1. A contractor may appeal in writing the rating received on a performance report to the Regional Administrator within twenty (20) calendar days of its receipt. An appeal must state the specific basis for the appeal. The Regional Administrator may extend the appeal period upon the request of the contractor for an additional twenty (20) calendar days. If the report is not given to a contractor in person, the date of the certified return receipt shall be considered the date of receipt.

2. The Regional Administrator shall cause the appeal to be investigated to determine whether the facts substantiate a contractor’s basis for the appeal. If the basis for appeal is justified, the report may be modified by striking those portions of the originally prepared report, and modifying the relevant numerical section and changing the narrative as appropriate on separate sheets. The Regional Administrator’s response to the contractor shall be made by certified mail, return receipt requested, within twenty (20) days of the receipt of the appeal. Forward a copy of the appeal and response including copies of all data used to substantiate any action taken with regard to the contractor’s appeal to the Secretary, Attn: Contractor Prequalification Office.

3. The contractor may further appeal to the Secretary of Transportation in writing setting forth the specific basis for the appeal. The contractor’s appeal shall be made within ten (10) calendar days of the date of receipt of the Regional Administrator’s response. When making the appeal the contractor may also present information in person. The Secretary will consider the appeal and respond to it by certified mail within sixty (60) calendar days of receipt of the appeal. This determination shall be the final administrative act of the department.

4. If the Secretary modifies a report that has not been previously appealed, the contractor may appeal the modified report. The contractor’s appeal shall be made within ten (10) calendar days of the date of receipt of the modified report and in the manner set forth in section (3) above. The Secretary will consider the appeal and respond to it by certified mail within sixty (60) calendar days of its receipt. This determination will also be considered the final administrative act of the department.

5. A prime contractor performance report shall be considered a preliminary paper until all reviews and appeals have been accomplished and it shall have been stamped and initialed as having been “filed in the Office of the Secretary.”