



To: David Ruiz

From: Miriam S. Ramos, Deputy City Attorney for the City of Coral Gables

Approved: Craig E. Leen, City Attorney for the City of Coral Gables

A handwritten signature in blue ink, appearing to be "C. Leen", is written over the word "Gables" in the "Approved" line.

RE: Legal Opinion Regarding Cone of Silence

Date: July 31, 2015

The consultant is not City staff, therefore, the Cone of Silence will not apply to them once it is in effect. It is recommended, however, that communication between Silver Consultants and any potential bidder be limited to the giving or receiving of factual information. Furthermore, it is recommended that these communications are done in writing and that a copy of that correspondence is provided to all other bidders.

It is also important to mention that the Cone only applies to contacts greater than \$25K. Further, I am including a list of exceptions below (as laid out in Sec. 2-1059(3)(b) of the City Code), for your information.

The Cone of Silence does not apply to:

1. Informal bids
2. Emergency purchases of supplies, services or construction
3. Duly noticed pre-bid or pre-proposal conferences
4. Duly noticed site visits
5. Sole source procurements
6. Bid waivers
7. Oral presentations during duly noticed meetings
8. Competitive negotiations
9. Public presentations made to the city commission during any duly noticed public meeting
10. Contract negotiations and electronic commerce
11. Inquiries by the city commissioners or third parties to the city manager or assistant city managers to determine responsibility or responsiveness of bidders or with regard to the process

12. Written communications with the chief procurement officer or staff responsible for administering the procurement process for a particular solicitation, provided the communication is limited strictly to matters of process or procedure already contained in the corresponding solicitation
13. Communications with the city attorney, city manager or chief procurement officer
14. Communications between a city commissioner, the city manager, assistant city managers, the city clerk and the city attorney
15. Communications between a city commissioner, the city manager, assistant city manager, the city clerk, the city attorney and potential offerors.

This opinion is issued pursuant to Sec. 2-201(e)(1) and (8) of the City of Coral Gables Code authorizing the City Attorney's Office to issue opinions and interpretations on behalf of the City.

Herbello, Stephanie

From: Ramos, Miriam
Sent: Friday, July 31, 2015 4:39 PM
To: Herbello, Stephanie
Subject: FW: Cone of Silence

Miriam S. Ramos, Esq.
Deputy City Attorney
City of Coral Gables
405 Biltmore Way, 3rd Floor
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(305) 460-5218
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From: Ramos, Miriam
Sent: Friday, July 31, 2015 10:23 AM
To: Ruiz, David
Cc: Jaramillo-Velez, Elsa; Leen, Craig; Figueroa, Yaneris
Subject: RE: Cone of Silence

Good morning David.

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information. Furthermore, it is recommended that these communications are done in writing and that a copy of that correspondence is provided to all other bidders.

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This opinion is issued pursuant to Sec. 2-201(e)(1) and (8) of the City of Coral Gables Code authorizing the City Attorney's Office to issue opinions and interpretations on behalf of the City.

If you have any questions, please let me know.

Sincerely,

Miriam S. Ramos, Esq.

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From: Ruiz, David
Sent: Thursday, July 30, 2015 9:53 AM
To: Ramos, Miriam
Cc: Jaramillo-Velez, Elsa; Leen, Craig; Figueroa, Yaneris
Subject: RE: Cone of Silence

Understood, but the question that is being asked is once the Cone of Silence goes into effect, does it apply to communications between a prospective bidder and Siver Consultants
?

*David J. Ruiz
Risk Manager JD CPCU
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druiz@coralgables.com*



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From: Ramos, Miriam
Sent: Thursday, July 30, 2015 9:51 AM
To: Ruiz, David
Cc: Jaramillo-Velez, Elsa; Leen, Craig; Figueroa, Yaneris
Subject: RE: Cone of Silence

Pursuant to Sec. 2-1059(4)(a) of the City Code, the Cone of Silence goes into effect when the RPF, RFQ or bid is advertised. Therefore, until such time, Cone of Silence provisions are not applicable to any communications.

This opinion is issued pursuant to Sec. 2-201(e)(1) and (8) of the City Code, authorizing the City Attorney's Office to issue opinions and interpretations on behalf of the City.

Miriam S. Ramos, Esq.

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From: Ruiz, David
Sent: Thursday, July 30, 2015 9:48 AM
To: Ramos, Miriam
Cc: Jaramillo-Velez, Elsa; Leen, Craig; Figueroa, Yaneris
Subject: RE: Cone of Silence

No, not yet. However, it was a question that was raised by the Consultant in anticipation of the RFP being advertised.

David J. Ruiz
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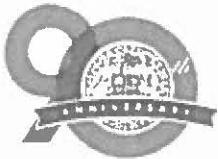
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From: Ramos, Miriam
Sent: Thursday, July 30, 2015 9:47 AM
To: Ruiz, David
Cc: Jaramillo-Velez, Elsa; Leen, Craig; Figueroa, Yaneris
Subject: RE: Cone of Silence

Good morning David,

Has the RFP been advertised?

Miriam S. Ramos, Esq.
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From: Ruiz, David
Sent: Thursday, July 30, 2015 9:01 AM
To: Leen, Craig; Ramos, Miriam; Figueroa, Yaneris
Cc: Jaramillo-Velez, Elsa
Subject: Cone of Silence

Good Morning,

We are currently working on a RFP with the assistance of Siver Consultants for Insurance Broker Services. Does the Cone of Silence apply to communications between a prospective bidder and Siver Consultants ?

*David J. Ruiz
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