

Procurement and Contract Complaint Procedures

The procedure by which to make a complaint relating to the Council’s contracting and procurement activity is determined by the nature of the complaint:

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Note: If the procurement exercise to which your complaint relates is for a contract with a total value above the EU threshold¹ then the [Public Contracts Regulations 2015](#) (PDF) will apply, including rules relating to unsuccessful tenderers requesting a debrief having received notice of the contract award decision notice, and the time limits for commencing legal proceedings.

Any complaint relating to contracting and procurement activity undertaken by ESPO should be referred to the Director of ESPO (see [Contact Details](#)).

Fraud, corruption and malpractice

The procedure by which to make a complaint relating to fraud, corruption or malpractice by a Council officer, member, supplier or other person/ organisation involved in the Council’s contracting and procurement activity depends on who is making the complaint:

- **Contractors, subcontractors, and their staff** should follow the [Whistleblowing Policy](#);
- **Council employees** should follow the Whistleblowing Procedure within the Employee Code of Conduct;
- **Members of the public, including potential contractors/ unsuccessful tenderers or anybody else** should follow the procedure set out under [Other complaints](#) below.

Defective or discriminatory procurement process

If an applicant/tenderer has concerns that a procurement process is defective and/or discriminatory in any way, they should raise their concerns to the Council officer

¹ The current [EU Thresholds](#) (reflecting total contract value) are as follows: £181,302 for Supplies (Goods), £181,302 for Services, £615,278 for “Light Touch Regime Services” and £4,551,413 for Works.

leading the procurement exercise as soon as possible as part of the standard procurement process.

If an applicant/tenderer is not satisfied with the outcome and wishes to make a formal complaint, they should do so by contacting the *Head of Commissioning and Procurement* (see [Contact Details](#)), with the following details:

- Contract name;
- Council officer leading the procurement;
- Detail of the complaint.

The *Head of Commissioning and Procurement* will acknowledge your complaint within 3 working days of receipt.

The *Head of Commissioning and Procurement* will respond to your complaint in writing within 15 working days of it being raised. The response will:

- indicate how the Council proposes to deal with the matter;
- give an estimate of how long it will take to provide a final response;
- tell you whether any initial inquiries have been made;
- tell you whether further investigations will take place and if not why not.

If you do not believe that you have had a satisfactory response from the *Head of Commissioning and Procurement* then the details of your complaint can be further escalated with the *Director of Law and Governance (Monitoring Officer)* (see [Contact Details](#)). The *Director of Law and Governance (Monitoring Officer)* will respond within the same timeframe and on the basis as the *Head of Commissioning and Procurement*, as detailed in the preceding paragraph.

Contract dispute

Council contractors should deal with any contract disputes or issues in accordance with the agreed terms and conditions of the contract.

If contract terms and conditions do not explicitly make provision for the use of mediation as a means of resolving a dispute, it is to be implied that the Council is fully in favour of pursuing a mediated resolution ahead of any litigation, wherever appropriate.

For a contractor to initiate a mediation procedure, they must contact either the *Head of Commissioning and Procurement* or the *Head of Law* (see [Contact Details](#)).

Other complaints

Any other complaints relating to the Council's procurement activity or contracting not captured by the procedures detailed above, should be forwarded to the *Head of Commissioning and Procurement* (see [Contact Details](#)).

The *Head of Commissioning and Procurement* will acknowledge your complaint within 3 working days of receipt.

The *Head of Commissioning and Procurement* will respond to your complaint in writing within 15 working days of it being raised. The response will:

- indicate how Corporate Procurement proposes to deal with the matter;
- give an estimate of how long it will take to provide a final response;
- tell you whether any initial inquiries have been made;
- tell you whether further investigations will take place and if not why not.

If you do not believe that you have had a satisfactory response from the *Head of Commissioning and Procurement* then the details of your complaint can be further escalated with the *County Solicitor (Monitoring Officer)* – see [Contact Details](#). The *County Solicitor (Monitoring Officer)* will respond within the same timeframe and on the basis as the *Head of Commissioning and Procurement*, as detailed in the preceding paragraph.

Contact Details

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