

ICC EVALUATION SERVICE, LLC, RULES OF PROCEDURE FOR APPEAL OF ACCEPTANCE CRITERIA

1.0 PURPOSE

These rules set forth fair and objective procedures for appeal of actions of the ICC Evaluation Service (ICC-ES) Evaluation Committee on acceptance criteria.

2.0 GROUNDS FOR APPEAL

Applicants for or holders of ICC-ES evaluation reports directly impacted by the Evaluation Committee's action on acceptance criteria, as determined by the ICC-ES president, may appeal the action to the president within 10 days after the committee meeting upon the following grounds:

2.1 Due diligence was not exercised by the committee in considering the information presented during the meeting.

2.2 Meeting procedures specified by the committee chairman were not followed.

Appeals concerning technical decisions of the committee are addressed in the Rules of Procedure for Appeals of Evaluation Committee Technical Decisions.

Appeals concerning conduct of the ICC-ES staff will not be accepted. These types of complaints must be directed to the ICC-ES president.

3.0 PROCEDURE

Upon receipt of a valid appeal, the president shall request the chairman of the ICC-ES Board of Managers to appoint a three-person appeal committee composed of previous members of the Board who shall gather the evidence found necessary to render a written decision on the appeal and direct it to the president within 15 days of the appointments. The president in turn shall direct the appeal committee's decision to the appellant within two working days. The action of the Evaluation Committee on the acceptance criteria shall be stayed during this appeal period.

The appeal committee decision can also be appealed, within seven days after notification has been received from the ICC-ES president, by affected parties who are

applicants for or holders of ICC-ES evaluation reports. This appeal is directed to the chairman of the ICC-ES Board of Managers. The appeal shall be considered in an open hearing before a quorum of the Board which shall be a majority of appointed Board members. Interested parties shall be notified of the hearing as soon as scheduled. The public hearing shall be conducted as follows:

3.1 The chairman shall convene the hearing and set forth the history and basis of the appeal.

3.2 The individual making the appeal shall then be given the opportunity to address the Board.

3.3 The chairman shall then recognize all who wish to provide comments on the appeal.

3.4 The public comment period shall then be closed so that Board discussion can proceed. During this period, individuals present at the hearing who are requested to respond to questions or comments from Board members will be the only public individuals recognized.

3.5 A motion will then be made and seconded by Board members.

3.6 Public comments will then be accepted relative to the motion.

3.7 The motion shall then be voted on.

A majority vote of members present is necessary to render a Board decision. The decision shall be transmitted to the appellant within 30 days of receipt of the appeal by the chairman. During this second appeal period, the action of the Evaluation Committee, if sustained on the first appeal, shall be in force. The appeal to the Board of Managers is the last appeal available for the aggrieved.

4.0 FEES

A \$1,000 fee shall be submitted with any appeal to the president. A \$3,000 fee shall be submitted with any appeal to the chairman of the Board. The fees are nonrefundable once the appeal process has commenced. ■

Effective April 1, 2011