



MEMORANDUM

TO: Mayor and Council

FROM: James R. Scarboro, Purchasing Officer

DATE: December 1, 2015

SUBJECT: Consumer Advocate for Austin Energy Customers: Disqualification of Oxford Advisors, LLC for Anti-Lobbying Violation

This memo is to inform you that on November 30, 2015 the Purchasing Office disqualified Oxford Advisors, LLC ("Oxford"), the recommended vendor for solicitation no. RFP 1100 LAG0104REBID, the Independent Consumer Advocate for Austin Energy Customers. The disqualification was for violating the City's Anti-Lobbying Ordinance (City Code Chapter 2-7).

This disqualification is based on a self-reported statement from Oxford in which they describe an exchange they had with the chair of the City's Electric Utility Commission (EUC). Although the EUC official initiated this communication, the contents of the exchange constitute a prohibited representation as defined by the ordinance. As a reminder, EUC members are subject to the City's Anti-Lobbying Ordinance. As written, the Anti-Lobbying Ordinance prohibits representations regardless of which party, the offeror or a City representative, initiates them. The ordinance also does not provide conditions or criteria for determining lessor violations or corresponding sanctions.

The Austin Energy Utility Oversight Committee meeting on December 3, 2015 includes an agenda item (#7) to discuss issues related to authorizing Oxford as the independent consumer advocate for Austin Energy's current rate case review. Additionally, Council has set a special called meeting for December 3, 2015 which includes an item (#1) to award a contract to Oxford.

In accordance with City rule R2011-COA-1(4)(A), Oxford has until December 7, 2015 to protest this disqualification. As the protest period will still be in effect at the time of the December 3, 2015 meetings, Council is advised that any communications concerning this solicitation or the offeror occurring during these meetings may become material to any protest submitted by Oxford.

Purchasing staff will work with the Law Department and Austin Energy to determine options in regards to this contract award. Staff will be available at both meetings to answer any questions related to this issue. Please contact me for any other information regarding this action.

cc: Marc Ott, City Manager
Robert Goode, Assistant City Manager
Larry Weis, General Manager, Austin Energy
Elaine Hart, Chief Financial Officer
Anne Morgan, City Attorney
Greg Canally, Deputy Chief Financial Officer
Robin Harris, Assistant City Attorney
Leslie Giannattasio, Senior Buyer