

**01 NCAC 30F .0403 APPEALS OF ASSIGNED EVALUATIONS: DISQUALIFICATION FROM BIDDING**

(a) If a prime contractor considers that the assigned final evaluation is incorrect the prime contractor may appeal the action to the SCO. It is emphasized that this appeal is an appeal to an assigned evaluation score and is separate from an appeal resulting from assignment to a pre-bid disqualification status described in Rule .0305 of this Subchapter.

(b) To evaluate an appeal of an individual final evaluation, the SCO will appoint and convene a rating panel of five persons of which three will be professional State employees and of the State employees at least one member is a licensed professional architect or engineer to hear the appeal and render a decision. The remaining two members, one of which will be a licensed contractor, are to be from the SBC as appointed by the Chairman. The hearing shall involve, at a minimum, the Capital Projects Coordinator and the owner's representative as well as representatives of the prime contractor who shall appear before the panel and which is open to the public. The SCO hearing panel shall issue a report to the SBC on the hearing and the decision reached.

(c) If the Capital Projects Coordinator or prime contractor desire further recourse to the initial decision by the SCO on an assigned evaluation or a decision by the SBC concerning disqualification to bid on state capital improvement projects or a decision by the SBC to not reinstate a contractor to the bidders list, the decision may be formally appealed to the Office of Administrative Hearings pursuant to N.C.G.S. 150B.

*History Note: Authority G.S. 143-135.26(4);  
Eff. January 1, 1992;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.*