
INQ 16-106 Perez

From: Centorino, Joseph (COE)
Sent: Wednesday, April 06, 2016 5:26 PM
To: 'richard.perez@hklaw.com'
Cc: Mendez, Victoria; 'xealban@miamigov.com'; RadiaTuray@gmail.com; Perez, Martha D. (COE); Diaz-Greco, Gilma M. (COE)
Subject: INQ 16-106 Richard Perez, Esq., Holland and Knight (City of Miami Cone of Silence)

Mr. Perez:

You have inquired whether under the City of Miami Cone of Silence (Section 18-74, City of Miami Code), following the issuance of the City Manager's written recommendation received by the City Clerk, the filing of a bid protest results in reimposition of the Cone of Silence. You have correctly pointed out that in RQO 07-26, the Commission on Ethics has opined that under the County Cone (Section 2-11.1(t), which has a similar provision (Section 2-11.1(t)(1)(b)(2) to the City's Cone provision regarding termination of the Cone (Section 18-74(d)(2)), the Cone is not lifted where a bid protest has been filed following receipt of such written recommendation.

Based upon the similarity between the two Cone provisions, it is my opinion that the Cone, having been lifted by the Manager's written recommendation, remains lifted and is not reimposed under these circumstances, unless the recommendation is referred back to the Manager by the Commission, in which case it would be reimposed.

Sincerely,

Joe Centorino

Joseph M. Centorino

Executive Director and General Counsel
Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
Miami, FL 33130
Tel: (305) 579-2594
Fax: (305) 579-0273
ethics.miamidade.gov



From: Richard.Perez@hklaw.com [mailto:Richard.Perez@hklaw.com]
Sent: Wednesday, April 06, 2016 3:51 PM
To: Centorino, Joseph (COE) <CENTORI@miamidade.gov>
Subject: Ethics - Question Regarding the Re-imposition of the Cone of Silence

Joe, I hope all remains well. I have a quick question for you: Given the similarity between the City of Miami Cone of Silence and the Miami-Dade County Cone of Silence, would it be correct to assume that the attached opinion issued by the Ethics Commission also applies to the City of Miami, which opinion provides that the filing of a bid protest does not result in the re-imposition of the cone of silence?

For ease of reference, attached is the applicable provision from the City of Miami's cone of silence ordinance:

(2) Termination. Except as otherwise provided herein, the cone of silence shall terminate at the time the city manager's approval of the award or the city manager's written recommendation to the city commission, as may be applicable, is received by the city clerk, or at such time that bids or proposals are rejected by the city commission or the city manager; provided, however, that if the city commission refers the recommendation back to the city manager for further review, the cone of silence shall be reimposed until such time as the city manager's subsequent written recommendation is received by the city clerk.

Here are the pertinent facts: This relates to Virginia Key Marina RFP No. 12-14-077 (City of Miami). Bids were submitted and evaluated by the City. The City Manager issued a recommendation in favor of one of the bidders. Attached please find the recommendation. The City staff has confirmed that the attached recommendation serves to lift the cone of silence (see email string attached below). My client intends on filing a written intent to protest by tomorrow afternoon.

As always, thank you for your attention to this matter. Given that the written intent to protest will be filed tomorrow, I would greatly appreciate it (if at all possible) a response by tomorrow.

Richard Perez | [Holland & Knight](#)

Partner

Holland & Knight LLP

701 Brickell Avenue, Suite 3300 | Miami, FL 33131

Phone 305.789.7630 | Fax 305.789.7799

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[Add to address book](#) | [View professional biography](#)

From: Lorenzo, Jacqueline [mailto:jlorenzo@miamigov.com]
Sent: Monday, April 04, 2016 12:41 PM
To: Aabad Melwani <am@rmimarina.com>; Perez, Richard A (MIA - X27630) <Richard.Perez@hklaw.com>; lpiva@tifonwaterplanet.com
Cc: Suarez-Rivas, Rafael <RSuarez-Rivas@miamigov.com>; jason.spalding@cbre.com; Hannon, Todd <thannon@miamigov.com>
Subject: RE: Recommendation for Virginia Key Marina RFP No. 12-14-077

Please be advised that the Clerk has indicated receipt of the recommendation. Thank you.

Regards,

Jacqueline Lorenzo

Property Management Specialist
Department of Real Estate & Asset Management
City of Miami
444 SW 2nd Avenue, 3rd Floor
Miami, Florida 33130
P: (305) 416-1426
F: (305) 400-5197
E: jlorenzo@miamigov.com

From: Lorenzo, Jacqueline [<mailto:jlorenzo@miamigov.com>]
Sent: Monday, April 04, 2016 11:05 AM
To: Aabad Melwani; Richard.Perez@hklaw.com; lpiva@tifonwaterplanet.com
Cc: Suarez-Rivas, Rafael; jason.spalding@cbre.com; Hannon, Todd
Subject: RE: Recommendation for Virginia Key Marina RFP No. 12-14-077

The Cone of Silence is lifted once the City Clerk has received the City Manager's recommendation.

Regards,

Jacqueline Lorenzo

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**CITY OF MIAMI, FLORIDA
INTER-OFFICE MEMORANDUM**

TO: Daniel J. Alfonso
City Manager

DATE: March 16, 2016

SUBJECT: Recommendation for Virginia Key Marina
Request for Proposals No. 12-14-077

FROM: Daniel Rotenberg, Committee Chair
Director, Real Estate & Asset Management

REFERENCES:

ENCLOSURES: Signed and Completed Evaluation Forms

The City of Miami Department of Real Estate and Asset Management issued RFP # 12-14-077 for the development and lease of a city-owned waterfront property located in Virginia Key ("Virginia Key Marina"), and three (3) proposals were received and deemed responsive. The Selection Committee ("Committee") appointed by the City Manager, met on March 16, 2016 to evaluate the criteria and scoring values assigned and to determine a rank order; the Committee was comprised of the following individuals:

- 1) Pamela Weller, Senior General Manager, Bayside Marketplace
- 2) Rolando Tapanes, Director of Planning and Development, Miami Parking Authority
- 3) Kevin Warthen, Right of Way Agent, Florida Department of Transportation
- 4) Francisco Garcia, Director of Planning and Zoning, City of Miami
- 5) Daniel Rotenberg, Director of Real Estate and Asset Management, City of Miami
Alternate
- 6) Nathalie Goulet, In House Counsel, Flagstone Property Group

Pursuant to Ordinance 12271, Section 18-86(C)(6) Proposal Evaluation, "The recommendations of the evaluation committee shall be submitted to the city manager." Pursuant to Section 18-86(c)(6)(a), the City Manager may: (1) Approve the recommendation of the evaluation committee, written notice of which shall be provided to all proposers, and the city manager shall then submit his or her recommendation to the city commission; (2) Reject the evaluation committee's recommendation and instruct the evaluation committee to re-evaluate and make further recommendations; (3) Reject all proposals; or (4) Recommend that the city commission reject all proposals."

Recommendation for Final Selection. The Committee recommends that the City enter into contract negotiations with the top-ranked firm:

1. **Virginia Key, LLC (433 pts)**
2. Virginia Key SMI, LLC (426 pts)
3. New Rickenbacker Marina, LLC (418 pts)

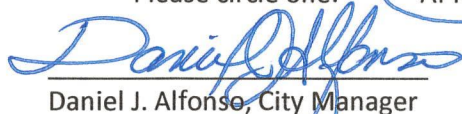
Please provide your decision regarding the Committee's recommendation and sign below.

Please circle one:

APPROVED

REJECTED

INSTRUCTED TO REEVALUATE


Daniel J. Alfonso, City Manager

cc: Alberto Parjus, Assistant City Manager
Victoria Méndez, City Attorney

DREAM160018

INQ 16-106 Perez

-----Original Message-----

From: Richard.Perez@hkklaw.com [mailto:Richard.Perez@hkklaw.com]

Sent: Wednesday, April 06, 2016 5:54 PM

To: Centorino, Joseph (COE) <CENTORI@miamidade.gov>

Cc: VMendez@miamigov.com; xealban@miamigov.com; RadiaTuray@gmail.com; Perez, Martha D. (COE) <perezmd@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <GDIAZGR@miamidade.gov>

Subject: Re: INQ 16-106 Richard Perez, Esq., Holland and Knight (City of Miami Cone of Silence)

Joe, many thanks for your prompt response.

> On Apr 6, 2016, at 5:27 PM, "Centorino, Joseph (COE)" <CENTORI@miamidade.gov> wrote:

>

> Mr. Perez:

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> You have inquired whether under the City of Miami Cone of Silence (Section 18-74, City of Miami Code), following the issuance of the City Manager's written recommendation received by the City Clerk, the filing of a bid protest results in reimposition of the Cone of Silence. You have correctly pointed out that in RQO 07-26, the Commission on Ethics has opined that under the County Cone (Section 2-11.1(t), which has a similar provision (Section 2-11.1(t)(1)(b)(2) to the City's Cone provision regarding termination of the Cone (Section 18-74(d)(2)), the Cone is not lifted where a bid protest has been filed following receipt of such written recommendation.

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> [Ethics13]

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> [cid:image001.png@01D19018.DB86E280]
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> Richard Perez | Holland & Knight
> Partner
> Holland & Knight LLP
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> Fax 305.789.7799
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> View professional biography<http://www.hklaw.com/id77/biosraperez>
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> lpiva@tifonwaterplanet.com<mailto:lpiva@tifonwaterplanet.com>
> Cc: Suarez-Rivas, Rafael
> <RSuarez-Rivas@miamigov.com<mailto:RSuarez-Rivas@miamigov.com>>;
> jason.spalding@cbre.com<mailto:jason.spalding@cbre.com>; Hannon, Todd
> <thannon@miamigov.com<mailto:thannon@miamigov.com>>
> Subject: RE: Recommendation for Virginia Key Marina RFP No. 12-14-077
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> _____

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