



**BERTHA W. HENRY**, County Administrator  
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March 16, 2011

**TO:** All Broward County Vendors and Potential Vendors  
**SUBJECT:** Broward County's Cone of Silence Ordinance and Procurement Code

On March 8, 2011, the Broward County Commission approved changes to the County's Cone of Silence Ordinance and Procurement Code. These changes have a direct impact on all Broward County vendors and potential vendors. For your convenience, the most relevant changes are summarized below. Please visit the Purchasing Division's website at [www.broward.org/purchasing](http://www.broward.org/purchasing) for complete information regarding these changes.

The **Cone of Silence Ordinance** requires a period of time during which there is a prohibition on communication regarding a particular competitive solicitation. Changes to the Cone of Silence include specifying the individuals to whom the Cone of Silence is applicable and making the Cone of Silence effective earlier in the solicitation process for Broward County staff.

The Cone of Silence becomes effective for Broward County staff when the Selection/Evaluation Committee is appointed for Request for Letters of Interest (RLIs) and Requests for Proposals (RFPs) or when an Invitation for Bid or Quotation Request is advertised. For County Commissioners and their staff, the Cone of Silence becomes effective on the date of the Shortlist Meeting for RLIs, the Initial Meeting of the Evaluation Committee for RFPs or the solicitation opening date for Invitations for Bids or Quotation Requests.

While the Cone of Silence is in effect, necessary communication regarding a solicitation can be directed to the contact person designated in the solicitation. The Cone of Silence terminates when the County Commission or other awarding authority takes action which ends the solicitation. Violations of the Cone of Silence Ordinance may be reported to the County's Office of Intergovernmental Affairs and Professional Standards.

The **Procurement Code** changes include the following:

- Sets forth the number of members and job classifications of County staff (Commissioners no longer participate as committee members) who may participate on a Selection/Evaluation Committee. Gives the County Administrator the authority to appoint a Selection/Evaluation Committee.
- Revises the tiebreaker criteria.

- Provides an additional opportunity in the RFI/RFP process for vendors to raise objections or provide new significant information regarding the selection process. This opportunity begins upon the posting of the Proposed Recommendation of Ranking on the Purchasing Division website. Vendors have three (3) business days to provide the objection or information in writing to the Director of Purchasing. The letter must: (1) identify the vendor and the solicitation involved; (2) include a clear statement of the new information or the legal and factual grounds on which the objection is based; (3) state the relief requested; and (4) include any and all supporting documents along with a statement attesting to the accuracy of the assertions.
- Designates the posting of the final Recommendation for Award on the Purchasing Division's website as the commencement of the protest period. Allows protest decisions to be sent by facsimile.
- Provides four options for the Board to review and approve the final Recommendation of Ranking. The Board can approve the Selection/Evaluation Committee's recommendation; recommend that the Director of Purchasing reject all proposals; return the Procurement to the Selection/Evaluation Committee with direction; or require that all shortlisted firms repeat their original Selection/Evaluation Committee presentations at a future Board meeting. If the Board requires shortlisted firms to repeat their presentations, the Board can choose to re-rank the shortlisted firms or approve the original Selection/Evaluation Committee's recommendation.
- Provides flexibility to use RFPs and the Two-Step Contracting Method as additional procurement strategies.
- Increases the mandatory bid amount to \$50,000 and allows the contract administrator to negotiate amendments up to the revised mandatory bid amount.
- Allows bonding to be required in contracts other than construction and requires that the bond remain in effect for the duration of the contract.
- Specifies requirements for continuing contracts under CCNA (Consultants Competitive Negotiation Act) and allows an RFP to be used for a CCNA solicitation.

It is the vendor's responsibility to comply with all requirements of an advertised solicitation in addition to the governing codes and ordinances related to procurement. We encourage you to carefully review the information provided on the Purchasing Division's website and in the solicitation documents to ensure that you understand and comply with the requirements, codes and ordinances. If you have any questions, please call the Purchasing Division for assistance. We appreciate your business and look forward to your continued interest in doing business with Broward County.

Sincerely,

  
Bertha W. Henry  
County Administrator

c: Department/Division Directors