

## 1000. Governance

### 1005. Cone of Silence

#### I. Policy

To establish and maintain a Cone of Silence over all competitive selection processes, including Requests for Proposal (RFP), Invitations To Negotiate (ITN), Invitation To Bid (ITB), and Requests for Qualifications (RFQ). The Cone of Silence is designed to protect the integrity of the procurement process by shielding it from undue influences prior to issuing a recommendation for contract award.

#### II. Procedure

##### A. Applicability.

The Cone of Silence shall apply to all Requests for Proposals (RFP), Requests for Qualifications (RFQ), Invitations to Negotiate (ITN), Requests for Information (RFI), bids or any other competitive solicitation process (hereafter collectively referred to as "competitive solicitation") that are issued by The Children's Trust.

##### B. Commencement/Termination.

The Cone of Silence shall begin at the time of advertisement of the competitive solicitation and shall end when the Chief Executive Officer makes his or her written recommendation to the Board. However, if The Children's Trust board refers the recommendation back to the Chief Executive Officer for further review, the Cone of Silence is re-imposed until such time as the Chief Executive Officer makes a subsequent written recommendation.

##### C. Notification.

1. Public Notice. At the time the Cone of Silence is imposed, the Chief Executive Officer shall provide for public notice of the Cone of Silence by placing such notice in any advertisements for the particular competitive solicitation and by posting such notification on The Children's Trust web page.
2. Public Solicitations. The Chief Executive Officer shall include a statement in any public solicitation, informing potential bidders or applicants of the requirements of the Cone of Silence.
3. Board members and staff members. At least five (5) working days prior to the imposition of the Cone of Silence, the Chief Executive Officer shall inform all board members and staff in writing or by electronic notice that the Cone of Silence is about to be imposed for a particular solicitation process. In addition, the Chief Executive Officer shall advise all Board members and staff when the Cone of Silence has been lifted.

**D. Restricted Communications.**

Once the Cone of Silence is imposed, the following persons may not communicate with one another with regard to a particular competitive solicitation.

1. Potential bidders, vendors, service providers, lobbyists and consultants cannot communicate with: a) The Children's Trust's professional staff, the Chief Executive Officer and his/her staff; b) The Children's Trust board members; and c) review committee members.
2. The Children's Trust board members cannot communicate with: a) potential bidders, vendors, service providers, lobbyists and consultants; b) professional staff, the Chief Executive Officer and his/her staff; and c) review committee members.
3. Professional staff, the Chief Executive Officer and his/her staff cannot communicate with: a) potential bidders, vendors, service providers, lobbyists and consultants; b) The Children's Trust board members; and c) review committee members.
4. Review committee members cannot communicate with: a) potential bidders, vendors, service providers, lobbyists and consultants; b) professional staff, the Chief Executive Officer and his/her staff; and c) The Children's Trust board members.
5. Exception. If a Board member declares in writing that he or she shall not participate in the review of the applications submitted in response to the competitive solicitation and shall abstain from voting on the applications when they come before the Board for approval, then the Board member shall be able to communicate with the following persons/entities, and these persons/entities shall be able to communicate with the Board member: potential bidders, vendors, service providers, lobbyists and consultants. The Board member must submit his/her written declaration to the Clerk of the Board of The Children's Trust prior to the imposition of the Cone of Silence.
6. If a person begins to communicate about a competitive solicitation with another person with whom communication is prohibited, that second person is not in violation of the Cone of Silence if he/she advises that the Cone of Silence is in effect and terminates the conversation.

**E. Allowable Communications.**

1. Communications in writing at any time with any The Children's Trust employee, official or member of The Children's Trust unless specifically prohibited by the applicable solicitation process. The author of the written communication must file a copy of the written communication with the Clerk of the Board of The Children's Trust.
2. Communications between any person and the procurement agent or contracting officer (or their designated secretarial/clerical staff) responsible for administering the procurement process for such competitive solicitation, provided such communication is limited to matters of process or procedure already contained in the corresponding solicitation document.

3. Communications between procurement agent or contracting officer (or their designated secretarial/clerical staff) and a member of the review committee provided such communication is limited to matters of process and procedure already contained in the corresponding solicitation document.
4. Duly noticed site visits.
5. Oral communications at pre-bid conference.
6. Oral communications requested by review committees.
7. Contract negotiations during any duly noticed public meetings.
8. Public presentations made to The Children's Trust board
9. Chief Executive Officer and the Chairperson of a review committee may communicate after the review committee has submitted its recommendations to the Chief Executive Officer. However, any change that occurs as a result of such conversation must be reduced to writing and submitted to the Clerk of the Board of The Children's Trust.
10. Communications with the County Attorney and his/her staff.
11. Communications with the management and technical assistance unit of The Children's Trust.
12. Emergency procurement of good or services.
13. Staff can obtain industry comment or perform market research provided all communications related thereto are made in writing or at a duly noticed public meeting.

**F. Consequences.**

Violation of the Cone of Silence could result in one or more of the following:

1. Investigation by Commission on Ethics. Anyone who violates the Cone of Silence could be investigated by the Commission on Ethics and Public Trust and be subject to: an admonition or public reprimand and a fine of \$250 for one violation and \$500 for each subsequent violation.
2. Disciplinary Action for Staff. Staff can be disciplined up to and including dismissal.
3. Prohibition from serving on future review committees.
4. Prohibition on lobbying by lobbyist
5. Voiding of award or contract to bidder or proposer.
6. Debarring the bidder or proposer from entering into future contracts with The Children's Trust.

**G. Duty to report.**

Any person who has personal knowledge of a violation of the Cone of Silence must file a complaint with the Commission on Ethics.

**III. Contact**

Chief Programs Officer

**IV. Reference**

Miami Dade County Ordinance 2-11.1.(t)