Book	Policy Manual
Section	6000 Finances
Title	CONE OF SILENCE
Code	po6325
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6325 - **CONE OF SILENCE**

A. "Cone of silence" means a prohibition on any communication regarding a particular Request for Proposals (RFP), bid, invitation to bid, or other competitive solicitation between:

1. any person who seeks an award, including a potential vendor or vendor's representative, an employee, partner, director, or officer of a potential vendor, or consultant, lobbyist, or actual or potential subcontractor or sub-consultant of a vendor, or any other individual acting through or on behalf of any person seeking an award; and

2. any School Board member or the member's staff, the Superintendent, deputy superintendent and their respective support staff, or any person appointed by the Board to evaluate or recommend selection in the competitive procurement process.

B. A cone of silence shall be applicable to each RFP, bid, invitation to bid, or other competitive solicitation during the solicitation, review, and proposed Board action of bid proposals as appropriate. At the time of issuance of the solicitation, the Superintendent shall provide public notice of the cone of silence and written notice, including electronic communication, to the Board, District staff and any other person involved in the review, evaluation, recommendation, approval, rejection, or award of the responses as appropriate. The Superintendent shall include in any advertisement and public solicitation for goods and services a statement disclosing the requirements of this section.

C. For unsolicited public-private partnership proposals, the cone of silence shall be in accordance with Policy 6327, *Public-Private Partnerships, Unsolicited Proposals, Competitive Solicitations, and Direct Negotiations Regarding Board-Owned Property and Resources*.

D. The cone of silence shall terminate at the time when the agenda is published for the upcoming Board meeting, wherein the Superintendent:

1. recommends an award or approves a contract;

2. rejects all bids or responses; or

3. takes any other action that ends the solicitation and review process.

E. This rule shall not prohibit any potential vendor or vendor's representative:

1. from making public representations at duly noticed pre-bid conferences or before duly noticed selection and negotiation committee meetings;

2. from engaging in contract negotiations during any duly noticed selection and negotiation committee meetings;

3. from making a public presentation to the Board during any duly noticed public meeting on any topic that is not under the cone of silence and is otherwise permitted under Bylaw 0169.1; or

4. from communicating in writing with any school district employee who is not serving on the applicable evaluation committee, or the General Counsel's office to seek clarification or additional information, subject to the provisions of the applicable RFP, or bid documents.

The potential vendor or vendor's representative shall file a copy of any written communication with the Board clerk who shall make copies available to the public upon request.

F. The designated procurement official is not prohibited by this rule from initiating contact with a potential vendor or vendor's representative and engaging in subsequent communication related thereto for the purposes of obtaining further clarification regarding a response to an RFP, or competitive solicitation. Such contact shall be in writing and shall be provided to the Board clerk and members of the applicable selection and negotiation committee, including any response.

G. Any violation of this rule shall be investigated by the Board's inspector general and shall result in the disqualification of the potential vendor from the competitive solicitation process, rejection of any recommendation for award to the vendor, or the revocation of an award to the vendor as being void, rendering void any previous or prior awards. The potential vendor or vendor's representative determined to have violated this rule, shall be subject to debarment. In addition to any other penalty provided by law, violation of this rule by a School District employee shall subject the employee to disciplinary action up to and including dismissal.

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