

**Meyers, Robert (COE)**

INQ 08-41

**From:** Meyers, Robert (COE)  
**Sent:** Wednesday, March 19, 2008 1:51 PM  
**To:** Meyers, Robert (COE)  
**Subject:** Inquiry

I spoke to Gerald Sanchez and Geri Bonzon (both of the County Attorney's Office) on March 17, 2008 about the applicability of the Cone of Silence to the construction of the baseball stadium for the Florida Marlins. They explained that the Marlins would create an affiliated entity to serve as stadium developer and the Board of County Commissioners would have the right to approve or disapprove of this entity. The Marlins will select the Construction Manager (without any input from the County and the firm selected will not go before the County Commission). The Marlins acknowledge a competitive selection process must be followed. The question is whether the Marlins, who are expected to comply with state and local law, are bound by the Cone of Silence during the selection of the Construction Manager. If so, at what point in time would the Cone of Silence be lifted?

I consulted with Chairman Kerry Rosenthal and he and I agree that the Cone of Silence does not apply to the Marlins selection of its Construction Manager for the baseball stadium. Since the ultimate decision will be reached by the Marlins, rather than the County, and the County will play no role whatsoever in the selection of Construction Manager, this type of private procurement is not covered by the Cone of Silence. The fact that the Marlins are required to follow state and local laws with respect to this award does not mean the Cone of Silence is in effect once the Marlins go out for bid for a Construction Manager.

Robert Meyers  
March 19, 2008