

FAP 111-42-00
AGENCY COMPLAINTS OF A VENDOR

1. If a state agency experiences a minor problem or difficulty with a vendor, the agency shall contact the vendor directly and attempt to informally resolve the problem. If the vendor does not act promptly and satisfactorily, the using agency shall immediately file a Performance Evaluation (PE) document in the state's eProcurement system.
2. If an agency experiences a major problem in which the goods or services are not in conformance with the terms and conditions of the contract, a PE document shall immediately be entered into the state's eProcurement system. A PE document shall be filed on a timely basis and shall fully document the nature of the problem.
3. The PE document and any attachment filed in the state's eProcurement system shall contain the contract number, vendor name, commodity or service involved, name of the purchasing officer, brief description of the complaint and action taken to date by the using agency. Copies of all PE documents, supporting documentation and subsequent communications shall be placed in the state's eProcurement system document file maintained by OPS.
4. Upon receipt of a PE document, the appropriate purchasing officer in OPS shall review the information submitted. An agency may be asked for further clarification or supporting documentation. The purchasing officer shall then forward a copy of the complaint to the vendor for a response or corrective action. The complaining state agency shall be copied on all communications between OPS and the vendor.
5. Upon receipt of the vendor response to a complaint, the purchasing officer shall consult with the using agency to determine, if the proposed corrective action is satisfactory or if alternatives offered by the vendor are acceptable. If persistent or chronic problems with a given vendor are documented, or the vendor fails to respond, OPS may initiate disciplinary action in accordance with 200 KAR 5:315(2).

Relates to: KRS 45A.015; KRS 45A.110; 200 KAR 5:312; 200 KAR 5:315