

[The following questions and answers were released on Dec. 23, 2011.]

*Q: Can confidential (business-related) data be released to a contracted consultant (vs. a potential consultant), assuming the data will not be released publicly but rather used as a basis for the analysis?*

A: In order to release confidential taxpayer data to the entity or firm that is selected by OEA to conduct the analysis, a confidentiality agreement will be required. Preparation of the confidentiality language and/or agreement will be coordinated with the City's Office of Finance.

*Q: Are consulting firms located within the City and subject to the GRT subject to potential conflict of interest rules?*

A: Given the limited time frame and scope of the consultants work, the consultant will not be subject to the Political Reform Act which is the primary state law governing conflicts of interests. In order to minimize the appearance of conflict of interest, the successful proposer may wish to include a disclosure on any report provided regarding the firm's financial interest so that the City's decisionmakers can take that potential bias into account. Additionally, depending on the nature of the recommendations of the panel, should a subsequent contract be considered that is derived from those recommendations, then those person/firms would likely be barred from being considered for the later contract under Government Code Section 1090.