

ORDINANCE NO. 2026-009

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING ARTICLE IX OF CHAPTER TWO OF THE CODE OF ORDINANCES RELATING TO PROCUREMENT; ADOPTING A MODERNIZED PROCUREMENT CODE; REVISING PROCUREMENT THRESHOLDS, PROCUREMENT METHODS, COMPETITIVE PROCUREMENT REQUIREMENTS, AND APPROVAL AUTHORITY; DISTINGUISHING LEGISLATIVE PROCUREMENT POLICY FROM ADMINISTRATIVE PROCUREMENT PROCEDURES; AUTHORIZING THE TOWN ADMINISTRATOR TO ADOPT AND MAINTAIN AN ADMINISTRATIVE PROCUREMENT PROCEDURES MANUAL CONSISTENT WITH THE PROCUREMENT CODE; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Southwest Ranches adopted its original Procurement Code following incorporation and has periodically revised the Code to reflect changes in procurement practices, applicable law, and the operational needs of the Town; and

WHEREAS, the existing Procurement Code has, over time, incorporated legislative procurement policy together with administrative procedures, operational workflows, internal forms, and day-to-day procurement practices into a single codified document; and

WHEREAS, the Town Council finds that legislative procurement policy is more appropriately established through ordinance, while administrative procedures, operational practices, forms, workflows, internal controls, and technology-related processes are more effectively maintained through an Administrative Procurement Procedures Manual approved by the Town Administrator; and

WHEREAS, the Town Council recognizes that procurement requirements applicable to federally funded projects are primarily administrative in nature, are subject to change based upon federal regulations, grant conditions, and funding agency requirements, and are therefore more appropriately maintained within the Town's Administrative Procurement Procedures Manual and incorporated into individual solicitations and contracts, as applicable; and

WHEREAS, the Town Council further finds that separating procurement governance from administrative procedures improves clarity, enhances administrative efficiency, allows operational procedures to evolve with changing technology and best

practices, and reduces the need for frequent amendments to the Town Code for matters that are administrative in nature; and

WHEREAS, the Town Council further finds that revising the Town's procurement thresholds and approval authorities will reduce administrative burden, better align procurement practices with the Town's operational needs, and allow Town resources to be focused on procurements presenting the greatest fiscal or operational significance while preserving appropriate oversight and competition; and

WHEREAS, the revised Procurement Code further clarifies procurement authority, approval thresholds, and the evaluation of multi-year procurements to provide greater consistency in administration and alignment with the Town's annual budgeting process; and

WHEREAS, this modernization preserves the Town Council's legislative authority over procurement policy, ethics, competitive procurement requirements, approval authority, protests, and other governance matters while providing appropriate administrative flexibility for implementation by the Town Administrator; and

WHEREAS, the Town Council desires to modernize and streamline the Procurement Code by adopting a concise governance document that establishes procurement authority, ethical standards, competitive procurement requirements, approval authority, contract administration principles, and other legislative policies while authorizing administrative procedures to be maintained separately by the Town Administrator consistent with the Procurement Code; and

WHEREAS, the Town Council finds that adoption of the revised Procurement Code is in the best interests of the Town and promotes sound public procurement practices, transparency, accountability, operational efficiency, and responsible stewardship of public funds.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:

Section 1: Adoption of Procurement Code.

Article IX of Chapter 2 of the Code of Ordinances relating to Procurement is hereby repealed and replaced in its entirety with the Procurement Code attached hereto as **Exhibit "A,"** which is hereby adopted and incorporated as though fully set forth herein.

The Procurement Code adopted by this Ordinance shall constitute the legislative procurement policies governing procurement activities of the Town of Southwest Ranches.

Section 2: Administrative Procurement Procedures Manual.

The Town Administrator is authorized to adopt, amend, and maintain an Administrative Procurement Procedures Manual, together with administrative forms, templates, workflows, internal controls, standard operating procedures, guidance documents, and other administrative procurement materials necessary to implement and administer the Procurement Code.

Such administrative materials may be revised from time to time by the Town Administrator without further action of the Town Council, provided they remain consistent with the Procurement Code, the Town Charter, and applicable federal, state, and local law.

Section 3: Intent.

It is the intent of the Town Council that this Ordinance distinguish legislative procurement policy from administrative procurement procedures.

Accordingly:

- Legislative matters, including procurement authority, procurement thresholds, procurement methods, competitive procurement requirements, ethics, approval authority, protests, and other governance provisions shall be established by ordinance; and
- Administrative procedures, operational practices, internal controls, forms, workflows, electronic procurement processes, procurement technology, contract administration guidance, grant administration procedures, and similar implementation documents shall be maintained administratively by the Town Administrator.

Nothing contained within the Administrative Procurement Procedures Manual shall amend, supersede, or conflict with the Procurement Code, Town Charter, or applicable federal, state, or local law.

Section 4: Authorization for Electronic Procurement.

The Town Administrator is authorized to utilize electronic procurement systems, electronic bidding platforms, electronic signatures, electronic contract administration systems, and other electronic procurement technologies consistent with applicable Florida law.

Section 5: Repeal of Conflicting Ordinances.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6: Severability.

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 7: Codification.

It is the intention of the Town Council that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Southwest Ranches and that the sections of this Ordinance may be renumbered, relettered, or otherwise editorially revised to accomplish such intention.

Section 8: Effective Date.

This Ordinance shall become effective on October 1, 2026.

(Signatures on the Following Page)

PASSED ON FIRST READING this 23rd day of July, 2026 on a motion made by Council Member Kuczenski and seconded by Council Member Hartmann.

PASSED AND ADOPTED ON SECOND READING this 13th day of August, 2026 on a motion made by Chm Kuczenski and seconded by Chm Hartmann.

Breitkreuz ABSENT

Jablonski 

Allbritton 

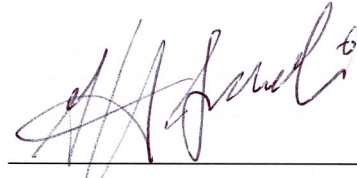
Hartmann 

Kuczenski 

Ayes 4

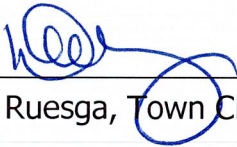
Nays 0

Absent 1



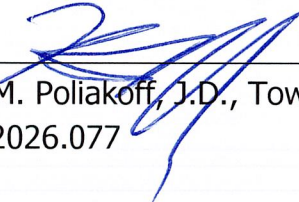
Gary Jablonski, Vice Mayor

ATTEST:



Debra Ruesga, Town Clerk

Approved as to Form and Correctness:



Keith M. Poliakoff, J.D., Town Attorney
1001.2026.077

ARTICLE IX. PROCUREMENT CODE

Sec. 2-198. Short Title.

This Article shall be known and may be cited as the “Town of Southwest Ranches Procurement Code.”

Sec. 2-199. Purpose and Intent.

The purpose of this Article is to establish a fair, transparent, competitive, and efficient procurement system for the acquisition of commodities, contractual services, professional services, construction services, and other purchases necessary for Town operations.

All purchases shall serve a valid public purpose and shall be conducted in accordance with applicable federal, state, and local laws.

The Town Council hereby delegates administrative procurement authority to the Town Administrator as set forth herein.

Sec. 2-200. Procurement Authority.

(a) The Town Administrator shall administer and enforce this Article and shall have authority to establish administrative procurement procedures, forms, workflows, and internal controls consistent with this Article.

(b) The Town Administrator may designate a Town Procurement Officer (or equivalent) and other employees to administer procurement activities on behalf of the Town.

(c) All procurements shall be conducted through the Town Administrator, Town Procurement Officer, or their designee.

(d) No Town officer, employee, or department shall divide or subdivide purchases for the purpose of avoiding competitive procurement requirements or approval thresholds.

Continued on following page

Sec. 2-201. Procurement Thresholds and Competition Requirements.

Purchases shall be made in accordance with the following thresholds:

A. Procurement Thresholds and Approval Authority

Procurement Value (Total Anticipated Contract or Project Value)	Procurement Process	Approval Authority
Level 1: Up to and including \$2,500	One documented quote	Department Director or Designee
Level 2: Greater than \$2,500 up to and including \$50,000	Three documented quotes, to the extent practicable	Town Administrator or Designee
Level 3: Greater than \$50,000	Formal Competitive Procurement, unless otherwise authorized by this Chapter	Town Council

(a) Procurement value shall be defined as the total anticipated cost of the acquisition or project. For multi-year agreements, procurement value includes any reasonably anticipated renewal options, predetermined pricing adjustments, and contingencies.

(b) Amendments or modifications shall be approved in accordance with the approval authorities established by this Article.

B. Competition Requirements

(a) Quotes may be written, electronic, or otherwise documented in a manner acceptable to the Town. For individual purchases of less than \$1,000, a verbal quote may be obtained, provided the quoted price is documented as part of the purchasing or payment record.

(b) Formal Competitive Procurement methods may include, but are not limited to, Invitations for Bid (IFB), Requests for Proposals (RFP), Requests for Qualifications (RFQ), Requests for Letters of Interest (RLI), or other procurement methods authorized by the Town Administrator and consistent with Florida law. The procurement methods identified in this section are subject to the exemptions and alternative procurement methods authorized elsewhere in this Chapter.

(c) Professional services subject to the Consultants' Competitive Negotiation Act (CCNA), section 287.055, Florida Statutes, shall be procured in accordance with applicable law.

(d) The Town reserves the right to reject any or all responses, waive minor informalities or irregularities, cancel or reissue solicitations, or take any other action determined to be in the best interest of the Town and consistent with applicable law.

Sec. 2-202. Exemptions and Emergency Purchases.

(a) The Town Administrator may exempt purchases from competitive procurement requirements when authorized by applicable law or when determined to be in the best interest of the Town.

(b) Exempt purchases may include, but are not limited to:

1. Emergency purchases;
2. Sole source and other noncompetitive procurements supported by written justification;
3. Purchases made pursuant to competitively awarded governmental contracts, cooperative agreements, or other contracts lawfully available for use by the Town;
4. Purchases involving specialized, professional, artistic, educational, governmental, or unique services or commodities for which competitive procurement is determined to be impractical or not advantageous to the Town;
5. Purchases, renewals, maintenance agreements, subscriptions, upgrades, or related services associated with existing proprietary software, technology platforms, or systems when the Town Administrator determines that standardization, compatibility, interoperability, operational continuity, data integrity, cybersecurity, or migration costs make competitive procurement impractical or not in the best interest of the Town.

(c) Purchases exempted from competitive procurement requirements shall remain subject to the applicable approval authority requirements of this Article, including Town Council approval when required.

(d) Emergency purchases may be authorized when an immediate threat exists to public health, safety, welfare, property, or the continuation of governmental operations.

(e) The Town Administrator shall document the basis for exempt or emergency procurements in accordance with administrative procedures.

(f) Administrative procurement procedures may further identify exempt purchase categories and related documentation requirements consistent with this Article.

Sec. 2-203. Contract Authority.

(a) Contracts and purchase orders shall be executed in the manner required by the Town Charter and applicable law.

(b) Town Council approval shall be required for contracts and procurements with a total anticipated procurement value exceeding \$50,000. Contracts and procurements with a procurement value at or below \$50,000 may be approved administratively in accordance with this Article.

(c) The Town Administrator may execute contracts and purchase orders within the authority delegated by this Article.

(d) The Town Administrator may approve contract renewals and extensions when authorized by the original contract and determined to be in the best interest of the Town.

Sec. 2-204. Change Orders.

(a) The Town Administrator may approve change orders consistent with available budget authority and applicable law.

(b) Change orders greater than \$50,000, individually or cumulatively, shall require Town Council approval, unless otherwise authorized or required by applicable law.

Sec. 2-205. Evaluation and Award.

(a) Contracts shall be awarded to the responsive and responsible vendor determined to be in the best interest of the Town.

(b) The Town may establish procurement-specific requirements within solicitation and contract documents. Failure to comply with applicable procurement requirements may result in rejection, disqualification, determination of non-responsiveness, or other action deemed appropriate by the Town.

(c) The Town may consider factors including qualifications, experience, price, past performance, schedule, and other criteria identified in the solicitation.

(d) Evaluation committees may be utilized when determined appropriate by the Town Administrator. The Town Procurement Officer shall serve as the facilitator of the evaluation committee. Evaluation committee members shall be appointed by the Town Administrator, shall consist of not fewer than three (3) individuals, and shall consist of Town employees. The Town Administrator may appoint outside subject matter experts possessing knowledge, experience, or expertise relevant to the procurement when determined beneficial to the Town. Elected officials shall not serve as members of evaluation committees or participate in committee deliberations or evaluations consistent with applicable law.

(e) The Town Administrator or Town Procurement Officer may conduct discussions, negotiations, requests for clarification, best and final offers, scope refinements, and related procurement activities when determined to be in the best interest of the Town and consistent with the solicitation and applicable law.

Sec. 2-206. Local Vendor Preference.

(a) Definitions.

(1) Local Southwest Ranches Vendor. A "Local Southwest Ranches Vendor" shall mean a person or business entity which has maintained a permanent place of business with full-time employees within the Town limits for a minimum of six (6) months prior to the

date of issuance of a solicitation, or whose principal owner has been a resident of the Town of Southwest Ranches for a minimum of six (6) months. The permanent place of business may not be a post office box. The business must also possess a valid Town of Southwest Ranches Certificate of Use for a minimum of six (6) months and a current Broward County business tax receipt.

(2) Local Broward County Vendor. A "Local Broward County Vendor" shall mean a person or business entity which has maintained a permanent place of business with full-time employees within Broward County for a minimum of six (6) months prior to the date of issuance of a solicitation. The permanent place of business may not be a post office box or residence. The business location must actively distribute goods or services from that location. The business must also possess a current business tax receipt from Broward County or the applicable Broward municipality and maintain an address recognized by the United States Postal Service as a Broward County address.

(b) Application of Local Vendor Preference. This section shall apply to all Level 2 and Level 3 procurements unless the purchase is exempt from competitive procurement requirements pursuant to Section 2-202.

(1) Local Southwest Ranches Vendors shall receive a five percent (5%) evaluation preference for bid or quote evaluation purposes.

(2) If a Local Southwest Ranches Vendor submits a responsive bid or quote within five percent (5%) of the lowest responsive bid or quote submitted, the Local Southwest Ranches Vendor shall be provided the opportunity to submit a best and final offer that is at least one percent (1%) lower than the lowest responsive bid or quote received.

(3) Local Broward County Vendors shall receive a two and one-half percent (2.5%) evaluation preference for bid or quote evaluation purposes.

(4) If a Local Broward County Vendor submits a responsive bid or quote within two and one-half percent (2.5%) of the lowest responsive bid or quote submitted, the Local Broward County Vendor shall be provided the opportunity to submit a best and final offer that is at least one percent (1%) lower than the lowest responsive bid or quote received.

(5) If both a Local Southwest Ranches Vendor and a Local Broward County Vendor qualify for preference consideration within the same solicitation, the Local Southwest Ranches Vendor shall be provided the first opportunity to submit a best and final offer.

(6) If multiple Local Southwest Ranches Vendors qualify for preference consideration, all qualifying Local Southwest Ranches Vendors shall be invited to submit a best and final offer. If no Local Southwest Ranches Vendor submits a qualifying best and final offer, the process may then be repeated for qualifying Local Broward County Vendors.

(7) If no qualifying local vendor submits a best and final offer that is at least one percent (1%) lower than the lowest responsive bid or quote received, award shall be made to the lowest responsive and responsible bidder regardless of geographic location.

(8) If the lowest responsive and responsible bidder is already a Local Southwest Ranches Vendor, no additional preference process shall apply and award shall be made to that vendor.

Sec. 2-207. Cone of Silence.

(a) A Cone of Silence shall apply to all formal competitive procurements, including Invitations for Bid (IFB), Requests for Proposals (RFP), Requests for Qualifications (RFQ), Requests for Letters of Interest (RLI), and other formal competitive solicitations.

(b) During the Cone of Silence period, no bidder, proposer, respondent, consultant, lobbyist, or representative thereof shall communicate regarding the solicitation with any Town Council member, Town employee, evaluation committee member, or other person involved in the evaluation, recommendation, or award process, except as expressly authorized by this Article or administrative procedures.

(c) The Cone of Silence shall commence upon advertisement of a solicitation and shall terminate at the start of the Council Meeting wherein award is on the agenda, rejection of all responses, cancellation of the solicitation, or other action ending the procurement process. If a solicitation is returned for further evaluation or consideration, the Cone of Silence shall be reimposed until further action is taken.

(d) Communications expressly authorized by the solicitation, public meetings, public presentations, pre-bid conferences, written inquiries and requests for clarification submitted through the designated Town representative in accordance with the solicitation, contract negotiations, and communications with the Town Attorney and Town Administrator shall not constitute violations of the Cone of Silence.

(e) Violations of the Cone of Silence may result in disqualification, rejection of a response, cancellation of an award, or other remedies authorized by law or the applicable solicitation.

Sec. 2-208. Ethics in Public Contracting.

(a) Town officials, employees, committee members, contractors, vendors, and consultants participating in procurement activities shall comply with all applicable federal, state, and local ethics laws.

(b) All procurement activities shall be conducted in a manner that promotes fairness, integrity, transparency, accountability, and public confidence.

(c) No person shall participate in any procurement activity in which an actual or apparent conflict of interest exists or otherwise violates Chapter 112, Florida Statutes.

(d) Procurement evaluation committee members shall disclose any actual or apparent conflicts of interest and shall refrain from participating in the evaluation of any procurement for which such conflict exists.

- (e) Vendors shall disclose any actual or apparent conflicts of interest related to a procurement.
- (f) No Town official, employee, committee member, or agent shall solicit or accept gratuities, favors, or anything of value from a contractor, potential contractor, or other party seeking to do business with the Town.
- (g) No elected official of the Town shall have a direct or indirect financial interest in any contract, purchase order, procurement, or other transaction subject to this Article.
- (h) The Town shall take reasonable steps to identify, avoid, mitigate, or otherwise address organizational conflicts of interest that may impair competition, objectivity, or fairness in the procurement process.

Sec. 2-209. Surplus Property.

- (a) The Town Administrator may declare tangible personal property surplus when such property is obsolete, damaged, no longer needed, or otherwise determined to be surplus to Town operations.
- (b) Surplus tangible personal property may be auctioned through a public process, donated, recycled, disposed of, utilized as a trade-in, or otherwise handled in a manner determined to be in the best interest of the Town and consistent with applicable law. Town employees and officials may participate in public surplus auctions on the same terms and conditions as the general public.
- (c) The Town Administrator may approve the disposition of surplus tangible personal property with an estimated fair market value of \$2,500 or less. The disposition of surplus tangible personal property with an estimated fair market value exceeding \$2,500 shall require Town Council approval.
- (d) The sale, lease, transfer, exchange, or disposition of real property shall be subject to the Town Charter, applicable law, this subsection, and approval of the Town Council.

Sec 2-210. Acquisition and Disposition of Real Property.

- (a) Acquisition or sale of real property, both improved and unimproved.
- (1) The following land acquisition procedures shall be employed whenever the Town seeks to acquire, by purchase, any real property:
 - a. Procedures shall comply with section 166.045, Florida Statutes, as amended from time to time.

b. Upon commencement of negotiations, the Town shall inform the property owner, in writing, that all agreements for the purchase of real property are subject to approval by the Town Council.

c. Any agreement by the Town to purchase real property shall be submitted to the Town Council for approval at a public meeting after thirty (30) days' public notice. Notice of the proposed purchase of real property shall be published once a week for at least two (2) weeks in a newspaper of general circulation in the Town.

d. Evidence of marketable title in the form of title insurance or an abstract of title with title opinion shall be provided to the Town by the property owner, at the property owner's expense, not later than ten (10) calendar days prior to the public hearing.

e. The purchase price of the property shall not exceed the appraised value, or the average appraised value if more than one (1) appraisal is obtained, by more than ten percent (10%), unless subject to a right of first refusal, right of first offer, or other lawful contractual provision.

(2) Appraisals.

a. Prior to the disposition of Town-owned real property, the Town shall obtain appraisals as follows:

1. At least one (1) appraisal shall be obtained.
2. If the appraisal concludes that the property valuation is between twenty-five thousand dollars (\$25,000.00) and five hundred thousand dollars (\$500,000.00), a second appraisal shall be required.
3. If either of the two (2) appraisals concludes that the property valuation exceeds five hundred thousand dollars (\$500,000.00), a third appraisal shall be required.

b. Appraisers selected pursuant to this section shall be state-certified real estate appraisers and, prior to contracting with the Town for appraisal services, shall submit an affidavit substantiating that the appraiser has no vested or fiduciary interest in the property that is the subject of the appraisal.

(3) The following procedures shall be employed whenever the Town seeks to sell or convey any real property belonging to the Town to a nongovernmental person or entity:

a. The disposition shall comply with the appraisal requirements set forth in subsection (2).

b. Public notice of the invitation to bid calling for bids for the purchase of the subject real property shall be published once a week for at least two (2) weeks in a newspaper of general circulation in the Town.

c. The contract for purchase shall be awarded to the highest responsive and responsible bidder whose bid meets the requirements and criteria set forth in the invitation to bid and instructions to bidders, unless the Town Council rejects all bids because they are too low or otherwise determines such rejection to be in the best interest of the Town.

d. Bid security shall be required for all bids for the purchase of Town-owned real property in an amount equal to ten percent (10%) of the highest appraisal value of the property.

(4) The following procedures shall be employed whenever the Town seeks to sell or convey any real property owned by the Town to a governmental agency, as defined in section 112.312(2), Florida Statutes, as amended from time to time, and in accordance with Section 4.10 of the Town Charter:

a. The disposition shall comply with the appraisal requirements set forth in subsection (2).

b. The Town may agree to the sale of its real property upon approval by a unanimous vote of all five (5) members of the Town Council at a regular or special public meeting following public notice and subject to any referendum approval required by Section 4.10 of the Town Charter. These provisions shall not apply to rights-of-way, property less than the minimum lot size requirement, property acquired through foreclosure, or property not located within or adjacent to a Town park that was specifically acquired for lease or resale purposes.

c. If the sale of Town-owned real property is to another governmental agency, competitive bidding shall not be required.

Sec. 2-211. Unsolicited Proposals.

(a) The Town may receive and consider unsolicited proposals offering unique, innovative, or otherwise beneficial opportunities to the Town.

(b) Receipt of an unsolicited proposal shall not obligate the Town to negotiate, procure, advertise, accept, or otherwise act upon such proposal.

(c) The Town Administrator may establish administrative procedures governing the receipt, evaluation, consideration, and disposition of unsolicited proposals.

(d) Nothing herein shall waive any applicable procurement, competition, approval, or public notice requirements otherwise required by law or this Article.

Sec. 2-212. Procurement Appeals and Remedies.

(a) Any actual or prospective bidder, proposer, or respondent aggrieved in connection with a recommended award may file a written protest with the Town Clerk's Office within five (5) business days following posting of the award recommendation.

(b) A protest shall be deemed filed only upon receipt by the Town Clerk's Office. Delivery to any other Town employee, department, officer, or representative shall not constitute a valid filing.

(c) All protests shall:

1. Be submitted in writing;
2. Identify the solicitation number and title;
3. State the factual and legal basis for the protest;
4. Include all supporting documentation; and
5. Identify the relief requested.

(d) A written protest may not challenge the relative weight of evaluation criteria, ranking methodology, scoring formula, or evaluation factors established in the solicitation.

(e) All protests shall be accompanied by security in the form of a protest bond, an irrevocable letter of credit, or other security acceptable to the Town, in an amount equal to five thousand dollars (\$5,000) or five percent (5%) of the estimated value of the solicitation or contract, whichever is greater, not to exceed fifty thousand dollars (\$50,000).

(f) A protest shall not be deemed properly filed until the required protest security has been received by the Town. Failure to provide the required security at the time of filing shall render the protest invalid.

(g) Failure to timely file a protest, timely submit the required protest security, or otherwise comply with the requirements of this section shall constitute a waiver of all protest rights under this Article.

(h) Upon receipt of a timely and properly filed protest, the Town may suspend the solicitation or award process pending resolution of the protest unless the Town Administrator determines that proceeding without delay is necessary to protect the public health, safety, welfare, or interests of the Town.

(i) Within seven (7) business days following receipt of a timely and properly filed protest, the Town Procurement Officer, after consultation with the Town Attorney, shall attempt to resolve the protest. If the protest is not resolved by mutual agreement, the Town Procurement Officer shall issue a written decision setting forth the basis for the determination.

(j) A copy of the written decision shall be furnished to the protestor by certified mail, electronic delivery, or other reasonable means.

(k) The Town Procurement Officer's decision shall be final unless the protestor files a written appeal with the Town Administrator within three (3) business days following receipt of the decision.

(l) The Town Administrator shall review the appeal and issue a final written determination. The Town Administrator's decision shall be final and conclusive.

(m) The protest security shall be conditioned upon payment of all costs and expenses incurred by the Town in connection with the protest should the protest be denied.

(n) Upon final resolution of the protest, any security posted shall be released in accordance with administrative procedures established by the Town.

Sec. 2-213. State and Federal Procurement Requirements.

(a) When a procurement is funded in whole or in part by federal or state funds, the Town shall comply with all applicable federal and state procurement requirements as a condition of receiving such funding.

(b) To the extent that federal or state procurement requirements conflict with this Article, the more restrictive or controlling requirement shall govern.

(c) The Town Administrator may establish administrative procedures necessary to implement and comply with federal or state procurement requirements.

Sec. 2-214. Suspension and Debarment.

(a) The Town Administrator may suspend or debar any contractor, vendor, consultant, respondent, proposer, bidder, or other person or entity from participation in Town procurements for fraud, misrepresentation, criminal conduct, contract default, repeated poor performance, violation of procurement requirements, or other cause determined to be in the best interest of the Town.

(b) Suspensions may be imposed for a period not to exceed one (1) year. Debarments may be imposed for a period not to exceed five (5) years.

(c) The Town Administrator may impose a suspension immediately upon determining that such action is in the best interest of the Town.

(d) Prior to imposing a debarment, the Town Administrator shall provide written notice to the affected vendor stating the basis for the proposed debarment and afford the vendor a reasonable opportunity to submit a written response.

(e) Following consideration of any timely written response, the Town Administrator shall issue a written determination. The Town Administrator's determination shall be final.

(f) Administrative procedures may establish additional procedures regarding suspension, debarment, reinstatement, and related matters.

Sec. 2-215. Administrative Procedures.

The Town Administrator is authorized to establish and revise procurement administrative procedures, manuals, standard forms, internal controls, and operational guidelines necessary to implement this Article.

This Article shall apply prospectively and shall not require retroactive reevaluation or reapproval of contracts or procurements lawfully awarded prior to its effective date.

[End of Article]