

## **P. Appeal Procedures**

The AAAPB/TC will post its Notice of Intent to Award contracts arising out of its Older Americans Act ("OAA") RFP on the date and in the manner as specified in the RFP Timeline. Any party who is substantially affected by the AAAPB/TC's intended decision must file a written appeal with the AAAPB/TC within fifteen (15) calendar days of the date the Notice of Intent to Award is posted. A substantially affected party is any party that submitted an application for the contract award that is being appealed. The procedures in Chapter 120, Florida Statutes, and in Rule 58C-1.0031 do not apply to any OAA RFP.

### STANDARDS FOR APPEAL

1. No submission made after the proposal opening that amends or supplements the proposal will be considered on appeal.
2. The burden of proof shall rest with the party appealing the AAAPB/TC's intended decision.
3. The decision maker must determine whether the AAAPB/TC's proposed action is contrary to its governing statutes or rules, or to the specifications in the RFP. The burden of proof for the appellant is whether the AAAPB/TC's intended decision is clearly erroneous, contrary to competition, arbitrary or capricious.

### APPEAL PROCEDURES

4. A written appeal must be filed by certified mail or by hand delivery with the AAAPB/TC's CEO within seven (7) calendar days of the date the Notice of Intent to Award was posted. If the 7<sup>th</sup> day falls on a weekend or holiday, the deadline shall be the next business day. The appeal must state with particularity the facts and law upon which the appeal is based. Failure to timely file an appeal shall constitute a waiver of appeal rights.
5. The AAAPB/TC will designate an impartial decision maker to conduct an appeal hearing and will notify the appellant of the date, time and location of the appeal hearing.
6. The appeal hearing must be conducted within ten (10) calendar days of the date that the impartial decision-maker is designated by the AAAPB/TC to conduct the appeal hearing. At the appeal hearing, the impartial decision-maker may hear argument and receive evidence for consideration.
7. Within seven (7) calendar days of the date of the hearing, the impartial decision-maker will provide a written report with recommendations to the AAAPB/TC Board of Directors setting forth the recommended decision, reasons for that decision, and evidence upon which the recommendation is based. A copy of the report will be provided to the appellant.

8. The AAAPB/TC Board of Directors shall consider the report of the impartial decision-maker and render a final decision within ten (10) calendar days of receiving the report. The decision of the AAAPB/TC Board of Directors shall be final.
  
9. If, in the sole determination of the AAAPB/TC, a disputed contract award may result in an interruption of service(s) to older consumers, the AAAPB/TC reserves the right to contract with a provider of choice, on a provisional basis, to maintain services in place until such time when the appeal is resolved.