

441—7.43(17A) Bidder appeals. The bidder appeal will be a contested case proceeding and shall be conducted in accordance with the provisions of Division II. Division I of this chapter does not apply to competitive procurement bid appeals unless otherwise noted.

7.43(1) Hearing time frame. The presiding officer shall hold a hearing on the bidder appeal within 60 days of the date the notice of appeal was received by the department.

7.43(2) Registration. Upon receipt of the notice of appeal, the department will register the appeal.

7.43(3) Acknowledgment. Upon receipt of the notice of appeal, the department will send a written acknowledgment of receipt of the appeal to the appellant, the appellant's representative, or both.

7.43(4) Granting a hearing. The department will determine whether an appellant may be granted a hearing and the issues to be discussed at the hearing in accordance with the applicable rules, statutes or federal regulations or request for proposal.

a. An appeal of an appellant who is granted a hearing shall be certified to DIAL for the hearing to be conducted. The department will indicate at the time of certification the issues to be discussed at the hearing.

b. An appeal of an appellant who is denied a hearing shall not be closed until a letter is sent to the appellant and the appellant's representative advising of the denial of the hearing and the basis upon which that denial is made. Any appellant who disagrees with a denial may present additional information relative to the reason for denial and request reconsideration by the department over the denial.

7.43(5) Hearing scheduled. For those records certified for hearing, DIAL shall establish the date, time, method and place of the hearing, with due regard for the convenience of the appellant as set forth in DIAL rules in 481—Chapter 10 unless otherwise designated by federal or state statute or regulation.

7.43(6) Method of hearing. DIAL shall determine whether the appeal hearing is to be conducted in person, by videoconference or by teleconference call. The parties to the appeal may participate from multiple sites for videoconference or teleconference hearings. Any appellant is entitled to an in-person hearing if the appellant requests one. All parties shall be granted the same rights during a teleconference hearing as specified in rule 441—7.8(17A).

7.43(7) Reschedule requests. Requests made by the appellant or the department to set another date, time, method or place of hearing shall be made to DIAL except as otherwise noted. The granting of the requests will be at the discretion of DIAL. All requests concerning the scheduling of a hearing shall be made to DIAL directly.

7.43(8) Notification. For those appeals certified for hearing, DIAL shall send a notice to the appellant at least ten calendar days in advance of the hearing date.

a. The notice shall comply with Iowa Code section 17A.12(2), and include a statement that opportunity shall be afforded to all parties to respond and present evidence on all issues involved and to be represented by counsel at their own expense.

b. A copy of this notice shall be made available to the department employee who took the action and to any other parties to the appeal.

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