

**ADDENDUM #0004**

**INVITATION TO NEGOTIATE SNR18FS01ITN  
To Become the Lead Agency for Community-Based Care  
Southern Region – Circuits 11 & 16  
Miami-Dade and Monroe Counties**

**MEETING TO SOLICIT ADDITIONAL PUBLIC COMMENTS  
RELATED TO ITN #SNR18FS01ITN**

As discussed during the public meeting conducted by the Negotiation Team on Wednesday, October 11, 2018, the Team has concluded that, in view of the intense public interest in this procurement, it would be useful for the Negotiation Team members to hear from the public. Prior to the issuance of the ITN, the Department had solicited public comment. While the ITN did not initially contemplate a public comment phase during negotiations, the Negotiation Team has now expressed its interest in hearing public comments as part of its deliberations. The Department has concluded that the flexibility of the ITN process allows the Negotiation Team to engage in additional fact-finding steps provided such endeavors are conducted in a transparent manner that is fair to all participants. The Department and Team have already expended considerable time and effort to ensure an open, fair process.

Assertions have been made to the Department that the meeting of the Negotiation Team to develop its recommendation for award must be conducted in accordance with Section 286.0114, Florida Statutes. However Section 286.0114 only applies to a "Board or Commission" and does not expressly apply to a Negotiation Team. The recent First DCA decision in Carlson v. Dept. of Rev., 227 So. 3d 1261 (1<sup>st</sup> DCA 2017) supports the

Department's view that there is no obligation for the Negotiation Team to take public comment. Nevertheless, additional public meetings of the Negotiation Team are being scheduled because the Negotiation Team believes that public input would be helpful to them in arriving at their recommendation. Many members of the Negotiation Team have volunteered their time without compensation in order to facilitate the development of a recommendation of an award that will be in the best interest of the state and the population being served. The Department wants a Recommendation from the Team that is based on their best efforts and understanding. While not previously contemplated, Chapter 287 and Section 120.57(3)(f), Florida Statutes, allow for consideration of information submitted in the ITN process until the posting of a contract award. Provided all information is submitted in an open forum and in a manner that is fair to all parties, the Negotiation Team should have the opportunity to obtain information it deems necessary to determine the best value to the state.

Concerns have been raised as to whether communications from the public would violate the "cone of silence." The ITN and Florida Statutes provide a basis for disqualification of any vendor who deliberately violates the "cone of silence." Here, however, the communications will take place in an open public meeting. While the guidelines set forth in Section 286.0114 are not specifically binding on the Negotiation Team, the Department has suggested that, in the interest of efficiency and transparency, standards be applied regarding identification of the speakers, their affiliation and interest and that time limits be set for individual comments.

The public comment phase will be limited to **3** hours. Members of the public who wish to comment will be required to sign up and disclose their employment or role (foster parent, community member, etc.). Comments

from the public will be limited to **3** minutes per participant. Participants who are aligned or share a common interest should coordinate their presentations and avoid unreasonable delay or repetition. The Negotiation Team reserves the right to direct aligned parties to coordinate their presentation to facilitate an orderly and timely process.

The Department notes that it has received unsolicited comments from some third parties outside the normal procurement channels. The ITN and Florida Statutes mandate that all communications related to the procurement be directed to the Procurement Manager. Violation of this provision may result in disqualification of a vendor who attempts to circumvent this requirement. All communications received by the Department outside the channel set forth in the ITN have been routed to the Procurement Manager and have been provided to the Negotiation Team. Any additional written comments may be sent to the Procurement Manager at [Yanina.Menendez@myflfamilies.com](mailto:Yanina.Menendez@myflfamilies.com) by 5:00 pm, November 8, 2018. The Department is committed to conducting this procurement in an open, fair manner that is consistent with Florida Statutes. The cooperation of all interested parties is appreciated and expected.

**PUBLIC MEETING:**

November 8, 2018 6:00 p.m. to 9:00 p.m.

Department of Children & Families – Rohde Building

Visionary Room – Room N1011

401 NW 2<sup>nd</sup> Avenue, Suite N-1007

Miami, FL 33128

***Those wishing to speak need to arrive early and sign up between 5:15 p.m. and 5:55 p.m. Comments will be heard on a first-come, first-served basis until 9:00 p.m.***