

AGENDA



Recommendation for Council Action

AUSTIN CITY COUNCIL
Regular Meeting: June 14, 2018

Item Number: **056**

Purchasing Office

Approve an ordinance repealing and replacing Chapter 2-7, Article 6 of the City Code relating to anti-lobbying and procurement.

Lead Department	Purchasing Office.
Fiscal Note	The recommended changes to City Code do not include expenditures.
Purchasing Language	The item is related to Procurement policies and procedures.
Prior Council Action	December 6, 2007 - Council adopted original Anti-Lobbying Ordinance 20071206-045. November 10, 2011 - Council approved an ordinance amending the original Anti-Lobbying Ordinance 20111110-052. March 23, 2017 - Council approved a resolution creating the Waste Management & Policy Working Group; Item #55.
For More Information	Inquiries should be directed to James Scarboro, Purchasing Officer, at 512-974-2050 or James.Scarboro@austintexas.gov <mailto:James.Scarboro@austintexas.gov> .

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 the result of recommendations made by the Audit and Finance Committee, Chaired by Council Member Ellen Troxclair, and 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, 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. The revised ordinance starts with a section for FINDINGS; PURPOSE and a section on APPLICABILITY. These sections are taken from section two of the current ordinance, were split in-two and moved to the beginning of the revised ordinance for formatting purposes. No changes to the contents of these sections are included.
2. The DEFINITION section is now the third section of the revised ordinance. Nearly all the definitions were clarified and/or revised, with the definitions of AGENT, NO-LOBBYING (previously NO-CONTACT) PERIOD, and RESPONDENT generating the most feedback.
3. The fourth section, RESTRICTION ON LOBBYING (renamed to echo the ordinance's title), pertains to the ordinance's restriction on certain communications during a solicitation process, substantially similar to the current ordinance's section three. The improved clarity of the revised restrictions should result in greater consistency in interpretation and application of this section.
4. The fifth section, PERMITTED COMMUNICATIONS, establishes specific communications that do not violate the ordinance, substantially similar to the ordinance's current section four. The revised section includes all the prior permitted communications, including communications pertaining to existing contracts and non-substantive procedural matters.
5. The sixth, seventh and eighth sections, MODIFICATION OF RESTRICTION, NOTICE and DISCLOSURE OF VIOLATION, are consolidated and clarified versions on same contents in the current ordinance.
6. The ninth section, ENFORCEMENT, is largely the same section as the current ordinance except for the addition of a provision allowing for violations that were initiated by City officials or employees to be waived. Like the current ordinance, the revised section continues to require a protest process and associated notices.
7. The last section, DISQUALIFICATION; CONTRACT VOIDABLE, is largely consistent with the same provisions in the current ordinance, with some consolidations and further clarifications. Based on substantial feedback, the debarment provision in the current ordinance is continued in this section.

For reference, the following are included as additional backup:

Ch. 2, Article 6, Anti-Lobbying and Procurement - Markup (Original-to-Version 3)

Anti-Lobbying Ordinance Comparison Matrix (Original to Version 3)

Anti-Lobbying Ordinance Recommendations and Responses (Work Group and Commissions)

Anti-Lobbying Ordinance - Proposed Rule Elements

Ethics Review Committee - Recommendations

Zero Waste Advisory Committee - Recommendations

Waste Management Policy Work Group - Recommendations.

Draft Ordinance Repealing and Replacing Chapter 2-7, Article 6.