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Prior work doesn't disqualify potential consultants

Five companies hoping to provide construction inspection services for several Miami-Dade County departments filed "Requests for Opinions" with the Commission on Ethics and Public Trust to determine whether their previous work at Miami International Airport prevents them from taking on new jobs. A recently-released Notice to Professional Consultants, issued by the County's Office of Capital Improvements, seeks outside contractors to oversee, coordinate and inspect the work of design consultants, surveyors and construction companies. The Code of Ethics Ordinance restricts entities from overseeing their own previous work in order to avoid a potential conflict and insure independent judgment.

Today, the Ethics Commission responded to the requests. Nova Consulting Group previously worked as a subconsultant, representing the Aviation Department on Concourse J reviewing construction documentation, quality assurance and compliance with construction documents. The local engineering firm also provided oversight management on soil testing and grading, drainage and pavement improvements. The Ethics Commission found (RQO 09-29) no conflict because the firm didn't provide design or construction services on the South Terminal project, which would come under the new contract. A similar opinion (RQO 09-32) was issued to Ben Lopez and Associates which provided interior space planning for airlines that now occupy the South Terminal and for Bureau Veritas (formerly Intercounty Laboratories), which performed materials testing and environmental studies (RQO 09-37).

The Ethics Commission issued mixed opinions for two other firms: Rodriguez, Quiroga and Associates, which was the Architect/Engineer of record for South Terminal Improvements, and The A2 Group, which as a subcontractor, was responsible for scheduling, cost management, surveying and estimating. In response to RQO 09-33 and RQO 09-34 respectively, the Ethics Commission determined those companies may provide construction inspection services for other County departments, but may not do so for the South Terminal of MIA.

A similar question was posed from the Office of Capital Improvements whether consultants who have or are providing planning studies for renovations at Vizcaya may provide design services on different upgrades at the historic mansion. Richard J. Heisenbottle Architects, P.A., participated in a 2005 Master Plan by generating floor plans of the existing Main House, Gardens and Vizcaya Village and served as a consultant for the renovation of the Café and Shop as well as the East and West Gate Lodges. Another firm, Heritage Landscapes, LLC, is currently providing a comprehensive survey and assessment of the Gardens and Grounds. The Ethics Commission ruled (in RQO 09-31) that the previous work does not give the companies an unfair advantage in responding to the Request for Proposals and that they may perform design services for the next phase of renovation.

The head of the Miami-Dade Aviation Department wants one of his deputies to continue performing services overseeing the new baggage handling system being installed in the North Terminal after the deputy retires from

county service and goes to work for a private company. Max Fajardo is set to retire today (9/30) and has accepted a position of Vice President of TY Lin International -- a subconsultant on the North Terminal project. As part of the current contract with the company, Director Jose Abreu would like to hire Mr. Fajardo as a consultant to continue oversight of the baggage handling system in his new post, citing his proven track record, knowledge and skills. The Ethics Commission determined (in RQO 09-36) that as long as Mr. Fajardo does not lobby county officials or agencies, his work would not violate the "two year rule" in the Code of Ethics Ordinance.

While the Ethics Commission welcomes requests for opinions from elected officials from all municipalities within its jurisdiction, board members decided today they cannot answer questions that are presented anonymously. One local official, who is a licensed insurance agent employed by a financial services company, sought clarification (RQO 09-30) through an attorney on whether he or she can sell a life insurance policy to the owner of a landscape company that has a contract with the city.

A newly appointed trustee for the Metro-Miami Action Plan asked whether he had a voting conflict because he serves as a consultant for a potential service provider to the agency. The Ethics Commission determined (in RQO 09-35) that Mark Douhit may participate in discussions and vote on matters related to the contract with Social Compact, Inc., as long as he does not benefit and is not directly affected by his vote.

In other action today, the Ethics Commission dismissed a complaint against Sandra Ruiz, a councilmember in the City of Doral because it was determined to be legally insufficient. A private citizen filed a complaint (C 09-23) that the politician violated Florida Statute by leaving the dais and refusing to vote on an issue after taking part in the discussion last month. The Miami-Dade Commission on Ethics has no jurisdiction to enforce state law.

The Ethics Commission was created in 1996 as an independent agency with advisory and quasi-judicial powers. It is composed of five members, serving staggered terms of four years each. Through a program of education and outreach, the Commission seeks to empower the community and bolster public trust.

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