



DOIA 1718-0283

16 October 2017

Steven Heath  
fyi-request-6470-bb0caf25@requests.fyi.org.nz

Dear Mr Heath

Thank you for your email of 23 August 2017 requesting the following information under the Official Information Act 1982 (the Act):

*I would like to know how many complaints MBIE has received from suppliers per year regarding a procurement process since June 2010.*

*This is the date that the guide for making complaints by suppliers was first issued (<http://www.procurement.govt.nz/procurement/for-suppliers/working-with-government/feedback-and-complaints>).*

*As well as the total per FY year what details does MBIE have on the type of complaints and what the outcome was on these complaints.*

In 2013/14, there were a total of 17 complaints received by New Zealand Government Procurement. These raised the following concerns:

- Non-compliance with Rules
- Sourcing process (5)
- Non-transparent process (2)
- Contract awarded to overseas supplier
- Contract termination
- Whether Rules applied
- Contracting process
- Contract award
- Conditions for participation
- Various – subcontracting, contract value, samples
- Issues with logging in to e-system
- Clothing

In 2014/15, there were a total of 12 complaints received by New Zealand Government Procurement. These raised the following concerns:

- Requirement to belong to industry body (2)
- Unfair barriers
- Conflict of interest
- Contract awarded to overseas supplier
- Impact on small business

- Seeking information on process
- Non-specific (2)
- Delays in process
- Seeking contact person
- Conditions of participation

In 2015/2016, there were a total of 14 complaints received by New Zealand Government Procurement. These raised the following concerns:

- Response not evaluated
- Whether establishing a panel of suppliers was the right approach
- Concern that a panel was excluding suppliers (2)
- Amount of indemnity insurance requested
- Failing to consider sustainability principles
- Seeking understanding of how the process worked (3)
- How the agency was communicating with the supplier
- Pre-conditions too onerous
- Buying from suppliers outside of contractual arrangements
- Disagreed with outcome of process (2)

In 2016/17, there were a total of 13 complaints received by NZGP. These raised the following concerns:

- Fairness to subcontractors
- Late and confusing clarification of scope of procurement
- Consideration of late tender
- Use of rebates
- Tender process
- Conflict of interest and integrity concerns in subcontracting
- Failure to award contract
- Procurement prototype process – not understanding how supply market works
- Award of contract without open process
- Use of syndicated panel and subcontracting
- Disagreement with solution set out in RFP
- Various Rules breaches (principles, pre-conditions, time limits, modifications, content of procurement notice, notification of award and debrief)

In 2017/18, there were a total of 4 complaints received by New Zealand Government Procurement. These raised the following concerns:

- Use of closed process
- Reasons for contract termination
- Ability to submit additional information
- Tender process and evaluation

With regard to information prior to 2013/14, this information was not collected in a collated manner and would require substantive collation and research to provide. Therefore I am refusing this part of your request under section 18(f) of the Act, that the information requested cannot be made available without substantial collation or research.

With respect to final outcomes of complaints, the Ministry's involvement has been to explain government procurement policies and processes and/or to encourage or facilitate discussions directly between the complainant and agency concerned. Therefore, this part of your request is refused under section 18(g) of the Act, as the Ministry does not hold this information and does not believe it is held by any other agency in a collated form.

You have the right to seek an investigation and review by the Ombudsman of our response to your request. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Yours sincerely

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John Ivil  
General Manager  
NZ Government Property and Procurement