

**Meyers, Robert (COE)**

JWB 05-117

**From:** Meyers, Robert (COE)  
**Sent:** Monday, August 01, 2005 4:38 PM  
**To:** Tinder, David (PWD)  
**Subject:** RE: Dispute Review Board

Mr. Pinder,

Based on the facts you have provided me, you are employed by the county's Department of Public Works and are responsible for implementing the People's Transportation Plan. You state you have no direct contact with County contractors working on Public Works construction projects. It is conceivable that contractors doing business with Miami-Dade County might seek a resolution of their disputes in front of the Dispute Review Board, a state board created to hear disputes between FDOT and construction contractors prior to the commencement of formal legal proceedings. It is important to note, however, that Miami-Dade County is never a party in these proceedings.

Given the Dispute Review Board's authority and jurisdiction and your role with Miami-Dade County, there is no conflict of interest under the county's Code of Ethics and Conflict of Interest Ordinance. Accordingly, there is no bar to you serving on this state board.

Please keep in mind that you must comply with the outside employment rules and regulations, including reporting the income you generate from the abovementioned activity. Moreover, if your duties with the Public Works Department change, you may wish to seek another opinion.

If you have any questions, feel free to contact me at your convenience.

Sincerely,

Robert Meyers

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**From:** Tinder, David (PWD)  
**Sent:** Monday, August 01, 2005 10:44 AM  
**To:** Meyers, Robert (COE)  
**Cc:** Rivera, Aristides (PWD)  
**Subject:** Dispute Review Board

Mr. Meyers:

I am interested in becoming certified as a Dispute Review Board (DRB) member. The DRB is a process which the FDOT has been implementing for several years now on larger construction projects. This program allows the resolution of conflicts and claims before they become entangled in legal battles. The DRB is a 3 member board which assists in the resolution of major issues between the FDOT and the contractor. Each project varies in the frequency of the meetings, but a typical project may have 4 to 5 meetings per year and the DRB members are compensated for their participation. The link below has more detail on the guidelines and operating procedures of the program.

<http://www.dot.state.fl.us/construction/CONSTADM/CONSTRUC.htm>

My current responsibility in the Public Works Department involves the implementation of the People's Transportation Plan. I do not sit on selection committees, nor do I have direct contact with any of the contractors working on PWD construction projects. Based on this information, I do not feel that my participation in this process would be a conflict of interest.

Please let me know if you have any questions regarding the above information. After I receive a

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response from your office, I will process the necessary paperwork through my Director's office.

Thank you,  
David.

David C. Tinder, P.E.  
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