

## Sanchez, Rodzandra (COE)

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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Friday, May 26, 2017 10:14 AM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** George Par, Special Projects Administrator, Miami-Dade County Water and Sewer Department (Cone of Silence) INQ 17-144

INQ 17-144 Par

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**From:** Ethics (COE)  
**Sent:** Thursday, May 25, 2017 4:44 PM  
**To:** Par, George M. (WASD) <George.Par@miamidade.gov>; Ethics (COE) <ethics@miamidade.gov>  
**Cc:** Pascul, Susan H. (WASD) <Susan.Pascul@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Sanchez, Gerald (CAO) <Gerald.Sanchez@miamidade.gov>; Kirtley, Eddie (CAO) <Eddie.Kirtley@miamidade.gov>; Singer, Miriam (ISD) <SINGER@miamidade.gov>  
**Subject:** INQ 17-144 George Par, Special Projects Administrator, Miami-Dade County Water and Sewer Department (Cone of Silence)

Mr. Par:

You have inquired concerning whether the exception for communications by staff members of the Procurement Management Services (PMS) with other staff members, who happen to be on a selection committee that has not yet begun its official duties, regarding questions within their relevant expertise that come from bidders during the time that the bidding period remains open, are permissible under the Cone of Silence.

Given the extension in RQO 090-06 of the exception in Subsection 2-11.1(t)1.(a)(ix) for consultations by procurement employees with professional procurement colleagues to include staff members of user departments whose expertise or information is necessary to determine an appropriate approach or option in a pending solicitation, which you have cited, as well as the exceptions for questions regarding process or procedure under Subsection 2-11.1(t)1.(a)(vii), and for questions between potential vendors and PMS staff in Subsection 2-11.1(t)1.(a)(viii), it is my opinion that, under the foregoing circumstances, it would be permissible for the contracting officer or other designated staff member at PMS, to contact the individual(s) on the staff, who may also be members of the selection committee, to obtain answers relevant to the questions from bidders. I suggest that care be taken to limit these interactions to the technical or procedural questions involved, without identifying the proposer or vendor asking the question, and without any reference to, or attempt to exert influence on, the selection process itself.

There is no requirement or limitation regarding whether communications concerning the questions may be done orally or by email, but I would recommend that email be used if possible, to insure that an accurate record of the communication is made. If that is not feasible, then a written record should be made of the communication and response thereto as soon as possible thereafter. If you have any further questions or need clarification, please give me a call.

Sincerely,

Joe Centorino

*Joseph M. Centorino*

Executive Director and General Counsel  
Miami-Dade Commission on Ethics and Public Trust  
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**From:** Par, George M. (WASD)  
**Sent:** Wednesday, May 24, 2017 10:43 AM  
**To:** Ethics (COE) <[ethics@miamidade.gov](mailto:ethics@miamidade.gov)>  
**Cc:** Pascul, Susan H. (WASD) <[Susan.Pascul@miamidade.gov](mailto:Susan.Pascul@miamidade.gov)>  
**Subject:** Cone of Silence Procurement exemptions

The Ethics Commission's opinion 09-06 (dated Jan-30-2009) allows for communication between DPM (now PMS) and staff of user departments to clarify/resolve issues of a covered solicitation under the Cone of Silence.

Does the foregoing exemption to communications restrictions under the Cone include communications with user department staff to resolve submitted bidders' questions (during the stated question/answer period in the solicitation document) and if those same staff have already been pre-selected to serve as Selection Committee members or Technical Experts, since the same Selection Committee members may also be subject matter experts on the solicitation's scope of services?

During the solicitation period, pre-assigned Selection Committee Members have not started their official duties to evaluate bids, since the bidding period has not closed yet.

If Selection Committee members from the user department are allowed to be contacted regarding bidders' questions during the question/answer period of the solicitation only, can this contact be by meeting and/or emails?

Thank you for any clarifications you can offer on this issue.

**George M. Par**, Special Projects Administrator  
**Miami-Dade County Water & Sewer Department**  
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