

## Frigo, Victoria (COE)

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**From:** Frigo, Victoria (COE)  
**Sent:** Thursday, March 07, 2013 12:18 PM  
**To:** 'Pepe, Thomas F.'  
**Cc:** Centorino, Joseph (COE)  
**Subject:** Madison Square (INQ 13-56)

Mr. Pepe,

I agree with your evaluation of the facts related to the Cone of Silence in South Miami. Once the bid process has closed and the matter has been sent to a selection committee, the possibility of a "potential" bidder for that particular solicitation no longer exists.

In an abundance of caution, however, you may discourage discussion of the solicitation with persons not covered by the Cone of Silence (such as non-bidders) to avoid disseminating information inadvertently to covered personnel through intermediaries.

Thank you for clarifying the facts, below.

Sincerely,

**VICTORIA FRIGO, SENIOR STAFF ATTORNEY**

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**From:** Pepe, Thomas F. [<mailto:TPepe@southmiamifl.gov>]  
**Sent:** Thursday, March 07, 2013 11:25 AM  
**To:** Frigo, Victoria (COE)  
**Subject:** FW: Madison Square Ethic's question

Dear Ms. Frigo:

This is to confirm that there would not be a "potential" vendor after the bid opening and, at that time the vendors/bidders would be known and there would no longer be potential vendors to be concerned with regarding the Cone of Silence.

With regard to our specific issue, it is your opinion that a member of a City board who is not a member of the professional staff of the City or its Community Redevelopment Agency, who is not a member of the City Commission or its Agency who has solicited the bids, who is not a member of the selection committee and who is not a bidder or a potential bidder/vendor, would not be one of

the persons who is prohibited from conversing with a member of the selection committee concerning the bids during the time that the Cone of Silence is in effect.

It is also my understanding that, notwithstanding this opinion, the safest thing to do is to not discuss the matter with anyone.

Very truly yours,

*Thomas F. Pepe*

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