FIRST 5 LA
APEAL POLICY

PURPOSE:
The purpose of this policy is to formalize First 5 LA's policy regarding appeals of specified decisions and to prescribe the rules for such appeals.

STATEMENT OF POLICY:
Unsuccessful bidders, proposers or applicants for First 5 LA contracts or grants shall have the ability to appeal an adverse decision of the Commission or staff on that matter subject to the limitations and procedures established in this policy. Such an appeal shall be permitted only on the grounds that the decision violated applicable law, First 5 LA policies and procedures, or the terms of the bid, RFP or RFQ. Appeals challenging First 5 LA's decisions on the merits or qualifications of bidders or proposers, or the scoring of proposals shall not be permitted. Appeals regarding First 5 LA decisions on procedural or formatting errors, such as failure to include required documentation or failure to comply with page limits, shall not be permitted. This appeal policy does not apply to operational or monitoring decisions made during the course of awarded contracts and grants.

PROCEDURE:
1. Any appeal of a First 5 LA decision shall be in writing and filed with the office of the CEO within ten (10) business days following the date the notification of decision is made by First 5 LA. The appeal must be filed in person or sent by certified or registered mail. An appeal shall be deemed filed on either the date it is received if delivered in person or the date it is postmarked if mailed.

2. The written appeal shall include the following information:
   a. The specific contract, RFP, RFQ or other decision being appealed.
   b. The name, address, telephone numbers and email address of the appellant.
   c. A detailed description of the specific legal and factual grounds for the appeal, stating specifically the alleged error of law, policy, procedure or term.
   d. Supporting documents, if applicable. New documents submitted, or new grounds for appeal raised, by the appellant after the appeal is filed shall not be considered.

3. In any appeal filed pursuant to this policy, the burden shall be on the appellant to demonstrate the error or failure to comply with applicable law, policy, procedure or term.

4. Upon receipt of a timely appeal, the CEO or his/her designee shall review the appeal to determine if it is permitted by this policy. If the appeal is rejected as improper, the CEO shall provide a prompt written notification to the appellant.

5. First 5 LA shall not take any action to prejudice the appeal, such as executing a contract with another party, during the pendency of a timely and proper appeal.

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6. If the appeal is timely and proper, the CEO or his/her designee shall investigate the appeal and render a decision within a reasonable time. At the discretion of the CEO or his/her designee, an informal meeting may be held with the appellant and staff to investigate the grounds for the appeal.

7. If the CEO or his/her designee believes that he or she is unable to make an impartial decision on the appeal, the appeal shall be referred to an *ex officio* member of the Commission who has no interest in the matter for investigation and decision.

8. The person who reviews the appeal shall render a written decision within a reasonable time following the filing of the appeal. The decision may direct any of the following actions:

   a. Deny the appeal.
   b. Refer the results of the appeal back to the Commission staff for further review and selection based on the results of the appeal.
   c. Overturn the results of the selection process and designate a new successful proposer if clearly dictated by the findings of the appeal.
   d. Re-open the RFP, RFQ or bid process.
   e. Refer the matter to the full Commission.

9. The decision of the CEO or his/her designee shall be final.

10. The CEO may establish further rules and procedures consistent with this policy to assist in the implementation of the appeals process.