



MEMORANDUM

TO: Mayor and Council

FROM: James Scarboro, Purchasing Officer *James Scarboro*

DATE: November 6, 2017

SUBJECT: Withdrawal of Item 42 from November 9, 2017 City Council Agenda –
Update on efforts to revise the Anti-Lobbying Ordinance

In April, City Council took action to establish a Waste Management Policy Work Group to review and provide various recommendations regarding various policy areas impacting contracts for waste management contracts. One of the policy areas Council sought feedback on from the work group is the City's Anti-Lobbying Ordinance (ALO), which is applicable to the vast majority of the City's solicitations. To facilitate stakeholder participation in the ALO discussions, Council also took action to waive the ALO as it applies to solicitations for waste management-related contracts. While participating in the revision process with the Waste Management Policy Work Group and most recently the Ethics Review Commission (ERC), Purchasing have had to extend and hold-over a number of waste management-related contracts to maintain services through the completion of any forthcoming revisions the ALO.

The ALO, and process to revise it, is broader than the current discussions that have focused on waste management. In fact, Purchasing staff has methodically been working through a comprehensive review of procurement regulations, rules and processes. For example, this past summer we briefed the City Council's Audit & Finance Committee on two of our current efforts related to our processes with vendors, specifically cleaning up the City's vendor database and implementing the newest version of Vendor Connection to include online bid receipt. We had anticipated working on ALO revisions in this broader context in 2018, but accelerated it to address the waste management contract issues.

The discussions that have occurred to-date have been beneficial to re-look at the ALO. The ALO recommendations from the Waste Management Policy Work Group, staff's recommended changes, as well as recommendations from the ERC, and the further recommendations from the waste management stakeholders all differ somewhat and need to be consolidated further. In addition to this consolidation, staff also need time to develop the requested companion documents recommending rule provisions that would accompany the consolidated ALO contents. Given the importance of the ALO as part of the City's overall procurement process, it is necessary to have broader stakeholder process regarding the consolidated revisions and prospective rules. Given this, staff will be withdrawing Item 42 on the November 9th, 2017 City Council Agenda. We will be taking the work and effort that has occurred over the last months, and use that as a starting point for this process. We would expect this effort to last approximately 6 months, and will keep Council up to date on efforts, prior to presenting any changes to the ALO.

While this ALO revision process is in progress, the City's existing ALO will remain in place, as will Council's existing resolution exempting waste management solicitations from ALO.

Please don't hesitate to contact me if you have any questions.

cc: Elaine Hart, Interim City Manager
Greg Canally, Interim Chief Financial Officer