



Town of Southwest Ranches

13400 Griffin Road
Southwest Ranches, FL 33330-2628

(954) 434-0008 Town Hall
(954) 434-1490 Fax

Town Council

Steve Breitkreuz, 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: February 23, 2023

RE: Procurements Cone of Silence

A "Cone of Silence" has been imposed for the following Invitation for Bids (IFB):
23-002 - CLASSIFICATION AND COMPENSATION STUDY, advertised February 23, 2023.

The Town of Southwest Ranches, Ordinance No. 2011-015 "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 qualifications ("RFQu"), request for letters of interest ("RLI") or Invitation for Bid ("IFB"), between:

1. A potential vendor, service provider, proposer, bidder, lobbyist, or consultant; and
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 committee.

b) *Restriction; notice.*

A cone of silence shall be imposed upon each IFB, RFP and RLI, from the time of the advertisement. At the time of imposition of the cone of silence, the Town Administrator shall provide for public notice of the cone of silence by posting a notice at the Town Hall. The Town Administrator shall issue a written notice thereof to the affected departments, file a copy of such notice with the Town Clerk, 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.

c) *Termination of cone of silence.*

The cone of silence shall terminate at the beginning of the Town Council meeting at which the Town Administrator makes his or her written the Town, and in the Town's sole discretion.

recommendation to the Town Council. However, if the Town Council refers the solicitation back to the Administrator, staff or committee for further review, the cone of silence shall be re-imposed until such time as the Administrator makes a subsequent written recommendation and commencement of the Council meeting. The cone of silence shall also terminate in the event that the Town Administrator cancels the solicitation.

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 Town Clerk. The Town Clerk 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. Discovery of a violation after an award by a particular bidder or proposer shall render any RFP award, RLI award or bid award to said bidder or proposer voidable by