

**Denis, Alex**

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**From:** Alexander I. Tachmes <ATachmes@shutts.com>  
**Sent:** Monday, October 22, 2018 7:03 PM  
**To:** Aguila, Raul; Denis, Alex; Morales, Jimmy  
**Cc:** Joseph M. Goldstein; David J. Coviello; Marc D. Sarnoff; Joshua J. Heller  
**Subject:** Item regarding procurement -- Finance and Citywide Projects Committee Meeting

To the City Commissioners who are members of the Finance and Citywide Projects Committee (and who are bcc'd on this email):

Good evening. I wanted to comment on Item 7 of your Finance and Citywide Projects Committee agenda. The subject of item 7 is streamlining the procurement process.

While you are reviewing Miami Beach's procurement laws, I respectfully ask that you examine the City Code's cone of silence and amend it so that it is consistent with every other South Florida jurisdiction, including Miami-Dade County and the City of Miami. In every jurisdiction of which I am aware except Miami Beach, the cone of silence terminates when the City Manager makes his or her recommendation on a procurement matter to the Commission. However, in Miami Beach, the cone of silence does not terminate until the City Manager has made his or her recommendation AND the City Commission has voted on the item.

The typical cone of silence protocol in most jurisdictions generally works well. The Manager and his or her staff cannot be lobbied while they are performing their duties as professional government employees charged with analyzing the bids, applying the relevant criteria and making their recommendation to the Commission. However, elected officials, who occupy political positions and are voted into office by and responsible to the public, should be able to hear from the public and the bidders and all sides of an issue before making a decision. The ability of Commissioners to access as much information as possible on a procurement matter vastly increases the likelihood that the Commission's decision will be one that is well-informed.

Conversely, where Commissioners are prohibited from speaking with the public, bidders and anyone else, they may not have access to all the information on the matter, including viewpoints that may differ from those of the Administration. Although I have great respect for your outstanding City Manager and Procurement Director, I believe we can all agree that Commissioners' roles are better served by hearing views from all sides of an issue before casting a vote.

Finally, please understand that your policy of not allowing communications until after the Commission vote occurs probably increases the frequency of bid protests. Consider: If a bidder is prohibited from meeting with or having a phone conversation with a Commissioner before a vote, then the bidder is forced to consider other options, such as filing a bid protest, in order to ensure that his or her views are heard.

Thank you for your consideration.



**Alexander I. Tachmes**  
*Partner*

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**From:** City of Miami Beach [mailto:listadmin@miamibeachfl.ccsend.com] **On Behalf Of** City of Miami Beach

**Sent:** Monday, October 22, 2018 5:08 PM

**To:** Alexander I. Tachmes

**Subject:** Finance and Citywide Projects Committee Meeting

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## Finance and Citywide Projects Committee

**Friday, October 26, 2018**

**Agenda | City of Miami Beach**

Date: Friday, October 26, 2018

Time: 12:00 p.m.

Location: 1700 Convention Center, Commission Chambers located on the 3rd Floor of City Hall

You may click on the following link to access and review the agenda in its entirety.

[Agenda](#)

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