



PROFESSIONAL STANDARDS SECTION

115 S. Andrews Avenue, Room 427 • Fort Lauderdale, Florida 33301 • 954-357-6500 • FAX 954-357-7889

April 3, 2025

Mr. Peter Moore, President
Chen Moore and Associates, Inc.
500 W. Cypress Creek Road, Suite 600
Fort Lauderdale, Florida 33309

RE: Report and Notice of Determination – Chen Moore and Associates, Inc., Cone of Silence Violation, Case No. 25-0007-PS-PS

Mr. Moore:

The Professional Standards Section (PS) has determined that Chen Moore and Associates, Inc. ("Chen-Moore") did not violate Section 1-266 of the Broward County Code because its President, Peter Moore, did not engage in prohibited communication with county staff, regarding Request for Proposal ("RFP") PNC2128678P1 – Engineering Services for District 3A System Fire Flow Improvements. The findings and conclusions are below.

Please note, that under Section 1-266(f)(6) of the Broward County Code, "If a Vendor is determined to have violated the provisions of this Ordinance on three occasions, the Purchasing Director shall initiate debarment proceedings pursuant to Section 21-119 of the Broward County Administrative Code."

Findings and Conclusions

The RFP was advertised on August 15, 2024, and the Cone of Silence took effect the same day. The RFP opened on September 16, 2024, with two submittals: Chen Moore and Thompson & Associates, Inc. Civil Engineering. After presentations, evaluation, scoring and ranking, the Evaluation Committee ranked Chen Moore as the first ranked firm.

The final recommendation of ranking was posted to the Purchasing Division website from February 05, 2025, to February 12, 2025. The Director of Purchasing received a formal protest from Shutts & Bowen LLP, on behalf of Thompson & Associates, Inc., Civil Engineering, alleging that Chen Moore violated Broward County's Cone of Silence Ordinance by contacting the Environmental Permitting Division on or about October 18, 2024, relating to the procurement. On February 14, 2025, the Director of Purchasing received a Notice of Filing Supplemental Information regarding the formal bid protest.

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Section 1-266(b) of the Broward County Code defines prohibited communications as:

Prohibited communication. Except as set forth in subsection (e), a Cone of Silence shall be in effect for all communications, oral or written, relating to a Competitive Solicitation, at any point during the time periods stated in section (c) below, between any of the following persons:

- (1) Any person or entity, including a Vendor or Vendor's Representative, that seeks a contract, award, recommendation, or approval for the Competitive Solicitation, or is subject to being evaluated, or having its response evaluated, in connection with the Competitive Solicitation; and
- (2) Any of the following: a Commissioner Office, County Staff, or a member of the Evaluation Committee for the Competitive Solicitation.

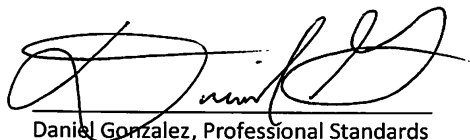
The Cone of Silence took effect on August 15, 2024, and remains in place until the Board of County Commissioners or other authorize person makes a final award or gives final approval a contract, rejects all bids or responses to the Competitive Solicitation or takes other action which ends the Competitive Solicitation. Currently, the Cone of Silence is still in effect.

Chen-Moore did not violate Section 1-266 of the Broward County Code when it submitted a plan approval request to Broward County's Environmental Permitting Division regarding construction dewatering approval on October 18, 2024. The plan was processed by and reviewed by David Sheehan, a Licensed Engineer for the Environmental Permitting Division, who is not a member of the Evaluation Committee. David Sheehan contacted Chen-Moore to approve the plan and requested a name to place the approval under. Chen-Moore responded and supplied the name for which the plan approval would be assigned. At no point did Chen-Moore discuss proposal PNC2128678P1 or the solicitation for the award with David Sheehan or any other members of Broward County's Environmental Permitting Division.

The communication between Chen-Moore and the Environmental Permitting Division, was not relating to the Competitive Solicitation or anything involving the process to obtain the contract, award, recommendation, or approval process. Accordingly, the communication was not prohibited and does not constitute a violation of the Cone of Silence.

Questions should be directed to (954) 357-7800.

Respectfully submitted,



Daniel Gonzalez, Professional Standards

Approved by:



Averill Dorsett, Manager

cc: Monica Cepero, County Administrator
Stephen Farmer, Deputy Financial Officer, Finance and Administrative Services Department
Robert Gleason, Director, Purchasing Division
Adam Katzman, Deputy County Attorney