

## APPEALS BOARD PROCEDURES

### Appeals Board

The Appeals Board (“Board”) is a three-member panel hearing all Procurement Contract appeals within the Judicial Branch. The Board is chaired by the Deputy State Court Administrator, or designee, and also includes a representative of the Clerks of the Circuit Courts, and a representative of the Office of the Chief Clerk of the District Court. The Deputy State Court Administrator, or designee, serves as the chair of the Board.

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### Procedures

1. Appeals.

- a. A Protestor who wishes to appeal the decision of the Procurement Officer on a Protest shall submit a written appeal, addressed to the Appeals Board care of the Deputy State Court Administrator, or designee, within seven (7) days after receiving the Procurement Officer’s written decision.
- b. The written appeal shall be expressly identified as an appeal and shall include, at minimum, the name and address of the appellant(s); appropriate identification of the Procurement; and a statement of the reasons for the appeal, including all alleged error(s) of fact and/or law in the decision of the Procurement Officer that is being appealed.

- c. Appeals must be addressed as follows:

Maryland Judiciary Appeals Board  
c/o Deputy State Court Administrator  
Administrative Office of the Courts  
Maryland Judicial Center  
187 Harry S. Truman Parkway  
Annapolis, MD 21401

- d. Appeals may be transmitted via email at [procurement@mdcourts.gov](mailto:procurement@mdcourts.gov).
- e. The Deputy State Court Administrator, or designee, shall notify both the appellant and the Director of Procurement, Contract and Grant Administration (“DPCGA”), or designee, upon receipt of an appeal.
- f. An Appeal shall be dismissed for lack of compliance with the above requirements.

- g. If an appeal request is in compliance, the Deputy State Court Administrator, or designee, shall designate Board members to hear the appeal.

## 2. Process.

- a. Upon notification of the receipt of an appeal, the Director of the DPCGA, or designee, shall have 14 calendar days to provide the relevant procurement documents, and a written response to the appeal. To the extent possible, these documents shall be delivered electronically to the Deputy State Court Administrator, or designee.
- b. The Deputy State Court Administrator, or designee, shall furnish a copy of DPCGA's submitted written response and documentation to the appellant.
- c. Upon receipt of the DPCGA's written response, the Deputy State Court Administrator, or designee, shall disseminate the appeal and DPCGA's submitted written response and documentation to the Board.

## 3. Hearings.

- a. A hearing shall be held at the sole discretion of the Board. The Board may elect to decide the matter based on the written evidence. The burden is on the appellant to establish that the decision of the Procurement Officer was contrary to DPCGA policy and procedure.

If a hearing is held, the hearing shall be held within 30 days of receipt of DPCGA's response to the appeal. The date and time of a hearing shall be determined by the Board, after consultation with the parties.

- b. Hearings shall be held at the Maryland Judicial Center or remotely. Failure by the appellant to appear within 15 minutes of the starting time set for the hearing shall result in dismissal of the appeal unless the appellant shows good cause the same day for failing to appear as determined by the Board. The hearing will be rescheduled if the Board determines the appellant had good cause for failing to appear.
- c. Attendance at the hearing is limited to the:
  - i. Director of DPCGA and/or the appropriate Procurement Officer and a representative,
  - ii. Appellant and a representative, and
  - iii. Any necessary witnesses.

4. Procedures.

- a. Hearings shall be limited to a review of the dispute(s) raised in the appeal.
- b. Hearings shall be recorded.
- c. The Board has the discretion to conduct the hearing in a manner that will enable it to gather the facts and information needed to make an informed decision, including limiting the number of witnesses brought by both parties.
- d. There shall be no discovery.
- e. The DPCGA and appellant each have the right to make an opening argument, and if either elect to do so, the argument shall be limited to no more than 5 minutes.
- f. Evidence may be presented, and witnesses may testify. Witnesses shall be sequestered. The formal rules of evidence in Title 5 of the Maryland Rules do not apply.
- g. The Board shall rule on all procedural matters raised prior to and during the hearing and on all matters affecting the conduct of the hearing.
- h. The DPCGA and appellant each have the right to make a closing argument, and if either elect to do so, the argument shall be limited to no more than 5 minutes.

5. Decision. The Board shall render a written decision within 90 calendar days after receiving the appeal, or if a hearing is held, within 30 calendar days after the conclusion of the hearing. The ruling of the Board constitutes the final administrative decision in the matter.