

**Micronesia Conservation Trust's Complaints Handling Procedures Relating to Procurement and Grant Funding Processes**  
**Prepared June 06, 2012**

This complaints handling procedure applies to complaints received in relation to MCT's procurement exercises and grant funding administration, including the conduct of the procurement and grant funding selection processes or its outcome. The process for dealing with disputes arising during the Agreement period is dealt with in the individual grant agreements/contracts and MCT's contracts policy and therefore is not covered below.

MCT values complaints as enabling the Organization to provide suitable remedies to the issues raised in complaints, and to evaluate and improve its procurement and grant funding processes.

<b>Guiding Principles<sup>1</sup></b>	<b>MCT</b>
MCT must have fair, equitable and non-discriminatory complaint handling procedures.	The following process outlines the steps to be taken in the event of a dispute or complaint about MCT procurement or grant funding process.
MCT should in the first instance attempt to resolve a complaint internally.	<p>MCT's complaints handling process reflects the organization's desire to manage and resolve all complaints internally, where possible, through communication and reconciliation with the supplier/organization.</p> <p>In order to lodge a complaint about an element of the procurement or grant funding process or its outcome, suppliers/organizations should initially raise the issue in writing with the contact person nominated in the tender documentation/grant funding program guidelines. This person, his or her supervisor/manager and the MCT Executive Director will attempt to resolve the issue.</p> <p>MCT will respond to the supplier/organization in writing outlining the issue that has been raised and MCT's initial response. MCT's correspondence will also include an assessment of the complaint and inform the supplier/organization of its options, if it remains dissatisfied with the issue.</p> <p>Where a supplier/organization remains dissatisfied, it may lodge a request in writing to the Executive Director if it wishes to escalate the issue. The issue will then be examined by MCT's Governance Committee who will make its recommendation to the full Board on a resolution.</p>
The MCT Board independent of the initial complaint process should only be involved as appropriate.	The Board will have been, to this point at 'arms length' from the complaint and the process or decision in dispute. The Board may wish to examine any tender documentation or grant funding program guidelines or other correspondence from either party in relation to the matter. This will be done having regard to the commercial-in confidence nature of the information.
Complaints should be dealt with in writing	In all instances, complaints should be issued, and responded to, in writing, with reasonable notice – not less than ten days – provided for each party to respond to the correspondence.
Each party must have sufficient time to appropriately respond to developments (no less than ten days unless urgent).	
MCT must ensure that the initiation of a complaint	All MCT staff and Board members involved in the management of a complaint will ensure the process is applied ethically and professionally.

<b>Guiding Principles<sup>1</sup></b>	<b>MCT</b>
<p>process does not prejudice a supplier/organization's or a potential supplier/organization's participation in future procurement/grant funding selection processes.</p>	<p>To this end, suppliers/organizations or potential suppliers/organizations who initiate a complaint will not be prejudiced with regard to their participation in any future MCT procurement/grant funding selection processes.</p>
<p>External options are available if independent review of a complaint is necessary.</p>	<p>Suppliers/organizations may seek/request external review of a complaint where it has not been satisfactorily resolved through MCT's internal mechanism.</p> <p><b>Federated States of Micronesia Secretary of the Department of Justice</b>  Complaints may be made to the Secretary of the FSM Department of Justice</p> <p>The FSM Secretary of the Department of Justice has powers to investigate about the actions and decisions of MCT's compliance to FSM laws and regulations. The Secretary or his/her appointee aims to resolve matters by negotiation and persuasion and may make recommendations to the MCT in the context of continuous improvement to its administrative processes.</p> <p>The FSM Secretary of the Department of Justice or his/her appointee cannot overturn MCT's procurement or grant funding decisions, nor specifically direct MCT to vary a decision once made, unless it is in clear violation of the law in which instance a case would be filed against MCT. However, their comments on the dispute may influence MCT's response.</p> <p>If the FSM Secretary of the Department of Justice or his/her appointee decides not to investigate a particular complaint, the complainant will be provided with reasons for this decision and the FSM Secretary of Department of Justice or his/her appointee may be able to suggest other avenues for resolving the matter.</p> <p><b>Court system</b></p> <ul style="list-style-type: none"> <li>○ Suppliers/organizations may seek review of the matter through the Court system.</li> <li>○ The agency and complainant will need to seek independent legal advice about pursuing resolution through the courts.</li> </ul>
<p>If a matter has been referred to an external body for review, MCT may be required to provide all relevant documents to that body as required by law.</p>	<p>If a matter is referred to an external body for review, MCT must provide all relevant documents to that body as required by law.</p>

**Complaints and responses are to be made in writing**

Suppliers/organizations must lodge their complaint in writing to the MCT staff with direct responsibility for the tender/grant funding process. The correspondence should be addressed to the nominated contact person in the tender documentation or grant funding program guidelines.

An initial acknowledgment of receipt of a written complaint, identifying a contact person for the complaint, should be sent by MCT to the complainant within 5 working days of receiving the complaint.

MCT's response to a complaint from a supplier/organization should:

- Outline the issue that has been raised.
- What has been examined, including an assessment of the complaint.
- Inform the supplier/organization of its options if it is dissatisfied with the response - the burden is on the supplier/organization to escalate the issue within MCT for internal independent review.
- Provide a timeframe in which the complaint will be investigated.

**Each party is to be given reasonable notice to respond to written correspondence**

Each party must be given at least 10 days to respond to a complaint unless urgent.