BACnet TESTING LABORATORIES

SIMPLE APPEALS PROCEDURE

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Introduction

The requirements that a product must meet in order to be eligible for a BTL listing are set by BACnet International (BI). Product testing is performed by test laboratories approved by BI. Testing results and the determination of whether or not a product has met the requirements for a BTL listing shall be made solely at the determination of BI.

BI has an appeals procedure that is described in the document "BACnet Testing Laboratories -- Appeals Procedure". That procedure may be unilaterally invoked by a BTL customer that has submitted a product for testing, and the costs of the appeal are paid for by the customer.

The BTL working group has determined that there is a need for a simple appeals procedure to quickly resolve certain types of issues that arise during product testing. This is intended to be an alternative to the resolution of an issue through formal discussion by the BTL working group.

Unlike the regular appeals procedure, the simple appeals procedure may only be offered by the test laboratory to the customer, it requires the consent of both the customer and the test laboratory, and there is no cost to the customer. Even if the customer agrees to go forward with a simple appeal, the customer may at any time invoke the regular appeals procedure.

Reasons for an Appeal

The test laboratory may offer a simple appeal to the customer for any of the following reasons:

1. The test laboratory and/or the customer believe that an approved test does not accurately reflect a fundamental BTL requirement.

2. The test laboratory and/or the customer believe that an approved test that is required to be run on the customer's product is not appropriate for the customer's product.

3. The test laboratory and/or the customer believe that one or more test parameters required to be used in a particular test are not appropriate for the customer's product.

Generally speaking, the test laboratory will only offer the simple appeals procedure to the customer if the test laboratory believes that an expedited decision is necessary in order to avoid lengthy delays in completing the testing of a product. In other cases, the test laboratory should bring the matter to the attention of the entire BTL working group.

Initiating a Simple Appeal

A simple appeal shall be initiated after the following occurs:

1. The test laboratory offers the simple appeals procedure to the customer in writing. This document must be provided to the customer at that time.

2. The customer accepts the offer in writing.

3. The test laboratory notifies the BTL Manager that the lab and the customer would like to proceed with a simple appeal.

4. The BTL Manager agrees that a simple appeal is appropriate given the reasons for the appeal and the BTL working group's schedule.

The Appeals Board

The appeal shall be heard by an Appeals Board consisting of three people selected by the BTL Manager. The members of the Appeals Board shall be selected for each appeal on the basis of their availability and on their ability to render a fair judgment based on technical and business considerations. A person will be disqualified from serving on an Appeals Board if in the opinion of the BTL Manager the person has a significant conflict of interest that is relevant to the appeal.

Once the Appeals Board is selected, the BTL Manager will provide the Appeals Board members with the reason(s) for the appeal and written statements provided by the test laboratory and the customer. The Appeals Board may request additional information from the test laboratory or the customer.

It is expected that the Appeals Board will reach a decision on the issues raised in the appeal within two weeks. The decision shall be delivered to the BTL Manager in writing. Any decision by the Appeals Board to modify or waive a BTL requirement requires a unanimous vote.

The BTL Manager shall provide a copy of the Appeals Board's report to the customer, the test laboratory and the BTL working group.

Review of Decisions

If the Appeals Board's decision is to change or waive one or more test requirements, the BTL working group may choose to review the decision. If the BTL working group reaffirms its original requirements, the Appeals Board's decision is overruled, and the customer and test laboratory shall be so informed by the BTL manager. If that occurs, the customer shall be required to bring its BTL-listed products into compliance with the BTL's reaffirmed requirements within a time period set by the BTL working group.

Confidentiality

The nature of this Simple Appeals Procedure is that some information about the customer's product and product testing activity will be disclosed to some people who are not bound by a relevant non-disclosure agreement. Furthermore, the BTL Manager is required to inform the BTL working group of the results of all appeals. The customer should take this into account when deciding whether to agree to the use of this Appeals Procedure.

Appeal Cost

The Applicant will not be charged for any costs incurred by BI in processing the appeal.

Changes to the Simple Appeals Procedure

Changes to the Simple Appeals Procedure may be made at any time by BI.