



MEMORANDUM

TO: Mayor and Council

FROM: Shawn Willett, Deputy Purchasing Officer *SW*

DATE: September 8, 2016

SUBJECT: Anti-Lobbying Complaint Received

The Purchasing Office has received the following complaint in regards to Request For Proposals CDL2003, for the beneficial reuse of biosolids. This item is currently scheduled for Council's consideration on October 6, 2016. As a respondent to the solicitation, Synagro is bound by the Anti-Lobbying Ordinance and is requesting that Council lift the requirement. In accordance with section 2-7-204(B), Purchasing is forwarding the complaint to the Mayor and Council:

§2-7-104 Permitted Representations

(B) If respondent wishes to send a complaint to the City, the respondent shall submit the complaint in writing only to the authorized contact person. The authorized contact person shall distribute a complaint regarding the process to members of the city council or members of the City board, to the director of the department that issued the solicitation, and to all respondents of the particular solicitation. However, the director or purchasing officer shall not permit distribution of any complaint that promotes or disparages the qualifications of a respondent, or that amends or adds information to a response. A determination of what constitutes promoting or disparaging the qualifications of a respondent or constitutes amending or adding information is at the director's or purchasing officer's sole discretion. Bid protests are not subject to this subsection. Documents related to a bid protest may not be forwarded to council under this subsection.

The full text of the Anti-Lobbying regulations can be found at Title 2, Chapter 2-7 of the City Code: https://www.municode.com/library/tx/austin/codes/code_of_ordinances?nodeId=TIT2AD_CH2-7ETFIDI

cc: Greg Canally, Deputy Chief Financial Officer
James Scarboro, Purchasing Officer

Willett, Shawn

From: Lord, Danielle
Sent: Wednesday, September 07, 2016 4:03 PM
To: Willett, Shawn
Subject: Fw: Beneficial Reuse of Biosolids Contract

Importance: High

Please see the following compliant from Synagro.

From: Andrew Bosinger <ABosinger@SYNAGRO.com>
Sent: Wednesday, September 7, 2016 3:42:24 PM
To: Lord, Danielle
Subject: Beneficial Reuse of Biosolids Contract

Danielle,

Since the submittal of proposals in response to the City's RFP for "Beneficial Reuse of Biosolids", it has become clear that there is a lot of interest and a number of questions from City Council, some commission members, and others. Additionally, Texas Disposal Systems (TDS) has publicly made it clear that they are pursuing this work, not through the RFP, but via a side proposal they have made that the City forego the RFP process and agree to a single source change order to add the new services called for in the RFP to their existing recycling contract. Statements confirming this approach were made by TDS at both the August 10th meeting of the Zero Waste Advisory Commission and at the August 11th City Council meeting and in emails from Bob Gregory to Council Members and City Staff. We have a complaint in that we see their actions as a clear attempt to circumvent both the City's public procurement processes and the anti-lobbying regulations that apply to City contracts. As such, they have put all of the companies that submitted proposals according to the City's processes at a grave disadvantage by only telling one side of the story and not airing the true facts.

In the past, where the Council believed there existed a unique situation where the details of a procurement needed to be openly discussed and fully vetted among themselves and all stakeholders before Council could take action, they have opted to waive the anti-lobbying requirements. We think TDS' actions have created such a situation warranting lifting of the anti-lobbying regulations for this procurement so that the discussion can take place with all stakeholders (including Council Members and Commissioners) involved. Additionally, since TDS and Texas Campaign for the Environment have also requested that we publicize all details of our proposal (also in contradiction to the City's standard procurement procedures) we believe that in fairness we should have the opportunity to address aspects of the proposal directly to Council Members and Commissioners. Accordingly, we hereby request that the lobbying restrictions be waived for this procurement going forward.

Please let me know if any other documentation is needed to formally make this request. We understand that this request will require council approval. Should scheduling and discussion of that approval not be possible at or before the September 22nd City Council meeting we will withdraw this request. We do not wish to delay City Council action on the proposed contract from the currently scheduled October 6th meeting. Thank you,

Andrew Bosinger



Your Partner for a cleaner, **greener** world

Andrew Bosinger

VP, Strategic Accounts & Partnerships

6326 Wilson Road Ann Arbor, MI 48108

O: 1-443-489-9087 | M: 1-410-271-1020

ABosinger@SYNAGRO.com | www.synagro.com

[Facebook](#) | [Twitter](#) | [LinkedIn](#)