City of
FRESNO

EXHIBIT "C"

HILDA CANTÚ MONTOY
City Attorney

Outline of Regulated Contact Ordinance
In Procurement Process

1. General rule: proposer and elected officials not to directly communicate over a procurement from initiation of procurement until completion.

   A. From bid notice, RFP, RFQ or RFEI until decision to award or not award; but continues through "re-bid" process.

2. Applies to competitive procurement where Council may award contract.

   A. Includes RFP, RFQ, RFEI and Competitive Bid.

   B. Bid specifications, RFPs, RFQs, & RFEIs shall refer to the ordinance.

3. Proposer may communicate with elected officials over a procurement only:

   A. On the record at any Council meeting.

   B. Through the procurement staff and process.

   C. With an identical writing simultaneously delivered to all elected officials.

4. Proposer and elected official having any regulated contact shall disclose that contact in writing within 24 hours or by next business day.

5. Disclosures are filed with Purchasing Agent and copied to City Clerk, who distributes to Councilmembers and Mayor.

6. Purchasing Agent decides whether to recommend sanctions.

7. No sanction if:

   A. Disclosure inadvertent & does not affect integrity or outcome of process.

   B. Elected official initiated communication and proposer promptly stopped it.

   C. Communication under mistake & immaterial (i.e., unrelated to procurement).

8. Sanction can be appealed.

9. Sanctions include: disqualification, finding of non responsibility, and/or setting aside of award.

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