

From: [McClure, Monica](#)
To: [Scarboro, James](#)
Cc: [Lord, Danielle](#)
Subject: FW: Response to 9-27-16 Letter from TDS to Danielle Lord
Date: Thursday, October 06, 2016 11:15:19 AM
Attachments: [Response to 9-27-16 Letter from TDS to Danielle Lord.pdf](#)

James:

Attached is Synagro's response letter to the TDS letter of 9/27/16. Are you or this Office the appropriate party to forward the letter to TDS?

Also, I'm sure Synagro is going to ask: What is the status of the City's formal response to the 9/27 letter?

Thank you.

Monica L. McClure
Corporate Contract Administrator
Financial Services Department
Direct Contact (512) 974-1714

From: Andrew Bosinger [mailto:ABosinger@SYNAGRO.com]
Sent: Thursday, October 06, 2016 10:43 AM
To: McClure, Monica <Monica.McClure@austintexas.gov>
Subject: FW: Response to 9-27-16 Letter from TDS to Danielle Lord

FYI

BOSINGER
← COMMUNICATING
WITH SOMEONE
← WHO IS NOT THE
AUTHORIZED
← CONTACT PERSON

From: Pearson, Julia [mailto:Julia.Pearson@huschblackwell.com]
Sent: Thursday, October 6, 2016 11:38 AM
To: 'Danielle.Lord@austintexas.gov'
Cc: Andrew Bosinger; Meade, Nikelle
Subject: Response to 9-27-16 Letter from TDS to Danielle Lord

Ms. Lord –

Please see attached letter from Nikelle Meade.

- Julia Pearson

Julia Pearson
Legal Support Team Specialist

HUSCH BLACKWELL LLP
111 Congress Avenue, Suite 1400
Austin, TX 78701-4093
Direct: 512.370.3306
Fax: 512.226.7208
Julia.Pearson@huschblackwell.com

huschblackwell.com



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](#)

HUSCH BLACKWELL

111 Congress Avenue, Suite 1400
Austin, Texas 78701
512.472.5456

Nikelle S. Meade
512.479.1147 direct
512.226.7373 fax
nikelle.meade@huschblackwell.com

October 6, 2016

VIA EMAIL -- Danielle.Lord@austintexas.gov

Danielle Lord
Purchasing Department
City of Austin
124 West 8th Street
Austin, Texas 78701

Re: Response to 9/27/16 Letter from Texas Disposal Systems to Danielle Lord

Dear Ms. Lord:

The purpose of this letter is to provide clarification and correction for the record concerning statements made by Texas Disposal Systems, Inc. (hereinafter, "TDS") in its September 27th letter to you regarding the City's anti-lobbying regulations that apply to procurements. In that letter, TDS implies that Synagro requested suspension of the anti-lobbying regulations in connection with the biosolids management procurement because Synagro shares TDS's concerns about the regulations. We want to make it clear that the only reason Synagro requested that the anti-lobbying regulations be suspended in connection with this procurement was the continuous lobbying activity by TDS related to this procurement pursuant to what TDS believes is a loophole in the regulations.

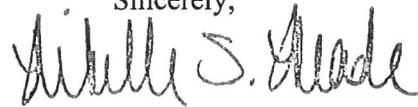
Because TDS has been actively pursuing discussions with City staff, commissioners, and council members in which TDS has specifically asked for this work to be taken out of the City's procurement process and given directly to TDS (TDS is on the public record stating that it wants the contract awarded to it without there being a bidding/RFP process) and because we believe TDS has provided City staff, commissioners, council members, and the public with erroneous information about Synagro and the procurement, Synagro believed application of the anti-lobbying regulations to all of the parties seeking this work except TDS was unfair to all of the companies that properly submitted proposals in response to the RFP and was clearly contrary to the very intent of the regulations. In short, Synagro's earlier request to suspend the anti-lobbying rules for the biosolids management RFP was submitted for the sole hope of leveling the playing field and instilling fairness in such a way that Synagro could defend itself and its RFP response in a professional manner.

Synagro subsequently withdrew its request, as you know, determining that it was better to have the rules in place than to open the process up to a free-for-all of lobbying.

Danielle Lord
October 6, 2016
Page 2

Synagro supports the anti-lobbying regulations and will continue to do so. In fact, Synagro believes that the anti-lobbying ordinance should be made stronger to prohibit the type of lobbying activity TDS is engaged in with respect to this procurement.

Please do not hesitate to contact me if you have any questions.

Sincerely,


Nikelle Meade

cc: Andrew Bosinger (via email -- ABosinger@SYNAGRO.com)

From: McClure, Monica
To: Lord, Danielle
Subject: RFP CDL2003-Beneficial Reuse of Biosolids
Date: Monday, October 17, 2016 8:23:26 PM

RE: Potential violation of Anti-Lobbying Ordinance

Danielle:

At approximately 7:20 today, October 17, 2016, I returned a telephone call from Andrew Bosinger of Synagro. I had expected to get his voice mail as in his voice message left for me at 2:11 PM earlier on this date, he indicated he was boarding a plane. Andrew answered his phone and indicated his plane had landed in Austin and he would be attending Council's Work Session meeting tomorrow morning. In Andrew's voice message earlier, he had asked whether I had received a response from Austin Water concerning incorporation of a provision into the contract which had been suggested by the Texas Commission on the Environment. I had earlier that day spoken with Judy Musgrove but she said they would have to discuss and get back with me. This evening, I was returning Andrew's call, fully expecting to get his voice mail, to simply indicate I had no update from Austin Water, and suggest that he refrain from speaking directly to James Scarboro at the Work Session meeting tomorrow to lessen any further allegations of anti-lobbying.

Andrew went on to discuss with me "what he was hearing". He explained that his attorney, **Nikelle Meade**, was contacted by several Council members today who all indicated that TDS representatives were in their offices lobbying for delay of this item (on Council's Agenda presumably). The Council members asked Nikell why the item should not be delayed. According to Andrew, Nikelle responded to the Council members and explained that the procurement had been sent to Committee which then formed the Work Group, and that these groups had all reviewed, vetted and approved the item, and further delay was unnecessary. I specifically asked Andrew again how Council Members knew to contact Nikell. Andrew responded and said that "they all know that Nikell represents Synagro". Andrew also mentioned Brandi, Policy Aid (to the Mayor?) and that she had also possibly contacted Nikell with questions.

Please let me know if you have any questions or need further clarification.

Thank you,

Monica L. McClure

Monica L. McClure
Corporate Contract Administrator
Financial Services Department
City of Austin
124 W. 8th St., Suite 310
Austin, Texas 78701
Phone: (512)974-1714

Fax: (512)974-2388

Email: Monica.McClure@austintexas.gov

Manager: Danielle Lord

Phone: (512) 974-2298

Email: Danielle.Lord@austintexas.gov

For information about contracts and payments, please visit Austin Finance on line at:

<http://www.ci.austin.tx.us/financeonline/finance/index.cfm>



Please consider the environment before printing this e-mail or attachments.

This e-mail message may contain information that may be privileged, confidential, and exempt from disclosure. It is intended for use only by the person to whom it is addressed. If you have received this message in error, please do not forward or use this information in any way, delete it immediately, and contact the sender as soon as possible by the reply option or by telephone at the number listed (if available). Thank you.

From: [Willett, Shawn](#)
To: [Scarboro, James](#)
Subject: Fwd: RFP CDL2003-Beneficial Reuse of Biosolids
Date: Thursday, October 20, 2016 5:29:09 PM

Just FYI

Ms. Shawn M. Willett
Deputy Purchasing Officer
City of Austin, Purchasing Office

Begin forwarded message:

From: "McClure, Monica" <Monica.McClure@austintexas.gov>
Date: October 20, 2016 at 4:27:51 PM CDT
To: "Lord, Danielle" <Danielle.Lord@austintexas.gov>, "Willett, Shawn" <Shawn.Willett@austintexas.gov>
Subject: RFP CDL2003-Beneficial Reuse of Biosolids

Danielle and Shawn:

Today, I received phone messages from Andrew Bosinger at Synagro and his attorney, Nikelle Meade. Andrew wanted information on Council's delay of this Agenda item and Nikell asked about whether any decisions have been made on the Anti-Lobbying allegations.

Please advise how you wish me to proceed.

Thank you,

Monica L. McClure

Monica L. McClure
Corporate Contract Administrator
Financial Services Department
City of Austin
124 W. 8th St., Suite 310
Austin, Texas 78701
Phone: (512)974-1714
Fax: (512)974-2388
Email: Monica.McClure@austintexas.gov

Manager: Danielle Lord
Phone: (512) 974-2298
Email: Danielle.Lord@austintexas.gov

BOSINGER AND
NIKELLE MEADE
COMMUNICATING
WITH SOMEONE
WHO IS NOT THE
AUTHORIZED
CONTACT PERSON

For information about contracts and payments, please visit Austin Finance on line at:

<http://www.ci.austin.tx.us/financeonline/finance/index.cfm>



Please consider the environment before printing this e-mail or attachments.

This e-mail message may contain information that may be privileged, confidential, and exempt from disclosure. It is intended for use only by the person to whom it is addressed. If you have received this message in error, please do not forward or use this information in any way, delete it immediately, and contact the sender as soon as possible by the reply option or by telephone at the number listed (if available). Thank you.