

<h2 style="margin: 0;">STATE OF NEW JERSEY FORMAL COMPLAINT FORM</h2>	<div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> <p style="text-align: center; margin: 0;">FOR CCAU USE ONLY</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border: 1px solid black; padding: 2px;">Date Received</td> <td style="width: 50%; border: 1px solid black; padding: 2px;">Complaint Code Number</td> </tr> </table> </div> <p style="margin: 0;">STATE OF NEW JERSEY DEPARTMENT OF THE TREASURY DIVISION OF PURCHASE & PROPERTY CONTRACT COMPLIANCE & AUDIT UNIT</p>	Date Received	Complaint Code Number
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INSTRUCTIONS: Complete sections 1 to 5 below, and print or save a copy for your records. Email a copy to ccau2@treas.state.nj.us
Alternatively, mail to: State of New Jersey Department of the Treasury PO Box 236 Trenton N.J. 08626-0236 Attention: Complaints

<p>1 <u>COMPLAINANT</u></p> <p>Contact Name: Company/Agency: Address 1: Address 2: City: State: Zip: E-Mail: Phone Number: Fax Number:</p>	<p>2 <u>RESPONDENT</u></p> <p>Contact Name: Company/Agency: Address 1: Address 2: City: State: Zip: E-Mail: Phone Number: Fax Number:</p>
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<p>3 <u>PURCHASE AUTHORIZATION</u></p> <p>Document Type: Commodity Code Number: Contract Number: Order Number: Other: Enter Total Cost of Commodity or Service:</p>	<p>4 <u>CHECK NATURE OF THE COMPLAINT(S)</u></p> <p>Incorrect Price Late Delivery/No Delivery Non/Poor Performance Overage/Shortage Product/Service does not meet specifications Unsatisfactory Product/Service Other:</p>
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5 **COMPLAINT REPORT** *(Give detailed explanation and attach additional sheets if necessary. Please type.)*

Check here if continued on separate sheet.

SUBMITTED BY <i>(Type in Name)</i>	↓	NAME	TITLE	DATE
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6 **RESPONDENT REPLY** *(Give detailed explanation and attach additional sheets if necessary. Please type.)*

Check here if continued on separate sheet.

SUBMITTED BY <i>(Type in Name)</i>	↓	NAME	TITLE	DATE
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STATE OF NEW JERSEY
FORMAL COMPLAINT FORM (PB-36) INSTRUCTIONS

WHAT IS THE CONTRACT COMPLIANCE & AUDIT UNIT (CCAU)?

The Contract Compliance & Audit Unit ("CCAU") acts as the arbiter between State agencies and contract vendors for allegedly failing to comply with the terms, conditions, and specifications of the bid and awarded contract. Filing formal complaints helps determine whether the requirements of the contract have been met and insures that the goods or services purchased have been properly received. Furthermore, filing formal complaints provides feedback to the Procurement Bureau procurement specialist when evaluating future contract awards. Vendors with a history of complaints for failure to comply with the contract can be bypassed when awarding a contract during the next bid cycle.

Failure to file complaints may result in non-complying vendors receiving subsequent State contracts and/or failure of the State to prudently expend tax dollars.

WHY SHOULD A FORMAL COMPLAINT BE FILED?

A formal complaint should be filed when the contract vendor fails to comply with contract requirements. Vendors are expected to deliver the ordered commodities or perform the requested services exactly as specified in the contract or purchase order. A formal complaint should be filed if the vendor fails to meet its contractual obligations. Formal Complaints are governed by N.J.A.C. 17:12-4.1. et seq.

THE FORMAL COMPLAINT FORM IS FOR USE BY STATE AGENCIES ONLY.

Contract Vendors can submit a letter to the Director of the Division of Purchase and Property if State Agencies fail to comply with contract requirements or fail to meet its contractual obligations.

Complaints are filed for various reasons:

- Failure to deliver the product ordered
- Late Delivery
- Incomplete Delivery
- Product/service does not meet specifications
- Product is defective or substandard
- Product delivered is an unacceptable or unauthorized substitute
- The services rendered are unsatisfactory or incomplete
- Vendor renders inadequate performance
- Agency does not adhere to contract specifications

New Jersey Consumers (Residents) who need assistance or would like to file a complaint against Debt Collection Practices, Stores or Businesses, or another New Jersey State Governmental Agency, should access the New Jersey Consumer Affairs at www.state.nj.us/lps/ca/ocp/ocpform.htm or call (973) 504-6200. The Department of the Treasury Formal Complaint Form (PB-36) is not to be used for Consumer complaints.

WHEN SHOULD A FORMAL COMPLAINT BE FILED?

In most cases, the complainant should first make the respondent aware of the problem through a telephone call or a meeting. Many times, once the problem is brought to the respondent's attention an attempt will be made to rectify the situation. If, however, the respondent is unwilling to comply, the complainant should file a PB-36.

Depending on the nature or urgency of the situation, CCAU may contact the respondent via telephone and make a second attempt to correct the problem. If the respondent fails to cooperate, the formal complaint will be forwarded. Submitting formal complaints in a timely manner is important. Many times a PB-36 is received by CCAU well over a month after the problem has occurred which makes resolving the matter difficult. Complaints that are untimely may be disregarded by the Director.

SUBMITTING A FORMAL COMPLAINT

- Formal complaints should be reviewed and processed through the Contract Manager, if one has been assigned. For Statewide Contracts, complaints should go through the departments business manager or fiscal officer prior to submission to CCAU.
- All PB-36 forms submitted to CCAU should be typed or printed clearly.
- The complainant filing the complaint should retain a copy for their records.
- The PB-36 should be sent via email to ccau2@treas.state.nj.us, or forwarded to CCAU, 33 West State Street, PO Box 236, Trenton, NJ 08625-0236.
- In urgent cases, when not utilizing the email submit button, the PB-36 forms may be faxed to (609) 292-5899. Be sure to mail the original complaint form to the above address.

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, fax number, and e-mail address.

BLOCK #2 – Be sure the name and address of the respondent are correct. Include the name of a contact person, telephone number, fax number and e-mail address (if available).

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.
