



MEMORANDUM

(Public Notice of Imposition of Cone of Silence)

TO: Mayor & Village Council
Water Quality Improvement Citizens' Advisory Committee
Village Staff and Consultants
Owner's Representative
RFP Evaluation Committee

FROM: Edward Koconis
Village Manager

DATE: June 29, 2011

SUBJECT: **Public Notice of Imposition of Cone of Silence
Islamorada, Village of Islands' Request for Proposals (RFP)
Design-Build-Operate-Finance (DBOF) Wastewater System**

Public Notice is hereby given that a "Cone of Silence" is imposed concerning Islamorada, Village of Islands' Request for Proposals (RFP) for Design, Build, Operate & Finance (DBOF) of the Village's Wastewater System ("Project") as of the issuance of the RFP on June 29, 2011. The "Cone of Silence" prohibits communications concerning the RFP and the Project with the Village Council, the Water Quality Improvement Citizens' Advisory Committee, Village staff, including the Village Manager and his staff, Village employees and consultants, the Village's Owner's Representative for the Project, and members of the RFP Evaluation Committee, until such time as the Village Council makes final selection and award of a Proposer for the Project.

Please refer to the attached Cone of Silence provision contained within section 1.15.1 of the RFP.

Attachment: Cone of Silence Provision

COMMUNICATIONS PROTOCOL; CONE OF SILENCE IMPOSED

Cone of Silence.

A “Cone of Silence” is hereby imposed and shall be in effect as of issuance of this RFP prohibiting communications in connection with the Project or this RFP for DBOF of the Village’s Wastewater Facilities, between:

a potential proposer, DBOF Firm or its members, agents and personnel, vendor, contractor, service provider, respondent, bidder, lobbyist or consultant, and; the Village Council members, members of the Village’s Water Quality Improvement Citizens’ Advisory Committee, Village staff, including the Village Manager and his staff, Village employees and consultants, the Village’s Owner’s Representative for this Project and RFP, and any member of the Village’s Evaluation Committee.

Definitions. “Cone of Silence” as used herein, means a prohibition on any communication regarding the Project and this RFP for DBOF of the Village’s Wastewater Facilities, between: a potential proposer, DBOF Firm or its members, agents and personnel, vendor, contractor, service provider, respondent, bidder, lobbyist or consultant, and: the Village Council members, members of the Village’s Water Quality Improvement Citizens’ Advisory Committee, Village staff, including the Village Manager and his staff, Village employees and consultants, the Village’s Owner’s Representative for this Project and RFP, and any member of the Village’s Evaluation Committee.

Restriction; Notice. A Cone of Silence shall be imposed upon issuance of this RFP upon the Project and RFP prohibiting any communication between: a potential proposer, DBOF Firm or its members, agents and personnel qualified pursuant to the Request for Qualifications (RFQ), vendor, contractor, service provider, respondent, bidder, lobbyist, consultant, and: the Village Council members, members of the Village’s Water Quality Improvement Citizens’ Advisory Committee, Village staff, including the Village Manager and his staff, Village employees and consultants, the Village’s Owner’s Representative for the Project and this RFP, and members of the Village’s Evaluation Committee.

The Village Manager or his designee shall provide for public notice of the Cone of Silence by posting a notice at Village Hall. The Village Manager shall issue a written notice thereof to the Mayor and each Village Council member, members of the Village’s Water Quality Improvement Citizens’ Advisory Committee, Village staff, employees and consultants, the Village’s Owner’s Representative for this Project and RFP, and any member of the Village’s Evaluation Committee, and file a copy of such notice with the Village Clerk.

Duration of Cone of Silence. The Cone of Silence shall terminate at the Village Council meeting at which time the final selection and award of a Proposer for the Project pursuant to this RFP is made by the Village Council.

Exceptions to Applicability. The provisions of this Cone of Silence shall not apply to:

1. Oral communications at scheduled pre-proposal conferences or meetings;
2. Oral presentations or interviews before the Evaluation Committee;
3. Public presentations made to the Village Council members during any duly noticed public meeting;
4. Communications in writing at any time with the Village's Wastewater Program Manager, designated responsible for administering the procurement process for this RFP, provided the communication pertains to matters of process or procedure set forth in this RFP, unless specifically prohibited by this RFP.
5. Communications with the Village Attorney and/or her staff;
6. Duly noticed site visits during the time period between the opening of Proposals and the time the Village Council considers the final selection and award of the Proposals;
7. Written questions or requests from Proposers for clarification or information on this RFP to the Village's Wastewater Program Manager, responses to the Proposer's questions or requests for clarification or additional information, and Addenda issued by the Village to this RFP;
8. Contract negotiations during any duly noticed public meeting;

Penalties. Violation of this Cone of Silence by a particular Proposer or DBOF Firm, Firm members or personnel, may render any Proposal submitted in response to the RFP subject to disqualification and shall render any RFP award to said Proposer or DBOF Firm voidable by the Village Council. Any person who violates a provision of this section may be prohibited from serving on a Village advisory committee.

Questions Regarding the Cone of Silence. Please contact the Village Attorney for any questions concerning compliance with the Cone of Silence.