

CITY AND BOROUGH OF JUNEAU

BIDDING REVIEW BOARD – HEARING PROCEDURES

1. Intent and Construction. A hearing before the City and Borough of Juneau Bidding Review Board is intended to be an informal, fair proceeding, for review of the Purchasing Officer's written response to the protest, with due regard for the rights of the parties involved. Pursuant to CBJ 53.50.061, these rules of procedure are intended to ensure the expeditious resolution of protests and shall be interpreted in a manner consistent with that intent.

2. Parties. The parties to the hearing are the protester; the apparent lower bidder or successful proposer; any other interested party that has appealed the decision of the purchasing officer or the manager; and the CBJ staff. A party may be represented by an attorney, but attorneys are not required.

3. Attendance. A party or the party's designated representative must attend the hearing. A party who fails, without good cause, to appear at the hearing waives his or her right to participate in the hearing.

4. Burden of Proof. A protestor seeking a Board recommendation in his or her favor bears the burden of persuasion to show that the Purchasing Officer's response to the protest is erroneous.

5. Evidence to be considered. The Board shall consider the written protest documents submitted to the Purchasing Officer under CBJ 53.50.062(d), the Purchasing Officer's written response, and the documents relied on by the Purchasing Officer in preparing the written response.

6. Conduct of Hearing.

(a) The chair or, in the absence of the chair, the vice-chair, shall preside at the hearing. The chair shall maintain decorum and assure that all parties have a reasonable opportunity to present their cases.

(b) The hearing shall be recorded. A party may request a copy of the recording or a transcript of the hearing. The requesting party shall bear the cost of copying or transcription.

(c) The board members may ask questions of the parties, or counsel concerning any matter related to the hearing, at any time, subject to the procedural direction of the chair.

(d) Unless otherwise determined by the chair, each party shall have 30 minutes to present oral argument to support their position and to state what, if any action, they wish the board to recommend. The protestor shall present first, and may reserve a portion of his or her time for rebuttal. No new issue may be raised in rebuttal.

(e) After the parties have presented their argument, the board shall deliberate in executive session.

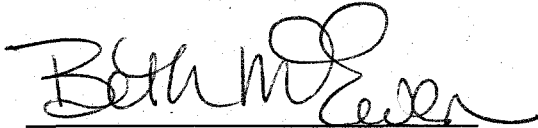
7. Recommendation. The board shall issue a written recommendation, with findings of fact and conclusions of law, in compliance with, and as provided in, CBJ 53.50.062 (k)-(n). The board may prepare the recommendation itself or direct the prevailing party to submit a recommendation for the board's review and adoption.

8. Presence at Hearing and Voting. A majority of the board members shall be present during the hearing and deliberations. A board member who was not present at

the hearing shall not participate in the board's deliberations or in the board's recommendation.

This document was adopted by the Bidding Review Board at its April 1, 2014 meeting.

Attested by:

A handwritten signature in black ink, appearing to read "Beth McEwen", written over a horizontal line.

Beth McEwen, Deputy Clerk