

Meyers, Robert (COE)

INQ 10-54

From: Meyers, Robert (COE)
Sent: Tuesday, March 09, 2010 5:26 PM
To: Meyers, Robert (COE)
Subject: Inquiry

I received a telephone call from Sheila Martinez, County Housing and Community Development and Brenda Newman, County Attorney's Office, during the week of March 1-5th to discuss an e-mail I sent to them in the previous month concerning the application of the Cone of Silence to an Invitation to Bid connected with the GOB program. The following facts were presented to me by Ms. Martinez. An Invitation to Bid was sent out on July 31, 2009 to specific firms indicating the Cone of Silence would be in effect for this solicitation. On August 11th of the same year, an addendum prepared by County staff was sent to all of the firms declaring the Cone of Silence would not be applicable. The deadline for submissions was August 20, 2009. The question was whether any breach of the Cone of Silence would be prosecuted in the event staff gave the incorrect advice concerning the lifting of the Cone of Silence.

It is important to note that all parties received the original ITN stating the Cone would apply and the subsequent addendum stating the Cone was no longer in effect. Potential bidders and County personnel had the right to rely on the statement in the addendum that the Cone was lifted for this ITN. All potential bidders were presented with the addendum at approximately the same time, so there appears to be no advantage to one party or another. County staff would have no reason to believe that the lifting of the Cone was in error. Therefore, no grounds exist to investigate any alleged violations of the Cone of Silence so long as the alleged violations occurred after August 11, 2009. Any complaints asserting violations prior to August 11th could be investigated, as all parties had been put on notice on July 31st that this ITN was subject to the Cone of Silence. This advice was communicated to Ms. Martinez and Ms. Newman.

Robert Meyers
March 9, 2010

3/9/2010