

**Town of Surfside**  
**Request for Proposals RFP No. 2018-04**  
**Marketing Services for Tourist Bureau**

**Addendum No. 3**

Date Issued: May 25, 2018

To All Proposers:

Proposers for the above-referenced RFP shall take note of the following changes, additions, deletions or clarifications to RFP No. 2018-04, which in accordance with the RFP Documents shall become a part of and have precedence over anything shown or described otherwise in the RFP.

**TOWN NOTICE OF CONE OF SILENCE APPLICABLE TO THIS RFP:**

The Town of Surfside hereby provides notice to all proposers of the adoption and imposition of a Cone of Silence for this solicitation, which was adopted and effective as of May 22, 2018. A copy of the Town's Ordinance adopting and imposing the Cone of Silence is attached to this Addendum No. 3. "Cone of Silence," as used herein, means a prohibition on communication regarding a competitive bid or solicitation for a purchase exceeding \$25,000.00, including but not limited to, a particular request for proposal ("RFP") between (1) A potential respondent, vendor, service provider, proposer, bidder, lobbyist, or consultant, and (2) The Town commissioners, Town's staff including, but not limited to, the Town Manager and his or her staff, any member of the Town's selection or evaluation committee. Please contact the Town Attorney with any questions on the Cone of Silence.

All other documents, requirements, terms and conditions of the RFP remain the same. All proposers must acknowledge receipt of this Addendum No. 3 and submit a signed copy of this form with their proposal.

Proposer:

\_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

ORDINANCE NO. 2018 - 1684

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING THE TOWN CODE BY AMENDING SECTION 3-17, "OPT OUT INVOKED" OF CHAPTER 3 "PURCHASING" TO IMPLEMENT A CONE OF SILENCE PROVISION FOR PROCUREMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR EFFECTIVE DATE.

WHEREAS, the Town of Surfside ("Town") is committed to efficiency and integrity in the competitive solicitation process for procuring goods and services for the Town; and

WHEREAS, the purpose and intent of these regulations is to implement a cone of silence provision applicable to Town procurements; and

WHEREAS, the regulations intended effect is to protect the integrity, fair competition and ease of the competitive procurement process; and

WHEREAS, Chapter 3 of the Town's Code of Ordinances ("Code") pertains to the purchasing and the procurement process of goods and services on behalf of the Town; and

WHEREAS, the Town Commission wishes to amend Chapter 3, Purchasing, to adopt and implement a cone of silence provision applicable to procurements, similar to the process set forth in the Miami-Dade County Section 2.11.1(t); and

WHEREAS, the Town Commission finds that this Ordinance is in the best interests of the Town.

NOW, THEREFORE, THE COMMISSION OF THE TOWN OF SURFSIDE HEREBY ORDAINS:

**Section 1. Recitals.** The above-stated recitals are true and correct and are incorporated herein by this reference.

**Section 2. Town Code Amended.** The Code of the Town of Surfside, Florida Code Section 3-17 "Opt Out Invoked" of Chapter 3 "Purchasing" is hereby amended as follows:

**Section 3-17. Opt out invoked.**

Pursuant to ~~Miami-Dade County Code Section 2.11.1(t)(4)~~, the provisions of ~~Section 2-11.1(t)~~, "Cone of Silence," of the ~~Miami-Dade County Code~~ shall not apply to the Town

34 of Surfside. The Town clerk is hereby instructed to provide a copy of this ordinance to the  
35 Miami Dade County Ethics Commission.

36 **Section 3-17- Cone of silence.**

37 (a) Definition. "Cone of silence," as used herein, means a prohibition on any communication  
38 regarding a competitive bid or solicitation for a purchase exceeding \$25,000.00, including  
39 but not limited to, a particular request for proposal ("RFP"), request for qualification  
40 ("RFQ"), request for expression of interest ("RFEI") or bid (hereinafter a "Solicitation"),  
41 between:

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43 (1) A potential respondent, vendor, service provider, proposer, bidder, lobbyist, or  
44 consultant, and

45  
46 (2) The Town commissioners, Town's staff including, but not limited to, the Town  
47 Manager and his or her staff, any member of the Town's selection or evaluation  
48 committee.

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50 (b) Restriction; notice. A cone of silence shall be imposed upon each ~~RFP, RFQ and bid~~  
51 Solicitation after the advertisement of said RFP, RFQ and bid Solicitation. At the time of  
52 imposition of the cone of silence, the Town Manager or his or her designee shall provide  
53 for public notice of the cone of silence by posting a notice at the Town hall and/or  
54 electronically, and shall include in any public solicitation for goods or services a  
55 statement disclosing the requirements of this section.

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57 (c) Termination of cone of silence. The cone of silence shall terminate at the beginning of the  
58 Town commission meeting at which the Town Manager makes his or her written  
59 recommendation to the Town commission for award of a contract. However, if the Town  
60 commission refers the Manager's recommendation back to the Manager or staff for further  
61 review, the cone of silence shall be reimposed until such time as the Manager makes a  
62 subsequent written recommendation.

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64 (d) Exceptions to applicability. The provisions of this section shall not apply to:

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66 (1) Oral communications at pre-bid conferences;

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68 (2) Oral presentations before selection or evaluation committees;

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70 (3) Public presentations made to the Town commissioners during any duly noticed public  
71 meeting

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73 (4) Written communications at any time with any Town employee, unless specifically  
74 prohibited by the applicable ~~RFP, RFQ and bid~~ Solicitation documents. The

75 respondent, bidder or proposer shall file a copy of any written communication with the  
76 Town Clerk. The Town Clerk shall make copies available to any person upon request;  
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78 (5) Written communications regarding a particular ~~RFP, RFQ and bid~~ Solicitation  
79 between a potential respondent, vendor, service provider, proposer, bidder, lobbyist or  
80 consultant and the Town's purchasing agent or Town employee designated responsible  
81 for administering the procurement process for such ~~RFP, RFQ and bid~~ Solicitation,  
82 provided the communication is limited strictly to matters of process or procedure  
83 already contained in the corresponding solicitation document;  
84

85 (6) Communications with the Town attorney and his or her staff;  
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87 (7) Duly noticed site visits to determine the competency of respondents regarding a  
88 particular solicitation during the time period between the opening of solicitations and  
89 the time the Town Manager makes his or her written recommendation;  
90

91 (8) ~~Any emergency procurement of goods or services pursuant to the Town Code~~ Any  
92 solicitation or procurement which is exempt from the competitive bidding procedures as set  
93 forth in Sections 3-12 and 3-13 of this chapter;  
94

95 (9) Responses to the Town's request for clarification or additional information;  
96

97 (10) Contract negotiations during any duly noticed public meeting;  
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99 (11) Written communications to enable Town staff to seek and obtain industry comment  
100 or perform market research, provided all communications related thereto between a  
101 potential respondent, vendor, service provider, proposer, bidder, lobbyist, or  
102 consultant and any member of the Town's professional staff including, but not limited  
103 to, the Town Manager and his or her staff are in writing or are made at a duly noticed  
104 public meeting;  
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106 (12) Unsolicited proposals or solicited proposals pursuant to a public-private partnership  
107 with the Town in accordance with F.S. § 255.065, as amended from time to time,  
108 including, but not limited to, contract negotiations between the Town staff,  
109 consultants, and individuals or representatives of entities proposing a public-private  
110 partnership.  
111

112 (e) Penalties. Violation of this section by a particular respondent, bidder or proposer shall  
113 render any ~~RFP, RFQ and bid~~ Solicitation award to said respondent, bidder or proposer  
114 voidable by the Town commission or Town Manager. Any person who violates a  
115 provision of this section may be prohibited from serving on a Town selection or  
116 evaluation committee. In addition to any other penalty provided herein, violation of any

117 provision of this section by a Town employee may subject said employee to disciplinary  
118 action.

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120 (f) Opt out invoked. It is hereby provided that the provisions of section 2-11.1(t) "Cone of  
121 silence" of the Miami-Dade County Code shall not apply to the Town of Surfside. This  
122 opt out provision shall prevail over any conflicting Town ordinance.

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124 **Section 3. Severability.** That the provisions of this Ordinance are declared to be severable,  
125 and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be  
126 invalid or unconstitutional, such decision shall not affect the validity of the remaining sections,  
127 sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the  
128 legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

129 **Section 3. Codification.** It is the intent of the Town Commission that the provisions of  
130 this ordinance shall become and be made a part of the Town's Code of Ordinances, and that the  
131 sections of this Ordinance may be renumbered or relettered, and the word "ordinance" may be  
132 changed to "section," "article," "regulation," or such other appropriate word or phrase in order to  
133 accomplish such intentions.

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135 **Section 4. Conflicts.** All ordinances or parts of ordinances, resolutions or parts of  
136 resolutions, in conflict herewith, are repealed to the extent of such conflict.

137 **Section 5. Effective Date.** That this Ordinance shall be effective immediately upon  
138 adoption on second reading.

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140 **PASSED** on first reading on the 8<sup>th</sup> day of May, 2018.

141 **PASSED AND ADOPTED** on second reading on 27<sup>nd</sup> day of May 2018.

142 **On Final Reading Moved By:** Vice Mayor Gielchinsky

143 **On Final Reading Second By:** Commissioner Karukin.

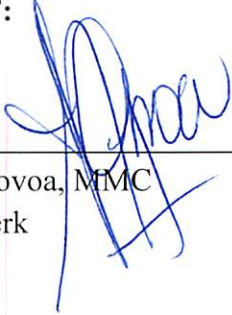
144 **FINAL VOTE ON ADOPTION**

145 Commissioner Barry Cohen Absent  
146 Commissioner Michael Karukin yes  
147 Commissioner Tina Paul yes  
148 Vice Mayor Daniel Gielchinsky yes  
149 Mayor Daniel Dietch yes

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153 Daniel Dietch  
154 Mayor

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**ATTEST:**



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Sandra Novoa, MMC  
Town Clerk

**APPROVED AS TO FORM AND LEGALITY FOR THE USE  
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**



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Weiss Serota Helfman Cole & Bierman, P.L.  
Town Attorney