



The Children's Trust Appeal Process

Appeals are limited to procedural grounds.

- a. Whenever a competitive process is utilized, an applicant that is adversely affected by a procedural determination may file a Request for Review/Notice of Appeal within seventy-two (72) hours following the receipt of written notification from The Children's Trust of the applicant's failure to advance to the next stage of review due to a critical flaw, or within seventy-two hours (72) following receipt of the President/CEO's written recommendations for funding to the Board. The Appeal shall be in writing, shall state the particular grounds upon which it is based and must include all pertinent documents and evidence that support the claim. All notices shall be directed to the President/CEO at: The Children's Trust, 3150 3rd Ave, 8th Floor; Miami, Florida, 33129.
- b. An appeal may only challenge a procedural matter related to the competitive procurement. An appeal may not challenge the relative weight of the evaluation criteria or the formula specified for assigning points contained in the bid, request for proposals (RFP) or other competitive solicitation approved by the Board. An appeal is limited to challenging errors in procedural due process, errors in mathematical calculations, or omissions to score sections by the ranking team.
- c. The President/CEO, or designee and other Children's Trust staff persons shall meet with the applicant to review such appeal within fifteen (15) business days of receipt of the formal written Notice of Appeal. The decision reached after review and appeal will be provided to the applicant in writing within three (3) business days.
- d. If the applicant disagrees with the decision and desires further appellate review, within five (5) business days from receipt of the decision, the applicant shall appeal said decision and file a Notice of Appeal with the Clerk of the Board of The Children's Trust at the above address. Any applicant who files a Notice of Appeal under this sub-section shall provide at the time of filing with the Clerk, a cashier's check made payable to The Children's Trust in an amount equal to one percent (1%) of the proposed value of the proposal submitted, or five thousand dollars (\$5,000.00) whichever is less. This cashier's check shall be used and applied to the payment of all costs and charges related to the Appeal, including, but not limited to court reporter fees (if any), copying and courier fees. No appeal shall be accepted unless it complies with all of the requirements of this section.
- e. Appeals that comply with all requirements of subsection (d) of this section and that are filed in accordance herewith shall be referred to a hearing examiner.

Hearing examiners shall be selected from a panel of retired judges who have served five (5) years or more as County or Circuit Court judges of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida. Alternatively, if no judges are available to serve at the hearing, a Florida Bar certified mediator may serve as a hearing examiner. Appellant/applicant is responsible for payment of all hearing examiner or certified mediator fees and costs, including any advance payment requested by the hearing examiner or certified mediator.

- f. The hearing examiner shall conduct a hearing on the appeal on the date mutually agreed upon by The Children's Trust and the appellant/applicant. The hearing shall be electronically recorded. The hearing examiner shall consider the written appeal, supporting documents and evidence appended thereto, the President/CEO's recommendation and all evidence presented at the initial appeal review. The hearing examiner shall allow a maximum of one (1) hour for the appellant/applicant's presentation and a maximum of one (1) hour for The Children's Trust's response to the appeal. The hearing examiner shall be entitled to rely on evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Within four (4) business days of hearing the appeal, the hearing examiner shall file written findings and recommendations with The Clerk of the Board.
- g. The hearing examiner's findings and recommendation shall be presented to the Board together with the recommendation made after review by the President/CEO or designee. The matter shall be resolved by the Board on the basis of the record before the hearing examiner and no evidence, issue or speaker, which was not heard or raised at such hearing, shall be permitted or considered. Presentations to the Board shall be limited to five (5) minutes per side. The foregoing time limitation shall be inclusive of all permitted speakers addressing the Board on behalf of each side.
- h. If the hearing examiner concurs with the recommendation of the President/CEO, or designee, a two-thirds (2/3) vote of the Board shall be required to take other than the recommended action. If the hearing examiner does not concur with the recommendation of the President/CEO, or designee, a simple majority vote of the Board shall be required to take other than the recommended action.
- i. Costs of the appeal, including full payment of the hearing examiner's fee or mediator's fee, shall be assessed against the funds from the cashier's check paid by the appellant/applicant at the time the written appeal is filed.
- j. After completion of the hearing process, if The Children's Trust prevails, The Children's Trust shall be entitled to recover all costs and charges associated to the appeal including but not limited to, fees for the time spent on the appeal by staff of The Children's Trust. If any funds remain from the cashier's check after paying all costs, fees and charges associated to the appeal, any remaining funds shall be returned to the applicant/appellant.