PREQUALIFICATION APPEAL PROCESS

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.

In conjunction with this Pre-Qualification Policy, the District hereby establishes a Bidder Pre-Qualification Appeals Panel ("Appeals Panel"), consisting of the following three members, or their designee(s):

The District's Director of Facilities & Planning
The District's Bond Program Manager
The District's Director of Purchasing

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 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 certified mail, return receipt requested, to the last known address of the contractor, or the contractor's agent for service of process, or any of its principal officers, partners, owners or affiliated.

2) The contractor shall submit his appeal in writing with Pedro Avila, Director of Facilities & Planning at pedro.avila@simivalleyusd.org no later than 4:00 p.m. of the FIFTH business day following the day on which the notice of rejection was mailed to the contractor.

3) The District 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 panel.

4) At the hearing, the contractor may present oral testimony concerning the contractor's capability and responsibility. The District shall notify the contractor of his decision within five business days following the hearing. The decision of the panel is final.

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.

Appeal of Prequalified Limit

Contractors who received a lower approval limit than expected (please be sure to review the approval limit guidelines) may appeal if they meet the following criteria:

1. They are currently performing work at the Simi Valley Unified School District
2. The project(s) is more than 50% complete.
3. The work is being performed in a satisfactory manner (on schedule and on budget)
4. The Contractor has a good performance history within the district.

To file an appeal, please submit your request in writing along with documentation to support the above criteria to Pedro Avila, Director of Facilities & Planning, at pedro.avila@simivalleyusd.org.

The appeal will be reviewed within five days of submission. The decision of the District is final.