

## **Attachment 06**

### **PROTEST INFORMATION**

This attachment is intended to provide Offerors with an overview of the Lead Entity's protest law, procedures, and requirements, which may be updated and amended without notice. Offerors filing a protest are wholly responsible for locating, understanding, and complying with protest law, procedures, and requirements in effect at the time of the protest.

This attachment provides guidance on filing protests related to the solicitation or award of Arkansas state contracts, in accordance with Arkansas Code Annotated § 19-11-244 and Act 782 of 2025.

#### **Who May File a Protest**

Any actual or prospective bidder, offeror, or contractor who believes they have been aggrieved in connection with a solicitation or award may file a protest.

#### **Grounds for Protest**

A protest may be filed for one or more of the following reasons:

- The award exceeded the authority of the State Procurement Director or procurement agency.
- The procurement process violated a constitutional, statutory, or regulatory provision.
- The Director or procurement agency failed to follow the solicitation rules, materially affecting the award.
- The procurement process involved collusive, bad faith, or non-independent responses.
- The award resulted from a technical or mathematical error during evaluation.

All protests must state facts substantiating each ground.

#### **Timing and Submission**

- Solicitation-related protests: Submit at least 72 hours before the solicitation response deadline.
- Award-related protests: Submit within 14 calendar days after the award or notice of intent to award is posted.

#### **Submission Instructions**

Protests must be submitted in writing to the Agency Procurement Official (APO) for the University of Arkansas at Little Rock.

#### **Resolution Process**

- The APO or a designee may attempt to settle or resolve the protest before issuing a formal determination.
- Settlement meetings are not public, but final resolutions will be publicly disclosed.
- If unresolved, a written administrative protest determination will be issued stating the reasons for the decision.
- A copy of the decision will be provided within 5 days to the protestor and any intervening party.
- This determination is final and conclusive, meaning the agency's decision resolves the protest and there is no further internal review or appeal within the agency.
- Important: Although final, this determination is not considered an official order under the Arkansas Administrative Procedure Act, so the normal APA procedures for hearings or appeals do not apply.

**Request for Proposals for**  
**Vehicle Upfitting Sales and Installation**

Issued by the **University of Arkansas Little Rock**  
**Solicitation Number: FB-26-007**

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- Contract execution during protest: The state will not execute the protested contract unless a written determination finds it necessary to protect substantial state interests.

**Remedies and Consequences**

- If the protest is sustained and the protesting party was denied the award, they may recover reasonable costs, including bid preparation costs, through the Arkansas State Claims Commission.
- Protests submitted without merit or solely to delay may result in a private cause of action for tortious interference with a business expectancy.

**References**

- Arkansas Code Annotated § 19-11-244
- Act 782 of 2025

Note: This memorandum provides general guidance. Prospective bidders should review the statute and Act 782 and may seek legal advice for clarification.