



Supplier complaints in procurement Procedure

1. Purpose

This procedure provides guidance to all Department for Child Protection (DCP) staff associated with a procurement activity as to the management of supplier complaints received during the procurement cycle. This procedure ensures that DCP has effective systems, practices and processes in place to manage supplier complaints at any stage of the procurement cycle.

2. Scope

The scope of this procedure is limited to complaints raised by a respondent regarding a DCP managed procurement process. It is mandatory for all DCP staff.

Complaints relating to an executed agreement are not within the scope of this procedure and will be managed in accordance with the [Contract Management Framework](#).

Complaints received by a local office of DCP Complaints and Feedback Management Unit will be managed in accordance with the [Complaints and Feedback Management Policy](#) and [Complaints and Feedback Management Procedure](#) in the first instance.

3. Authority

3.1 Legislative context

- [Treasurer's Instructions 8, 11 and 18](#), issued by the Treasurer under the authority of section 41 of the *Public Finance & Audit Act 1987*
- [Independent Commissioner Against Corruption Act 2012](#).

3.2 Whole of Government requirements

[Premier and Cabinet Circulars](#), section 39 – Complaint Management in the South Australian Public Sector.

3.3 DCP requirements

- [Complaints and Feedback Management Policy](#)
- [Complaints and Feedback Management Procedure](#)
- [Procurement Governance Framework](#)
- [Procurement Governance Policy](#)
- [Managing risk in procurement Procedure](#)
- [Contract Management Framework](#).



3.4 Principles

The safety of children and young people is the paramount consideration.

Sound supplier practices will be encouraged and followed in all aspects of procurement and an open and transparent approach to the handling of supplier complaints will be adopted at all times.

4. Procedure requirements

4.1 Complaint requirements

To be considered as a formal complaint within the scope of this procedure, the complaint must:

- be provided in writing (includes email) to the nominated contact person within the applicable tender document (or to the nominated contact person where no tender documents were issued)
- include the following information (at a minimum):
 - background information identifying the relevant procurement process and relevant dates
 - summary of the concern or complaint
 - outline of any prior dealings with DCP
 - contact details for the complainant (including name, address, email and phone number).
- If the matter is not resolved, then notification to the nominated complaints officer within the applicable tender document, in writing setting out the details of the complaint.

4.2 Referral of specific complaints

4.2.1 Complaints alleging criminal behaviour

Any formal complaint received associated with a procurement process managed by DCP which alleges criminal conduct must be referred to the South Australian Police for investigation.

4.2.2 Complaints alleging corruption, misconduct or maladministration

Any formal complaint received associated with a procurement process managed by DCP which alleges public officer corruption, must be referred to the Office for Public Integrity (OPI) in accordance with the [Independent Commissioner Against Corruption Act 2012](#). Public officers are encouraged to report to the OPI or Ombudsman SA matters that are reasonably suspected to involve serious misconduct or maladministration in public administration.

4.2.3 Complaints relating to the South Australian Industry Participation Policy

Any formal complaint received associated with a procurement process managed by DCP which relates to the [South Australian Industry Participation Policy](#) must be referred to the Office of the Industry Advocate.

4.2.4 Complaints alleging breaches of free trade

Any formal complaint received associated with a procurement process managed by DCP which relates to an alleged breach of free trade and government procurement agreements (International Obligations) must be referred to Procurement Services SA within the Department for Treasury and Finance (DTF).



4.3 Management of all other complaints

All complaints received associated with the management of a procurement process within DCP which are not referred in accordance with section 4.2 “Referral of specific complaints” must be managed in accordance with this section (4.3 Management of all other complaints):

4.3.1 Assigning a complaints officer

A complaints officer will be nominated within any issued market approach documents for an individual procurement process. Where no market documentation is issued, the DCP Complaints and Feedback Management Unit, Chief Financial Officer or Manager Procurement and Contracting will fill the role of complaints officer.

The assigned complaints officer will be a sufficiently senior position with no direct involvement in the specific procurement being undertaken.

4.3.2 Assessing severity of complaint

All received complaints will be assessed according to the following severity scale. The risk profile of the complaint should also be considered in assessing the level of the complaint.

Level	Title	Description
1	Transactional	Able to be handled and resolved by local business unit. Procurement process is of low value (<\$55,000)
2	Minor	Procurement process is of moderate value (>\$55,000 <\$550,000). To be considered by Manager, Procurement and Contracting (where this role has been involved in managing the procurement, strategy will progress to Level 3), with involvement from business unit subject matter expert in accordance with Internal review processes outlined in section 4.3.4 Internal review process. Progression of complaint unable to be resolved at Level 1.
3	Moderate	Procurement process is of moderate value (>\$55,000 <\$550,000). To be considered by complaints officer, with involvement from Chief Financial Officer, Manager Procurement and Contracting and Business Unit Director as required in accordance with Internal Review processes outlined in section 4.3.4 Internal review process. Progression of complaint unable to be resolved at Level 2.
4	Major	Procurement process is of high value (>\$550,000). To be considered by complaints officer, with involvement from Chief Financial Officer, Manager Procurement and Contracting and Business Unit Director as required in accordance with Internal Review processes outlined in section 4.3.4 Internal review process. Complaint may be referred to relevant senior executive member, another government agency or the DTF Procurement Review Committee for review. Progression of complaint unable to be resolved at Level 3.
5	Extreme	Procurement process is of high value (>\$550,000) and progression of complaint unable to be resolved at Level 4. To be considered by an external expert, independent of DCP in accordance with External Review processes outlined in section 4.3.5 External review process. This



		may include referral to the DTF Procurement Review Committee prior to the engagement of an external body.
6	Unresolved	Where a complaint cannot be resolved, it may be referred to the Ombudsman for investigation.

4.3.3 Complainant communication

The complaints officer will maintain openness and transparency by regularly communicating with the complainant in writing throughout the complaint management process. All responses to supplier complaints must be in writing, a record of all correspondence will be saved by the Procurement officer in the relevant procurement folder.

4.3.4 Internal review process

An internal review must be undertaken by a suitably senior officer within DCP in accordance with the nominated severity level. The nominated person to undertake the internal review will have had no direct involvement with the procurement process.

The reviewer will be appointed within seven working days of the complaint receipt and appointment of the review will be confirmed to the complainant in writing.

This internal review will assess the supplier complaint and procurement activity undertaken in accordance with DCP and DTF procurement policies and guidelines to ensure a fair and transparent process was undertaken.

Following completion of the internal review, the officer responsible for the review will provide a written response to the supplier advising of the outcome of the review with reference to the particulars of their complaint.

Where the complaint cannot be resolved internally, a referral to an external review process may be made.

4.3.5 External review process

Where the complaint relates to an executed agreement, the dispute resolution process outlined within the [Contract Management Framework](#) shall be followed in the first instance, inclusive of any Dispute Resolution clauses within the executed agreement. DCP Legal Services may be engaged to seek advice from the Crown Solicitor's Office as required.

Where an internal review has been unable to be satisfactorily resolved or where required in accordance with the severity rating, an external review will be undertaken. It should be noted that a complaint may be referred to DTF Procurement Services SA for review at any stage.

A suitably impartial external party will be appointed (subject to any procurement approvals) to assess the supplier complaint and procurement activity undertaken in accordance with DCP and DTF procurement policies and guidelines to ensure a fair and transparent process was undertaken. For the purpose of this procedure, an external review may be undertaken by DTF Procurement Services SA in appropriate circumstances.

The undertaking of an external review will be undertaken in a timely fashion and the appointment of an external reviewer will be advised to the complainant in writing.



Consideration may also be made of any findings from any preceding internal review by the external reviewer.

Following completion of the external review, the appointed reviewer will provide a written response to DCP advising of the outcome of their review with reference to the particulars of their complaint and any relevant findings.

The DCP Procurement and Contracting Unit (or other agreed DCP directorate) will provide a written response to the complainant advising of the outcome of the external review and conclusion of the complaint process (if applicable).

4.3.6 Unresolved complaints

Any complaints which remain unresolved following the Internal Review and External Review processes detailed above (sections 4.3.4 and 4.3.5) shall be referred to the Ombudsman for consideration.

5. Compliance, monitoring and evaluation

A Complaints Register will be maintained by the Procurement and Contracts Unit which will capture the detail of all formal procurement complaints. The detail and resolution of all complaints will be included within procurement reporting obligations.

Complaints received and/or resolved during a procurement process may be considered within the Lessons Learned / Post-Sourcing Review processes.

6. Related documents

Related documents, forms and templates
Procurement Governance Policy
Complaints and Feedback Management Policy
Complaints and Feedback Management Procedure
South Australian Industry Participation Policy
Contract Management Framework



Document control

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18 February 2022	1.1	Minor amendment to reflect new ICAC changes.
4 April 2025	2.0	Review as per the DCP policy review cycle. Document updated to reflect the complaints and feedback procurement process outlined in the PSSA tender document - Part A.