

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Monday, June 11, 2018 3:08 PM
To: Sanchez, Rodzandra (COE)
Subject: INQ 18-142 Daniel Chatlos, Intergovernmental Affairs Coordinator, Miami-Dade County Internal Services Department (Cone of Silence/Unsolicited Proposals)

INQ 18-142 Chatlos

From: Centorino, Joseph (COE)
Sent: Monday, June 11, 2018 2:51 PM
To: Chatlos, Daniel (ISD) <Daniel.Chatlos@miamidade.gov>
Cc: Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Perez, Martha D. (COE) <Martha.Perez2@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>; Rosenthal, Oren (CAO) <Oren.Rosenthal@miamidade.gov>
Subject: INQ 18-142 Daniel Chatlos, Intergovernmental Affairs Coordinator, Miami-Dade County Internal Services Department (Cone of Silence/Unsolicited Proposals)

Dan,

You have inquired in your capacity as Intergovernmental Affairs Coordinator for the Miami-Dade County Internal Services Department regarding whether the Cone of Silence, Section 2-11.1(t) of the County Ethics Code, would apply to an unsolicited proposal received by the County under Section 2-8.2.6 of the County Code, and, if so, when it would be imposed.

The Cone of Silence, Section 2-11.1(t) of the County Ethics Code, is intended to apply to competitive solicitation processes in the County procurement matters, such as an RFQ or RFP or any type of competitive bid process that is advertised by the County. The Cone is generally triggered by the advertisement and remains in effect until the Mayor makes a written recommendation to the Board of County Commissioners. Inasmuch as an unsolicited proposal is, by definition, not submitted in connection with a bid or other solicitation, it would not be covered initially by the Cone of Silence, and would remain uncovered by the Cone until such time as a competitive bid process may occur, if at all. If there is no competitive bid process that results from the unsolicited bid, then the Cone would likely not ever apply to the unsolicited proposal. However, since Section 2-8.2.6 of the Code does contemplate that an unsolicited proposal that receives an initially favorable response from the County could later become the subject of an open competitive process, then the Cone of Silence would be imposed at the time of the advertising of that process.

The current process involving the County courthouse project should be distinguished from this general procedure. In that project, an unsolicited proposal for construction of a new courthouse was received by the County very close in time to an RFQ that the County was advertising for firms interested in qualifying for a competitive process for the construction of the courthouse. Because of the intermingling of an unsolicited proposal with a contemporaneous RFQ, the unsolicited proposal process was deemed by this agency to fall within the Cone of Silence imposed on the RFQ process, due to the fact that it would likely have been impossible to permit discussions to proceed on the unsolicited proposal without there being any reference to the RFQ process. See INQ 18-35. To say the least, the current courthouse process has proceeded along an anomalous path that was probably not contemplated by the County for either the consideration of unsolicited proposals or for competitive solicitations subject to the Cone of Silence under Section 2-11.1(t).

Sincerely,

Joe Centorino

Joseph M. Centorino

Executive Director and General Counsel
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From: Chatlos, Daniel (ISD)
Sent: Monday, June 11, 2018 1:31 PM
To: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
Cc: Silva, Rita (ISD) <Rita.Silva@miamidade.gov>
Subject: Cone of Silence/Unsolicited Proposal Process

Joe,

Per our conversation, the department wanted to confirm that upon the receipt of an unsolicited proposal under Section 2-8.2.6 of the County Code, the Cone of Silence is not imposed until the issuance of a competitive solicitation by the County.

Thanks for your assistance,

Dan

Dan Chatlos

Intergovernmental Affairs Coordinator
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