

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Wednesday, August 16, 2017 9:52 AM
To: Sanchez, Rodzandra (COE)
Cc: Centorino, Joseph (COE)
Subject: FW: INQ 17-200 Neil R. Singh, Acting Commission Auditor, Miami-Dade County Commission (Voting Conflict, Appearance of Impropriety) Re: IOCA - E16-RER-01 [Revised]
Attachments: OCA -E16-RER-01.pdf

INQ 17-200 Singh (revised)

From: Centorino, Joseph (COE)
Sent: Wednesday, August 16, 2017 9:21 AM
To: Martinez, Angie (OCA) <Angie.Martinez@miamidade.gov>; Amores, Cristina (ISD) <Cristina.Amores@miamidade.gov>; Singh, Neil R. (OCA) <Neil.Singh@miamidade.gov>
Cc: Davis, Thomas (OCA) <Thomas.Davis@miamidade.gov>; Edwards, Phillip G. (OCA) <Phillip.Edwards@miamidade.gov>; Singer, Miriam (ISD) <SINGER@miamidade.gov>; Uppal, Namita (ISD) <Namita.Uppal@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Sanchez, Gerald (CAO) <Gerald.Sanchez@miamidade.gov>; Kirtley, Eddie (CAO) <Eddie.Kirtley@miamidade.gov>; Murley, James (RER) <James.Murley@miamidade.gov>; Bell, Jerry (RER) <Jerry.Bell@miamidade.gov>
Subject: INQ 17-200 Neil R. Singh, Acting Commission Auditor, Miami-Dade County Commission (Voting Conflict, Appearance of Impropriety) Re: IOCA - E16-RER-01 [Revised]

[THIS IS A REVISED VERSION OF INQ 17-200, REFLECTING THE APPROPRIATE DESCRIPTION OF THE SOUTH FLORIDA REGIONAL PLANNING COUNCIL (SFRPC), PER MR.MURLEY. NO OTHER CHANGES HAVE BEEN MADE TO THE OPINION]

Mr. Singh:

This is in response to your memo of August 8, 2017, regarding the appointment of Selection Committee for Miami-Dade County Regulatory and Economic Resources Department (RER) Request to Advertise for Design Services for Developing an Adaptation Strategy to Respond to Sea Level Rise – Project No. E16-RER-01. The memo was forwarded to the Ethics Commission pursuant to the adoption of Resolution No. R-449-14, directing the Office of Commission Auditor to conduct background checks on members serving on evaluation/selection committees and to communicate the results to the Commission on Ethics (COE).

The background check on the members of the committee revealed two relevant disclosures received from its members: 1) James Murley, Chief RER Resilience Officer, revealed that he was previously employed as Executive Director of the South Florida Regional Planning Council (SFRPC), a sub-consultant on this project, from 2011 through 2015; 2) Jerry Bell, Assistant Director of Metropolitan Planning for RER, revealed that his former business partner is currently employed with Calvin Giordano & Associates, Inc. (CG&A), also a sub-consultant for this project. I spoke with Mr. Murley and Mr. Bell to obtain further information about these circumstances.

Mr. Murley indicated that SFRPC is a governmental agency, created by an intergovernmental agreement between Monroe, Miami-Dade and Broward Counties pursuant to Chapter 163, Florida Statutes. The Intergovernmental Agreement allows for up to three members of the Miami-Dade County Board of County Commissioners to serve on the SFRPA Board. Although it is itself a government agency, SFRPC has on occasion acted as a paid consultant on some

public projects. Mr. Murley stated that its involvement is non-exclusive, i.e., that it may choose to assist and advise more than one entity involved in a particular project, although it is involved with only one proposer on this project. Mr. Bell stated that he and his business partner, Alex David, were partners in a consulting business from 2003-2016. In 2016 Mr. Bell left the consulting business to go to work full-time for the County. He and his business partner remain close friends, and have an existing business relationship to the extent that payment to them for certain work performed during their business partnership is still pending. Although Calvin Giordano is a large firm, Mr. David now serves as Director of its Miami office, where he would likely be involved in some respect with this contract should it be awarded to the team that includes his firm.

There is no prohibition under Section 2-11.1(v) of the Miami-Dade County Ethics Code that would prohibit Mr. Murley or Mr. Bell from participating as members of this County advisory board. Neither of them would be directly affected by this vote, not does either of them have an existing relationship under that section with an entity coming before the board. However, pursuant to Resolution No. R-449-14, as well as COE R. Proc. 2.1(b), this agency has provided input concerning possible appearances of impropriety in connection with selection or evaluation committees where there may be a perception created by present or past relationships that a member has with individuals or entities involved with a particular project, as in this case. The recency of Mr. Murley's longtime service in the position of Executive Director of a sub-consultant, as well as Mr. Bell's long-time close personal and business relationship with the local director for a sub-consultant, should be considered by the Internal Services Department's Procurement Management Services Division in determining whether they should serve on this board.. As perhaps the most sensitive pressure point within County government, the procurement process has always maintained stronger ethical standards than the minimum provided under the Ethics Code. The creation of any perception of favoritism should always be avoided.

Sincerely,

Joseph M. Centorino

Executive Director and General Counsel
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From: Martinez, Angie (OCA)
Sent: Tuesday, August 08, 2017 10:36 AM
To: Amores, Cristina (ISD) <Cristina.Amores@miamidade.gov>
Cc: Singh, Neil R. (OCA) <Neil.Singh@miamidade.gov>; Davis, Thomas (OCA) <Thomas.Davis@miamidade.gov>; Edwards, Phillip G. (OCA) <Phillip.Edwards@miamidade.gov>; Singer, Miriam (ISD) <SINGER@miamidade.gov>; Uppal, Namita (ISD) <Namita.Uppal@miamidade.gov>; Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
Subject: OCA - E16-RER-01

This email is being sent to you on behalf of Mr. Neil R. Singh, Acting Commission Auditor.

Angie Martinez, Executive Secretary

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**BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR**

M E M O R A N D U M

TO: Cristina Amores, Non-Voting Chairperson
Internal Services Department, Procurement Management Services
Division

FROM: Neil R. Singh, CPA
Acting Commission Auditor 

DATE: August 8, 2017

SUBJECT: **Appointment of Selection Committee for Miami-Dade County Regulatory and Economic Resources Department (RER) Request to Advertise for Design Services for Developing an Adaptation Strategy to Respond to Sea Level Rise – Project No. E16-RER-01**

On May 6, 2014, the Board of County Commissioners adopted Resolution No. R-449-14, directing the Office of the Commission Auditor (OCA) to conduct background checks on members serving on evaluation/selection committees.

The results of the background checks will be submitted to the Internal Services Department (ISD) or other County department(s) overseeing and administering the competitive procurement process and to the Commission on Ethics. In accordance with the Resolution, OCA is submitting this report with the results of its research.

Pursuant to the Resolution, OCA completed background research regarding the Appointment of Selection Committee for the Regulatory Economic Resources Department's Request to Advertise for Design Services for Developing an Adaptation Strategy to Respond to Sea Level Rise – Project No. E16-RER-01.

The voting members of the Selection Committee are James Murley (RER), Jerry Bell (RER), Alejandro Barrios (Department of Transportation and Public Works), Garrett Rowe (RER), Isabel Padron (Department of Transportation and Public Works), Elizabeth Ogden (Seaport), Alternate 1, and Maggie Tawil (PROS), Alternate 2. The non-voting chairperson is Cristina Amores (ISD).

Based on OCA's research, there are no relevant findings for Alejandro Barrios, Garrett Rowe, Isabel Padron, Elizabeth Ogden, Maggie Tawil and Cristina Amores. *However, James Murley noted on the Neutrality/Disclosure Form and on his resume that he was previously employed as the Executive Director of South Florida Regional Planning Council (SFRPC) from 2011 through 2015. SFRPC is a sub-consultant for this project. Also, Jerry Bell noted on the Neutrality/Disclosure Form that his former business partner is currently employed with Calvin Giordano & Associates, Inc. (CG&A). CG&A is also a sub-consultant for this project.*

c: Miriam Singer, Assistant Director, Internal Services Department
Joseph Centorino, Executive Director, Commission on Ethics & Public Trust