



To: Michael Pounds

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 black ink, appearing to be "C. Leen", is written over the end of the "Approved" line.

RE: Legal Opinion Regarding Cone of Silence

Date: March 4, 2016

That is correct. A resident is not a covered person under the Cone of Silence therefore he/she may inquire as to the scope of services.

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.

Michael Pounds:

In my opinion as the required communications with the resident relates to the Scope-of-Services, which is already been published in the RFQ; and the inquiry does not involve firms who may be interested in submitting a qualification statement; you can respond to his email without being in violation of the Cone of Silence.

I am copying Miriam, to get her opinion on whether communications between the Public Works Department on the Scope-of-Services with a resident regarding the issues raised in his email are subject to the Cone of Silence.

It may be better if Public Works communicates with Mr. Ruano as we could pass on the information provided in your email below, but if he had further questions Procurement would not necessarily be able to respond.

Mike Pounds

From: [Leen, Craig](#)
To: [Paulk, Enga](#)
Cc: [Ramos, Miriam](#)
Subject: FW: Aragon Avenue in recent RFP
Date: Thursday, March 03, 2016 4:50:37 PM
Attachments: [image005.png](#)
[image002.png](#)
[image001.png](#)

Please publish.

Craig E. Leen, City Attorney

*Board Certified by the Florida Bar in
City, County and Local Government Law*
City of Coral Gables
405 Biltmore Way
Coral Gables, Florida 33134
Phone: (305) 460-5218
Fax: (305) 460-5264
Email: cleen@coralgables.com



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Celebrating 90 years of a dream realized.

From: Ramos, Miriam
Sent: Thursday, March 03, 2016 4:26 PM
To: Pounds, Michael
Cc: Kephart, Glenn; Keller, Jessica; Leen, Craig; Katsaris, Pamela; Swanson-Rivenbark, Cathy
Subject: Re: Aragon Avenue in recent RFP

Michael,

That is correct. A resident is not a covered person under the Cone of Silence therefore he/she may inquire as to the scope of services.

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.

Sincerely,

Miriam S. Ramos
Deputy City Attorney

On Mar 3, 2016, at 2:15 PM, Pounds, Michael <mpounds@coralgables.com> wrote:

Glenn:

In my opinion as the required communications with the resident relates to the Scope-of-Services, which is already been published in the RFQ; and the inquiry does not involve firms who may be interested in submitting a qualification statement; you can respond to his email without being in violation of the Cone of Silence.

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Mike Pounds,
Chief Procurement Officer
City of Coral Gables
2800 SW 72nd Avenue
Miami, FL 33155
Phone (305) 460-5101

<image002.png><image004.jpg>

From: Kephart, Glenn
Sent: Wednesday, March 02, 2016 4:12 PM
To: Keller, Jessica; Leen, Craig; Ramos, Miriam
Cc: Pounds, Michael; Katsaris, Pamela; Swanson-Rivenbark, Cathy
Subject: RE: Aragon Avenue in recent RFP

Jessica,

Although I'm not the expert on 'cone of silence' I think we do need to be careful with this one.

Michael and Pamela,

Would it be appropriate for you to reach out to Mr. Ruano and explain the following?

Last fall as part of the budget process, the City Commission approved a project

entitled 'Aragon Pedestrian Lighting and Bike Amenity Improvements'. This project was funded at \$ 800,000. For efficiency and to expedite moving this project along, staff added the planning and design of this project to the RFQ for design of City-wide bicycle amenities. Attached is a copy of the page from the approved CIP describing the specifics of this project. Similar to what we do for any street modification project, the project will include extensive public involvement to evaluate any proposed concepts and subsequent designs prior to approval.

Thank you for your input and we look forward to your continued involvement as we work to improve the bicycle network Citywide.

(Please feel free to modify or add to my suggested wording.)

Thanks

Glenn Kephart, P.E
Public Works Director
City of Coral Gables
305-460-5001
<image005.png>

From: Keller, Jessica
Sent: Tuesday, March 01, 2016 5:27 PM
To: Leen, Craig; Ramos, Miriam; Kephart, Glenn
Subject: Fwd: Aragon Avenue in recent RFP

Hi guys-

See below. Can I answer this resident/bike advocate?

Sent from my iPhone

Jessica A. Keller
Assistant Public Works Director
305-733-0122

Begin forwarded message:

From: "Katsaris, Pamela" <pkatsaris@coralgables.com>
Date: March 1, 2016 at 5:15:51 PM EST
To: "Keller, Jessica" <jkeller@coralgables.com>
Cc: "Kephart, Glenn" <gkephart@coralgables.com>
Subject: RE: Aragon Avenue in recent RFP

Good afternoon,

I am not sure if the RFQ that was published yesterday is the same

document this individual is addressing. This is an RFQ, not an RFP, and nowhere in the document that was published is there an estimated dollar amount for the project. (He references \$800K).

Also, does the March 8 'workshop' being referenced mean the pre-proposal meeting, which is on the 8th?

At any rate, it is the scope of work that is being addressed, and not the RFQ terms and conditions. It does not appear the cone of silence applies to this individual given the below definition. (You might want to double check with CAO, however that is my interpretation).

Cone of silence is defined to mean a prohibition on:

- (1) Any communication regarding a particular request for proposals (RFP), request for qualifications (RFQ), invitation for bids (IFB) or any other advertised solicitation between a potential offeror, vendor, service provider, bidder, lobbyist, or consultant and city department heads, their staff, selection committee or evaluation committee members;

- (2) Any communication regarding a particular request for proposals (RFP), request for qualifications (RFQ), invitation for bids (IFB) or any other advertised solicitation between the city commissioners with city department directors, their staff, selection committee or evaluation committee members.

Regards,

Pamela J. Leja-Katsaris, CPPO, CPPB

Assistant Chief Procurement Officer

City of Coral Gables

Procurement Division

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Cell: 786.525.3226

E-mail: PKatsaris@coralgables.com