

A G E N D A



Recommendation for Council Action

Austin City Council	Item ID	75395	Agenda Number	44.
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Meeting Date:	9/28/2017	Department:	Purchasing
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Subject

Approve an ordinance amending City Code Chapter 2-7, Article 6 relating to anti-lobbying and procurement.

Amount and Source of Funding

The recommended changes to City Code do not include expenditures.

Fiscal Note

A fiscal note is not required.

Purchasing Language:	The item is related to Procurement policies and procedure.
Prior Council Action:	December 6, 2007 – Adopted original Anti-Lobbying Ordinance 20071206-045. November 10, 2011 – Approved Ordinance amending the original Anti-Lobbying Ordinance 20111110-052.
For More Information:	Inquiries should be directed to James Scarboro, Purchasing Officer, at 512-974-2050 or James.Scarboro@austintexas.gov
Council Committee, Boards and Commission Action:	
MBE / WBE:	
Related Items:	

Additional Backup Information

This item is to authorize changes to Austin City Code, Ch. 2-7, Article 6 – Anti-Lobbying and Procurement. These changes and revisions are primarily the result of recommendations made by the Waste Management Policy Work Group, chaired by Council Member Leslie Pool. After receiving the Work Group's recommendations, City staff from the Purchasing Office, the Capital Contracting Office and the Law Department convened to review the ordinance and make recommendations for revisions and changes. Below is a summary of the major changes included in this revision.

- 1) **No-Contact Period.** No-Contact Period is shortened; the starting point is delayed; the ending point is made more finite; and the ability to extend the period in the case of cancellation is removed. See Revised Section 2-7-102(6).
- 2) **Prohibited Representations.** The definition of Representation is clarified; and the descriptions of Prohibited Representations are also clarified. See Revised Section 2-7-102(10) and 2-7-103.

- 3) **Permitted Representations and Communications.** Representations and other Communications are consolidated and are clarified. See Revised Section 2-7-104.
- 4) **Mitigating Factors.** The ability to consider mitigating factors when determining a violation of the ordinance is added. E.g., Violation initiated by a City employee or official. See Revised Section 2-7-106(C).
- 5) **Debarment.** The debarment disqualification, currently applicable to respondents with multiple violations, is removed. See Revised Section 2-7-107.
- 6) **Recusals.** City employees and officials that initiate a Prohibited Representation will be required to recuse themselves from any further involvement in the solicitation, recommending or authorizing any resulting contracts. See 2-7-108.

For reference, the following is included as additional backup:

Ch. 2-7, Article 6, Anti-Lobbying and Procurement (RECOMMENDATIONS, MARK-UP)
ALO REVISION – Comparison Matrix
Waste Management Policy Work Group - Recommendations