

Capital Contracting Office

CIP Partners Academy 2021/2022

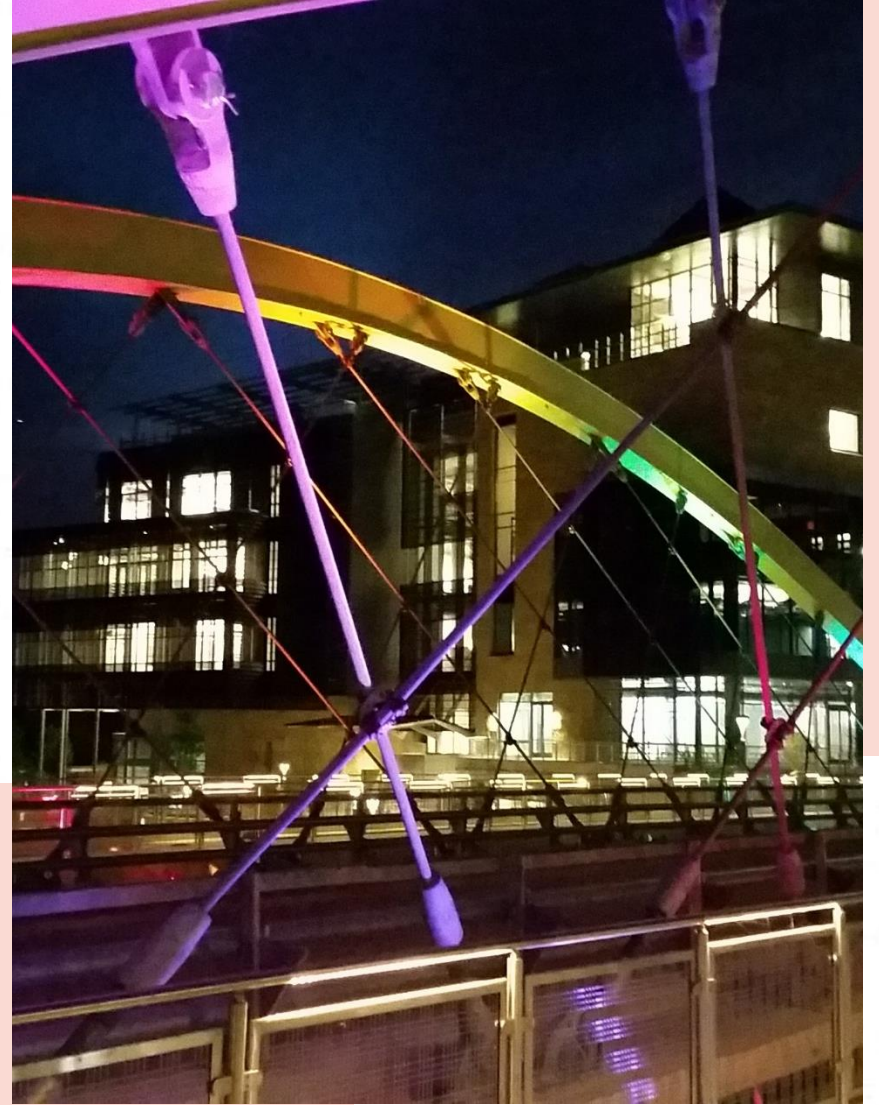


Anti-Lobbying and Procurement

Title 2, Chapter 2-7, Article 6
Austin Code of Ordinances

§ 2-7-101 - FINDINGS; PURPOSE.

- The City of Austin takes anti-lobbying very seriously. Why?
 - To promote fairness, equity, and a competitive process, which results in the best and most competitive goods and services for the City; and,
 - To further compliance with procurement laws.
 - To comply with the legislative intent portion of the Anti-Lobbying Ordinance (§ 2-7-101).



§ 2-7-101 – FINDINGS; PURPOSE.

§ 2-7-101(A). *The council finds that persons who enter a competitive process for a city contract voluntarily agree to abide by the terms of the competitive process, including the provisions of this article.*



What does this mean?

- When you submit a proposal for a City contract, you agree that the competitive process outlined in the solicitation will govern the evaluation process. There should be no surprises.
- It also means that the City has an obligation to ensure that the competitive process is followed.

§ 2-7-101 - FINDINGS; PURPOSE.

§ 2-7-101(B). *The council finds that it is in the City's interest:*

- (1) to provide the most fair, equitable, and competitive process possible for selection among potential vendors in order to acquire the best and most competitive goods and services; and*
- (2) to further compliance with State law procurement requirements.*

What does this mean?

- That City staff is required by ordinance to ensure fairness, equity, and a competitive process, which results in the best and most competitive goods and services for the City.
- You will be treated fairly, equitably, and in accordance with the City's established competitive process and State law.



§ 2-7-101 - FINDINGS; PURPOSE.

§ 2-7-101(C). *The council intends that:*

- (1) each response is considered on the same basis as all others; and*
- (2) respondents have equal access to information regarding a solicitation, and the same opportunity to present information regarding the solicitation for consideration by the City.*



What does this mean?

- This is further clarification as to what the Council means by a “fair and equitable” process.
- When you submit a proposal to the City for consideration, you will be on a level playing field with all other respondents, have access to the same information, and have the same opportunity to present information.

§ 2-7-102 – APPLICABILITY.

The City's anti-lobbying ordinance applies to all solicitations, with a few exceptions.

Exceptions:

- (1) City social service funding;
- (2) City cultural arts funding;
- (3) federal, state or City block grant funding;
- (4) the sale or rental of real property;
- (5) interlocal contracts or agreements;
- and,
- (6) solicitations specifically exempted from this article by council.

§ 2-7-103 - DEFINITIONS.

Authorized Contact Person

means a City employee designated in a City solicitation as the point of contact for all purposes for that solicitation.

No-Lobbying Period

means the period of time beginning at the date and time a solicitation is published and continuing through the earliest of the following:

- (a) the date the last contract resulting from the solicitation is signed;
- (b) 60 days following council authorization of the last contract resulting from the solicitation; or
- (c) cancellation of the solicitation by the City.



§ 2-7-103 - DEFINITIONS.

Respondent

means a person or entity that has timely submitted or subsequently timely submits a response to a City solicitation, even if that person subsequently withdraws its response or has been disqualified by the City for any reason.

Solicitation

means an opportunity to compete to conduct business with the City that requires council approval, including: an invitation for bids, a request for proposals, or a request for qualifications.



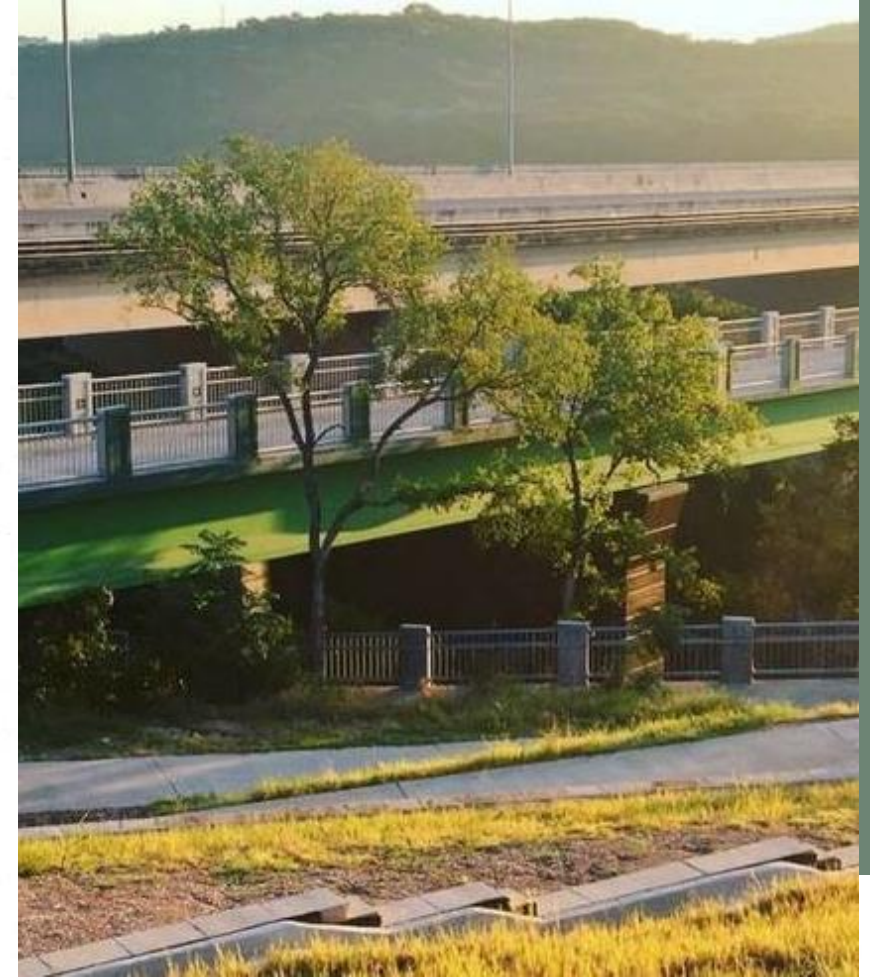
§ 2-7-104 – RESTRICTION ON LOBBYING.

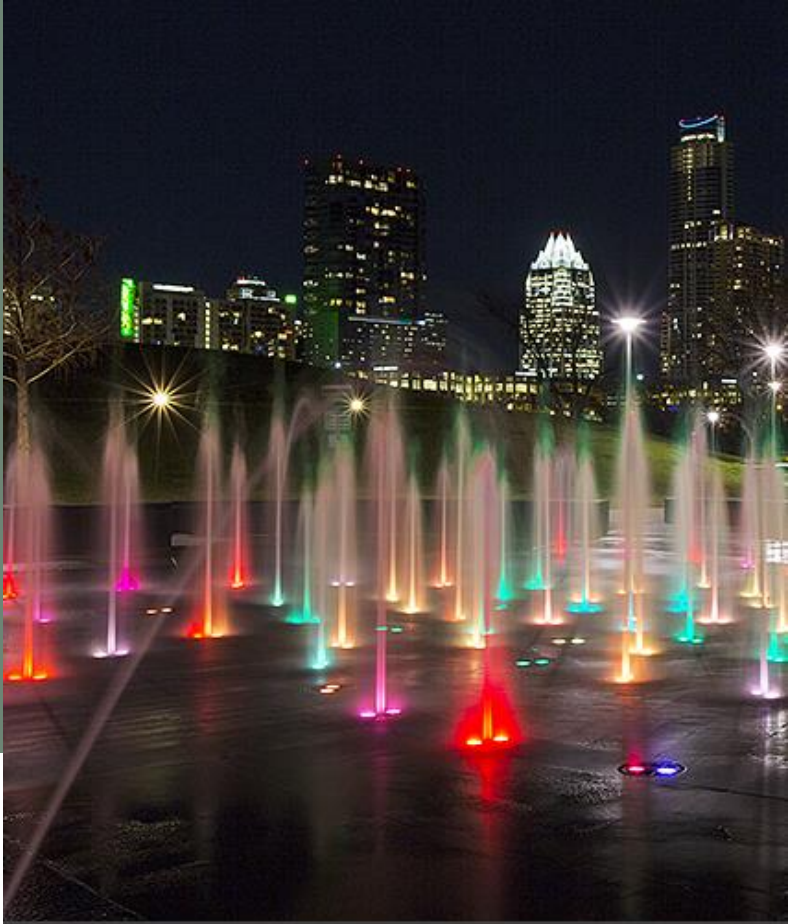
No-Lobbying Period – What is it?

- The no-lobbying period is a no-contact period.
- Only the City's authorized contacts may communicate with respondents during the no-lobbying period.
- General rule: You shall not communicate directly with a City official or a City employee, concerning the categories of prohibited communications.

What communications are prohibited during the no-lobbying period?

- Discussing substantive information;
- Discussing whether City should reject a response;
- Discussing complaints about a solicitation; and,
- Discussing whether a city official favors or opposes a response, or discussions about recommendations or vote about a solicitation.





§ 2-7-105 – PERMITTED COMMUNICATIONS.

There are exceptions to the general rule.

- Communication with the City's authorized contacts;
- Discussions related to existing contracts;
- Discussions about non-substantive, procedural matters; and,
- Communications during formal protests.
- Communications during a properly-noticed meeting;
- Communications between a respondent or an agent and the City's Small and Minority Business Resources Department; and,
- Communications between an attorney representing a respondent and an attorney authorized to represent the City.

Additional Notes:



Who are the City's authorized contacts designated in each solicitation to respond to all questions and comments?

Typically:

- The Buyer (i.e., CCO Procurement Specialist)
- The Project Manager
- The Small and Minority Business Resources Department representative

When does the no-lobbying period apply? It begins at the date and time a solicitation is published and continues through the earliest of the following:

- (a) the date the last contract resulting from the solicitation is signed;
- (b) 60 days following council authorization of the last contract resulting from the solicitation; or,
- (c) cancellation of the solicitation by the City.



Questions?

Join Us!

We have some exciting opportunities coming up!



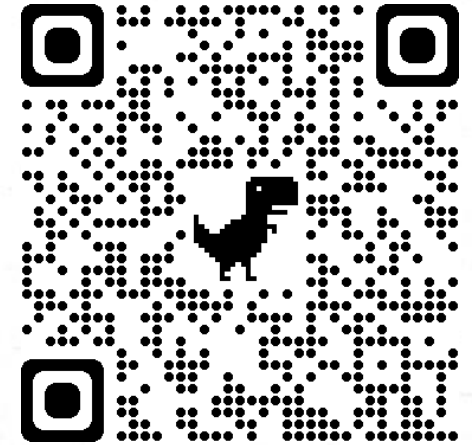
CIP Partners Academy

Join us for our next CIP Partners Academy class on November 17, 2021

2 Classes:

- The Statement of Qualifications Process
- The Evaluation Process

Register at austintexas.gov/department/cip-partners-academy



Capital Conversations

Join us for our next Capital Conversations!

October 27, 2021.

Have a question for CCO? Stop by and ask! We'll also be talking about City of Austin, Austin Finance Online, and CCO Resources for Contractors and Consultants. Scan the QR code to register to access the meeting link and for more information. You can also visit our website at austintexas.gov/cco, Programs, CCO Outreach and Events.



Thank You

