

**ORDINANCE NO. 20170323-xxx**

**AN ORDINANCE WAIVING CHAPTER 2-7, ARTICLE 6 (ANTI-LOBBYING AND PROCUREMENT) OF THE CITY CODE REGARDING SOLICITATIONS FOR COMPOST, ORGANICS PROCESSING SERVICES, AND REFUSE, RECYCLING, ORGANICS AND SPECIAL WASTE COLLECTIONS FOR CITY FACILITIES.**

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

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

1. The Purchasing Office issued the following Request for Proposals: (1) citywide refuse, recycling, organics and special waste collections for City facilities (SLW0514) and (2) organics processing services (SLW0509REBID) (collectively referred to as the “Solicitations”); and,
2. Council has reviewed the Solicitations, and has denied award of the solicitation related to citywide refuse, recycling, organics and special waste collections for City facilities (SLW0514), and postponed indefinitely the solicitation related to organics processing services (SLW0509REBID); and,
3. Chapter 2-7, Article 6 (Anti-Lobbying and Procurement) (“Anti-Lobbying Ordinance”) restricts respondents to a solicitation from making certain representations to City staff and officials while a solicitation is active and such restrictions extend for a period of ninety days when a solicitation has been withdrawn or all responses rejected with the intention of reissuing the request for proposals (the “No-Contact Period”); and,

- 28 4. Council clearly stated on the record at their March 2, 2017 regular meeting that  
29 there is no intention to reissue solicitations until such time as the policy issues are  
30 vetted; however, in order to avoid any confusion of the application of the Anti-  
31 Lobbying Ordinance and to encourage open dialogue while developing City policy  
32 on these matters, Council finds it is in the public's best interest to waive the Anti-  
33 Lobbying Ordinance for the Solicitations; and,
- 34 5. By waiving the Anti-Lobbying Ordinance, stakeholders and City staff will be able  
35 to openly exchange information and data on the Solicitations and related solid  
36 waste policy issues without the requirement of funneling all information through  
37 the authorized contact person for the Solicitations or wait for the ninety day No-  
38 Contact Period to expire; and,
- 39 6. The City Council took action on the following requests for proposals and on  
40 October 20, 2016, postponed indefinitely the sale and removal of compost  
41 materials solicitation (JXP0501), and withdrew the management of biosolids reuse  
42 (CDL2003) solicitation on December 15, 2016; and,
- 43 7. As no new solicitations have been issued for the same or similar services for the  
44 request for proposals described in Section 6. above, and ninety days has passed  
45 since Council action, the No-Contact Period and the Anti-Lobbying Ordinance is  
46 no longer applicable to the request for proposals and respondents as listed in  
47 Exhibit "A;" and, further, the City has not received any anti-lobbying complaints  
48 on these two solicitations; and,
- 49 8. Council finds this action does not create a precedent or bind the Council to waive  
50 the Anti-Lobbying Ordinance for future solicitations and each case is reviewed  
51 separately on its own merits and in the Council's sole discretion.  
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**PART 2. Waiver of Chapter 2-7, Article 6.** City Council waives the requirements and application of Chapter 2-7, Article 6 (Anti-Lobbying and Procurement) of the City Code to the request for proposals related to: (1) citywide refuse, recycling, organics and special waste collections for City facilities (SLW0514) and (2) organics processing services (SLW0509REBID), and to the respondents to the Solicitations shown in the attached Exhibit A, incorporated by reference.

**PART 3.** Except as otherwise provided in this ordinance, this ordinance takes effect \_\_\_\_\_, 2017.

**PASSED AND APPROVED**

\_\_\_\_\_, 2017      §  
   §  
   §      Steve Adler  
        Mayor

**APPROVED:** \_\_\_\_\_  
Anne L. Morgan  
City Attorney

**ATTEST:** \_\_\_\_\_  
Jannette S. Goodall  
City Clerk