RULE NO.: R 161.13.37

NOTICE OF RULE ADOPTION	EFFECTIVE DATE: January 31, 2014

By: Byron E. Johnson, C.P.M.
Purchasing Officer, Purchasing Office, Financial Services Department

Rosie Truelove
Director, Contract Management Department

The Purchasing Office and the Contract Management Department have adopted a proposed rule. Notice of the proposed rule was posted on November 4, 2013. Public comment on the proposed ruled was solicited in the November 4, 2013 notice. The adoption of a rule may be appealed to the City Manager in accordance with Section 1-2-10 of the City Code as explained below. This notice is issued under Chapter 1-2 of the City Code.

EFFECTIVE DATE OF ADOPTED RULE

The rule adopted by this notice is effective on January 31, 2014.

TEXT OF PROPOSED RULE

A copy of the complete text of the adopted rule is available for public inspection and copying at the following locations. Copies may be purchased at the locations at a cost of ten cents per page:

City of Austin Purchasing Office, located at 124. W. 8th Street, 3rd Floor, Austin, Texas 78701

Contract Management Department, located at 105 W. Riverside Drive, Suite 210, Austin, Texas 78704

Office of the City Clerk, City Hall, located at 301 West 2nd Street, Austin, Texas 78701

An electronic copy of the adopted rule is available for download at no expense at:

https://www.ci.austin.tx.us/financeonline/contract_catalog/OCCRPT.cfm

BRIEF EXPLANATION OF PROPOSED RULE

Rule R161-13.37: The proposed rule will adopt procedures to administer a city-wide vendor performance evaluation program. The proposed rule sets forth the City's procedures to conduct evaluations of construction contractors, consultants, and vendors providing the City construction, goods, and professional and non-professional services.

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SUMMARY OF COMMENTS

The City received comments during the public comment period. Attached is a summary of the comments received, and City staff responses to those comments. The comments received have no effect on the proposed rule or the adoption thereof.

AUTHORITY FOR ADOPTION OF RULE

The authority and procedure for adoption of a rule to assist in the implementation, administration, or enforcement of a provision of City code is established in Chapter 1-2 of the City Code.

APPEAL OF ADOPTED RULE TO CITY MANAGER

A person may appeal the adoption of a rule to the City Manager. **AN APPEAL MUST BE FILED WITH THE CITY CLERK NOT LATER THAN THE 30th DAY AFTER THE DATE THIS NOTICE OF RULE ADOPTION IS POSTED. THE POSTING DATE IS NOTED ON THE FIRST PAGE OF THIS NOTICE.** If the 30th day is a Saturday, Sunday or official city holiday, an appeal may be filed on the next day which is not a Saturday, Sunday or official city holiday.

An adopted rule may be appealed by filing a written statement with the City Clerk. A person who appeals a rule must (1) provide the person's name, mailing address, and telephone number; (2) identify the rule being appealed; and (3) include a statement of specific reasons why the rule should be modified or withdrawn.

Notice that an appeal was filed will be posted by the City Clerk. A copy of the appeal will be provided to the City Council. An adopted rule will not be enforced pending the City Manager's decision. The City Manager may affirm, modify, or withdraw an adopted rule. If the City Manager does not act on an appeal on or before the 60th day after the date of the notice of rule adoption is posted, the rule is withdrawn. Notice of the City's Manager's decision on an appeal will be posted by the City Clerk and provided to the City Council.

On or before the 16th day after the City Clerk posts notice of the City Manager's decision, the City Manager may reconsider the decision on an appeal. Not later than the 31st day after giving written notice of an intent to reconsider, the City Manager shall make a decision.

CERTIFICATION BY CITY ATTORNEY

By signing this Notice of Rule Adoption, the City Attorney certifies that the City Attorney has reviewed the rule and finds that adoption of the rule is a valid exercise of the Director's administrative authority.

REVIEW AND APPROVED

Byron E. Johnson, C.P.M.

Byron E. Johnson, C.P.M.
Purchasing Officer
Purchasing Office

Date: 1/17/2014

Asst Dir.

Rosie Truelove
Director
Contract Management Department

Date: 1/17/2014

Karen Kennard
City Attorney
Law Department

Date: 1/21/2014