

**ORDINANCE NO. 20170406-xxx**

**AN ORDINANCE WAIVING CHAPTER 2-7, ARTICLE 6 (ANTI-LOBBYING AND PROCUREMENT) OF THE CITY CODE REGARDING SOLICITATIONS FOR THE COLLECTION, PROCESSING, RESALE, REUSE AND/OR DISPOSAL OF MUNICIPAL SOLID WASTE, REFUSE, BIOSOLIDS, COMPOST, ORGANICS, SPECIAL WASTE AND RECYCLABLES.**

**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 issues solicitations for a variety of municipal solid waste and waste related services, including but not limited to the collection, processing, resale, reuse and/or disposal of municipal solid waste, refuse, biosolids, compost, organics, recyclables and special waste such as Class 2 industrial non-hazardous waste (collectively referred to as “Solid Waste”); and,
2. 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while a solicitation is active and such restrictions extend for a period of ninety days when a solicitation has been withdrawn or all responses rejected with the intention of reissuing the request for proposals (the “No-Contact Period”); and,
3. Council clearly stated on the record at their March 2, 2017 regular meeting that there is no intention to reissue Solid Waste solicitations until such time as the policy issues are vetted; however, in order to avoid any confusion of the application of the Anti-Lobbying Ordinance and to encourage open dialogue while developing City policy on these matters, Council finds it is in the public’s best

28 interest to waive the Anti-Lobbying Ordinance for the solicitations specified by  
29 Council and expand the waiver to future solicitations related to Solid Waste; and,

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31 4. By waiving the Anti-Lobbying Ordinance, stakeholders and City staff will be able  
32 to openly exchange information and data on Solid Waste policy issues without the  
33 requirement of funneling all information through the authorized contact person for  
34 the solicitations still subject to the Anti-Lobbying Ordinance or wait for the ninety  
35 day No-Contact Period to expire; and,
- 36  
37 5. Council has denied award of the solicitation related to citywide refuse, recycling,  
38 organics and special waste collections for City facilities (SLW0514), and  
39 postponed indefinitely the solicitation related to organics processing services  
40 (SLW0509REBID); and,
- 41  
42 6. The City Council took action on the following requests for proposals and on  
43 October 20, 2016, postponed indefinitely the sale and removal of compost  
44 materials solicitation (JXP0501), and withdrew the management of biosolids reuse  
45 (CDL2003) solicitation on December 15, 2016; and,
- 46  
47 7. As no new solicitations have been issued for the same or similar services for the  
48 request for proposals described in Section 6 above, and ninety days has passed  
49 since Council action, the No-Contact Period and the Anti-Lobbying Ordinance is  
50 no longer applicable to the request for proposals and respondents as listed in  
51 Exhibit "A;" and, further, the City has not received any anti-lobbying complaints  
52 on these two solicitations since Council's action on the items; and,
- 53  
54 8. On March 23, 2017, City Council created a working group to address a broad  
55 range of Solid Waste issues, as well as other issues related to solid waste policy  
56 and contracts as it deems necessary; and,
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58 9. The working group is scheduled to return to the full City Council with  
59 recommendations no later than June 1, 2017; and,  
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61 10. Council finds this action does not create a precedent or bind the Council to waive  
62 the Anti-Lobbying Ordinance for future solicitations not otherwise described in  
63 this ordinance and each case is reviewed separately on its own merits and in the  
64 Council's sole discretion.  
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66 **PART 2. Waiver of Chapter 2-7, Article 6.** City Council waives the requirements and  
67 application of Chapter 2-7, Article 6 (Anti-Lobbying and Procurement) of the City Code  
68 to the following: (1) solicitations related to citywide refuse, recycling, organics and  
69 special waste collections for City facilities (SLW0514) and organics processing services  
70 (SLW0509REBID), and to the respondents to the solicitations shown in the attached  
71 Exhibit A, incorporated by reference; and (2) future solicitations, including request for  
72 proposals and invitations for bid related to the collection, processing, use, resale and/or  
73 disposal of municipal solid waste, refuse, biosolids, compost, organics, recyclables and  
74 special waste such as Class 2 industrial non-hazardous waste, excluding solicitations and  
75 contracts related to consulting, marketing and outreach of same, until Council has given  
76 staff direction on the policies applicable to such matters.  
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78 **PART 3.** Council finds that the waiver presented in this ordinance constitutes an  
79 emergency. Because of this emergency, this ordinance takes effect immediately on its  
80 passage for the immediate preservation of the public peace, health, and safety.  
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**PASSED AND APPROVED**

\_\_\_\_\_, 2017

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Steve Adler  
Mayor

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

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

DRAFT