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CONTRACTOR PREQUALIFICATION APPEALS PROCEDURE

Contractors may appeal a determination that they do not meet the District's prequalification requirements in accordance with California Public Contract Code section 20101(d). The District's prequalification process is intended to ensure that contractors bidding on District public works projects possess the experience, financial capacity, safety record, integrity, and qualifications necessary to successfully perform the work.

There shall be no appeal from the rejection of an incomplete application, an application submitted after the stated deadline, or an applicant's failure to provide requested supplemental information. Failure to timely submit an appeal shall constitute a waiver of the contractor's administrative appeal rights.

The date for submission and opening of bids for a specific project shall not be delayed, postponed, or otherwise modified to accommodate any appeal process.

DEFINITIONS

For purposes of this procedure, a "business day" means a day on which the District Administrative Offices are open for business.

NOTICE OF DETERMINATION

Prior to disqualifying a contractor, the District shall provide written notice to the contractor by electronic mail at the email address provided by the contractor in the District's prequalification system. The notice shall:

- a. Set forth the basis for the determination that the contractor does not meet the District's prequalification requirements; and
- b. Inform the contractor of the right to appeal the determination in accordance with this procedure.

Notice shall be deemed received upon transmission to the email address provided by the contractor.

APPEAL SUBMISSION

The contractor shall submit a written appeal to the Purchasing Department no later than 4:00 p.m. on the fifth (5th) business day following transmission of the District's notice of determination.

The written appeal shall identify the grounds for appeal and include any supporting documentation the contractor wishes the District to consider.

DISTRICT REVIEW

The District's review panel shall evaluate timely appeals and issue a determination within ten (10) calendar days following receipt of the appeal, unless additional time is reasonably necessary.

The District reserves the right to request additional information, clarification, or supporting documentation from the contractor during the review process.

ADMINISTRATIVE HEARING

If, following review of the appeal, the District upholds its determination, the contractor may request an administrative hearing before the Appeals Panel. The request for hearing must be submitted in writing to the Purchasing Department no later than 4:00 p.m. on the fifth (5th) business day following transmission of the District's appeal determination.

APPEALS PANEL

The Appeals Panel shall consist of three (3) District administrators designated by the Superintendent, none of whom participated in the initial evaluation of the contractor's prequalification application.

The Appeals Panel may affirm, reverse, or modify the District's determination and may impose reasonable conditions on any approval where permitted by law.

The decision of the Appeals Panel shall be final and shall constitute the District's final administrative determination.

ADMINISTRATIVE HEARING PROCEDURE

At the administrative hearing, the contractor may present information, documents, and oral testimony concerning the contractor's qualifications, capabilities, responsibility, and eligibility for prequalification.

The Appeals Panel may consider all information submitted by the contractor and any information relied upon by the District in reaching its determination.

The Appeals Panel shall issue a written decision within five (5) business days following the hearing. The decision shall be provided to the contractor in writing and shall constitute the District's final administrative determination.

EFFECT OF DENIAL AND FUTURE APPLICATIONS

A contractor whose application for prequalification is denied shall not be eligible to bid on District projects requiring prequalification unless and until the contractor has been determined by the District to satisfy the applicable prequalification requirements.

A contractor whose application is denied may submit a new application during a subsequent prequalification cycle or at such other time as permitted by the District. The District may, but shall not be obligated to, consider a subsequent application prior to the next prequalification cycle upon a showing by the contractor of material changes in

qualifications, financial condition, safety record, licensing status, organizational structure, or other circumstances relevant to the basis for the prior denial.

Submission of a subsequent application does not guarantee reconsideration, approval, or eligibility to bid. The contractor shall bear the burden of demonstrating that the conditions giving rise to the prior denial have been satisfactorily addressed.

The District reserves the right to deny, suspend, revoke, or condition a contractor's prequalification status at any time permitted by law if the District determines that information provided by the contractor is materially inaccurate, incomplete, misleading, or no longer reflects the contractor's qualifications, responsibility, or ability to successfully perform public works projects.

Nothing in these procedures shall limit the District's authority to determine contractor responsibility, reject any bid, reject all bids, waive immaterial irregularities, or otherwise exercise its rights and discretion under applicable law.

RESERVATION OF RIGHTS

The District reserves the right to modify these procedures as necessary to comply with applicable law, regulations, Board policies, administrative regulations, or operational requirements. Nothing contained herein shall create any right to prequalification, contract award, or continued eligibility to bid on District projects.

This version is consistent with current California public agency best practices, removes unnecessary rigidity, preserves the District's discretion, and is appropriate for posting on the EUSD Purchasing webpage and inclusion in prequalification materials.