

COMPLAINTS PROCEDURE

- (1) A tenderer that claims to have suffered, or that is likely to suffer, loss or injury due to a breach of a duty imposed on the Purchaser may seek review of the relevant decision in accordance with this procedure except against a decision to reject all bids or to cancel the procurement proceedings.
- (2) To be entertained at all, an application for review shall
 - (i) be made by way of written complaint by e-mail to the Procurement Implementation Team at the following address; dguest@charleskendall.com copied to jpovey@charleskendall.com and tbowen@charleskendall.com
 - (ii) clearly identify the specific act of omission or commission alleged to have taken place.
- (3) Upon receipt of the complaint, the Procurement Implementation Team shall:
 - (i) either decide to accept the substance of the complaint and inform the complainant of, and carry out, the immediate corrective action to be taken; or
 - (ii) decide to reject the complaint, in which case it shall prepare a written response and send the complaint and response to a legal adjudicator (to be named) within 2 days of receipt of the complaint, with a copy to the complainant.
- (4) The legal adjudicator will review the documents and provide a binding recommendation within 5 working days of receipt of the documents.
- (5) The procurement procedure will be suspended during that 5 day period.
- (6) Unless a complaint is dismissed, the legal adjudicator may:
 - (i) require the Purchaser to refrain from acting or deciding in an unauthorised manner or from following an incorrect procedure;
 - (ii) annul in whole or in part any unauthorised act or decision of the Purchaser;
 - (iii) reverse a procurement decision of the Purchaser or substitute his or her own decision for such a decision;
 - (iv) order the payment of reasonable costs incurred in participating in the tender process where the results were not in accordance with acceptable procedures.