
INQ 16-165 Soper

From: Centorino, Joseph (COE)
Sent: Tuesday, June 21, 2016 9:57 AM
To: Soper, Dawn (ISD) <dsoper@miamidade.gov>
Cc: Sanchez, Gerald (CAO) <gks@miamidade.gov>; Kirtley, Eddie (CAO) <kirtley@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <GDIAZGR@miamidade.gov>
Subject: RE: INQ 16-165 Dawn Soper, ISD RED, Miami Dade County; Member, City of Miami Selection Committee (Voting Conflict, Sec. 2-11.1(v))

No, that would not change the opinion.

From: Soper, Dawn (ISD)
Sent: Tuesday, June 21, 2016 9:45 AM
To: Centorino, Joseph (COE) <CENTORI@miamidade.gov>
Cc: Sanchez, Gerald (CAO) <gks@miamidade.gov>; Kirtley, Eddie (CAO) <kirtley@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <GDIAZGR@miamidade.gov>
Subject: RE: INQ 16-165 Dawn Soper, ISD RED, Miami Dade County; Member, City of Miami Selection Committee (Voting Conflict, Sec. 2-11.1(v))

Thank you for your response. I have an edit, though, and I apologize, which may or may not impact your opinion. Upon reviewing the documents further, I see that four of the five have used my name as reference; the fifth used my coworker, Shannon Clark.

Would this impact your opinion?

My apologies again.

Dawn M. Soper, Real Estate Officer
Miami Dade County, Internal Services Department
Real Estate Development Division
111 N. W. 1st Street Suite 2460
Miami, Florida 33128
Phone: 305.375.4402
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From: Centorino, Joseph (COE)

Sent: Tuesday, June 21, 2016 9:41 AM

To: Soper, Dawn (ISD)

Cc: Sanchez, Gerald (CAO); Kirtley, Eddie (CAO); Turay, Radia (COE); Perez, Martha D. (COE); Diaz-Greco, Gilma M. (COE)

Subject: INQ 16-165 Dawn Soper, ISD RED, Miami Dade County; Member, City of Miami Selection Committee (Voting Conflict, Sec. 2-11.1(v))

Ms. Soper:

You have inquired concerning whether you may have a conflict of interest in connection with serving on a City of Miami Selection Committee on an RFQ for a City of Miami contract to hire a real estate appraiser. You have indicated that you are familiar with all five of the respondents by virtue of your professional relationships with them in your capacity as a County employee in the Real Estate Department of the Internal Services Department for Miami-Dade County. All five have also listed you as a potential reference in their applications for this contract. You have indicated that you have no relationship with any of them outside of your County role, and it is my assumption that you have no personal gain or other personal impact on you in connection with this selection process.

Under these circumstances, you do not have any voting conflict of interest under Section 2-11.1(v) of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance. There is no direct impact on you personally, nor any of the required relationships with any of the respondents that could create such a conflict. This agency has not generally found a conflict where a member of a selection committee happens to be listed by a responding vendor as a reference based upon professional experience with that vendor, although we do caution against writing a letter of recommendation for any of them, or taking any other action that might indicate a lack of objectivity. Your use of your professional knowledge of their competency does not amount to any conflict of interest. In this case, particularly, there would be no basis for any of the vendors to feel that the process is somehow tainted or unfair, since each of them has listed you as a reference based upon your professional experience with them in your County role.

It is my opinion that you may serve on this selection committee and utilize your familiarity with these potential vendors in assessing their applications.

Sincerely,

Joseph M. Centorino

Executive Director and General Counsel

Miami-Dade Commission on Ethics and Public Trust

19 W. Flagler Street, Suite 820

Miami, FL 33130

Tel: (305) 579-2594

Fax: (305) 579-0273

ethics.miamidade.gov



From: Soper, Dawn (ISD)
Sent: Monday, June 20, 2016 5:07 PM
To: Centorino, Joseph (COE) <CENTORI@miamidade.gov>
Cc: Sanchez, Gerald (CAO) <gks@miamidade.gov>; Kirtley, Eddie (CAO) <kirtley@miamidade.gov>
Subject: Opinion on Potential Conflict of Interest

Good afternoon Joe,

I am reaching out to you at the recommendation of County Attorneys Gerald Sanchez and Eddie Kirtley to verify your opinion on how to proceed with a selection committee I am to participate with the City of Miami. The City of Miami (City) follows the same Cone of Silence protocol (and I believe ethics) as Miami-Dade County (County).

The City requested my assistance as a selection member for an RFQ for real estate appraisers who will be assigned to a 5-year contract based upon the committee recommendations. I and two city employees were approved as members of the selection committee by City Manager Daniel J. Alfonso 6/1/16. The documents were delivered to my office 6/14/16, by their procurement office. THIS RFQ REMAINS UNDER THE CONE OF SILENCE FOR THE CITY.

After briefly reviewing the responses from the vendors upon delivery by the City, I have concerns that I could participate as a committee member. Please advise.

Potential Problem 1: In my employment with the County, I have a professional and active relationship with four of the five proposers, who are all approved appraisers for the county. For the fifth proposer, I have a professional relationship with members of his office. This professional relationship includes, but is not limited to, the solicitation of appraisals, reconciliation of bids, advisory to the appraisal selection committee, award of appraisal upon selection, and appraisal review. I do not have a relationship with the proposers outside of my employment with Miami-Dade County.

Potential Problem 2: In their individual responses to the RFQ each of the five proposers used my name as a reference in my employ with the County. If I were to participate, I would effectively be reviewing and rating responses by vendors referred to me as a business reference.

The Conflict of Interest Disclosure Form (attached) allows a place to certify:

"I have no business interest of any kind with an vendor or affiliate of such vendor under consideration by the Team, including any proposed subcontractor, which might appear to create a conflict of interest except as noted below: _____."

The City has advised if I were to add a statement to the paragraph immediately above, they would have their attorney's review. However, given I would be acting as an employee of Miami-Dade County, it's probably more prudent to have advice from your office so that the County's interest and exposure is protected.

Time is of the essence for the City to replace their appraiser contracts; we will not meet until the end of the month.

Can you please advise if and how to proceed, whether it be not at all, or whether it be by submitting a statement of my professional relationship.

Thank you in advance,

Best,
Dawn M. Soper, Real Estate Officer
Miami Dade County, Internal Services Department
Real Estate Development Division

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Miami, Florida 33128
Phone: 305.375.4402
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