

Prequalification Appeal Procedures

Contractors will be allowed to appeal a negative pre-qualification determination in accordance with California Public Contract Code §20101.d. There is no appeal from a refusal for an incomplete or late application. Without a timely appeal, the Contractor waives any and all rights to challenge the decision of the District, whether by administrative process, judicial process or any other legal process or proceeding.

The date for submission and opening of bids for a specific project will not be delayed or postponed to allow for completion of an appeal process.

Process

1. Prior to disqualifying a contractor, the District shall serve written notice on the contractor:
 - a. Setting forth the reasons for the disqualification.
 - b. Indicating that the contractor will be afforded an opportunity to appeal the disqualification as outlined below. Effective notice shall be accomplished by email to the e-mail address on file with Quality Bidders' web-based prequalification system.
2. The contractor shall submit his/her appeal in writing to the Purchasing Supervisor no later than 4:00 p.m. of the fifth (5th) business day following the day on which the notice of rejection was e-mailed to the contractor.
3. The District's review panel shall act upon properly filed requests within ten calendar days from the date of receipt of such request.

If, after review, the District again rejects the contractor's application, the contractor may request an administrative hearing with the appeals panel by submitting a written request no later than 4:00 p.m. on the fifth (5th) business day following the day on which the notice of initial appeal rejection was e-mailed to the contractor.

None of the administrative hearing panel members shall have served on that contractor's review panel. The sole issue before the Appeals Panel shall be the scoring of a Contractor. The decision of the Appeals Panel shall be the District's final administrative decision.

The Bidder Prequalification Appeals Administrative Hearing Panel (" Appeals Panel ") shall consist of the following three members, or their designee(s):

- a. The Assistant Superintendent, Business Services
 - b. The Assistant Superintendent, Administrative Services
 - c. The Superintendent
4. At the administrative hearing, the contractor may present oral testimony concerning the contractor's qualifications, capability and responsibility. The District shall notify the contractor of its decision within five business days following the hearing. The decision of the appeals panel is final.
 5. A contractor, who is denied prequalification, shall be disqualified in the same type of work or category of value for a period of one year thereafter.