

Ministry Vendor Complaint Review Process for Procurement

Following is the process for registering a Vendor Complaint relating to procurement activities carried out by or for the ministry, pursuant to the government Core Policy manual Chapter 6, Part II; the Vendor Complaint Review Process for government procurement. This policy can be found at the following link:

http://www.fin.gov.bc.ca/ocg/fmb/manuals/CPM/06_Procurement.htm

Informal Process

Prior to submitting a formal written complaint or question about a competitive process or contract award, the vendor should contact the person named as contact for the competition or contract and try to resolve the question or issue on an informal basis. If you do not know who that is, please contact:

Director, Finance and Administration
Ministry of Energy and Mines
Management Services Division
P O Box 9324 Stn Prov Govt
8th Floor, 1810 Blanshard Street
Victoria, B.C. V8W 9N3

Phone: (250) 952-0174

Fax: (250) 952-0171

Formal Process

If the complaint or question is not resolved through informal discussion, a vendor may then submit a written complaint using the Vendor Complaint Form http://www.fin.gov.bc.ca/ocg/pgo/VCRP_Form.doc . The completed form should be mailed or faxed to the Director, Finance

and Administration (contact information in the previous section). The Director will log the complaint and forward it to the appropriate ministry staff for review and response.

Vendor complaints must concern a competition for procurement of goods, services or construction, or a pending or awarded contract, and can be submitted during the competition process and up to thirty (30) business days after you have received notification from the ministry of the final outcome of the competition.

For the purpose of a complaint relating to a competition, the vendor must be an actual or prospective bidder or proponent whose direct economic interest would be affected by the award of a contract or by the failure to award a contract.

For the purpose of a complaint related to a contract award resulting from a competitive process, the vendor must be a proponent who actually submitted a proposal in response to the competition for the contract.

The ministry will make every effort to acknowledge a complaint within five working days of receipt and to respond to the complaint in writing within thirty calendar days of receipt. The director of the branch responsible for posting the opportunity and the supervising Assistant Deputy Minister will respond to the vendor complaint. The ministry's Executive Financial Officer and/or Senior Financial Officer may provide policy advice to assist in the review.

If the complainant or others have previously or simultaneously undertaken other activities such as correspondence with ministers or a request under Freedom of Information and Protection of Privacy legislation related to the procurement activity in question, the timelines for the ministry response to the complaint will be altered accordingly since it is likely relevant records would not be available for review. Also, if formal processes such as litigation, a complaint through the Office of the Ombudsman or the Procurement Governance Office have been

commenced, the ministry vendor complaint process will be deemed to have been by-passed.

The review of complaints will focus on the process followed by the ministry and participating staff. If the process has been fair and all vendors treated consistently, then the adjudication of the complaint would likely reaffirm the original decision reached. If the review determines improvements should be made, these will be recommended for future vendor opportunities. Serious flaws in administration of procurement policy and process could result in a competition decision or contract award being cancelled.

Appeal or Second Step

If the vendor is not satisfied with the results of the ministry's review of the complaint, the vendor may then escalate the complaint to the next level by filing a complaint with the Procurement Governance Office at <http://www.fin.gov.bc.ca/ocg.pgo/pgo.htm>.

No compensation is awarded through either the ministry or Procurement Governance Office vendor complaint review process.