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City Administrator's Office

MEMORANDUM

TO: HONORABLE MAYOR &
CITY COUNCIL

FROM: Vitaly B. Troyan, P.E.

SUBJECT: Zero Waste Protocol for Process Integrity **DATE:** February 21, 2012

City Administrator
Approval

Date

2/21/12

INFORMATION

This information is provided at the request of the Public Works Committee made on February 14, 2012 in response to the Agenda Report Item #7, "Resolution Adopting The Recommended Process And Schedule, And Protocol For Process Integrity, For A Request For Proposals For Zero Waste Service Contracts."

Two clarifications were requested regarding agenda report attachments. The first, in Attachment A, "Protocol for Process Integrity," section V "Allegations of Violations," the Committee requested a description of the City Administrator's investigation procedure. The second, in Attachment D, "Conflict of Interest Form," the Committee requested that "personal relationship" be clearly defined, and that consequences for violating the Form be specified.

1. The City Administrator's investigation procedure to respond to an allegation of violation may include: reviewing of the written allegation; meeting with the party making the allegation; collecting data that includes conducting interviews, requesting documentation from appropriate parties and researching the issue. The City Administrator may seek the counsel of the Director of Public Works, the City Attorney's Office and the City Auditor's Office in her investigation. The City Administrator will provide a determination in writing. These investigation procedures are consistent with other investigations the City Administrator may conduct through her office.
2. The intention of the "Conflict of Interest Form" for City staff, consultants and outside reviewers associated with the Request For Proposals for Zero Waste Service Contracts is to bring a higher level of disclosure to this high-value procurement process. The purpose of having the form is to address any actual or perceived conflicts of interest, partiality or favoritism related to the procurement.

The Committee asked that the term "personal relationships" used in question number 1 of the form be defined. A "personal relationship" is defined as a relative, co-habitant, friend, or a person with whom the employee has a romantic relationship.

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The consequences for a staff member violating the "Conflict of Interest Form," that is, a failure to disclose a conflict, could include removal from the procurement process by the City Administrator and use of other management actions to address misconduct. As far as the potential respondents are concerned, a failure to inform a staff person with whom they have a "personal relationship" that they are involved in the Zero Waste Services Request for Proposals process could result in disqualification of the firm.

Respectfully submitted,



Vitaly B. Troyan, P.E.
Director, Public Works Agency

For questions please contact Susan Kattchee, Environmental Services Manager, 238-6382.