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# Anti-Lobbying Ordinance: ALO Version 2, Contents, Comments and Discussions

Audit and Finance Co  
Austin City Hall  
Boards and Commissi  
March 5, 2018  
9:30 – 11:30 AM CDT

AUSTIN FINANCE ONLINE



Purchasing Office

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# Anti-Lobbying Ordinance:

ALO Version 2, Contents, Comments and Discussions

Background: ALO Revision Efforts to-Date

Contents, Comments and Discussion

Next Steps: Remaining Milestones and Dates



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## Background: ALO Revision Efforts to-Date



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# Anti-Lobbying Ordinance:

## ALO Version 2, Contents, Comments and Discussions

### Background (1/3)

- 7 - Council lifted the ALO for waste management solicitations
  - Established the Waste Management Policy Work Group
  - Asked the Work Group to make recommendations concerning the ALO
- 7 - Waste Management Policy Work Group recommended the ALO be revised
- 7 - Staff presented a revised version of the ALO to Council
  - Council referred the revised ALO to the Ethics Review Commission (ERC)



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## Background (2/3)

- 7 - Staff presented a revised version of the ALO to Council (Version 1)
  - Council referred the ALO Version 1 to the ERC
- 17 - ERC recommended further revisions be made
  - Staff requested time to gather more vendor input and to revise the ALO further
- 7 - Staff published a further revision of the ALO (Version 2) and associated docs.
  - Notices were sent to thousands of vendors requesting comments
  - Additional outreach made to target vendor segments and associations

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## Background (3/3)

- 8 - Several comments have been received to date, ongoing comments are welcome
- Review Version 2 and overview of comments with Audit and Finance Committee
- Seek direction from the Committee on further revisions



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## Contents and Comments



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## ALO Version 2, Contents, Comments and Discussions

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nt:

- Findings; Purpose (0)
- Applicability (0)
- Definitions (2)
- Restriction on Lobbying (2)
- Permitted Communications (2)
- Modification of Restriction (1)
- Notice (0)
- Disclosure of Violation; Recusal (1)
- Enforcement (2)
- Disqualification; Contract Voidable (2)
- Constructive comments)

### Comments in General:

- Several comments from a variety of respondents
- Respondents represented variety of industries
- Majority of comments were positive or no comment
- Few comments were negative or had concerns
- Two (2) respondents, both associated with the management industry, submitted substantial comments
- No specific feedback on the Rule Elements



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citations are fair

mply with State law

pondents have equal access

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changes recommended for this section

Comments (concerns): None

- No comments expressing concern with this se



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### Item: 102 – Applicability

Amends specific agreements

Authorizes the Purchasing Officer to apply the ALO to other competitive processes

Applicability-related elements from the current ALO were moved into this section

Amends Ch. 1-1-99 (penalties)

Contents were not substantially changed

Comments (concerns): None

- No comments expressing concern with this section



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nt: 103 – Definitions

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Comments (concerns): 2

- Disagreement with the following definitions
  - Agent (2)
  - No-Lobbying Period (2)
  - Response (2)
  - Respondent (2)
  - Solicitation (1)



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### Item: 104 – Restriction on Lobbying

Prohibits specific communications between Respondents and City Officials and Employees  
Provides substantive info about any Response from Respondent  
Encourages rejection of all Responses  
Conveys a complaint about the Solicitation  
Asks a City Official or Employee to take or not take an action

Prohibits City Officials and Employees from initiating restricted communications

### Comments (concerns): 2

- Specific comments were received on
  - (a) Substantive information (1)
  - (b) Reject all Responses (2)
  - (c) Conveys a complaint (1)
  - (d) Ask for action or no action (1)



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### Item: 105 – Permitted Communications

Examples of the types of communications that are permitted (communications with the:)

- the Authorized Contact person
- regarding an existing contract
- regarding a non-substantive procedural matter
- regarding a protest hearing
- regarding SMBR
- between Respondent's attorney and Law Dept.
- made during a public meeting
- regarding City Risk Management (insurance)
- when making a contribution under ch. 2-2

### Comments (concerns): 2

- Recommend section be removed (1)
- Recommend most of the section be removed, with slight wording changes elsewhere (1)



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### Item: 106 – Modification of Restriction

Authorizes the Purchasing Officer to waive or apply a modified version of the ordinance under unique circumstances

Comments (concerns): 1

- Recommended this section be removed (1)



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### Item: 107 – Notice

Requires each solicitation to include a notice regarding the ALO

Requires the Purchasing Officer to provide regular reports (at least weekly) regarding solicitations subject to the ALO

### Comments (concerns): None

- No comments expressing concern with this section



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Item: 108 – Disclosure  
of Violation; Recusal

Requires City Officials and Employees to report  
current violations of the ALO to the Authorized  
contact person

Requires City Officials and Employees to self-recuse  
themselves from further participation in a Solicitation  
they initiate a communication that results in an ALO  
violation

Comments (concerns): 1

- Commenter recommends removing the self-recuse requirement



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### Item: 109 – Enforcement

Established that the ALO is not enforced by the ERC

Authorized the Purchasing Officer to waive violations that were initiated by City Officials or employees

Authorized the Purchasing Officer to create rules to enforce the ALO

### Comments (concerns): 2

- Disagreed with excluding ERC from enforcement both suggesting the ERC and/or a third-party process over one or more appeal processes (2)
- Objected to authorizing Purchasing Officer to waive violations (2)
- Ancillary objection regarding the rules, that they should be reviewed and authorized by Council



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### Item: 110 – Disqualification; Contract Voidable

Authorizes disqualification of Respondents violating ALO

Requires the Purchasing Officer to provide written notice of disqualifications

Extends the disqualification to a future solicitation if the current solicitation is canceled

Authorizes the voiding of contracts if a violation is identified after the contract is awarded

Authorizes debarment for multiple violations

### Comments (concerns): 2

- Opposes the inclusion of debarment (1)
- Opposes disqualification from “same or similar” re-solicitations (1)
- Recommend that debarment only apply to future solicitations (1)
- Recommend the solicitation/contract is stayed until the disqualification process is complete (2)



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## Next Steps: Remaining Milestones and Dates



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## Next Steps <sup>(1/1)</sup>

- 8 - Revise V2 and Rule Elements based on Committee feedback, "V3"
  - Return to Committee with V3 and Rule Elements
  - Seek Committee approval to bring V3 to Council
- 8 - Bring V3 to Council
- 8 - (May 21) If the Revised ALO is not completed, the current version of ALO reestablishes and will be applied to all new solicitations for Waste Management Services



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