



OFFICE OF THE COUNTY ADMINISTRATOR

M E M O R A N D U M

TO: Department Directors and Independent Agency Heads

FROM: Robert S. LaSala, County Administrator
James Bennett, County Attorney *RLB*

SUBJECT: Revised Procurement Provisions – Prohibition of Lobbying

DISTRIBUTION: Joe Lauro, Purchasing Director

DATE: February 25, 2010

On Tuesday February 16, 2010, the Board of County Commissioners approved the amendment of Section 2-189 of County Code pertaining to procurement lobbying activities of bidders/proposers and their representatives. A provision regarding the prohibition of lobbying has been part of the Code for several years. However, the amendment to the lobbying provision establishes a “zero tolerance” by disqualifying a bidder/proposer from the procurement process if found to be in violation of the lobbying code. In addition, the bidder/proposer faces the possibility of debarment if a violation of the lobbying code has been determined. The code now defines lobbying and requires lobbying to be reported to the Purchasing Director if an evaluation committee member, county employee or elected official is lobbied. Lobbying is strictly prohibited from the date of bid /proposal advertisement until a contract is awarded or protest is resolved, whichever is later.

It is imperative that all employees understand the impact lobbying can have on the procurement process and its ethical implications related to the award of contracts. We take the ethical considerations regarding lobbying very seriously. Because the reporting requirement is critical to protecting the integrity of the procurement process, there will be consequences for employees that do not report procurement lobbying activities.

All Department Directors, Agency Heads and staff directly involved in the procurement and selection process are to complete the signature blank at the bottom of this memorandum and forward the completed document to Joe Lauro in the Purchasing department. Please circulate this memorandum throughout your respective organizations and ensure that the appropriate staff has executed the document.

The amended language regarding lobbying is below. Should anyone have any questions or concerns regarding this language, please contact the County Attorney, Purchasing Director or me for clarification.

Lobbying shall be prohibited on all county competitive selection processes, and contract awards pursuant to this division, including but not limited to requests for proposals, requests for quotations, requests for qualifications, bids or the award of purchasing contracts of any type. The purpose of this prohibition is to protect the integrity of the procurement process by shielding it from undue influences prior to the contract award, a protest is resolved, or the competitive selection process is otherwise concluded. However, nothing herein shall prohibit a prospective bidder/proposer/protestor from contacting the purchasing department or the county attorney's office to address situations such as clarification and/or questions related to the procurement process or protest.

Lobbying of evaluation committee members, county government employees, or elected officials regarding request for proposals, request for qualifications, bids, purchasing contracts, or bid protests, by the bidder/proposer/protestor any member of the bidder's/proposer's/protestor's staff, any agent or representative of the bidder/proposer/protestor, or any person employed by any legal entity affiliated with or representing a bidder/proposer/protestor, is strictly prohibited from the date of the advertisement, or on a date otherwise established by the board of county commissioners, until either an award is final, any protest is finally resolved, or the competitive selection process is otherwise concluded. Any lobbying activities in violation of this section or on behalf of a bidder/proposer/protestor shall result in the disqualification or rejection of the proposal, quotation, statement of qualification, bid or contract, and may lead to debarment of the bidder or proposer/protestor as provided in Pinellas County Code, Section 2-161(8)b.

For purposes of this provision, lobbying shall mean influencing or attempting to influence action or non-action, and/or attempting to obtain the goodwill of persons specified herein relating to the selection, ranking, or contract award in connection with any request for proposal, request for quotation, requests for qualification, bid or purchasing contract through direct or indirect oral or written communication. The final award of a purchasing contract shall be the effective date of the purchasing contract.

Any evaluation committee member, county government employee or elected official who has been lobbied shall immediately report the lobbying activity to the director of purchasing.

I have read and understand the revised lobbying provision:

Name (Signature & Printed), Title and Date

(Please return to Joe Lauro in the Purchasing Department)