



# Office of State Procurement

## *Deficiency Complaints*

## Agency Training

# Course Objectives

- What is a Deficiency Complaint
- How to handle contract/vendor issues
- New OSP Complaint Form
- When to use a Complaint Form
- Where to find a Complaint Form
- Deficiency Complaint process
- Potential outcomes re: a Deficiency Complaint
- Importance of Complaint Forms



# Procurement Life Cycle

- Define a need
- Select procurement method
- Build a solicitation
- Publish
- Evaluate
- Award
- Receive & inspect goods
- Make payment when appropriate



# Deficiency Complaint

Ongoing problems related to late or no delivery, inferior merchandise, product substitution, poor service, no service, etc.



# Deficiency Complaints:

What should an agency do if a vendor does not deliver as specified, or has poor quality of service?

Anytime a vendor is not performing their contract properly, whether it be for a 1-time buy, a blanket order, or a contract– agencies should take the following steps:

1. First, contact the vendor directly and see if you can resolve the issue internally. Document any correspondence or meetings.
2. If this does not resolve the problem, agencies should fill out a Complaint Form.



# Form Changes

**Old Form:** Titled “Deficiency Complaint Form”

**New Form:** Titled “Complaint Form”

\*The new form should be completed and included with all termination requests submitted by the Agency for Professional Service Contracts (PSC).



# Old Form

## DEFICIENCY/COMPLAINT REPORT

Complete this form to report complaints against vendors, commodities, or to report any unsatisfactory service by the Purchasing Section. Be sure to furnish all necessary detail so that a satisfactory settlement of the complaint can be made. Please verify all information to insure accuracy. Complaint reports become a permanent record of the commodity or vendor concerned and must be accurate to guarantee an equitable settlement to serve as a guide for future action.

*Agency [Redacted]		*Name and Address of Vendor [Redacted]	
*Date of Complaint [Redacted]			
Contract Number [Redacted]	*Purchase Order Number [Redacted]		

\*Commodity or Service Covered by Complaint  
[Redacted]

NATURE OF COMPLAINT (check all that apply)					
DELIVERY		QUALITY		OTHER	
<input type="checkbox"/>	Delivery not made on date ordered or promised	<input type="checkbox"/>	Quality of Commodity is inferior	<input type="checkbox"/>	Invoice price higher than authorized
<input type="checkbox"/>	Delivery made at an unsatisfactory hour	<input type="checkbox"/>	Unsatisfactory and unauthorized substitute	<input type="checkbox"/>	Weight received at variance with invoice or shipping ticket
<input type="checkbox"/>	Delivery made to wrong destination	<input type="checkbox"/>	Unsatisfactory workmanship in installation of commodity	<input type="checkbox"/>	Quantity delivered in excess of order
<input type="checkbox"/>	Improper method of delivery	<input type="checkbox"/>	Commodity lacks required inspection stamps	<input type="checkbox"/>	Quantity delivered less than ordered
<input type="checkbox"/>	Unauthorized delivery made before issuance of order				
<input type="checkbox"/>	Delivery in damaged condition				



# New Form

## COMPLAINT FORM

Complete this form to report complaints against vendors, commodities, or to report any unsatisfactory service that requires the assistance of the Office of State Procurement. Be sure to furnish all necessary detail so that a satisfactory resolution of the complaint can be made. Please verify all information to ensure accuracy.

This form should be completed and included with all termination requests submitted by the Agency for Professional Service Contracts (PSC).

Agency:		Vendor Name, Complete Address, and Email:	
Date of Complaint:			
Contract Number:			
Purchase Order Number:			
Commodity or Service description:			

### NATURE OF COMPLAINT (check all that apply)

- Delivery
- Services
- Other (provide detail)
- Billing
- Customer Service
- Quality





<b>INSTRUCTIONS TO AGENCY</b> Print copy for your records prior to submittal.	*Complaint Initiated By (Name)	*Title	*Phone No.
	*Complaint Form Executed By (Name)	*Title	*Phone No.
	*Your Email Address:		

Action Taken

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**Submit**

## REMARKS

Provide a detailed explanation of the complaint(s) in this space. If it is necessary to submit additional documentation, please include the documentation in your email when submitting this form.

**INSTRUCTIONS TO AGENCY:** Print copy for your records prior to submittal.

Complaint Initiated By (Name):

Title:

Email Address:

Phone Number:

Complaint Form Executed By (Name):

Title:

Email Address:

Phone Number:

OSP Representative:

Action Taken:

**Submit**

\*If you are unable to use the Submit button due to software limitations, please send a copy of the completed form to Karen.Loftin3@la.gov with "Complaint Form" in the subject line.



# Complaint Forms

How does an agency go about filing a Complaint Form ?

The form can be found on OSP's website, under Purchasing / Agency Center / Agency Forms.

<https://www.doa.la.gov/osp/agencycenter/forms/submit/deficiencycomplaint.pdf>



# OSP Website – Agency Center

## Welcome to the Office of State Procurement

### Director:

Paula Tregre

Phone: 225-342-8010

FAX: (225) 342-9756

Email: [Paula.Tregre@la.gov](mailto:Paula.Tregre@la.gov)

### Mailing Address:

P.O. Box 94095

Baton Rouge, LA 70804-9095

### Help Desk Email Addresses:

Purchasing:

[DOA-OSP HELP DESK](#)

Professional Contracts:

[DOA-PC HELP DESK](#)

Vendor Inquiries: [VENDR\\_INQ](#)

The Office of State Procurement (OSP) serves the agencies and people of Louisiana by ensuring that the state's contracting and purchasing activities are conducted legally, fairly, and efficiently.

OSP is responsible for maintaining standards, and for conducting the review and technical approval of professional, personal, consulting and social services contracts needed by state agencies. The office verifies that the competition process for each contract is fair, that funding has been appropriated to pay for services, and that the proposed services are reasonable and advisable in relation to the agency's mission and the state's priorities.

OSP also manages the purchasing of equipment, goods, supplies and operating services needed by state agencies. The office researches, develops and issues both statewide and agency-specific contracts and competitively bids items not covered under annual contracts. In all of its purchasing activities the office strives to reduce costs to the state by harnessing the purchasing power of the entire state to obtain the best pricing for all agencies, large and small.

OSP strives to ensure a fair, competitive bidding environment for all vendors, while also ensuring that vendors have performed well in their contractual duties to state agencies and the public. It also manages the Hudson and Veterans Initiatives for Small Entrepreneurships to ensure that agencies give due consideration to contracting with local small businesses.

## New Information





# OSP Website Agency Forms

## Purchasing -Agency Center

Contact Information

New Information

**Agency Forms**

Agency Questions

Employee Purchase Program

Excluded Parties List System

Featured Contracts

LaCarte Procurement Card

LA eCat - Louisiana's Electronic Catalog

LaPAC - Online Solicitations & Award Information

UNSPSC Product Categories (Commodity Codes)

Legal Information

Louisiana's Hudson (Small Entrepreneurship) and Veteran Initiatives

Hudson Initiative (SE) Certified Vendors from LaPAC - Quick List

Veteran Initiative (LaVet) Certified Vendors from LaPAC - Quick List

OSP Help Desk

OSP Memos

ProAct - Procurement

Procurement Links

Procurement Support Team (PST)

Publications

Purchasing Complex Services - Request for Proposals (RFPs)

Training Center

State Agency Retail Discount Program



# OSP Website Agency Forms

## Agency Forms

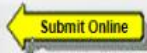
- Agency Forms
- Quasi Agency



# Agency Forms

## Agency Forms

### [Request For Training](#)



Agency purchasing personnel use this online form to request procurement training.

### [Alternative Fuel Vehicles](#)



Agency are required to complete this form to report alternative fuel vehicle purchase information (contract or non-contract).

### [Authorized Dealer Certification](#)



Certification form for authorized dealer repair purchases. Form to be printed and submitted to State Procurement after completion

### [Contract Performance Evaluation](#)



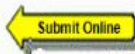
An online form used by state agencies to relay comments on the performance evaluation of state contracts.

### [Contract Suggestions](#)



An online form used by state agencies to relay suggestions and comments on improving state contracts, making them more user friendly and responsive to agency needs.

### [DA 121 - Vehicle Condition Report](#)



A required form, to report the condition of any vehicle being surplus.

### [Deficiency Complaint Report](#)



An online form used to report deficiencies regarding quality of merchandise, deliveries, or service.

### [Delegated Purchasing Authority Questionnaire](#)



An online form used by state agencies to request delegated purchasing authority. Form to be printed and submitted to State Procurement after completion.



# Agency Forms

## COMPLAINT FORM

Complete this form to report complaints against vendors, commodities, or to report any unsatisfactory service that requires the assistance of the Office of State Procurement. Be sure to furnish all necessary detail so that a satisfactory resolution of the complaint can be made. Please verify all information to ensure accuracy.

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Agency:	<input type="text"/>	Vendor Name, Complete Address, and Email:	<input type="text"/>
Date of Complaint:	<input type="text"/>		
Contract Number:	<input type="text"/>		
Purchase Order Number:	<input type="text"/>		
Commodity or Service description:	<input type="text"/>		
Type:	<input type="checkbox"/> Purchasing	<input type="checkbox"/> Professional Services	

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### NATURE OF COMPLAINT (check all that apply)

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> <b>Delivery</b>    | <input type="checkbox"/> <b>Billing</b>          |
| <input type="checkbox"/> <b>Services</b>               | <input type="checkbox"/> <b>Customer Service</b> |
| <input type="checkbox"/> <b>Other (provide detail)</b> | <input type="checkbox"/> <b>Quality</b>          |
- 

### REMARKS

Provide a detailed explanation of the complaint(s) in this space. If it is necessary to submit additional documentation,





# Agency Forms

## NATURE OF COMPLAINT (check all that apply)

**Delivery**

- Not delivered by due date
- Delivery made at an unsatisfactory hour
- Delivery made to wrong destination
- Improper method of delivery
- Unauthorized delivery made before issuance of order
- Delivered in damaged condition
- Delivered wrong item
- Incorrect quantity delivered

**Billing**

**Customer Service**

**Quality**

**Services**

**Other (provide detail)**



# Steps In The Process

- Agency should provide enough relevant detail, including dates and who you were in contact with at the vendor's place of business.
- Agency submits Complaint Form
- OSP reviews and investigates the issue
- If warranted, OSP sends a letter and a copy of the Complaint Form to the vendor
- Vendor responds with proposed solution to the problem and how they will prevent future issues
- If solution is acceptable, OSP forwards the proposed solution to the agency for concurrence.
- If acceptable to agency, end of process



# Important point to remember

A form should be sent as soon as possible after the occurrence of the problem. Don't wait until the end of a contract period to document poor performance over the past year.



The next few slides are a sample of a Deficiency Complaint going through the process:



# Deficiency Complaint Form

8/8/18		PO BOX 81000 Lafayette La
Contract Number	*Purchase Order Number 2000298043	

\*Commodity or Service Covered by Complaint  
Pest control

NATURE OF COMPLAINT (check all that apply)					
DELIVERY		QUALITY		OTHER	
<input checked="" type="checkbox"/>	Delivery not made on date ordered or promised	<input type="checkbox"/>	Quality of Commodity is inferior	<input type="checkbox"/>	Invoice price higher than authorized
<input type="checkbox"/>	Delivery made at an unsatisfactory hour	<input type="checkbox"/>	Unsatisfactory and unauthorized substitute	<input type="checkbox"/>	Weight received at variance with invoice or shipping ticket
<input type="checkbox"/>	Delivery made to wrong destination	<input type="checkbox"/>	Unsatisfactory workmanship in installation of commodity	<input type="checkbox"/>	Quantity delivered in excess of order
<input type="checkbox"/>	Improper method of delivery	<input type="checkbox"/>	Commodity lacks required inspection stamps	<input type="checkbox"/>	Quantity delivered less than ordered
<input type="checkbox"/>	Unauthorized delivery made before issuance of order				
<input type="checkbox"/>	Delivery in damaged condition				

**\*REMARKS**  
NOTE: Give detailed explanation of complaint in this space. Indicate manner in which you suggest complaint be settled. Be specific. If necessary to submit additional documentation, please include a copy of this form with your faxed or mailed documents.

Last week (7/30/18) we contacted our pest control contractor trying to get an estimated time as to when they could come out and take care of some existing work orders. the technician responded stating that he could not come out that week because he "had jury duty". In the mean time more work orders were coming in for reports of pests. On Tuesday (August 7) my manager reached out to him again requesting an update on when someone could come out and as of the time writing this email we still haven't received a response from the contractor



# OSP Letter To Vendor

**RE: Deficiency Complaint**

**PO No. 2000298043**

**Pest Control Services – DOA – Office of State Buildings**

Dear Mr. ████████

We have received the enclosed complaint dated August 8, 2018, from the Louisiana Division of Administration – Office of State Buildings (“OSB”) concerning the above-referenced contract for Pest Control Services. According to the complaint, OSB has stated your company has failed to fill existing work orders. As of today, more work orders for reports of pests have been received. Many attempts have been made to contact your office to request an update on when someone could complete the existing work orders.

The failure of your company to fulfill the contract requirements has created undue hardship for the department, and your company can be placed in default if not corrected. In the event of a default, the State reserves the right to obtain the service on the open market, and your company may be liable for the difference in cost.

Please respond in writing no later than close of business (COB) Monday, August 13, 2018 of your intentions regarding this matter, as well as how you plan to resolve this issue and what can be done to prevent future occurrences. If additional information is required, please contact Amy Vincent at (225) 342-0274.



# Vendor Response

**Tom Ketterer**

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**From:** [REDACTED]  
**Sent:** Wednesday, August 22, 2018 12:22 PM  
**To:** Karen Loftin (DOA)  
**Cc:** Tom Ketterer; Amy Vincent; Randy McKnight; [REDACTED]  
**Subject:** RE: Fwd: SECOND REQUEST - Deficiency Complaint Report - Div. of Administration - OSB - Pest Control Services

The only work orders that are still open from last month is the ones to install bait stations on the outside of buildings. We have the stations ordered and are waiting for them to come in. As soon as they come in we will be installing them.



# Vendor's Response

OSP will evaluate the Vendor's response and send to the agency, if deemed to be an acceptable resolution to the problem.

If agency is satisfied with response, no further action needed.

If agency is still dissatisfied, options of further action to be taken will be discussed and a plan of action agreed upon.





# Potential Outcomes Resulting From A Deficiency Complaint

- Problem is resolved
- Contract cancelled
- Vendor placed in default
- Contract controversy



# Default of Contract

Example: If you ordered a product that your agency urgently needs, and the awarded vendor has not delivered, we can take steps to cancel the PO and award it to another vendor who can make the delivery. If this costs the agency more than the original PO, we can then surcharge the difference in cost to the deficient vendor, and until they pay that surcharge, they are not allowed to bid on any solicitations from our office.



# Contract Controversy

Contract Controversies are a disagreement or dispute that arises under a Contract between the parties to a Contract.



# Potential Actions Taken With Vendor

- However ... there are instances where a complaint form can lead to a vendor getting suspended from doing business with the State.
- Some deficiencies in the past have resulted in the discovery of information that led to immediate cancellation and/or suspension – such as forged documents, a vendor losing a required license or certification, etc.
- In most cases, we cannot prevent a vendor from bidding on a rebid of the contract just because a Complaint Form has been submitted.



# Audience Testing

Worthy or Unworthy ? ? ? ?



# Worthy or Unworthy ? ?

Vendor does not meet the delivery requirements of the contract on their first delivery?

Unworthy – Agency should discuss contract delivery requirements and expectations with the vendor



# Worthy or Unworthy ? ?

Vendor does not ever meet the delivery time requirements of the contract, even after agency has expressed concerns and told the vendor the importance of timely delivery?

Worthy – Agency has addressed the problem with the vendor and is still experiencing ongoing problems.



# Worthy or Unworthy ? ?

Janitorial service forgets to empty the garbage can in the bathroom one weekend.

Unworthy – agency should bring it to the vendor’s attention and review the scope of work requirements with them





# Worthy or Unworthy ? ?

Janitorial service has not replenished hand soap in the bathrooms, after being reminded repeatedly.

Worthy – Agency has addressed the problem with the vendor and is still having an issue.



# Worthy or Unworthy ? ?

Vendor delivers the wrong size envelopes, but agrees to deliver the correct size in two days?

Unworthy- Vendor has agreed to correct the situation in a timely manner.



# Worthy or Unworthy ? ?

Security guard service has an armed employee that accidentally discharges their weapon in the employee breakroom?

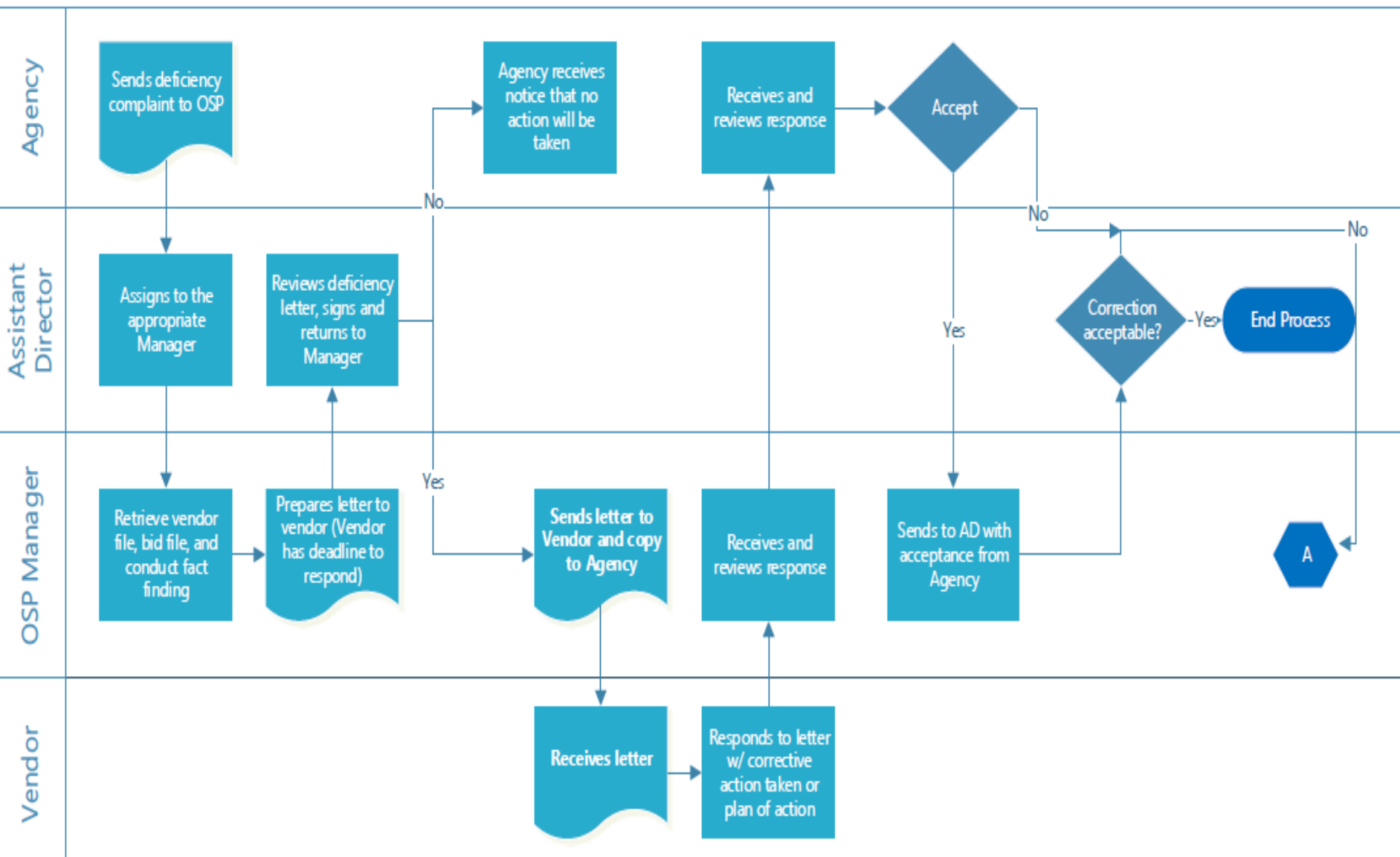
Worthy – Due to the seriousness of this situation, it should be reported to OSP immediately, documented in the contract file, and immediate corrective action taken.



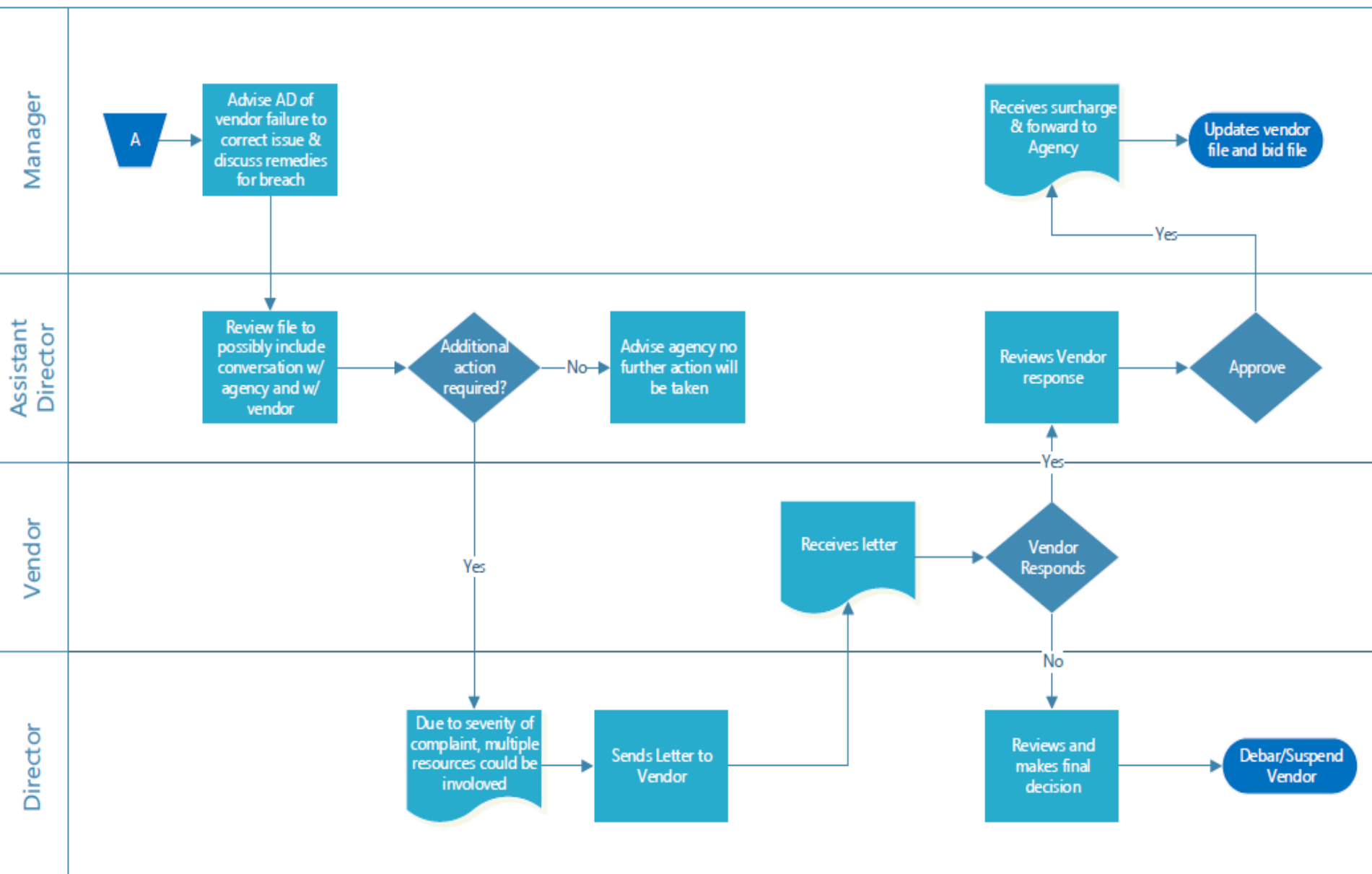
# Importance of Complaint Forms

- Assists in resolving Agency problems with vendors
- Documents the contract file for future reference
- Justification for future action taken to address ongoing vendor issues
- Used for legal reference if needed

# Deficiency Complaint by Agency



# Deficiency Complaint by Agency





# Office of State Procurement

OSP Phone Number:

225-342-8010

Purchasing Helpdesk:

[DOA-OSPhelpdesk@la.gov](mailto:DOA-OSPhelpdesk@la.gov)