



PROCUREMENT POLICY B.4.1

APPENDIX C

Vendor Complaint Review, Public Postings, Trade Agreement Compliance, Privacy

1. Vendor Complaint Review Process

The objectives of this section are to define a vendor complaint review process (VCRP) that is accessible, consistent, fair, impartial and timely, and to identify ways to make improvements in the manner in which procurement is undertaken by VCC.

a. General

- i. The VCRP is designed to ensure that there is a process for the review of vendor complaints about a VCC procurement process. The intent of the VCRP is to assist VCC in identifying and responding to problems in the establishment and application of VCC procurement policy and procedures.
- ii. This VCRP requires that Departments, Procurement Services and vendors provide full access to all information pertinent to complaints.

b. Scope of VCRP

- i. A complaint may be made with respect to the process used to evaluate proposals and how the evaluation criteria were applied but may not include issues pertaining to individual point ratings given by an evaluation committee to specific evaluation criteria.
- ii. The application of this VCRP is limited to VCC and its Departments whose procurement is subject to this VCC procurement policy.
- iii. This VCRP is limited to issues of procurement policy and procedures. This VCRP is not available for issues related to vendor or Department/ Procurement Services performance or conduct during a contract. These issues are to be dealt with through the dispute resolution processes identified in the contract document.
- iv. This VCRP does not limit or impair the rights of any vendor to seek remedies of law through the judicial or other process.

2. Vendor Complaint Review - Roles and Responsibilities

a. Departments including Procurement Services are responsible for:

- i. Establishing and managing an accessible and fair process for responding to vendor complaints related to procurement activities undertaken by Departments or Procurement Services.
- ii. In case of those complaints submitted, providing all pertinent and required

information.

- iii. Recording information on all vendor complaints managed under their vendor complaint review process and providing reports to the Executive Director, Finance & CFO as required.
 - iv. Implementing changes required to Department/ Procurement Services procurement processes identified through their complaint review process.
 - v. Implementing any outcomes recommended and any subsequent remedial action.
 - vi. Making all reasonable efforts to review complaints and where reasonable to resolve them amicably.
- b. Executive Director, Finance & CFO is responsible for:
- i. Receiving and recording all complaints.
 - ii. Ensuring that Departments and Procurement Services have a vendor complaint review process as described in these policies and procedures.
 - iii. Managing a last resort process for complaints not satisfactorily concluded through VCC/ Procurement Services vendor complaint review process.
 - iv. Providing guidelines regarding the information and reporting requirements for Departments and Procurement Services.
 - v. Monitoring and reporting on VCC-wide VCRP activity and outcomes of complaint reviews.
 - vi. Implementing changes required to VCC procurement proficiencies and procedures and to procurement training methods and tools identified through the complaint review process.
- c. Vendors are expected to:
- i. Make reasonable efforts to review the complaint with Department or Procurement Services by contacting the entity and following their complaint review process.
 - ii. Provide all pertinent and required information related to a complaint.

3. Vendor Complaint Review - Process

- a. Departments and Procurement Services have primary responsibility for reviewing vendor complaints regarding their procurement processes. They must establish and administer a process for reviewing, recording, managing and reporting vendor complaints and must make the process known to vendors by posting it on a readily accessible VCC public website.
- b. The Executive Director, Finance & CFO must establish and administer a process that deals with complaints that have not been satisfactorily concluded by Departments or Procurement Services.
- c. Where a serious flaw in the procurement process has been detected, legal counsel will be requested to review any correspondence to be sent to a complainant, and as appropriate, take the lead in that regard.
- d. If a vendor submits a request for information related to procurement under the freedom of Information and protection of Privacy Act, the timeframes for the VCRP may be extended, due

to resource limitations, until after the FOI request is completed.

- e. The VCRP is not intended to detract from a vendor's access to legal resource. However, VCRP complaints will not generally be considered concurrently with a litigation process.
- f. No compensation will be awarded to a complainant under the VCRP.
- g. A decision of the Executive Director, Finance & CFO shall be the final determination on a complaint registered with the VCRP process.