



Cone of Silence for Florida Department of Transportation Competitive Procurements

Dated 02/17/21

Cone of Silence

- Cone of silence is associated with “competitive procurements” (process of procuring goods and services by fair and open competition, as dictated by law)
- Cone of silence applies to the period of time after posting of the official contract advertisement and up through 72 hours after posting of the Agency final decision.
- During this period, all project communication outside of a public meeting ceases; hence the term “cone of silence”
- Reason: To ensure a fair and level playing field, and equal opportunity to all interested Firms.

Cone of Silence

Each solicitation for the procurement of commodities or contractual services shall include the following provision: “Respondents to this solicitation or persons acting on their behalf may not contact, between the release of the solicitation and the end of the 72-hour period following the agency posting the notice of intended award, excluding Saturdays, Sundays, and state holidays, any employee or officer of the executive or legislative branch concerning any aspect of this solicitation, except in writing to the procurement officer or as provided in the solicitation documents. **Violation of this provision may be grounds for rejecting a response.**”

Section 287.057(23),F.S.

Cone of Silence

- In order to ensure a fair, competitive and open process, once a project is officially advertised, all communications between interested Firms and the Department must be directed to Procurement, AND CAN OCCUR ONLY WITH and through official designated PROCUREMENT staff.
- Communications include: discussions, phone calls, emails, in-person meetings, virtual meetings, etc., related to an open procurement
- After advertisement, all technical questions from Firms shall be in writing or as designated, to Procurement.
- Project Managers and other Department staff will cease communications with interested Firms regarding the advertised project and refer inquiries to Procurement.
- Firms or their representatives shall not contact Technical Review Committee, Selection Committee, or other Department staff (except designated Procurement staff) related to the advertisement
- Violations of the cone of silence must be reported to the appropriate Procurement Office.
- Penalty: Firms may be found non-responsive.

What if a Firm has questions about the Procurement??

To ensure accurate understanding and a level field of competition, all formal questions posed to the Department by Firms post-advertisement shall be in writing and will be addressed to the Solicitation's Procurement Officer who is the **SINGLE POINT OF CONTACT** for the procurement.

Technical Review Committee and Selection Committee members

- The cone of silence also applies to Technical Review Committee and Selection Committee members during an active procurement.
- Any meeting of two or more members of a Technical Review Committee, or Selection Committee to discuss their evaluations, conduct deliberations, make recommendations, or take formal action shall be conducted as a public meeting.

When in doubt about an advertisement start date, contact the Procurement Office

- For information regarding active procurements or project advertisement start dates, or more detailed guidance, please contact your District or Central Procurement Office, as appropriate.

Thank you!



The Vital Few

At the Florida Department of Transportation (FDOT), our mission is to provide a safe transportation system that ensures the mobility of people and goods, enhances economic prosperity, and preserves the quality of our environment and communities. In order to achieve FDOT's mission and to remain one of the top DOTs in the country, FDOT Secretary Kevin J. Thibault has implemented the department's Vital Few: [Improve Safety](#), [Enhance Mobility](#), [Inspire Innovation](#), and [Foster Talent](#). These four core areas should be at the forefront of everything we do as we continue to serve the residents and visitors of Florida. We should always strive to improve safety for all road users, enhance mobility for a growing Florida, inspire innovation within the transportation industry and foster talent within our agency by attracting the best and brightest employees in the nation.