



6.0 Equipment, Supplies, and Purchasing: Purchasing

6.1. Purchasing

6.1.1P Fair Business Policy

6.1.1.2PR Vendor Complaint Review Procedure

1.0 PURPOSE

The purpose of the Vendor Complaint Review Procedure (VCRP) is to provide proponents access to a consistent, fair and timely process to deal with vendor complaints concerning VIHA's procurement processes. The purpose is also to help identify issues with VIHA procurement processes and to make ongoing improvements to those processes.

2.0 GENERAL

- 2.1 All departments with delegated purchasing or procurement responsibility shall follow VIHA's Vendor Complaint Review Procedure. This includes but is not limited to Purchasing, Contact Management, Facilities Maintenance Operations, Pharmacy, Business Development and Capital and Construction Planning within VIHA.
- 2.2 All vendor complaints issued under the VCRP shall be directed to the Director of Materiel Management. The Director of Materiel Management shall be responsible for investigating each case, and making a recommendation for appropriate action.
- 2.3 The Director of Internal Audit shall be the designated representative within the VIHA to hear formal complaints filed under the *Agreement on Internal Trade (AIT)* or directly with issues brought to VIHA's attention by the Government of British Columbia.
- 2.4 VIHA and the vendor are required to provide full access to all information pertinent to complaints. All information under the VCRP is subject to the access

and privacy provisions of the *Freedom of Information and Protection of Privacy Act*.

2.5 The Vendor Complaint Review Procedure is limited to issues of VIHA procurement policy and procedures.

2.6 No compensation will be awarded to a complainant under the VCRP.

3.0 RESPONSIBILITIES OF THE PARTIES

3.1 All VIHA departments are expected to act in a manner consistent with the approved, published Corporate Procurement Policies and Procedures.

3.2 Departments with delegated procurement responsibilities are to manage an accessible and fair process for responding to initial vendor complaints and to ensure that all vendors are appropriately debriefed following a procurement process.

3.3 Procurement departments and other VIHA contracted authorities shall make all reasonable efforts to review vendor complaints. Departments will support and facilitate the Vendor Complaint Review Procedure (VCRP) and provide any relevant information to the Director of Materiel Management.

3.4 Vendors shall make reasonable efforts to resolve complaints directly with the responsible procurement department. Including requesting and participating in vendor debriefing sessions at contract award.

3.5 Vendors are encouraged to bring forward their complaints and suggestions within the Vendor Complaint Review Procedure along with all pertinent and required information related to the complaint.

4.0 PROCEDURE FOR REGISTERING A FORMAL COMPLAINT UNDER THE VENDOR COMPLAINT REVIEW PROCEDURE (VCRP)

- 4.1 The complainant vendor must submit their formal complaint in writing using either the on-line complaint registration form or by correspondence addressed to the following:

Vancouver Island Health Authority
Director – Materiel Management
Vendor Complaint Review
63 Gorge Road East
Victoria, BC V9A 1L2
Phone: (250) 519-5372
Fax: (250) 382-0721

Complainants must provide full contact information and indicate clearly the nature of the complaint (action in response to issues raised, names, dates, contracts information and positions taken, etc.). Complainants must attach any relevant documents; indicate any actions they have taken and the outcomes that they are seeking. Vendor complaints must be signed and dated if supplied by fax or hardcopy.

- 4.2 Complaints concerning a competitive process or a pending or awarded contract may be submitted at any time during the competitive process and up to 30 days after they have received communications from the procurement agent as to the outcome of the competition.
- 4.3 The Director of Materiel Management will acknowledge receipt of complaint within 7 days and undertake such steps as are necessary to complete the Vendor Complaint Review process within thirty (30) days of receipt of the necessary information. When unable to respond to a complainant within thirty (30) business days the Director of Materiel Management will advise the vendor in writing of the delay and will advise them when they may expect a response.
- 4.4 As required, the Director of Materiel Management may request a meeting with the vendor, or the vendor and the procuring department.
- 4.5 VIHA in considering the merits of a complaint may dismiss a complaint on the grounds that:
- The complainant does not have sufficient interest in the subject matter of the complaint; or,

- The complainant's intent is to delay the procurement process, or the award of contracts due to matters unrelated to the procurement at hand; or,
- The complaint is not substantiated; or,
- The complainant has initiated actions leading to another review process, tribunal or has instituted formal legal proceedings.

Upon conclusion of the review the Director of Materiel Management will inform the complainant of the results of the review in writing.

4.6 If the complaint has not been dismissed pursuant to the above section (4.5) then the Chief Financial Officer will determine whether or not there has been a breach of policy or procedure. The Chief Financial Officer may consider:

- The seriousness of any deficiency found in the procurement process.
- Whether the parties acted in good faith.

4.7 If it is determined that there has not been a serious breach of policy or procedure or unfair treatment, the complainant will be denied and the complainant will be informed by the CFO in writing stating of the reason for the denial.

4.8 If it is determined that the complaint has merit, possible alternative outcomes may include:

- Acknowledgement of the validity of the complaint and a renewed commitment to policy and procedure;
- Additional training and education for staff regarding procurement competencies;
- Recommendation for a review of Spending and Signing Authorities and changes as appropriate;
- Changes in VIHA procurement procedure;
- Enhanced communication or interpretation of policy up to and including policy changes;
- Recommendation for cancellation or amendment of the competition where a serious flaw has been identified.

Upon the conclusion of the review the Director of Materiel Management will inform the complainant of the corrective action to be taken.

4.9 Documentation will be retained by the Director of Materiel Management, as required, to demonstrate responsiveness to the vendor and compliance with VIHA policies.

5.0 DEFINITIONS

- 5.1 Procurement means those processes, including direct awards without competitive bidding, that relate to the purchase of supplies, equipment, services and construction. A complaint may be made with respect to any type of procurement.
- 5.2 Informal Complaint means an objection submitted by a complainant, either written or verbal regarding a competition, contract award or proposed contract award for goods, services or construction that is being dealt with at the departmental level, prior to escalation to formal status.
- 5.3 Formal Complaint is an objection submitted by a complainant in writing on the Vendor Complaint Review Form (Appendix 1), or in a format that provides all of the information requested in the form to the designated VIHA contact.

REFERENCES

Vendor Complaint Review Process - Ministry of Health Planning and Ministry of Health Services Procurement

Review Process for Vendor Complaints, Fraser Health Authority, January 21, 2004

Vendor Complaint Review Process, Provincial Health Services Authority, April 1, 2005

Proponent Complaint Resolution Process, Interior Health Authority, June 2005

Agreement on Internal Trade, Government of Canada, Annex 502.4, Article M - Dispute Resolution

Name: _____

Title: _____

Company/Organization Name: _____

Address: _____

City: _____ Postal Code: _____

Business Phone: (____) _____ Alternate Phone: _____

Fax Number: _____ E-Mail Address: _____

COMPETITION OR CONTRACT NUMBER:

In the space below please provide the following information (attach additional information as necessary).

1. Description of the Complaint.
2. Background leading to the complaint (initial actions and VIHA response, relevant dates, and the actions of parties).
3. Who have you dealt with to date regarding the complaint? (*names, titles, phone numbers*)
4. Describe any other action you have taken.
5. Describe the outcome you seek?
6. Sign and date the form to initiate the formal complaint as per the VCRP policy.

Signature: _____ **Date:** _____