

SOUTHWEST

TENNESSEE COMMUNITY COLLEGE

Protested Bids

A. Right to Protest.

1. An Aggrieved Respondent may protest, in writing, to the Chief Procurement Officer within seven (7) Calendar Days from the date of notice to award. Protests must be received by the College's Procurement Office no later than the close of business of the seventh Calendar Day.
2. The following are the sole grounds for a protest:
 - a. The contract award was arbitrary, capricious, an abuse of discretion, or exceeded the authority of the awarding entity;
 - b. The procurement process violated a constitutional, statutory, or regulatory provision;
 - c. The awarding entity failed to adhere to the rules of the procurement as set forth in the solicitation and this failure materially affected the contract award;
 - d. The procurement process involved responses that were collusive, submitted in bad faith, or not arrived at independently through open competition; and
 - e. The contract award resulted from a technical or mathematical error during the evaluation process.
3. Any issues not raised by the protesting party after the seven (7) Calendar Day period shall not be considered as part of the protest.
4. Protests shall include the required bond, as specified below. Protests received which do not include the required bond shall not be considered. Link to [sample protest bond](#).

B. Signature on Protest Constitutes Certificate.

1. A protest must be signed by an authorized company representative, who certifies that they have read such document, that to the best of their knowledge, it is well grounded in fact and that it is not submitted for any improper purpose, such as to harass, limit competition,

or to cause unnecessary delay or needless increase in the cost of the procurement or of the litigation.

2. If the protest is submitted in violation of any provisions of this Section B, appropriate sanctions, which may include removal from future bid opportunities and forfeiture of the protest bond, may be imposed.

C. Protest Bond

1. The protesting party shall post, with the Chief Procurement Officer of the College, at the time of filing a notice of protest, a bond payable to the College in the amount of five percent (5%) of the lowest cost proposal evaluated or five percent (5%) of the highest revenue proposal evaluated. Calculation of the value of the bond shall be made based on the total value of the procurement, including any renewals thereof. Such protest bond shall be in form and substance acceptable to the College and shall be immediately payable to the College conditioned upon a decision by the Chief Financial Officer or designee that:
 - a. A violation of Section B.;
 - b. The protest has been brought or pursued in bad faith; or
 - c. The protest does not state on its face a valid basis for protest.
2. The College shall hold such protest bond for at least eleven (11) Calendar Days after the date of the final determination by the Chief Financial Officer.
3. At the time of filing notice of a protest of a procurement in which the lowest evaluated cost proposal is less than one million dollars (\$1,000,000), or in which the highest evaluated revenue proposal is less than one hundred thousand dollars (\$100,000), a minority, women, small or service disabled veteran-owned business protesting party may submit a written petition to the Chief Financial Officer for exemption from the protest bond requirement.
 - a. Such a petition must include clear evidence of business classification which shall be validated with the ethnicity information supplied with the solicitation. The petition shall

be submitted to the Chief Financial Officer who has seven (7) Calendar Days in which to make a determination.

- b. If an exemption from the protest bond requirement is granted, the protest shall proceed as though the bond were posted.
- c. Should the Chief Financial Officer deny an exemption from the requirement, the protesting party shall post the bond with the Chief Procurement Officer of the College as required in Section C.1. within five (5) Calendar Days of the determination.

D. Authority to Resolve Protest.

- a. The College's Chief Procurement Officer has the authority to resolve the protest. If deemed necessary, the College's Chief Procurement Officer may request a meeting with the protesting party to seek clarification of the protest issues.
- b. The final determination of the College's Chief Procurement Officer shall be given in writing and submitted to the protesting party.
- c. The protesting party may request that the final determination of the College's Chief Procurement Officer be considered by the College's Chief Financial Officer. The request for consideration shall be made in writing to, and received by, the College's Chief Financial Officer within seven (7) Calendar Days from the date of the final determination by the College's Chief Procurement Officer.
- d. The College's Chief Financial Officer has the authority to review and resolve the protest. If deemed necessary, the College's Chief Financial Officer may request a meeting with the protesting party to seek clarification of the protest issues. The final determination of the College's Chief Financial Officer shall be given in writing and submitted to the protesting party.
- e. The protesting party may request that the final determination of the College's Chief Financial Officer be considered by the President of the College. The request for consideration shall be made in writing to, and received by, the President within seven (7) Calendar Days from the date of the final determination by the College's Chief Financial Officer.

- f. The College shall have no longer than sixty (60) Calendar Days from receipt of the protest to resolve the protest.
- g. The protesting party may request that the final determination of the President be considered by the Chancellor. The request for consideration shall be made in writing to, and received by the Chancellor within seven (7) Calendar Days from the date of the final determination by the President.
- h. The determination of the Chancellor or designee is final and shall be given in writing and submitted to the protestor.
- i. Should the College fail to acknowledge receipt of a protest within fifteen (15) Calendar Days and to resolve the protest within sixty (60) Calendar Days, the protesting party may request that the Chancellor consider the protest. Such request shall be in writing and received by the Chancellor within seven (7) Calendar Days from the expiration of the sixty (60) day period.

E. Stay of Award

- a. Prior to the award of a contract, a proposer who has protested may submit to the College's Chief Procurement Officer a written petition for stay of award. Such stay shall become effective upon receipt by the College's Chief Procurement Officer.
- b. The College's Chief Procurement Officer shall not proceed further with the solicitation process or the award until the protest has been resolved in accordance with this section, unless the College's Chief Financial Officer makes a written determination that continuation of the solicitation process or the award without delay is necessary to protect substantial interests of the College.