



Australian Government
Bureau of Meteorology



Procurement complaints guidance for suppliers



Guiding principles

The following process outlines the steps to be taken by suppliers in the event of a dispute or complaint about a Bureau of Meteorology (the Bureau) procurement. For the purpose of this process, a supplier is considered a potential supplier, a supplier under a current contract with the Bureau or a tenderer. This process applies to both complaints made about procurements covered by the [Government Procurement \(Judicial Review\) Act 2018](#) (GPJRA) and those that are not.

This process reflects our desire to manage and resolve all procurement related complaints internally, where possible, through communication and conciliation with the supplier. The Bureau is committed to the principles of accountability, transparency and equitable treatment of suppliers and every effort will be made to resolve a complaint internally.

The GPJRA outlines how government Entities must handle and resolve complaints where they relate to alleged breaches of some parts of the [Commonwealth Procurement Rules](#) (CPRs). As a government supplier you have the right to approach the Bureau directly to have your complaint about a procurement process considered and investigated. Department of Finance's Resource Management Guide [Handling Complaints under the Government Procurement \(Judicial Review\) Act 2018](#) provides useful guidance about making a complaint under the GPJRA.

The Bureau recognises that if a complaint is received from a supplier, it must be investigated fairly, impartially and promptly and must not affect and other current or future opportunities you may have with us.

When should you make a complaint?

A complaint can be made to the Bureau at any stage of the procurement process. However, be aware that under the GPJRA, there are time limits for taking certain action in the Federal Court or Federal Circuit Court, and in some circumstances you may be required under the GPJRA to make a complaint to the Bureau before pursuing that court action.

Concerns can often result from a misunderstanding. We may be able to resolve your concern by explaining the process used or the reason for its decision. Raising and resolving concerns early on in a process can reduce the chance of more serious problems arising later.

If you have been unsuccessful in a tender and have a concern, you should first ask for a [debrief](#) from us. We will explain why your tender was not successful and how it could be improved for future procurement opportunities. A debrief may resolve your concern or clarify anything you are unsure about. More guidance about debriefs can be found on the [Selling to the Government](#) website.

What to include in your complaint?

All complaints must be in writing and emailed to procurementcomplaints@bom.gov.au If you are not making a complaint but have an enquiry or some other type of feedback please send it to tenders@bom.gov.au instead.

To help us to promptly resolve your complaint please make sure you include the following information:

- background information identifying the tender, the process and the relevant dates,
- a brief summary of the problem or concerns you have including the applicable CPR you believe has been breached,

- details of any phone calls you had with the Bureau, emails or letters sent and the names of the people you were dealing with,
- an explanation of what you want us to do – for example, you might request we provide more information in the tendering documents or investigate specific matters; and
- your contact details – name, address, email address and phone numbers.

The [Procurement Complaint Form located at Attachment A](#) will assist you with making a complaint.

What you should not say in your complaint

In your email, you should not:

- make unpleasant or personal comments about individuals
- use inappropriate language, such as swearing
- make accusations without credible evidence to back up your comments.

How we will handle your complaint

Upon receiving your complaint, we will:

- acknowledge receipt of your complaint,
- immediately suspend the procurement if the procurement is covered by the GPJRA and a Public Interest Certificate is not in force,
- promptly investigate your complaint,
- clarify with you where we require additional information,
- update you throughout the investigation; and
- explain our findings to you in writing including our decision and, where appropriate, what steps we intend to take to resolve your concerns.

At all times you can expect us to be courteous, prompt and professional in our communication and handling of your complaint.

Escalating your complaint

If you are not satisfied with our proposed resolution or handing of your complaint you can escalate it to a higher authority:

- **If your complaint relates to a procurement covered by the GPJRA:** you can make application to the Federal Circuit Court of Australia (FCC). The court rules and procedures for submitting evidence can be found on the FCC website; or
- **If your complaint relates to a procurement not covered by the GPJRA:** you can make application to the Australian Government Procurement Coordinator or the Commonwealth Ombudsman.

It is important that before you escalate your complaint you have first tried to resolve the problem directly with us and you have documented evidence of having done this.

Attachment A: Procurement complaint form

Note to Suppliers: To assist in resolving the complaint in a timely manner, you should complete the below form and include as much details as possible.

For further advice about completing this form please refer to Department of Finance's Resource Management Guide [Handling Complaints under the Government Procurement \(Judicial Review\) Act 2018](#).

Please email this form to procurementcomplaints@bom.gov.au when completed.

Company details

Company name:

Address:

Telephone number:

Fax number:

Email address:

Contact details

Contact name:

Telephone number:

Email address:

Information on the procurement

AusTender ID (ATM ID/CN ID/SON ID):

Estimated contract value:

Product or service being procured:

UNSPSC code:

Relevant times and dates (i.e. issuance of tender, tender closing, and contract award):

Complaint details

Detailed statement of all relevant events and facts in support of complaint:

Relevant times and dates:

Provisions of the Commonwealth Procurement Rules that have allegedly been breached:

Statement of form of relief requested

Remedy being sought:

Complaint costs and/or tender preparation costs, if applicable:

Postponement of contract award, if applicable:

Attachments

Any other information which will be of benefit to resolve the complaint including any correspondence or other evidence:
