



New Zealand's Guide to supplier feedback and complaints



Public Procurement Principle: **Accountability, Participation**



Procurement Stage: **Post-award**



Audience: **Policy maker, Procuring entity, Private sector**

Description

New Zealand's Guide to supplier feedback and complaints gives suppliers a short overview of how to give feedback or raise concerns about a government procurement process, how to make a formal complaint, and how to use other options to resolve a problem if previous steps do not give satisfaction. It includes information about the procurement process, suppliers' rights in the process, the responsibilities of those involved in the process, and the role of the Ministry of Economic Development. It also explains how an agency should respond to supplier complaints and provides useful contacts.

A supplier may complain to an agency if it has concerns about any part of a procurement process and if it believes the agency has failed to follow the rules. This process supports ongoing development and improvement in procurement throughout government, during and after the tender process. Concerns can be raised at the agency dealing with the process or using the New Zealand Government Procurement's Supplier Feedback Service (SFS). New Zealand Government Procurement (NZGP) monitors the number and nature of supplier complaints. If necessary, it will clarify procurement policy and practice guidance for agencies, so that similar problems are less likely to arise in the future. NZGP must be sent copies of all written complaints (and related correspondence) that government agencies' chief executives receive. SFS allows suppliers to voice their concerns to a neutral agency and gives government an understanding of the problems suppliers are experiencing in the procurement process.

According to the Guide, suppliers have several options for communicating their concerns:

Step 1. Attempt to sort the matter out directly with the agency (supplier + agency). Options available:

- discussion
- formal complaint

Step 2. Engage third party to help resolve the issue with the agency (supplier + agency + third party, i.e. SFS). Options available:

- mediation or alternative dispute resolution
- an independent review or investigation, also called a “probity audit”

Step 3. Escalate complaint to an authority and/or go to court (supplier + agency + authority court). Options available:

- investigation by the Auditor-General
- investigation by the Ombudsman
- investigation by the State Services Commission
- going to court

Source: OECD (2019), [Reforming ISSSTESON's Public Procurement for Sustainability](#), OECD Publishing, Paris

