



Somalia Stability Fund Procurement Complaint Handling Procedure

Introduction

The Somalia Stability Fund (SSF) is a multi-donor-funded programme which adheres to high standards of governance and integrity. As part of SSF's objective it will put out to tender contracts for the delivery of activities aligned with the its mission. SSF is committed to ensuring that all procurement is conducted ethically and transparently. Consequently, SSF is committed to handle all procurement-related complaints in a professional, ethical and impartial way.

SSF is also committed to maintaining confidentiality of information and ensuring that any complaint will not prejudice existing contractual relationships or other tendering processes that may be taking place at the time.

SSF will appropriately investigate and respond to all procurement complaints received during an active procurement process. SSF will learn lessons from previous procurements to improve its procurement processes to ensure they reflect not only best practices, but also remain responsive to local context.

Complaint Handling Framework

The complaint handling procedure will be administered within the following framework.

1. Classification of procurement related complaints	Assesses and defines the nature and types of complaint
2. The essential requirements for lodging a complaint	Outlines the key requirements to be met for validity of the complaints
3. How to make a complaint	Depending on the type of complaint, how and where to direct the complaint
4. Complaint review and investigation	Procedures and who is responsible for carrying out the investigation of the complaint
5. Closure of the complaints process	Response and closure times for all complaints

1. Classification of procurement related complaints

Complaints are classified in the following categories:

- i. **Administrative Complaints** - relate to the administration of procurement process and procedures about an active procurement. For instance regular changes to the eligibility requirements of a procurement.
- ii. **Staff Conduct Complaints** - relate to the conduct of SSF II staff during and in relation to an active procurement.
- iii. **Conflict of Interest Complaints** - relate to actual, perceived or potential conflicts of interest in relation to an active procurement
- iv. **Fraud and Bribery Complaints** - relate to possible fraud and bribery associated with an active procurement.

2. The essential requirements for lodging a complaint

For following requirements need to be met for a complaint to be considered:

I. Who can make a complaint?

Any individual/organisation who observes procurement issues may submit a complaint. Complaints should be accompanied by supporting evidence. Any grievance or concern regarding procurement by a firm/individual that is not participating in the specific procurement can also be submitted through the whistleblowing channel provided in the bidding documents.

II. When to make the complaint?

Complaints should be made in a timely manner. Complaints should be made as early as possible and if possible prior to award of contract. However, SSF will respect and consider valid complaints at any time.

III. What information should be included?

The complainant should provide the following information:

Information to be provided by the complainant	Detail
Identity of the complainant	Provide the name of the applicant/bidder i.e. the name of the firm/individual eligible to complain. Anonymous complaints will also be reviewed; however the complainant should endeavour to provide as much detailed evidence as possible and be willing to communicate with the investigation team to ensure that their complaint can be adequately reviewed.
Contact Details	Provide the name of the Authorized Representative as stated in the application/bid/proposal. If different for purposes of the complaint, state it in the complaint. Only authorised representatives can lodge a complaint on behalf of their applicant/bidder, unless the complainant has witnessed or has information about any malpractice.
Identify the specific project, including the procurement reference number	Indicate the name and reference number of the procurement as it appears in the procurement notice or Standard Bidding documents.
Details of the complaint	Describe the facts and circumstances leading to the complaint and the nature of the grievance, problem, concern or adverse impact that has allegedly resulted. Please provide as much detail as possible to substantiate the complaint (e.g. names, dates and financial values), as this will help expedite the investigation process.
Any other information	Optional: the complainant may include any other information they consider to be relevant.

The complainant has the responsibility to ensure that information provided is accurate and verifiable.

3. How to lodge a complaint

The following procedures will be applied to different types of complaints:

- For Administrative and Staff Conduct Complaints:

- Administrative and Staff Conduct complaints should be submitted in writing to the SSF Procurement mailbox: procure@stabilityfund.so, copying the SSF Project Director (Gareth.OHagan@adamsmithinternational.com).
- The SSF Procurement team will acknowledge receipt of the complaint in writing within three (3) working days.
- Upon acknowledgement of receipt of the complaint and review of its eligibility with the SSF Team Leader and Project Director, the Procurement Team will investigate the matter accordingly, and if required may speak with the complainant by phone or in person to provide an opportunity to discuss:
 - Additional details of the complaint; and
 - For SSF to respond to the specifics of the complaint.
- The SSF Procurement Team will investigate the complaint and provide a response to the complainant within ten (10) working days from the date of receipt of the complaint.
- If a full written response cannot be issued within the timeframe provided, the complainant will be contacted to confirm:
 - The reason for the delay; and
 - The length of time required to provide a full response.

- If the response to the complaint is deemed unsatisfactory by the complainant, the complainant will be directed by the Procurement team to consider the option of pursuing this further by writing to the SSF Project Director, Gareth O'Hagan at Gareth.OHagan@adamsmithinternational.com.
 - The SSF Project Director will acknowledge the complaint within three (3) working days and aim to provide a substantive written response within ten (10) working days from the date of receipt of the complaint.
 - The response timeframe may vary depending on the complexity of the complaint, and the availability of investigative resources. The complainant will be informed of changes to the provided timeframe.
 - Where any changes are made within the procurement process, those changes will be communicated to all bidders by the Procurement Team.
- **The following procedures will be included for Staff Conduct complaints only:**
- The SSF Procurement team will inform the SSF Project Director and discuss the next steps.
 - A review of staff conduct will be undertaken, led by the SSF Project Director.
- **For Conflict of Interest and Fraud and Bribery Complaints:**
- Conflict of Interest and Fraud and Bribery complaints shall be submitted in writing to the SSF Project Director, Gareth O'Hagan at Gareth.OHagan@adamsmithinternational.com
 - SSF Project Director will acknowledge receipt of the complaint in writing within three (3) working days
 - SSF Project Director will set up a team, led by ASI Head of Finance and Risk (Africa), supported by the ASI Legal and Compliance team, to investigate and prepare a report to the SSF Project Director
 - The SSF Project Director will review the findings of the report against the credibility of the complaint before determining if an extended investigation is to be undertaken.
 - The SSF Project Director will respond to the complainant within fifteen (15) working days from the date of receipt of the complaint.
 - Alternatively, a complainant may make an anonymous submission using the ASI Speak Up hotline online (www.safecall.co.uk/report) or by email (adamsmith@safecall.co.uk).

4. Complaint Review and investigation

- If the processes outlined in the diagram above do not lead to a successful resolution of the complaint, the SSF Project Director will appoint an investigating officer who is independent of the SSF procurement process to lead the investigation into the complaint.
- Depending on the complexity of the situation and the technicalities of the procurement, the SSF Project Director may engage a consultant with technical expertise to support the review process. This may result in additional time needed for concluding the review.
- Following appropriate internal considerations of the investigation, the complainant will be informed in writing of the outcome. Any investigation undertaken into a complaint will be subject to relevant confidentiality considerations.
- The complainant will be given five (5) working days to respond to the outcome.
- If the complainant is satisfied, the complaint will be closed. If the complainant is not satisfied, the investigating officer and complainant may discuss the matter further either by phone or in person. If this does not resolve the issue, the matter will be referred to a more senior member within ASI for further review. If the complaint cannot be resolved within ASI, the Secretariat Office, which oversees the SSF Fund Manager, may become involved.

5. Closure of the complaints process

Once the Procurement team or the SSF Project Director have made a formal response to the complaint, the complaint will be closed.

All complaints will formally be closed via written confirmation. Where the complainant still has pending or new complaints, a new formal complaint request will need to be lodged.