



Vendor Complaint Process

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1.0 Scope of the Vendor Complaint Process (VCP)

A method to handle vendor complaints and to improve the Northwest Territories Power Corporation (NTPC) procurement process is an integral part of a fair and open procurement policy. The following procedures allow the Corporation to handle complaints in an organized, consistent and timely manner, and to carry out the analysis and reporting requirements in order to improve upon the procurement process.

The VCP is limited to issues of procurement policy and procedures. It is not intended to limit access to other complaint review processes. No compensation will be awarded to a complainant under the VCP.

A complaint means a written objection submitted by a potential vendor regarding a bid solicitation or contract award for goods, services or construction.

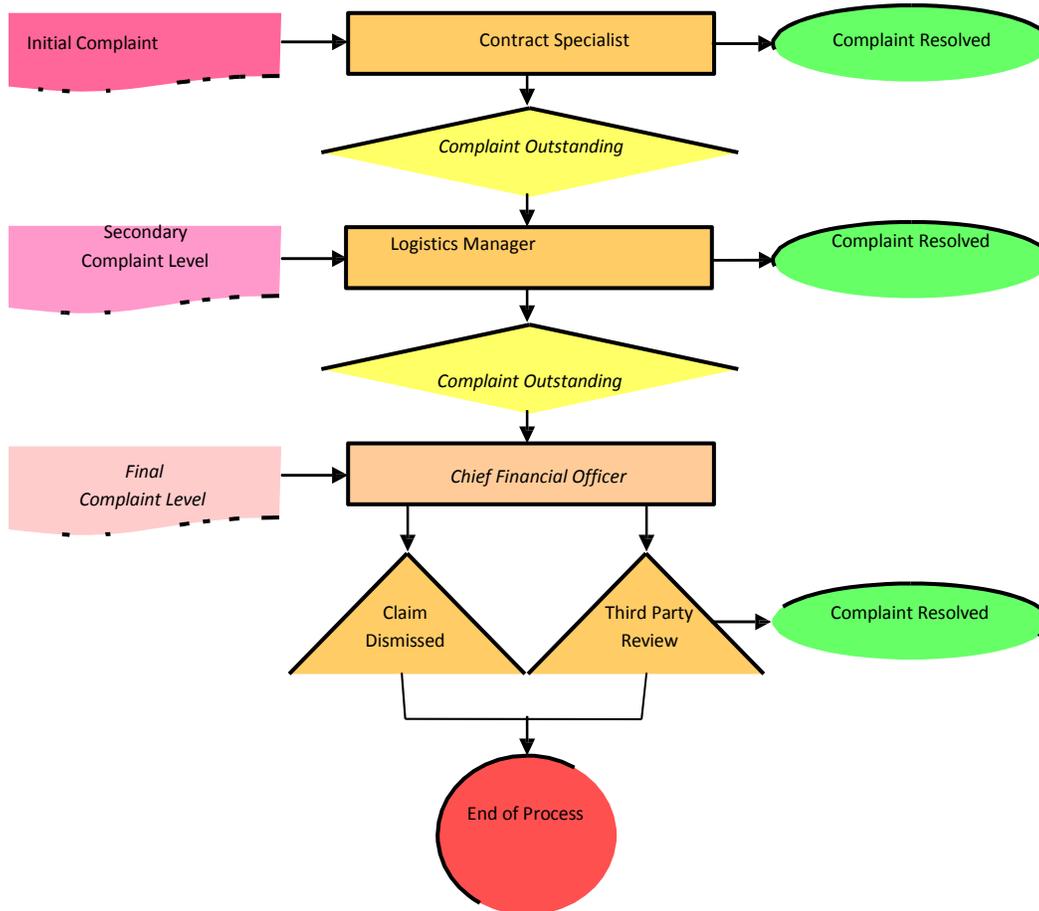
Vendor complaints and protests originate for a number of reasons, real or perceived; however, all of these reasons negatively reflect on the integrity of the procurement process.

Prior to initiating a complaint, vendors are strongly encouraged to resolve problems by contacting the Contract Specialist as the first step in the process. Experience has demonstrated that there are often minor errors, omissions or other inadvertent actions which can be quickly clarified or corrected to the satisfaction of the complainant, thus addressing the cause of many complaints and concerns at the outset. The VCP provides an opportunity for vendors to voice complaints and may sometimes help to resolve complaints that involve no significant factual or interpretative disagreements between the parties. Fundamental disputes over facts or over legal rights and obligations are, however, beyond the scope of the VCP.

2.0 Applicability

This complaint process applies to all procurement activity carried out by NTPC.

3.0 Complaint Process



4.0 Initial Complaint

The vendor shall communicate its concerns or complaints in writing to the Contract Specialist for the procurement at any time during the competitive process with a view to resolving them. The Contract Specialist shall acknowledge receipt of the complaint in writing within 2 business days and provide a response within 15 business days.

On receipt of a complaint, the Contract Specialist shall review the complaint to determine if further action is appropriate. A complaint may be dismissed without further consideration, where in the opinion of the requesting Contract Specialist:

- (a.) on its face is frivolous or invalid;
- (b.) the complainant is not a participant in the competitive process (i.e. did not submit a bid);
- (d.) is made more than 10 business days after a notice of a contract award; or
- (e.) is otherwise inappropriate for consideration.

The complaint may be resolved, withdrawn or dismissed if in the opinion, of the, Contract Specialist the procurement is the result of a properly applied fair procurement process.

If dismissed, a reply to the complaint will be prepared by the Contract Specialist and forwarded to the Manager of Logistics, who will review the findings, consider any recommendations, render a decision and reply to the complainant.

Should the Contract Specialist find reason for a more comprehensive review, it may form a review committee. After analysis of all information, the findings and recommendations of the review committee will be submitted in writing to the Manager of Logistics, who will review the findings, consider any recommendations, render a decision and reply to the complainant.

5.1 Complaint to Logistics

5.2 Complaint Submission

5.2.1 Where a vendor has not received a satisfactory response from the Contract Specialist, it may make a written request to the Logistics Department, Contract Specialist, to seek an independent review of the complaint. Such a request may only be made within 30 days after the date on which they received notification from the Contract Specialist as to the outcome of their complaint review process.

5.2.2 Complaints are to be submitted in written form to:

**Contracts Specialist
Logistics Department
Northwest Territories Power Corporation
8 Aspen Road
Hay River NT X0E OR6
Email: jhunt@ntpc.com**

5.3 Complaint Format and Information Requirements

5.3.1 The complaint must include:

- Name, title, company name, address, e-mail address, fax and telephone numbers of the complainant.
- The signature of the complainant. Where an email complaint has been received, it will be deemed to have been signed by the originator of the email.
- Competition or contract number.
- A detailed description of the complaint, the background leading to the complaint, including relevant dates, and actions of involved parties.
- Copies of relevant documents submitted under the Contract Specialist process.
- The name of the Contract Specialist representative contacted to review the complaint originally, and the results of the discussions or correspondence within the Contract Specialist's vendor complaint process.
- Request for a review of the complaint.
- Actions/remedies being requested of NTPC.
- Information establishing that the person submitting the complaint is a valid complainant.
- A statement that no other review process is currently underway for the complaint.

5.4 Processing the Complaint

5.4.1 Within 15 business days of receiving a complaint, Logistics will gather the appropriate competition documents, other correspondence and information related to the vendor complaint process. The Logistics Manager may also informally meet with the Contract Specialist and/or the complainant if its considered necessary

5.4.2 Logistics Manager will consider the merits of the complaint and may, at its discretion, dismiss a complaint on the grounds that:

- The complainant does not have sufficient interest in the subject matter of the complaint;
- The complaint is not substantiated; or
- At the same time as the complaint is received, the complainant has initiated legal action, or has engaged in another review process pertaining to the complaint.

5.4.3 When the Logistics Manager dismisses a complaint, the Contract Specialist will inform, in writing, the complainant and state the reasons for refusing to undertake a review. A record of the dismissal of the complaint will be retained by the Contract Specialist.

5.4.4 Logistics will consider all the circumstances relevant to the complaint including:

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

5.4.5 If the complaint has been determined to have merit, possible outcomes include, but are not limited to:

- Logistics Manager will recommend the Contract Specialist acknowledge the validity of the complaint and to undertake a renewed commitment to policy and procedure;
- Logistics Manager to initiate enhanced training for procurement staff;
- Logistics Manager will recommend the Contract Specialist review an individual's expenditure and/or contract authority (i.e. authority to undertake procurement activity) and adjust as necessary;
- Logistics Manager to initiate enhanced communication/interpretation of procurement policy
- Logistics Manager to recommend change in departmental procurement procedure;
- Logistics Manager to initiate a review, clarification or may recommend a change to procurement policy; or
- Logistics Manager to recommend cancellation/amendment of the competition where a serious flaw has been identified.

5.4.6 Within 15 business days of determining the facts (as in 5.3.1), the Logistics Manager will, after analyzing the information, prepare a report and recommendations regarding outcomes.

5.4.7 The Logistics Manager may extend the 30-day time requirements for review and final determination of the outcome when, in its judgement, circumstances require it. Where this occurs, the complainant will be advised by Logistics Manager, in writing, of the reason for the delay and when they may expect a response.

5.5 Replying to a Complaint

5.5.1 A report on the vendor complaint, including the outcome and reasons for the outcome, will be made in writing no later than 30 business days after receipt of the complaint by the Logistics Manager.

5.5.2 Copies of the report will be sent to the complainant, the Contract Specialist and the Chief Financial Officer.

5.5.3 Copies of all replies may be available to Manager, Continuous Improvement and Internal Audit, the Auditor General, as required, or to other government officials. Copies may also be made available in accordance with the *Access to Information and Protection of Privacy Act* or the *Auditor General Act*.

5.6 Records, Documentation and Reports

- 5.6.1 The Contracts Specialist shall ensure that complete documentation and records on each complaint received by the Manager of Logistics, including a record of all communications with complainants, are maintained in order to allow later verification by participants, auditors or the Senior Leadership Team to determine whether or not the procurement process was carried out in accordance with NTPC's procurement policy and that the complaint was submitted and handled in accordance with the VCP.
- 5.6.2 The records on each complaint reviewed by the Logistics Department shall contain a copy of the following:
- The complaint identifying the complainant's name, address and the nature of the complaint;
 - The competition documents, including the specifications or portions thereof relevant to the complaint;
 - Any other documents that are relevant to the complaint, including the bids received, if judged appropriate;
 - A statement setting out the facts, actions and recommendations, and response to the allegations of the complaint; and
 - any additional evidence or information that was necessary to review the complaint.

6.1 Request to the Chief Financial Officer

6.2 Complaint Submission

6.2.1 Where a complainant has not received a satisfactory response from the Logistics Department, the complainant may make a written request to the Chief Financial Officer to seek an independent review of the complaint. Such a request may only be made within 30 business days after the date on which they received notification from the Logistics Department the outcome of their complaint review process.

6.2.2 Complaints are to be submitted in written form to:

**Chief Financial Officer
Northwest Territories Power Corporation
4 Capital Drive
Hay River, NT X0E 1G2
Email: bwhitford@ntpc.com**

6.3 Complaint Format and Information Requirements

6.3.1 Complaint format and information requirements are the same as outlined in 5.2.1.

6.4 Processing the Complaint

6.4.1 The Chief Financial Officer will consider the request for an independent non-binding review and respond to the complainant within 15 business days. The Chief Financial Officer may at his/her discretion reject the request and inform the requestor, in writing, outlining the reasons for rejection.

6.4.2 If the Chief Financial Officer considers the request for an independent review has merit, the Chief Financial Officer will establish an independent review process to review the complaint. At the discretion of the Chief Financial Officer the independent reviewer may be an individual or a panel.

6.4.3 The independent reviewer will consider all information available from both the Contract Specialist decision and Logistics decision and after analyzing the information, will prepare a report and recommendations regarding outcomes

6.5 Replying to a Complaint

6.5.1 Within 30 days of its appointment the independent reviewer will issue a report as to its findings and its outcomes. Copies of the report will be sent to the complainant, Logistics Department and the Chief Financial Officer.