

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Wednesday, May 26, 2010 3:37 PM
To: 'mdportilla@becker-poliakoff.com'
Subject: Cone of Silence and Public Records Requests

Mr. Diaz de la Portilla,

You asked today about making a request for copies of written communications filed by bidders and proposers regarding a particular RFP currently under the Cone of Silence.

Because you are associated with one of the bidders and the Clerk of the Board is a County employee, you asked if Sec. 2-11.1 (t) (2) (c) (iii) of the Cone of Silence applies, *i.e.*,

Nothing contained herein shall prohibit any bidder or proposer ... (iii) *from communicating in writing with any County employee or official for purposes of seeking clarification or additional information from the County.... The bidder or proposer shall file a copy of any written communication with the Clerk of the Board. The Clerk of the Board shall make copies available to the general public upon request.*

I spoke with Robert Meyers, and he is of the opinion that you are making a public records request of the Clerk of the Board and as such, the request may be made orally.

In an abundance of caution, you stated that you were going to make your request via email. However, for future reference, it is the opinion of the Ethics Commission staff that an oral request would not violate the Cone of Silence.

Sincerely,

Victoria Frigo, Staff Attorney

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“Delivering Excellence Every Day.” Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure.