

Office of School Board Attorney
Walter J. Harvey, School Board Attorney

SUBJECT: FINAL READING: PROPOSED ADOPTION OF AMENDMENTS TO BOARD POLICIES 0169.1, PUBLIC PARTICIPATION IN BOARD MEETINGS; 0165, PUBLIC MEETINGS; AND 6325, CONE OF SILENCE

COMMITTEE: INNOVATION, GOVERNMENTAL RELATIONS AND COMMUNITY ENGAGEMENT

LINK TO STRATEGIC BLUEPRINT: INFORMED, ENGAGED & EMPOWERED STAKEHOLDERS

At its meeting of August 5, 2015, the School Board approved Agenda Item G-3 ("Public Participation") which authorized the Superintendent to initiate rulemaking proceedings to amend Board policies related to public participation in Board meetings, as well as the cone of silence related to the procurement process, in order to clarify certain provisions, correct inconsistencies, protect the integrity of the procurement process, and conform to the law. The Board also approved additional language to codify certain longstanding public meeting practices.

The proposed amendments provided additional decorum provisions that are designed to promote the orderly and efficient conduct of public meetings and do not regulate speaker content beyond the limits allowed by law. Board Policy 0169.1, *Public Participation in Board Meetings*, is proposed to be amended to (1) clarify that the purpose of the public portion of the Board meeting is to allow the public to provide general input on matters within the Board's jurisdiction and not to resolve personal grievances, (2) clarify that employees are prohibited from discussing any disciplinary matter that affects them individually unless it is an agenda item, (3) to allow clapping and applauding as long as it is not disruptive, (4) to require speakers to disclose more specifically the topic they wish to address on the speaker form, (5) to prohibit any actions or noises during the meeting that cause or create an imminent threat of a disturbance or disruption in the meeting. Additional language approved by the Board at the August 5, 2015 meeting also codifies the Board's longstanding practice of allowing

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staff to take a speaker aside and respond to his/her concerns when appropriate and that the Board's Parliamentarian may provide verbal instruction or guidance to the Board when public speakers raise legal issues that might adversely impact the Board. Board Policy 0165, *Public Meetings*, is proposed to be amended to clarify the purpose of the public participation portion of the meeting in conformance with the amendments proposed above to Board Policy 0169.1.

Board Policy 6325, *Cone of Silence*, is proposed to be amended to (1) correct and clarify several inconsistencies, and (2) prohibit potential vendors and their representatives from discussing matters that are under the cone of silence at the Board meeting.

The Notice of Intended Action was published in the *Miami Daily Business Review* on August 10, 2015, in various places for public information and mailed to various organizations representing persons affected by the amended policy and to individuals requesting notification. The time to request a hearing or protest the adoption of these amendments has elapsed.

In accordance with the Administrative Procedure Act, these amended policies are presented to The School Board of Miami-Dade County, Florida, for adoption and authorization to file the amended policies in the official records of The School Board of Miami-Dade County, Florida.

Attached are the Notice of Intended Action and the proposed policy amendments. Changes are indicated by underscoring words to be added and ~~striking-through~~ words to be deleted.

RECOMMENDED:

That The School Board of Miami-Dade County, Florida, authorize the Superintendent to adopt to amend Policies 0169.1, *Public Participation at Board Meetings*; 0165, *Public Meetings*; and 6325, *Cone of Silence*, and authorize the Superintendent to file the amended policies with The School Board of Miami-Dade County, Florida, to be effective September 9, 2015.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on August 5, 2015, its intention to amend Board Policies 0169.1, *Public Participation at Board Meetings*; 0165, *Public Meetings*; and 6325, *Cone of Silence*, at its meeting of September 9, 2015.

PURPOSE AND EFFECT: These policy amendments related to public participation in Board meetings are being proposed to clarify certain provisions and correct inconsistencies. Board Policy 0169.1, *Public Participation in Board Meetings*, is proposed to be amended to (1) clarify that the purpose of the public portion of the Board meeting is to allow the public to provide general input on matters within the Board's jurisdiction and not to resolve personal grievances, (2) clarify that employees are prohibited from discussing any disciplinary matter that affects them individually unless it is an agenda item, (3) to allow clapping and applauding as long as it is not disruptive, (4) to require speakers to disclose more specifically the topic they wish to address on the speaker form, (5) to prohibit any actions or noises during the meeting that cause or create an imminent threat of a disturbance or disruption in the meeting. Board Policy 0165, *Public Meetings*, is proposed to be amended to clarify the purpose of the public participation portion of the meeting in conformance with the amendments proposed above to Board Policy 0169.1.

Board Policy 6325, *Cone of Silence*, is proposed to be amended to (1) correct and clarify several inconsistencies, and (2) prohibit potential vendors and their representatives from discussing matters that are under the Cone of Silence at the Board meeting.

SUMMARY: Pursuant to Section 120.74, F.S., the School Board is required to review and update its rules as often as necessary. Proposed changes to Policy 0169.1, *Public Participation in Board Meetings*, 0165, *Public Meetings*, and 6325, *Cone of Silence*, are designed to promote the orderly and efficient conduct of public meetings and to maintain the integrity of the Board's procurement processes.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 120.74, 1001.41 (1) (2),(5); 1001.42 (6), 1001.43 (10),(11), F.S.

LAWS IMPLEMENTED INTERPRETED OR MADE SPECIFIC: 286.0114, 1001.41 (1), (2),(5); 1001.42 (6), 1001.43 (10),(11), F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING SCHOOL BOARD MEETING OF September 9, 2015, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided in Section 120.54(1), F.S., must do so in writing by August 31, 2015, to the Superintendent, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. Section 286.0105, F. S.

COPIES OF THE PROPOSED AMENDED POLICIES are available at cost to the public for inspection and copying in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

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MEETINGS

0169.1 **Public Participation at Board Meetings**

The Chair of each Board meeting at which public participation is permitted shall administer the rules of the Board for its conduct.

The Chair shall be guided by the following rules:

- A. Any citizen may address the Board directly concerning any subject that lies within the jurisdiction of the Board.
- B. Individuals who wish to be heard by the Board on a topic which is not on the agenda for the meeting shall be scheduled for an appearance only at the public hearing during the regularly scheduled Board meeting each month. The purpose of the public hearing portion of the Board meeting, however, is to allow the public to address general matters within the Board's jurisdiction and not for resolving individual grievances or disputes. Although the Board will not take official action on any public hearing presentation, staff may be requested, if appropriate, to take a speaker aside and respond to his/her concerns.
- C. However, eCitizens who wish to speak to a topic on the agenda may be scheduled to appear at any Board meeting for which the topic is listed as an item.
- D. Any person who wishes to address the Board, prior to addressing the Board, must complete a District authorized speaker form and must disclose whether the speaker has pending litigation against or involving the school district or School Board, has filed a notice of claim against the School Board, or has a pending employee grievance, administrative appeal, or any other litigation against or involving the School Board. The disclosure is only required if the speaker intends to address these matters during the meeting. Speakers must also disclose on the speaker form whether they are a lobbyist as defined by Policy 8150.

Added at
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1 | DE. Where a large number of individuals have signed up to speak
2 | according to this policy, the individuals may select a group
3 | spokesperson to address the Board on behalf of those
4 | individuals.

5 | EF. Citizens scheduled to speak shall be called by the Chair at
6 | the appropriate time during the meeting. Each individual
7 | shall state for the record their name, address, (the address
8 | may be given orally or in writing, at the speaker's option),
9 | organization or persons represented and whether s/he is
10 | being compensated for the appearance. Substitutions for
11 | scheduled speakers will not be allowed except in exceptional
12 | circumstances as determined by the Chair.

13 | FG. Decorum:

14 | The following provisions are designed to promote the orderly
15 | and efficient conduct of public meetings and not to regulate
16 | speaker content beyond the limits allowed by law.

17 | 1. Citizen's remarks should be directed to the presiding
18 | officer or the Board as a whole and not to individual
19 | Board members. Speakers may not address Board
20 | members by name and personal attacks against
21 | individual Board members, the Board as a whole, the
22 | Superintendent or District staff, are prohibited.

23 | 2. Speakers commenting on agenda items shall confine
24 | their comments solely to the agenda item being
25 | discussed. During the public hearing, speakers must
26 | limit their remarks to matters related to the business
27 | of the District. Unless it is an agenda item, Speakers
28 | are prohibited from discussing their own pending court
29 | cases and filed claims or complaints against the
30 | District or District personnel. Similarly, employees are
31 | prohibited from discussing any disciplinary matter that
32 | affects them individually unless it is an agenda item.

33 | 3. Speakers may not use any form of profanity or loud
34 | abusive comments.

35 | 34. Any action or noise that causes or creates an imminent
36 | threat of a disturbance or disruption, including but
37 | not limited to, No clapping, applauding, heckling,
38 | shouting comments from the audience, or verbal
39 | outbursts in support or opposition to a speaker or
40 | his/her remarks, shall be permitted is prohibited. No
41 | signs or placards shall be allowed in the Board
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1 meeting. Persons exiting the Board meeting shall do so
2 quietly.

3 | 45. The Chair may notify and warn speakers that their
4 comments have gone beyond the subject matter for
5 which they had signed up to address, address matters
6 that are not related to the business of the School
7 District, constitute personal attacks on individuals or
8 otherwise violate this policy.

9 | 56. The Chair may turn off the microphone or recess the
10 meeting if a speaker persists in addressing irrelevant
11 topics or engaging in personal attacks. The Chair has
12 the authority after one warning to order the removal of
13 the speaker from the meetings.

14 Following a warning, any person making impertinent
15 or slanderous remarks or engages in boisterous
16 behavior which the Chair or the Board determines
17 constitutes an actual or an imminent threat of a
18 disturbance or disruption, ~~who becomes boisterous~~
19 ~~while addressing the Board~~ shall be barred from
20 further appearance before the Board for the balance of
21 the meeting.

22 | 67. Personal cellular telephone conversations while in the
23 room when the Board meeting is being conducted is
24 not permitted. Such conversations are permitted only
25 during meeting breaks or recess. Ringers must be set
26 to silent mode to avoid disruption of proceedings.
27 Individuals, including those on the dais, must exit the
28 chambers to answer incoming cell phone calls.

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1 GH. Citizens may be heard on consent agenda items before the
2 Board votes on those items. After the consent agenda is
3 determined by the Board pursuant to Board Bylaw 0165.1,
4 *Agendas*, the Board chair shall call on speakers who have
5 signed up to speak to those items and provide them the
6 opportunity to speak.
7

8 HI. Citizens may be heard on matters on the consent agenda or
9 not on the Board agenda at the regularly scheduled meeting
10 of the Board each month at the public hearing which shall
11 begin no later than approximately 6:30 p.m. The Chair may
12 begin calling speakers who are present immediately following
13 the conclusion of the regular agenda. The public hearing
14 shall not conclude before 4:30 p.m. unless all of the speakers
15 signed up to speak are present and have been given the
16 opportunity to speak.

17 IJ. The Board may prohibit public participation on official acts
18 that must be taken to deal with an emergency situation
19 affecting the public health, welfare, or safety, if allowing
20 public speakers would cause an unreasonable delay in the
21 ability of the Board to act. The Board may also prohibit
22 public participation on ministerial acts, including but not
23 limited to, approval of Board minutes and bid-opening lists.
24 The Board may allow public comment on ceremonial
25 proclamations and resolutions.
26

27 K. Whenever a public speaker's comments raise legal issues that
28 may adversely impact the Board, the Board's Parliamentarian
29 may provide a verbal instruction or guidance to the Board.

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30 KL. Scheduled Public Hearings

31 1. To appear under "Scheduled Public Hearings," citizens
32 must present a written request to the Superintendent
33 no later than 4:30 p.m. of the Monday preceding a
34 regular Wednesday Board meeting. Forms to be used
35 in submitting these requests are available at all Region
36 Offices, the Office of Citizen Information at the Board
37 Administration Building, and on the District website.
38 The request shall contain the following information:

39 a. name, address and telephone number of person
40 who is to appear;

41 b. organization or persons represented and
42 whether the person to appear is being
43 compensated; and

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- 1 c. topic to be presented.
- 2 2. The Superintendent shall provide to each Board
3 member a list of the persons scheduled to speak.
- 4 3. Any one speaker or spokesperson for a group shall be
5 permitted to speak no more than three (3) minutes at
6 the Scheduled Public Hearings no matter how many
7 issues that individual addresses, nor more than a total
8 of ten (10) minutes during the Board meeting,
9 (including time on agenda items and, later, on consent
10 or non-agenda items), except in unusual
11 circumstances determined and approved by
12 unanimous vote of Board members present at the
13 meeting. If a speaker signs up to speak to an item
14 passed on consent or a non-agenda item, then the
15 speaker will be given additional time during the public
16 hearing that the speaker would have been given had
17 they addressed the item during the regular meeting,
18 provided such additional time does not exceed a total
19 of ten (10) minutes for the entire meeting.
- 20 4. Speakers may not refuse to yield the podium when the
21 Chair has advised that their time is up.
- 22 5. The total time allotted for the public hearing shall not
23 exceed one and one-half (1 1/2) hours. The time limit
24 on the public hearing portion of the regular Board
25 meeting may be extended by a majority vote of the
26 Board.
- 27 6. Pursuant to the rules of parliamentary procedure, the
28 Board may reconsider any item that passed on consent
29 during the scheduled public hearing.
- 30 7. Speakers will be recognized in the order the requests
31 were received.
- 32 8. Any person who feels that the subject matter has not
33 been adequately covered in the time allotted may
34 present additional information in writing.
- 35 LM. Procedures when not scheduled under Scheduled Public
36 Hearings
- 37 1. A person in this category seeking consent to speak
38 must submit, either before or during the meeting, a
39 written request to the Board Chair.

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1 paper and hand to the presiding officer before
2 the item is considered by the Board.

3 b. Receive approval to be heard by a majority vote
4 of Board members present at the meeting and
5 voting.

6 c. The presiding officer may designate a particular
7 time prior to Board action on the agenda item
8 for such persons to be heard.

9 d. If Board approval is granted for the person to be
10 heard, the Chair shall allow a maximum of
11 two (2) minutes. Additional comments may be
12 presented in writing.

13 NO. Public Hearings on Specific Topics

14 The Board may schedule a meeting designed solely as a
15 public hearing on a specific document or proposal which is to
16 be the subject of later Board action, either to comply with
17 State statutes or to hear citizens on an issue of great public
18 interest. Persons desiring to address the Board at public
19 hearings shall follow and be governed by the procedures for a
20 special Board meeting.

21 OP. Conference Sessions/Workshops of the Board

22 Citizens may be heard at any conference session or workshop
23 for a specified amount of time that the Board determines in
24 advance of the session or at the beginning of the session.

25 PQ. Quasi-Judicial Proceedings

26 Board actions at every stage of proceedings for the
27 suspension, dismissal or other discipline of staff members,
28 charter school terminations/nonrenewals, and for the
29 expulsion or assignment of specific students, are
30 quasi-judicial proceedings conducted pursuant to Board
31 Bylaw 0133. Citizens shall not be heard in these cases. All
32 aspects of student expulsion proceedings shall be closed to
33 the public pursuant to F.S. 1006.07(1)(a), unless the parents
34 elect to have the hearing held in compliance with the
35 Sunshine Law.

36 QR. Tape or video recordings are permitted under the following
37 conditions:

1 MEETINGS

2 0165 **Public Meetings**

3 All meetings at which official acts are to be taken are open public
4 meetings, and no resolution, rule, policy, regulation, or formal
5 action shall be considered binding except as taken or made at such
6 a meeting. All meetings of the School Board shall be open to the
7 public, except as provided by Florida law, and the order of business
8 of any regular meeting shall include an opportunity for the public to
9 address the Board. The purpose of the public portion of the
10 Board meeting, however, is to allow the public to address specific
11 agenda items and general matters within the Board's jurisdiction.

12 The Board shall first consider Wednesdays to schedule all meetings
13 in which Board members are requested to attend, recognizing that
14 certain factors may impede consideration for Wednesdays including,
15 but not limited to, advertisements, agenda publication deadlines,
16 emergency meetings, annual organizational meeting, legislatively
17 mandated periods for special meetings and budget public hearings,
18 religious holidays, previously scheduled calendared conflicts and
19 travel, legislative session, Dade Days, and graduations.

20 A. Regular Meeting

21 The School Board shall hold at least one (1) regular meeting
22 each month according to a schedule approved by the Board at
23 its organization meeting.

24 All regular meetings will begin at 11:00 a.m. in the Board
25 Administration Building Auditorium, 1450 Northeast Second
26 Avenue, Miami, Florida. At 11:00 a.m., the Board will
27 address Board member agenda items designated by the Board
28 Chair and seeking approval of recognitions, resolutions,
29 endorsements or proclamations. Board members are limited
30 to two (2) presentations of these types of items per Board
31 meeting. A quorum must be present to vote on these items.
32 Following the vote, the meeting will recess and the
33 presentation of approved items may then be made. A quorum
34 is not necessary for these presentations. All persons signed
35 up to speak to these items may do so at this time. The
36 Superintendent's Special Orders shall follow the Board
37 member presentations. The Board may then recess for lunch
38 if time permits. The Board meeting will reconvene at 1:00

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1 p.m., at which time a quorum must be present, to complete
2 the remainder of the regular Board meeting agenda.

3 Upon public notice, regular meetings of the Board may be
4 held at any appropriate public place in the county. Public
5 notice shall consist of publication in a newspaper of general
6 circulation in the county.

7 Any change in the date or time for these meetings shall be by
8 an action of the Board.

9 B. Board Committee Meetings

10 Board committee meetings addressing the monthly Board
11 agenda shall occur after the publication of the official agenda
12 and prior to the regularly scheduled monthly Board meetings.
13 Unless otherwise noticed, these meetings shall be held in
14 Room 726, Board Administration Building, 1450 NE 2 Ave.,
15 Miami, Florida.

16 C. Special Meeting

17 Special meetings may be called for official action on topics
18 specified in the call and agenda for the meeting by the
19 Superintendent, the Chair of the Board through the
20 Superintendent, or by request of a majority of the members of
21 the Board. A majority of the members of the Board may only
22 request the convening of a special meeting of the full Board
23 by seeking the approval of a majority of the members present
24 at a regular or special Board meeting.

25 Unless otherwise noticed, all special meetings will be held in
26 the Board Administration Building Auditorium, 1450 NE 2
27 Ave., Miami, Florida. The date and time shall be specified in
28 the call and agenda for each meeting.

29 D. Emergency Meeting

30 If the Board finds that an immediate danger to the public
31 health, safety, or welfare requires immediate action, it may
32 hold an emergency public meeting in accordance with State
33 law.

1 H. Member Conferences

2 Individual Board members may sponsor conference-type
3 discussions, inviting Board members, staff and members of
4 the public to engage in a voluntary and informal discussion of
5 topics of vital concern to the member in an effort to foster a
6 free flowing exchange of information and ideas. These
7 conferences must be open to the public and otherwise satisfy
8 Florida law governing public meetings and applicable Board
9 policies.

10 These are voluntary forums for discussion purposes only, are
11 not official Board meetings, and no action may be taken on
12 the topics discussed. Agendas for these meetings will be
13 proposed by the Board member calling the meeting and may
14 be changed or amended as provided by the Sunshine Law,
15 Board policies, and the Administrative Procedure Act.

16 F.S. 286.011, 286.0114

17 Revised 9/7/11
18 Revised 10/16/13
19 Revised 6/18/14

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- A. "Cone of Silence" means a prohibition on any communication regarding a particular Request for Proposals (RFP), bid, invitation to bid, or other competitive solicitation between:
 - 1. any person who seeks an award, including a potential vendor or vendor's representative, an employee, partner, director, or officer of a potential vendor, or consultant, lobbyist, or actual or potential subcontractor or sub-consultant of a vendor, or any other individual acting through or on behalf of any person seeking an award; and
 - 2. any School Board member or the member's staff, the Superintendent, Deputy Superintendent and their respective support staff, or any person appointed by the Board to evaluate or recommend selection in the competitive procurement process.

- B. A Cone of Silence shall be applicable to each RFP, bid, invitation to bid, or other competitive solicitation during the solicitation, review and Board action of bid proposals ~~through final Board action~~ as appropriate. At the time of issuance of the solicitation, the Superintendent shall provide public notice of the Cone of Silence and written notice, including electronic communication, to the Board, District staff and any other person involved in the review, evaluation, recommendation, approval, rejection or award of the responses as appropriate. The Superintendent shall include in any advertisement and public solicitation for goods and services a statement disclosing the requirements of this section.

- C. The Cone of Silence shall terminate at the time the item is presented by the Superintendent to the appropriate Board committee immediately prior to the Board meeting at which the Board will award or approve a contract, reject all bids or responses, or take any other action that ends the solicitation and review process.

1 D. This rule shall not prohibit any potential vendor or vendor's
2 representative:

- 3
- 4 1. from making public representations at duly noticed pre-bid
5 conferences or before duly noticed selection and negotiation
6 committee meetings;
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- 8 2. from engaging in contract negotiations during any duly
9 noticed selection and negotiation committee meetings ~~public~~
10 ~~meeting~~;
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- 12 3. from making a public presentation to the Board during any
13 duly noticed public meeting on any topic that is not under the
14 Cone of Silence and is otherwise permitted under Policy
15 0169.1; or
- 16
- 17 4. from communicating in writing with any school district
18 employee who is not serving on the applicable evaluation
19 Committee, or the Board Attorney's office to seek clarification
20 or additional information, subject to the provisions of the
21 applicable RFP, or bid documents.
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23 The potential vendor or vendor's representative shall file a copy of
24 any written communication with the Board Clerk who shall make
25 copies available to the public upon request.

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27 E. The designated Procurement official ~~Division~~ representative is not
28 prohibited by this rule from initiating contact with a potential
29 vendor or vendor's representative and engaging in subsequent
30 communication related thereto for the purposes of obtaining further
31 clarification regarding a response to an RFP, or competitive
32 solicitation. Such contact shall be in writing and shall be provided
33 to the Board Clerk and the members of the applicable selection and
34 negotiation committee. ~~Procurement Division~~, including any
35 response.

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37 F. Any violation of this rule shall be investigated by the Board's
38 Inspector General and shall result in the disqualification of the
39 potential vendor from the competitive solicitation process, rejection
40 of any recommendation for award to the vendor, or the revocation of
41 an award to the vendor as being void, rendering void any previous or
42 prior awards. The potential vendor or vendor's representative
43 determined to have violated this rule, shall be subject to debarment.
44 In addition to any other penalty provided by law, violation of this
45 rule by a school district employee shall subject the employee to
46 disciplinary action up to and including dismissal.

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1 F.S. 1001.41(1)(2), 1001.42(15)(25), 1001.43(10), 1001.51(14)

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CONE OF SILENCE

2 A. "Cone of Silence" means a prohibition on any communication
3 regarding a particular Request for Proposals (RFP), bid, invitation to
4 bid, or other competitive solicitation between:

5 1. any person who seeks an award, including a potential vendor
6 or vendor's representative, an employee, partner, director, or
7 officer of a potential vendor, or consultant, lobbyist, or actual
8 or potential subcontractor or sub-consultant of a vendor, or
9 any other individual acting through or on behalf of any
10 person seeking an award; and

11 2. any School Board member or the member's staff, the
12 Superintendent, Deputy Superintendent and their respective
13 support staff, or any person appointed by the Board to
14 evaluate or recommend selection in the competitive
15 procurement process.

16 B. A Cone of Silence shall be applicable to each RFP, bid, invitation to
17 bid, or other competitive solicitation during the solicitation, review
18 and Board action of bid proposals ~~through final Board action~~ as
19 appropriate. At the time of issuance of the solicitation, the
20 Superintendent shall provide public notice of the Cone of Silence
21 and written notice, including electronic communication, to the
22 Board, District staff and any other person involved in the review,
23 evaluation, recommendation, approval, rejection or award of the
24 responses as appropriate. The Superintendent shall include in any
25 advertisement and public solicitation for goods and services a
26 statement disclosing the requirements of this section.

27 C. The Cone of Silence shall terminate at the time the item is presented
28 by the Superintendent to the appropriate Board committee
29 immediately prior to the Board meeting at which the Board will
30 award or approve a contract, reject all bids or responses, or take any
31 other action that ends the solicitation and review process.
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1 D. This rule shall not prohibit any potential vendor or vendor's
2 representative:

- 3
- 4 1. from making public representations at duly noticed pre-bid
5 conferences or before duly noticed selection and negotiation
6 committee meetings;
- 7
- 8 2. from engaging in contract negotiations during any duly
9 noticed selection and negotiation committee meetings ~~public~~
10 ~~meeting~~;
- 11
- 12 3. from making a public presentation to the Board during any
13 duly noticed public meeting on any topic that is not under the
14 Cone of Silence and is otherwise permitted under Policy
15 0169.1; or
- 16
- 17 4. from communicating in writing with any school district
18 employee who is not serving on the applicable evaluation
19 Committee, or the Board Attorney's office to seek clarification
20 or additional information, subject to the provisions of the
21 applicable RFP, or bid documents.
- 22

23 The potential vendor or vendor's representative shall file a copy of
24 any written communication with the Board Clerk who shall make
25 copies available to the public upon request.

26

27 E. The designated Procurement official ~~Division representative~~ is not
28 prohibited by this rule from initiating contact with a potential
29 vendor or vendor's representative and engaging in subsequent
30 communication related thereto for the purposes of obtaining further
31 clarification regarding a response to an RFP, or competitive
32 solicitation. Such contact shall be in writing and shall be provided
33 to the Board Clerk and the members of the applicable selection and
34 negotiation committee. ~~Procurement Division~~, including any
35 response.

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37 F. Any violation of this rule shall be investigated by the Board's
38 Inspector General and shall result in the disqualification of the
39 potential vendor from the competitive solicitation process, rejection
40 of any recommendation for award to the vendor, or the revocation of
41 an award to the vendor as being void, rendering void any previous or
42 prior awards. The potential vendor or vendor's representative
43 determined to have violated this rule, shall be subject to debarment.
44 In addition to any other penalty provided by law, violation of this
45 rule by a school district employee shall subject the employee to
46 disciplinary action up to and including dismissal.

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1 F.S. 1001.41(1)(2), 1001.42(15)(25), 1001.43(10), 1001.51(14)

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