

STATE OF NEW JERSEY
FORMAL COMPLAINT FORM (PB-36) INSTRUCTIONS

REQUIRED INFORMATION

BLOCK #1 – Include Complainant name, agency/company, address, contact person (name of person filing complaint), telephone number, and fax number.

BLOCK #2 – Be sure the name and address of the respondent are correct. Include the name of a contact person, telephone number and fax number.

BLOCK #3 – Purchase Authorization - Make certain that a contract or purchase order number is provided. The total cost of the commodity or service the vendor is providing should be included as well.

BLOCK #4 – Nature of Complaint- Indicate the reason the complaint is being filed. If the reason is not listed, mark OTHER and provide a further explanation.

BLOCK #5 – Complainant Report - Provide a detailed explanation of the problem including specific dates, telephone calls, or persons contacted. Copies of supporting documentation previously forwarded to the respondent should be attached. If photographs are included, be sure to keep a duplicate of each picture. Do not recommend that a respondent be debarred, suspended, canceled, or removed from the bidder's list. Be sure to sign and date the report.

FORMAL COMPLAINT PROCESS

Once a formal complaint is submitted to CCAU, a standard letter is forwarded to the respondent along with the complaint report stating that the respondent may be in non-compliance with the contract. The letter further states that a response to the complaint must be received within ten (10) days of receipt. Failure to respond within ten (10) days may result in immediate termination of the contract. At this time, the respondent is provided the opportunity to respond and remedy the violation.

A copy of the respondent's response is forwarded to the complainant along with a cover letter requesting the complainant to verify the respondent's comments. This form must be completed and returned within ten (10) days. Failure by the complainant to advise CCAU of the status of the respondent's remedy will render the respondent's performance file inadequate for evaluation of future contract awards. Therefore, the complainant's written evaluation is very important in assisting CCAU in measuring the respondent's performance for contract award purposes.

Upon receipt of the complainant's comments to the respondent's response, CCAU will make the final determination to the complaint and the file will be closed. The complaint is kept in the respondent's performance file, with a record that corrective action was taken, if applicable.

Most complaints are decided on the written record. However, in cases where the complainant and respondent disagree with the facts of the matter, an informal hearing may be held among CCAU, the complainant and the respondent. Both the complainant and the respondent are provided the opportunity to state their side and present all materials and testimony. Based on the facts provided at the meeting, CCAU will issue a hearing report that is also submitted to the Director who will issue a final agency decision on the matter.

Either party may appeal the hearing report in writing to the Director, Division of Purchase and Property within ten (10) days after its receipt.