

Meyers, Robert (COE)

From: Meyers, Robert (COE)
 Sent: Wednesday, March 28, 2007 3:23 PM
 To: Klaskin Press , Jill (DPM)
 Subject: RE: Conflict of Interest?

ENG (7-5)

Jill,

We've partially addressed this issue in the past with an opinion that we released in March 2005. It's difficult to answer your questions without knowing more about the type of references that you believe should disqualify a selection committee member. Obviously, a personal reference should be treated differently than a professional reference. Our opinion looked at the case of a bidder who submitted a reference completed by a County employee (as part of the employee's monitoring duties) when this particular employee wound up on a selection committee evaluating bids of several proposers, including the firm that supplied the committee member's reference from the prior job. The Ethics Commission found that such a reference would not taint the selection process, as the selection committee member was simply performing his County job when completing the reference form. I would make a distinction between that situation and a reference that is procured voluntarily – whether it's based on friendship or some other type of professional interaction.

I don't believe being listed as a reference should serve as an automatic bar to sitting on a selection committee (see my example above). However, once the selection committee member becomes aware of the fact that he/she has been identified as a reference, that person must disclose the nature of the relationship with the bidder to the committee. Failure to do so should result in disqualification. Moreover, there are some relationships that warrant disqualification – even if properly disclosed.

If you wish to discuss in greater detail, feel free to contact me at your convenience.

Sincerely,

Robert Meyers

From: Klaskin Press , Jill (DPM)
 Sent: Wednesday, March 28, 2007 11:22 AM
 To: Meyers, Robert (COE)
 Cc: Singer, Miriam (DPM); Simmons Jr., Fred (DPM); Roundtree, Amos (DPM); Zawoyski, Andrew S. (DPM); Adames, Melissa (DPM); Leasburg-Kramer, Linda (DPM)
 Subject: Conflict of Interest?

Robert – We are in the process of revamping our Evaluation/Selection Committee rules and neutrality certification affidavit and an interesting question came up. If a vendor unknowingly (because the members are not disclosed prior to submittals) uses one of the Evaluation/Selection Committee members as a reference in their proposal package:

- a) would we need to disqualify the member from serving?
- b) would they be allowed to serve, but be required to disclose the nature of the relationship to the committee?
- c) what language would be added to the affidavit that would compel them to reveal what the affiliation was?

Our RFP Specialist says that we have had this issue come up in actual committee. Have you ever ruled on such a case? And if so, was it a conflict? I would think that because Evaluation/Selection Committee members are chosen based on their expertise or being familiar with the commodity or service requested, that these folks have crossed paths in previous solicitations and might be used as references. Thought? Thanks for your help.

3/28/2007

Jill

Jill Klaskin Press, CPPO
Assistant to the Director
Department of Procurement Management
111 NW 1st Street
Suite 1300
Miami, FL33128
Ph: (305)375-4425
Fax: (305) 375-5688
jill@miamidade.gov
www.miamidade.gov/dpm
Winner of NIGP Pareto Award 2006

3/28/2007