

Related Entries: (6.07, 6.071, 6.0711, and 6.0713)

Cone of Silence

A cone of silence is hereby established for all competitive selection processes, and purchases by the District including but not limited to Invitations to Bid (ITB), Request for Proposals (RFP), Request for Qualifications (RFQ), and Invitations to Negotiate (ITN) for the provision of goods and services. The cone of silence seeks to protect the integrity of the procurement, and purchasing process by shielding it from undue influences before the recommendation of a contract award is made. This cone of silence must be imposed on these procurements after the advertisement of same.

The cone of silence prohibits any communication about a particular ITB, RFP, RFQ, or ITN between:

- A. a potential vendor, service provider, bidder, lobbyist, or consultant, and staff of the District, including school principals; and
- B. a potential vendor, service provider, bidder, lobbyist, or consultant, and one (1) or more of the Board members, member-elects, or members of the District Competitive Selection Committee (DCSC).

Unless expressly provided otherwise in the applicable ITB, RFP, RFQ, or ITN, the cone of silence does not apply to the following:

- A. Communications between a potential vendor, service provider, bidder, lobbyist, consultant, and the District's procurement services department's designee.
- B. Communications between a potential vendor, service provider, bidder, lobbyist, consultant, and the legal department.
- C. Communications during duly noticed pre-bid meetings and site visits prior to bid opening or post-bid-opening meetings and site visits, which are administered by the procurement services department's designee prior to issuing a written recommendation of contract award.

Competitive procurements are advertised on the procurement services department's web page, other purchasing software used for this purpose (such as online bidding platforms), or in the local newspaper. The cone of silence commences right after said advertisement.

The cone of silence terminates when the Board acts on a written recommendation from the procurement services department about a contract award, provided, however, that communications are permitted when the Board receives public comment at the meeting when the recommendation is presented. Public comment must adhere to Board Policy 1.11 (Public Comment) section (5)(a)(2)(f).

From the time a formal solicitation is released until the Board makes an award, vendors are prohibited from lobbying Board Members, District staff, or any member of the DCSC about the formal solicitation. All inquiries must be written and directed to the procurement services department's designee.

- 49 A. Lobbying is defined as any action taken by a vendor, service provider, bidder, lobbyist,
50 individual, firm, association, joint venture, partnership, syndicate, corporation, and all other
51 groups that seek to influence a decision of the Board, District staff, or any member of the
52 DCSC.
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- 54 B. Lobbying on behalf of a vendor will result in rejection/disqualification of competitive solicitation
55 response.
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- 57 C. Violation of the provision about lobbying may also result in discipline, including the vendor's
58 debarment, as provided in Board Policy 6.071 (Debarment) and 6.0713 (Contractor
59 Discipline).
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61 If the vendor, service provider, bidder, lobbyist, or consultant is put on suspension after the award of
62 a bid due to a District/agency inquiry, or a formal investigation, the cone of silence is reinstated and
63 lobbying is prohibited. It will remain in effect until the issue requiring the suspension is resolved.
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65 The procurement services department must ensure that all solicitations include provisions describing
66 the requirements and prohibitions of the cone of silence, including how a potential vendor, service
67 provider, bidder, lobbyist, or consultant may communicate with District personnel.
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69 Whether employed by the District or not, any person who knowingly violates a provision of this policy
70 must be prohibited from serving on a DCSC for at least one year.
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72 Violation of this policy by a particular bidder, proposer, respondent, or representative may result in
73 the rejection of said bidder, proposer, respondent, or representative's bid, proposal, or offer and may
74 render any contract award to a said bidder, proposer, respondent voidable or subject to other
75 discipline pursuant to Board Policy 6.0713 (Contractor Discipline).
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77 Along with any other penalty provided by law, a violation of this policy by a District employee must
78 subject said employee to disciplinary action, up to and including dismissal from service.
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80 Adopted: 6/14/2022
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82 Statutory Authority: 1001.41, 1001.42, 1001.43, F.S.
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