

## PROTEST PROCEDURES AND PROTEST BOND REQUIREMENTS

Austin Peay State University (APSU)

### 1. Protest Period

The protest period for this solicitation begins on [insert date] and ends on [insert date]. Any protest of this solicitation must be received no later than 4:30 p.m. Central Time on [insert date].

Protests must be submitted in writing via hand-delivery, U.S. mail, or electronic submission (when available) to the APSU Procurement Office.

Austin Peay State University

Procurement Services

PO Box 4635

505 York Street

Clarksville, TN 37044

Phone: 931-221-7573

Email: [waltonp@apsu.edu](mailto:waltonp@apsu.edu)

### 2. Right to Protest

Any respondent who submitted a response to [identify solicitation number and title] and who claims to be aggrieved in connection with the solicitation, award, or proposed award of a contract may submit a protest.

All protests must comply with applicable Tennessee law, including Tenn. Code Ann. § 12-3-514, and APSU procurement policies.

### 3. Protest Requirements

A valid protest must:

- Be submitted within seven (7) calendar days after the date the notice of award or notice of intent to award is issued;
- Clearly state and describe all grounds for protest;
- Include all supporting facts and documentation;
- Be signed by an authorized representative; and
- Be accompanied by a protest bond, unless exempt.

### 4. Protest Bond Requirement

Unless a statutory exemption applies, a protest must include a protest bond payable to Austin Peay State University.

The protest bond amount shall be:

- Five percent (5%) of the lowest evaluated bid or proposal;
- Five percent (5%) of the maximum liability stated in the solicitation;
- Five percent (5%) of estimated maximum revenue; or
- An amount determined by APSU Procurement for no-cost contracts.

The required protest bond amount for this solicitation is \$[insert amount].

### 5. Effect of Protest

Upon receipt of a timely protest and bond, APSU may impose a stay of the solicitation until resolution.

## 6. Non-Actionable Protests

A protest will not be considered if based on scoring differences without bias, unresolved ethical allegations, objections known but not raised during procurement, or approved solicitation clarifications.

## 7. Grounds for Protest

Sole grounds include arbitrary awards, legal violations, material deviations from solicitation requirements, collusion or bad faith, or technical evaluation errors.

## 8. Forfeiture of Protest Bond

The protest bond may be forfeited upon a finding of bad faith, statutory violations, damages to APSU, failure to state a valid basis, or other authorized reasons.

## 9. Protest Bond Form (Example)

Any protest bond must be issued by a Tennessee-licensed surety, include valid power of attorney, reference the APSU solicitation, and be payable to Austin Peay State University.

This document is intended for use in APSU solicitations.