

PROPOSED

ORDINANCE NO.

1 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD
2 COUNTY, FLORIDA, PERTAINING TO THE CONE OF SILENCE; AMENDING
3 SECTION 1-266 OF THE BROWARD COUNTY CODE OF ORDINANCES (“CODE”);
4 AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN
5 EFFECTIVE DATE.

6 (Sponsored by the Board of County Commissioners)

7

8 WHEREAS, Section 1-266 of the Broward County Code of Ordinances sets forth
9 the Broward County Cone of Silence (“Cone of Silence”), which limits permitted
10 communications during the pendency of competitive solicitations; and

11 WHEREAS, the Board of County Commissioners finds it appropriate at this time
12 to modify certain portions of the Cone of Silence,

13 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
14 BROWARD COUNTY, FLORIDA:

15 Section 1. Section 1-266 of the Broward County Code of Ordinances is hereby
16 amended to read as follows:

17 **Sec.1-266. Cone of Silence.**

18 (a) *Definitions.* For purposes of this section, use of the plural shall include the
19 singular, and use of the singular shall include the plural. Any terms used in this section
20 but not defined herein have the same meaning as defined in Chapter 21 of the Broward
21 County Administrative Code (the “Procurement Code”). The following additional

22 definitions apply unless the context in which the word or phrase is used requires a
23 different definition:

24 . . .

25 *Competitive Solicitation* has the meaning ascribed to it in the Procurement Code,
26 and includes ITBs, RFPs, RLIs, RFQs, and similar solicitations publicly advertised by
27 any Broward County agency to competitively procure goods or services. In addition, as
28 used herein, the term “Competitive Solicitation” includes a solicited public private
29 partnership as well as an Unsolicited Public Private Partnership as defined herein. For
30 Competitive Solicitations that utilize a Two-Step Solicitation Method, the term
31 “Competitive Solicitation” as used herein shall be construed to commence upon
32 advertisement of Step One and continue through Step Two, inclusive of any interim
33 period between Step One and Step Two.

34 . . .

35 (c) *Effective dates.*

36 (1) Except for Unsolicited P3s, the Cone of Silence shall begin upon
37 advertisement of the Competitive Solicitation. For Unsolicited P3s, the Cone
38 of Silence shall begin as follows: for the Vendor that submitted the proposal,
39 upon the County’s receipt of the proposal; and for all other Vendors, upon
40 decision by the County to advertise a Competitive Solicitation for the subject
41 matter of the proposal.

42 (2) The Cone of Silence shall terminate at the earliest of the following: the time
43 the Board of County Commissioners (“Board”) or other award authority
44 (i) makes final award or approves the contract for the Competitive

45 Solicitation, (ii) rejects all bids or responses to the Competitive Solicitation
46 other than for a Two-Step Competitive Solicitation, or rejects all bids or
47 responses to Step One of a Two-Step Competitive Solicitation, or (iii) takes
48 other action that ends the Competitive Solicitation; ~~or (iv)~~ the time the Board
49 determines not to advertise a Competitive Solicitation for the applicable
50 Unsolicited P3.

51 Section 2. Severability.

52 If any portion of this Ordinance is determined by any court to be invalid, the invalid
53 portion will be stricken, and such striking will not affect the validity of the remainder of this
54 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be
55 legally applied to any individual, group, entity, property, or circumstance, such
56 determination will not affect the applicability of this Ordinance to any other individual,
57 group, entity, property, or circumstance.

58 Section 3. Inclusion in the Broward County Code of Ordinances.

59 It is the intention of the Board of County Commissioners that the provisions of this
60 Ordinance become part of the Broward County Code of Ordinances as of the effective
61 date. The sections of this Ordinance may be renumbered or relettered and the word
62 “ordinance” may be changed to “section,” “article,” or such other appropriate word or
63 phrase to the extent necessary to accomplish such intention.

64 Section 4. Effective Date.

65 This Ordinance is effective as of the date provided by law.

ENACTED

PROPOSED

FILED WITH THE DEPARTMENT OF STATE

EFFECTIVE

Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

By: /s/ Fernando Amuchastegui 01/06/2025
Fernando Amuchastegui (date)
Senior Assistant County Attorney

By: /s/ René D. Harrod 01/06/2025
René D. Harrod (date)
Chief Deputy County Attorney

RDH/cv
Cone of Silence Ordinance
01/06/2025
#1117278v16

Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.