

terminate any Contract with a Contractor or Subcontractor that violates any provision of this Ordinance.

- d. Protections for Whistleblowers. In accordance with 41 U.S.C. § 4712, the Town shall not discharge, demote, or otherwise discriminate against an employee in reprisal for disclosing information to a member of Congress or a representative of a committee of Congress; an Inspector General; the Government Accountability Office; a Treasury or other federal agency employee responsible for grant oversight or management; an authorized official of the Department of Justice or other law enforcement agency; a court or grand jury; a management official or other employee of the Town; or a Contractor or Subcontractor who has the responsibility to investigate, discover, or address misconduct that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant; a gross waste of federal funds; an abuse of authority relating to a federal contract or grant; a substantial and specific danger to public health or safety; or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant.

Section 2. The Town of Wayne ("Town") hereby adopts this policy ("Policy") governing selection of contractors for Town projects involving the construction, execution, repair, remodeling or improvement of any public work or building or for the furnishing of materials or supplies ("Public Contract").

1. Adoption of State Standards. Except as otherwise provided by this Policy, the Town shall abide by Wis. Stat. § 60.47 and any other applicable Wisconsin statutes prior to entering into a Public Contract.
2. Procurement Standards Mandated by Federal Law. In addition to complying with the requirements of Section 1, the Town shall use the following standards for contracts for the construction, execution, repair, remodeling or improvement of a public work or building; the furnishing of supplies, materials, or equipment; or services that require adherence to federal procurement laws. If any federal provision conflicts with state law, the federal requirement shall apply for projects that require adherence to federal law. Where state law is more restrictive than federal law, state law shall apply.
 - a. The following requirements apply to projects where the total costs exceed the federal simplified acquisition threshold, as defined by 48 CFR § 2.101, which, as of 2022, is \$250,000:
 - i. The Town shall only select contractors through a full and open competition. All contracts shall be awarded to lowest responsible bidder.
 - ii. The Town shall select a contractor based on sealed bids, unless either of the following apply:
 1. The Town Board determines that it may seek proposals for a fixed price or cost-reimbursement contract, and it is not appropriate to use sealed bids. Contracts awarded using proposals must adhere to the following requirements:
 - a. The requests for proposals must be publicized and identify all evaluation factors along with their relative importance.
 - b. Proposals must be solicited from an adequate number of qualified offerors.
 - c. The Town must prepare a written method for conducting technical evaluations of the proposals received and making selections.
 - d. The contract must be awarded to the responsible offeror whose proposal is the most advantageous to the Town.

- e. The Town may use competitive proposal procedures for architectural or engineering services where the qualifications are evaluated and the most qualified entity is selected, subject to negotiation of fair and reasonable compensation. Price is not required to be a selection factor for architectural or engineering services. The Town cannot use this method to purchase other types of services through architectural or engineering firms that are a potential source to perform the proposed project.
 2. The Town may use a noncompetitive procurement if one of the following apply:
 - a. The contract is for acquisition of property or services, and the aggregate dollar amount does not exceed the self-certified micro-purchase threshold as established below
 - b. The item is only available from a single source.
 - c. There is a public emergency where the Town cannot delay in awarding the contract.
 - d. The federal agency awarding the grant or funds expressly authorized a noncompetitive procurement.
 - e. After solicitation of a number of sources, competition is determined inadequate.
- iii. The project shall be publicly advertised and provide bidders sufficient time to respond. For advertising purposes, the Town shall, at a minimum, comply with the requirements of Wis. Stat. § 60.47.
- iv. The Town will develop a clear and accurate description of the technical requirements for the material, product, or service to be procured that does not unduly restrict competition. The specifications will identify all requirements that contractors must fulfill.
- v. Contractors that assist in developing specifications for the project to be bid cannot submit bids.
- vi. Bids shall be opened publicly at the time and place specified by the bid invitation.
- vii. The Town shall only award contracts to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. In determining if a contractor is responsible, the Town can consider factors such as:
 1. The integrity of the contractor.
 2. The contractor's past performance of contracts or projects.
 3. The financial and technical resources of the contractor.
- viii. Any or all bids may be rejected if there is a sound documented reason.
- ix. The Town shall maintain records, pursuant to its records retention policy, of its procurement history involving the use of federal funds. These records will include:
 1. The Town's rationale for the procurement method used.
 2. How the Town selected the contract and contractor.
 3. Records indicating the basis for a contract price.
- x. The Town shall avoid acquisition of unnecessary or duplicative items.
- xi. The following bonding requirements shall apply to construction or facility improvement contracts:
 1. Each bidder must submit a bid guarantee equal to five percent of the total bid price.
 2. The selected contractor must submit a performance bond for 100

