



## MEMORANDUM

**TO:** Mayor and Council  
**FROM:** James Scarboro, Purchasing Officer  
**DATE:** January 5, 2018  
**SUBJECT:** Possible Rule Elements – to further enable  
Ch. 2-7, Article 6, Anti-Lobbying and Procurement

Following Council authorization of any changes to Austin City Code, Ch. 2-7, Article 6, Anti-Lobbying and Procurement (“Anti-Lobbying Ordinance” or “ALO”), staff intend to promulgate administrative rules to implement the ALO, in accordance with City Code Chapter 1-2-1. As any changes to the ALO are speculative prior to Council authorization, staff cannot propose the actual language of the contemplated rules at this time. To aid consideration of the most recent draft of the revised ALO (“Version 2” or “V2”), should this version remain substantially unchanged, staff contemplate including the following elements in any administrative rules.

### Possible Rule Elements – ALO

**R2-7-101 Findings; Purpose.**

- Reserved.

**R2-7-102 Applicability**

- Exempt solicitations – Clarification and examples.

**R2-7-103 Definitions.**

- AGENT – Clarification and examples. E.g., Persons authorized by the Respondent.
- RESPONDENT – Clarification and examples. E.g., Disqualified vs. Nonresponsive, Newly formed entities, etc.
- SOLICITATION – Clarification and examples. E.g., Invitation for bids, Request for proposals, etc.

**R2-7-104 Restriction on Lobbying.**

- Restricted Lobbying – Examples.

**R2-7-105 Permitted Communications.**

- Communications with the Authorized Contact Person – Clarification and examples.
- Complaint Process – Describe process.
- Communications regarding an Existing Contracts – Clarification and examples.
- Procedural questions associated with a Solicitation – Clarification. E.g., City officials and City employees.

**R2-7-106 Modification of Restriction.**

- Modification description in Solicitations – Clarification and examples.

**R2-7-107 Notices.**

- Solicitations within the No-Lobbying Period – Form of notice, frequency, process and posting location.

**R2-7-108 Disclosure of Restricted Lobbying and Recusal.**

- Notification by Staff or Respondent of a Violation
- Staff process for recusal or removal from participation in solicitation process.

**R2-7-109 Enforcement.**

- Enforcement authority and delegation – Clarification.
- Determining a Disqualification – Standards of review and inquiry, and examples.

**R2-7-110 Disqualification; Contract Voidable.**

- Disqualification – Notices and process description.
- Debarment – Notices and process description.
- Protests – Notices and process description, including independent hearing.
- Contract Voidable – Notices and process description.