

I received a call from Miriam Singer on July 22, 2005 and she described draft solicitation postings on the County's e-procurement website. These draft proposals may be competitively-bid or noncompetitive. The goal is to do some market research to get additional feedback from the industry and also to see if there are any other firms that might be interested in the noncompetitive proposals. Ms. Singer admits that occasionally lobbyists or principals may seek to meet with County officials/staff about the draft solicitations. There is no question that such meetings must comply with the Lobbyist Registration and Reporting Act. The main question that Ms. Singer poses is whether the draft solicitations that appear on the e-procurement website are covered by the Cone of Silence. Given my analysis of the Cone, only advertising the final version of a solicitation would be captured by the Cone of Silence – preliminary/draft proposals would not fall under the Cone of Silence.

Robert Meyers