

ORDINANCE NO. 20161215-xxx

AN ORDINANCE WAIVING CHAPTER 2-7, ARTICLE 6 (ANTI-LOBBYING AND PROCUREMENT) OF THE CITY CODE REGARDING PAST AND FUTURE SOLICITATIONS FOR THE SALE AND REMOVAL OF COMPOST MATERIALS AND MANAGEMENT OF BIOSOLIDS REUSE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. FINDINGS. The City Council adopts the following findings:

- a. The Purchasing Office issued a Request for Proposals (JXP0501) for the sale and removal of compost materials on March 28, 2016, and issued a Request for Proposals (CDL2003) for the management of biosolids reuse on April 4, 2016, collectively referred to as the “Solicitations;” and,
- b. On August 11, 2016, the Council considered the Solicitations and directed the matter to the Zero Waste Advisory Commission and Water and Wastewater Commission (collectively the “Commissions”) to explore and return with recommendations on policies related to biosolids and compost, with the intention that there would be open dialogue and valuable input would be provided to the Commissions; and,
- c. The Commissions reviewed the policy issues and held open meetings with the public, stakeholders, respondents to the Solicitations, and staff; and,
- d. Chapter 2-7, Article 6 (Anti-Lobbying and Procurement) (“Anti-Lobbying Ordinance”) restricts the representations which may be made by Respondents; and,
- e. In part, the purpose of the Anti-Lobbying Ordinance is to provide the most fair, equitable, and competitive process, and in order to fulfill this purpose for the Solicitations, the Council finds it is in the public’s best interest to

1 retroactively waive the Anti-Lobbying Ordinance to the date of issuance of each
2 of the Solicitations; and,

- 3 f. By waiving the Anti-Lobbying Ordinance, the City's staff and Commissions
4 can and has been able to obtain information and data on biosolids and compost
5 without the requirement of funneling all information through the authorized
6 contact person for the Solicitations.

7 **PART 2. Waiver of Chapter 2-7, Article 6.** Effective from the date of issuance of the
8 following requests for proposals, Council waives the requirements and enforcement of
9 Chapter 2-7, Article 6 (Anti-Lobbying and Procurement) of the City Code as it applies to
10 all respondents to Request for Proposals (JXP0501) for the sale and removal of compost
11 materials issued on March 28, 2016, and Request for Proposals (CDL2003) for the
12 management of biosolids reuse issued on April 4, 2016.

13 **PART 3. Future Solicitation and waiver of Chapter 2-7, Article 6.** If the Purchasing
14 Officer issues new solicitations for the same or similar scopes of works described in the
15 Solicitations, Council waives the requirements of Chapter 2-7, Article 6 of the City Code
16 as it applies to all respondents to such solicitations from the effective date of issuance by
17 the City until a contract is executed, the City withdraws the solicitation or the City rejects
18 all responses with the stated intention to reissue the same or similar solicitation for the
19 same or similar project.

20 **PART 4.** Except as otherwise provided in this ordinance, this ordinance takes effect
21 _____, 2016.

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23 **PASSED AND APPROVED**

24 §
25 §
26 _____, 2016 § _____
27 Steve Adler
28 Mayor
29

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31 **APPROVED:** _____
32 Anne L. Morgan
33 City Attorney

ATTEST: _____
Jannette S. Goodall
City Clerk