

# ALO REVISION – Comparison Matrix

Ch. 2-7, Article 6 – Anti-Lobbying and Procurement

Element	Current Language	Recommended Language	Discussion
<b>No Contact Period</b>	<p>Start: Date solicitation is issued</p> <p>End: - Date contract is signed, or - Date solicitation is cancelled</p> <p>Extendable: Yes</p> <p>Condition: If the solicitation is canceled with the stated intention to reissue, the no-contact period continues during the time period between the withdrawal and reissue for up to 90 days.</p>	<p>Start: Date and time a response to a solicitation is due</p> <p>End: - Date the contract is signed; - Date solicitation is cancelled; or - 60-days following Council authorization</p> <p>Extendable: No</p>	<ul style="list-style-type: none"> <li>Starting the No-Contact period at the solicitation’s due date allows staff to know which respondents are subject to the ordinance.</li> <li>Eliminating the ability to extend and setting a finite expiration eliminates confusion as to the ending of the No-Contact Period.</li> <li>Shortening this period and adding certainty, regarding those subject to the ordinance and when the period ends, will make the No-Contact List more meaningful to staff, Council and the public.</li> </ul>
<b>Prohibited Representations</b>	<p>Prohibits representations that:</p> <ul style="list-style-type: none"> <li>provide substantive information about a response</li> <li>advance the interests of the respondent with respect to the solicitation</li> <li>discredit the response of any other respondent to the solicitation</li> <li>encourage the City to reject all of the responses to the solicitation to which it relates;</li> <li>convey a complaint about the solicitation</li> <li>asks, influences, or persuades the solicitation process</li> <li>Permits representations only through the authorized contact person.</li> <li>Prohibits representations to a City officials or to a City employees</li> <li>Representations made before a Response is submitted are also prohibited</li> <li>Prohibition also applies to representations initiated by City officials or City employees</li> <li>If the solicitation is cancelled with the intention of re-soliciting, the No-Contact Period continues for 90-days after cancellation</li> <li>In the event of multiple awards, the No-Contact Period continues until the last contract is signed</li> <li>Provision for allowing representations under emergency circumstances</li> </ul>	<p>Prohibits representations that:</p> <ul style="list-style-type: none"> <li>provide substantive information about a response</li> <li>advance the interests of the respondent with respect to the solicitation</li> <li>discredit the response of any other respondent to the solicitation</li> <li>encourage the City to reject all of the responses to the solicitation to which it relates;</li> <li>convey a complaint about the solicitation</li> <li>asks, influences, or persuades the solicitation process</li> </ul>	<ul style="list-style-type: none"> <li>Abbreviates and makes more concise the definition and prohibitions associated with representations</li> <li>Some elements were actually clarifications of the No-Contact Period and Permitted Representations, and were moved</li> </ul>

	<ul style="list-style-type: none"> <li>• Prohibits representations made to a contractor hired by the City to assist with a solicitation</li> <li>• Representations made by agents of a respondent are prohibited</li> <li>• Clarifies definition of respondent's agent</li> </ul>		
<b>Permitted Representations and Communications</b>	<p>Allow Representations:</p> <ul style="list-style-type: none"> <li>• Made to the authorized contact person.</li> <li>• Describing what the authorized contact person does with the respondent's communications</li> <li>• Disallowing a respondent from changing their offer through a communication with the authorized contact person.</li> <li>• Permitting complaints submitted through the authorized contact person</li> <li>• Limiting the Purchasing Officer from distributing complaints that are derogatory to other offerors</li> <li>• Excluding protests from the complaint distribution process</li> <li>• Allowing a respondent to contact the purchasing officer of the authorized contact person does not respond</li> <li>• Ask procedural questions to other City employees</li> <li>• Prohibiting procedural questions to City officials or their staff</li> <li>• Made at a public meeting</li> <li>• Made during negotiations</li> <li>• Made during protest hearings</li> <li>• Made to the Small &amp; Minority Business Resources Department regarding subcontract goals</li> <li>• Made to the City Risk Management coordinator about insurance requirements</li> <li>• Made from the respondent's attorney to the City's Law Department</li> <li>• Allows City employees and officials to discuss the solicitation</li> <li>• Establishes that campaign contributions are not representations</li> </ul>	<p>Allow Representations:</p> <ul style="list-style-type: none"> <li>• Made to the authorize contact person</li> <li>• Made at a public meeting</li> <li>• Made during protest hearings</li> <li>• Made to the Small &amp; Minority Business Resources Department regarding subcontract goals</li> <li>• Made to the City Risk Management coordinator about insurance requirements</li> <li>• Made from the respondent's attorney to the City's Law Department</li> <li>• Establishes that campaign contributions not a representations</li> <li>• Clarifies that communications about an existing contract is not a representation, even if the scope of the current contract is the same or similar to the solicitation's scope</li> </ul>	<ul style="list-style-type: none"> <li>• Some permitted representations were repetitive and were consolidated</li> <li>• Other permitted representations were not applicable to this section and were removed</li> <li>• Clarifications regarding existing contracts and campaign contributions were left in</li> </ul>
<b>Mitigating Factors</b>	The Purchasing Officer was not allowed to consider mitigating factors when determining a violation	The Purchasing Officer may consider mitigating factors when determining a violation, e.g., a representation initiated by a City employee or official	Allows the enforce the ordinance, taking into consideration factors that may have been outside the offeror's control
<b>Debarment</b>	Respondents found to have committed multiple violations within a five year period are to be debarred from doing business with the City for up to three years.	There are no references to debarment	As the City has no record of debarring any vendor for violating the ordinance, this penalty is largely a deterrent only
<b>Recusals</b>	There are no prohibitions against City employees or officials who initiate a prohibited representations from vendors that result in violations of the ordinance.	City employees or officials that initiate a prohibited representation shall recuse themselves from further participation in the solicitation, recommending or authorizing any resulting contract	This element was in response to feedback from the Work Group seeking to share more of the responsibility of compliance with the ordinance with City staff and officials.