

Meyers, Robert (COE)

JN6 05-155

From: Meyers, Robert (COE)
Sent: Monday, September 26, 2005 1:50 PM
To: Clark-Vincent, Marie (Airport)
Subject: RE: Question

Ms Clark-Vincent,

We are having difficulties with our computer network, so please disregard any previous response you received from me. Your question is whether the Cone of Silence applies to the activities of a technical committee. You wish to know whether members of a technical committee the Aviation Department has created may discuss the proposals with one another in a closed meeting without violating the Cone of Silence. Florida's Sunshine Law actually takes precedence in this case and the general rule is that local advisory boards are prohibited from meeting privately. The issue to address is whether this technical committee is considered a public board, which would require the committee to meet in the open. You have described for me the contemplated functions of this particular committee and it appears the committee's responsibility is to examine the technical merits of each proposal and engage in a fact-based analysis of each proposal. You indicate that the committee members will not be making recommendations to the Selection Committee or ranking the proposals. Furthermore, you advised me that the Technical Committee will not meet with proposers – merely it will review the proposals. Lastly, the members of the Technical Committee could be called upon by the Selection Committee at a public meeting to explain its report/analysis.

My reaction is to find that the actions of the Technical Committee are not constrained by the Cone of Silence and it probably does not amount to a violation of the Sunshine Law for members of this committee to meet privately to discuss the proposals. The committee seems to be discharging a staff function, and ordinarily, staff meetings are not required to be public meetings. Another reason to conclude the committee can meet privately is that the role of this committee does not appear to be an attempt to bifurcate the proposal review process. That responsibility is retained by the Selection Committee with some input from a group of technical experts.

It might be a good idea for you to confer with the County Attorney's Office as well. The Miami-Dade Ethics Commission doesn't have the authority to interpret the Sunshine Law, but because there is a Cone of Silence component to your question, I wanted you to have my thoughts on this matter.

If you have any questions concerning the above, please contact me at your convenience.

Sincerely,

Robert Meyers

From: Marie Clark-Vincent [mailto:MCLARK@miami-airport.com]
Sent: Friday, September 23, 2005 12:43 PM
To: rmeyers@miamidade.gov
Subject: RE: Question

I apologize for the coughing jag I had. So, through email here is some additional info

1. The RFP states – "The County will establish a Selection Committee that will be supported by a fact-finding Evaluation Team. The Evaluation Team will review and evaluate the information contained in Parcel A for each proposer and present fact-based findings to the Selection Committee for deliberation and decisions regarding responsibility and technical scoring."
2. The Department sent a request to DBD (who coordinates Selection Committee appointment process) via memo which, in addition to recommending Selection Committee members, also requested that individuals we listed in the memo be appointed to an Evaluation Team which indicated that the Team would be doing exactly what #1 above states. (4 individuals recommended – 1 from MDAD, 1 from MDT, 1 from FDOT

9/26/2005

and 1 consultant who worked with department to put all technical specs and documents together and who would not be a proposer in the RFP process)

3. Admin. Order 3-34 states that the Director of the user department may request the addition of non-voting technical advisors to supplement the technical expertise of selection committees.
4. A draft memo already prepared by DBD to appoint Selection Committee, does currently list the 4 individuals as Non-voting Technical Advisors.

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

From: Marie Clark-Vincent
Sent: Wednesday, September 21, 2005 10:04 AM
To: 'rmeyers@miamidade.gov'
Subject: RE: Question

Just checking to see if there has been time to consider the below email. Thanks.

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

From: Marie Clark-Vincent
Sent: Thursday, September 15, 2005 10:39 AM
To: 'rmeyers@miamidade.gov'
Subject: Question

A general question in reference to Cone of Silence – if in the CMO memo that appoints a Selection Committee, a Technical Committee is designated as well – can the Technical Committee discuss the project among themselves or does the Cone of Silence impact them as well? It seems to me that the Cone of Silence only addresses the "Selection Committee" and would not apply to Technical Committee. Please advise. Thanks.