



Town of Southwest Ranches

13400 Griffin Road
Southwest Ranches, FL 33330-2628

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Town Council

Steve Breitzkreuz, Mayor
Gary Jablonski, Vice Mayor
Jim Allbritton, Council Member
Bob Hartmann, Council Member
David S. Kuczenski, Council Member

Andy Berns, Town Administrator
Russell Muñiz, Asst Town Admin / Town Clerk
Keith M. Poliakoff, Town Attorney
Martin D. Sherwood, Town Financial Administrator

MEMO

TO: Mayor, Vice Mayor, Town Council, All Departments
FROM: Andy Berns, Town Administrator
DATE: April 26, 2022
RE: Procurements Cone of Silence

A "Cone of Silence" has been imposed for the following Request for Proposals RFP 22-011 ROLLING OAKS PASSIVE OPEN SPACE PARK POND CLEANUP, advertised April 26, 2022.

The Town of Southwest Ranches, Ordinance No. 2022-005 "Cone of Silence" reads as follows:

CONE OF SILENCE

a. Defined.
"Cone of silence", as used herein, means a prohibition on any communication regarding a particular request for proposal ("RFP"), request for letters of interest ("RLI") or Invitation for Bid ("IFB"), between: 1.A potential vendor, service provider, proposer, bidder, lobbyist, or consultant; 2.The Town Council Members, Town's professional staff including, but not limited to, the Town Administrator and his or her staff, or any member of the Town's selection or evaluation committees.

b. Restriction; notice.
A cone of silence shall be imposed upon each IFB, RFP and RLI, from the time of the advertisement or during such other procurement activities as declared by the Town Council. At the time of imposition of the cone of silence (Exhibit 19), the Town Administrator shall provide for public notice of the cone of silence by posting a notice at the Town Hall. The Town Administrator or designee shall issue a written notice thereof to the affected Departments, file a copy of such notice with the official procurement file, with a copy thereof to each Town Council Member, and shall include in any public solicitation for goods or services a statement disclosing the requirements of this subsection. Except as set forth in division (d) during the course of a sealed competitive solicitation, a cone of silence shall be in effect between:

- 1. Any person or entity that seeks a contract, contract amendment, award, recommendation, or approval related to a sealed competitive solicitation or that is subject to being evaluated or having its response evaluated in connection with a sealed competitive solicitation, including a person or entity's representative;*
- 2. The Town Administrator or any person or group of persons appointed or designated by the Town Council or the Town Administrator to evaluate, select, or make*

a recommendation to the Town Council or the Town Administrator regarding a sealed competitive solicitation, including any member of the selection/evaluation committee.

c. Termination of cone of silence.

The cone of silence shall terminate at the time the Town Council takes final action or gives final approval of a contract, or in the event the Town Administrator rejects all bids or responses, to the sealed competitive solicitation, or takes other action which ends the sealed competitive solicitation process. However, if the Town Council refers the solicitation back to the Administrator, staff or committee for further review, the cone of silence shall be reimposed until such time as the Administrator makes a subsequent written recommendation and commencement of the subsequent Council meeting.

d. Exceptions to applicability.

The provisions of this section shall not apply to:

- 1. Oral communications at pre-bid conferences;*
- 2. Oral presentations before selection or evaluation committees;*
- 3. Public presentations or comments made to the Town Council when the solicitation is on a duly noticed agenda;*
- 4. Communications in writing with the Town employee designated by the solicitation. The bidder or proposer shall file a copy of any written communication with the Procurement and Budget Officer or designee. The Procurement and Budget Officer or Designee shall make copies available to any person upon request;*
- 5. Communications regarding a particular RFP, RLI or IFB between a potential vendor, service provider, proposer, bidder, lobbyist or consultant and the Town employee designated responsible for administering the procurement process for such RFP, RLI or IFB, provided the communication is limited strictly to matters of process or procedure already contained in the corresponding solicitation document;*
- 6. Communications with the Town Attorney and his or her staff;*
- 7. Duly noticed site visits to determine the competency of bidders or proposers regarding a particular solicitation during the time period between the opening of bids or proposals and the time the Town Administrator makes his or her written recommendation;*
- 8. Any emergency procurement of goods or services pursuant to Town Code;*
- 9. Responses to the Town's request for clarification or additional information;*
- 10. Contract negotiations during any duly noticed public meeting;*
- 11. Communications to enable Town staff to seek and obtain industry comment or perform market research, provided all communications related thereto between a potential vendor, service provider, proposer, bidder, lobbyist, or consultant and any member of the Town's professional staff including, but not limited to, the Town Administrator and his or her staff are in writing or are made at a duly noticed public meeting.*

e. Penalties.

Prior to an award, violation of this section shall result in the disqualification of the bidder or proposer from further consideration. After an award, discovery of a violation by a particular bidder or proposer shall render any RFP award, RLI award or bid award to said bidder or proposer voidable by the Town, and in the Town's sole discretion. the Town, and in the Town's sole discretion.