

16.5E Specific power — prohibitions for awards and vendors.

1. The authority may prohibit a person from receiving an award of financial assistance, or from being selected as a vendor to provide goods or services to the authority in any of the following circumstances:

a. An act or omission by the person seriously affects or threatens public health, public safety, or the environment.

b. The person is charged with or convicted of a crime involving dishonesty.

c. An act or omission by the person indicates a lack of integrity or honesty.

d. The person violates the terms of an agreement or transaction that detrimentally impacts the integrity of a program administered by the authority, or other governmental entity as defined in [section 8A.101](#).

e. A compelling cause exists that is relevant to and affects the person's obligations under the programs administered by the authority, or is relevant to and affects the provision of goods and services to the authority by a vendor.

2. Upon a determination by the authority, a person shall be prohibited from receiving an award of financial assistance, or from being selected as a vendor pursuant to [subsection 1](#). The authority shall provide written notice to the prohibited person stating the reason for the prohibition. The authority may immediately disqualify a prohibited person from receiving financial assistance, or from being selected as a vendor.

3. A prohibited person may request a review of the determination made by the authority pursuant to [subsection 2](#).

a. The request to review the determination shall be made within thirty-five calendar days of the date the authority provided written notice to the prohibited person. The request to review the determination must be in writing and state the specific reasons or legal basis for review.

b. Within sixty calendar days of the receipt of the request to review, the authority shall approve, deny, or modify the determination, if the authority finds that the determination is based on a clear error of material fact or law, or if the authority finds the determination was arbitrary, capricious, or an abuse of discretion.

c. The authority shall issue its decision in writing and provide written notice of the decision to the prohibited person.

d. The decision of the authority pursuant to [this subsection](#) shall be considered final agency action. A petition for judicial review of the decision of the authority shall be filed pursuant to [section 17A.19](#).

4. The authority shall adopt rules as necessary pursuant to [chapter 17A](#) to administer [this section](#).

[2024 Acts, ch 1022, §1](#)

NEW section