

Project
Update

Anti-Lobbying Ordinance: ALO Version 2, Contents, Comments and Discussions

Audit and Finance Committee
Austin City Hall
Boards and Commissioners
March 5, 2018
9:30 – 11:30 AM CDT

AUSTIN FINANCE ONLINE



Purchasing Office

Anti-Lobbying Ordinance: ALO Version 2, Contents, Comments and Discussions

Background: ALO Revision Efforts to-Date

Contents, Comments and Discussion

Next Steps: Remaining Milestones and Dates



Anti-Lobbying Ordinance:

ALO Version 2, Contents, Comments and Discussions

Background: ALO Revision Efforts to-Date



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Anti-Lobbying Ordinance:

ALO Version 2, Contents, Comments and Discussions

Background (1/3)

- 7 - Council lifted the ALO for waste management solicitations
- Established the Waste Management Policy Work Group
- Asked the Work Group to make recommendations concerning the ALO
- 7 - Waste Management Policy Work Group recommended the ALO be revised
- 7 - Staff presented a revised version of the ALO to Council
- Council referred the revised ALO to the Ethics Review Commission (ERC)

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Background (2/3)

- 7 - Staff presented a revised version of the ALO to Council (Version 1)
- Council referred the ALO Version 1 to the ERC

- 17 - ERC recommended further revisions be made
- Staff requested time to gather more vendor input and to revise the ALO further

- 7 - Staff published a further revision of the ALO (Version 2) and associated docs.
- Notices were sent to thousands of vendors requesting comments
- Additional outreach made to target vendor segments and associations



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Background (3/3)

- 8 - Several comments have been received to date, ongoing comments are welcome
- Review Version 2 and overview of comments with Audit and Finance Committee
 - Seek direction from the Committee on further revisions



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Contents and Comments



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11)

nt:

Findings; Purpose (0)
 Applicability (0)
 Definitions (2)
 Restriction on Lobbying (2)
 Permitted Communications (2)
 Modification of Restriction (1)
 Notice (0)
 Disclosure of Violation; Recusal (1)
 Enforcement (2)
 Disqualification; Contract Voidable (2)
 Constructive comments)

Comments in General:

- Several comments from a variety of respondents
- Respondents represented variety of industries
- Majority of comments were positive or no comment
- Few comments were negative or had concerns
- Two (2) respondents, both associated with the management industry, submitted substantial comments
- No specific feedback on the Rule Elements



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ALO Version 2, Contents, Comments and Discussions

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nt: 101 – Findings; Purpose

lishes Council's intent

citations are fair

mply with State law

pondents have equal access

ommunications

anges recommended for this section

Comments (concerns): None

- No comments expressing concern with this se



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nt: 102 – Applicability

mpts specific agreements

thorizes the Purchasing Officer to apply the ALO
other competitive processes

olicability-related elements from the current
D were moved into this section

mpts Ch. 1-1-99 (penalties)

tents were not substantially changed

Comments (concerns): None

- No comments expressing concern with this se



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nt: 103 – Definitions

ent

thorized Contact Person

y Employee

y Official

-Lobbying Period

rchasing Officer

sponse

spondent

icitation

Comments (concerns): 2

- Disagreement with the following definitions
 - Agent (2)
 - No-Lobbying Period (2)
 - Response (2)
 - Respondent (2)
 - Solicitation (1)



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ALO Version 2, Contents, Comments and Discussions

11)

nt: 104 – Restriction on Lobbying

icts specific communications between
ondents and City Officials and Employees
rovides substantive info about any Response
r Respondent
ncourages rejection of all Responses
onveys a complaint about the Solicitation
ks a City Official or Employee to take or
ot take an action

icts City Officials and Employees from
ting restricted communications

Comments (concerns): 2

- Specific comments were received on
 - (a) Substantive information (1)
 - (b) Reject all Responses (2)
 - (c) Conveys a complaint (1)
 - (d) Ask for action or no action (1)



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11)

nt: 105 – Permitted Communications

s examples of the types of communications that
permitted (communications with the:)
n the Authorized Contact person
arding an existing contract
arding a non-substantive procedural matter
ing a protest hearing
n SMBR
ween Respondent's attorney and Law Dept.
de during a public meeting
n City Risk Management (insurance)
en making a contribution under ch. 2-2

Comments (concerns): 2

- Recommend section be removed (1)
- Recommend most of the section be removed, with slight wording changes elsewhere (1)



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nt: 106 – Modification of Restriction

orizes the Purchasing Officer to waive or apply
modified version of the ordinance under unique
mstances

Comments (concerns): 1

- Recommended this section be removed (1)



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nt: 107 – Notice

ires each solicitation to include a notice
erning the ALO

ires the Purchasing Officer to provide regular
es (at least weekly) regarding solicitations
ect to the ALO

Comments (concerns): None

- No comments expressing concern with this se



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Item: 108 – Disclosure of Violation; Recusal

Requires City Officials and Employees to report
current violations of the ALO to the Authorized
contact person

Requires City Officials and Employees to self-recuse
themselves from further participation in a Solicitation
they initiate a communication that results in an ALO
violation

Comments (concerns): 1

- Commenter recommends removing the self-recusal requirement



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nt: 109 – Enforcement

lished that the ALO is not enforced by the ERC

orized the Purchasing Officer to waive
tions that were initiated by City Officials or
oyees

orized the Purchasing Officer to create rules to
er enforce the ALO

Comments (concerns): 2

- Disagreed with excluding ERC from enforcement both suggesting the ERC and/or a third-party p over one or more appeal processes (2)
- Objected to authorizing Purchasing Officer to violations (2)
- Ancillary objection regarding the rules, that th should be reviewed and authorized by Council



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nt: 110 – Disqualification; Contract Voidable

orizes disqualification of Respondents violating
ALO

ires the Purchasing Officer to provide written
e of disqualifications

nds the disqualification to a future
licitation if the current solicitation is canceled

orizes the voiding of contracts if a violation is
d after the contract is awarded

orizes debarment for multiple
violations

Comments (concerns): 2

- Opposes the inclusion of debarment (1)
- Opposes disqualification from “same or similar” re-solicitations (1)
- Recommend that debarment only apply to future solicitations (1)
- Recommend the solicitation/contract is stayed until the disqualification process is complete (2)

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Steps: Remaining Milestones and Dates



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Steps (1/1)

- 8 - Revise V2 and Rule Elements based on Committee feedback, "V3"
- Return to Committee with V3 and Rule Elements
- Seek Committee approval to bring V3 to Council

- 8 - Bring V3 to Council

- 8 - (May 21) If the Revised ALO is not completed, the current version of ALO reestablishes and will be applied to all new solicitations for Waste Management Services

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