and fair manner. The Secretariat recognises that effective complaints management is integral part of the procurement and grants process and encourages a people-focused and proactive approach to complaints management.

POLICY

P010 – Procurement Policy
P011 – Grant Policy

REGISTER

R09 – PGF
Complaints Register

RESPONSIBILITY

Director Operations shall be responsible for the implementation of the policy.

1 Essential Requirements

- 1.1 There are four essential requirements that must be met by the party who wishes to make a procurement or grant related complaint. These are:
 - (a) *Who can complain?* The party seeking to make the complaint must be eligible to make the complaint. Only an 'interested party' is eligible to make the procurement or grant related complaint.
 - (b) *In what circumstances?* The circumstances giving rise to the complaint must be relevant to the procurement or grant. The Procurement and Grant policies describe the relevant circumstances that may give rise to procurement and grant related complaints.
 - (c) *When to make the complaint?* Procurement-related or Grant-related complaints must be made in a timely manner see 3. below.
 - (d) *What information must be included?* The procurement or grant related complaint must contain all the required information (content). This must be provided at the time of making this type of complaint.

2 Complainant Eligibility

- 2.1 Only an 'interested party' may make a procurement or grant related complaint.
- 2.2 An 'interested party' means either:
 - (a) a potential participant in a procurement or grant opportunity, or
 - (b) an actual participant.
- 2.3 Whether an interested party is a potential or actual participant will depend on the stage that the procurement or grant process has reached when the procurement-related or grant related complaint arises and what action, if any, the interested party has taken.
- 2.4 A 'non-interested party' may make a procurement or grant related complaint under the Whistleblowing Policy.



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2.5 A 'non-interested party' means an individual not involved in a procurement or grant opportunity.

3 Timeframes

- 3.1 Procurement and grant related complaints must be submitted, investigated and resolved in a timely manner.
- 3.2 A complaint must be received within 5 working days of the incident.
- 3.3 Dependent on the circumstances giving rise to the type of complaint the timeframe to resolve the complaint shall be determined by the Secretariat and complainant advised accordingly.

4 Submission and Resolution of Complaints

- 4.1 Any complaints regarding the Secretariat's procurement and grant can be directed to the following email: Tender.Complaints@forumsec.org. This email address forwards the complaint to the Procurement Team, Director Operations and the Secretariat's Internal Auditor which is independent and removed from the tender process.
- 4.2 The complainant must provide the following information:
 - (a) full contact details
 - (b) details of the relevant procurement or grant opportunity
 - (c) reasons for the complaint, including how the alleged behavior negatively impacted the bidder
 - (d) copies of the documents supporting grounds for the complaint
 - (e) the relief that is sought.
- 4.3 The Secretariat would endeavor to acknowledge the complaint within five working days to inform the complainant that the Secretariat will undertake the necessary actions to review the complaint, which will include investigating the complaint within a reasonable timeframe.
- 4.4 If a complaint is raised by a bidder, in the first instance the Director Operations will revert to the relevant Evaluation Committee for the tender will attempt to resolve the complaint through an investigative process. If resolution through this process is not possible, the Evaluation Committee or the bidder may escalate the complaint to the Secretary General to resolve in consultation with the Audit and Risk Sub Committee.
- 4.5 In any other case, the case is raised by a 'non-interested party' shall in the first instance the Director Operations will review and establish the basis of the complaint and determine the best way to resolve the complaint. Director Operations may seek advice from the Procurement or Legal Team. If resolution through this process is not possible, the Director Operations or the bidder may escalate the complaint to the Secretary General to resolve in consultation with the Audit and Risk Sub Committee
- 4.6 Options for relief may include establishing a new Evaluation Committee to re-evaluate the tenders, recommencing the tender process, or allowing additional time for submissions.
- 4.7 If the complaint is established, the Secretariat will consider the appropriate grounds for relief and advise the bidder in writing accordingly. If the investigation finds that the complaint has no merit, the Secretariat will advise the bidder in writing of the reasons and close the complaint.

5 SPECIFIC DIRECTIVES

- 5.1 Notwithstanding any clause in this procedure, the Secretary General at any time may at their discretion where the procedure is silent or ambiguous make a judgment call, provided that the minimum requirements and standards in the policy are met.
- 5.2 Notwithstanding any clause in this procedure, the Secretary General at any time may at their discretion deviate from this procedure should the circumstances deem necessary, provided that the minimum standards in the policy are met.
- 5.3 A staff member who is delegated authority under the Delegation Policy 2021 will be able to exercise powers within the scope granted.

DEFINITIONS

This section is used to describe the meaning of a word, phrase, acronym or other set of symbols that is being used in the context of this procedure and in conjunction with other related governance instruments.

Bid means a quotation or tender submitted by a bidder.

Bidder is individual or entity making a bid under the procurement and grant framework.

Complaint means an expression of dissatisfaction, issue or concern expressed by relevant interested party in relation to the procurement or grant process.

Complainant means a person that files a complaint with the Secretariat.

REVIEW

This procedure shall be reviewed periodically after the effective date.

HISTORY

Approved:	12 th November 2021
Effective:	12 th November 2021
Authorisation:	Acting Secretary General – Dr. Filimon M Manoni

RELATED DOCUMENTS

Secretariat's Code of Conduct and Values 2018
Delegations Policy 2021
Engagement Policy 2021
Evaluation Policy 2021
Enterprise Risk Management Policy 2021
Personal Information Protection Policy
Sub-Delegations Policy and Procedures 2014

REPEALS

Procurement and Tendering Policy and Procedure 2014 PTG-01-14
Grants Policy and Procedure 2014 PTG-02-14