



June 8, 2000

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**ARDYTH WALKER**  
STAFF GENERAL COUNSEL

Tametria Harris  
Procurement Management Department

**RE: REQUEST FOR ADVISORY OPINION 00-78**

Dear Mrs. Harris:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on May 4, 2000 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding your ability to contract with other county departments to sell a software program that developed.

In your letter, you advised the Commission that you developed Procurement Bid Wizard, a software package designed to simplify and expedite the development of bid packages. The program is currently being used by the department as part of the Employee Suggestion Program. You have received inquiries from two other departments, GSA and Aviation, about purchasing the program for their use. You would also contract with the departments as a consultant.

The Commission found that you may contract with other county departments as a consultant and sell your software package to other departments. Section 2-11.1 (c) provides that " Notwithstanding any provision to the contrary herein, subsection (c) and (d) shall not be construed to prevent any employee...from entering into any contract, individually or through a firm, corporation, partnership or business entity in which the

employee or any member of his or her immediate family has a controlling financial interest, with Miami-Dade County or any person or agency acting for Miami-Dade County as long as 1) entering into the contract would not interfere with the full and faithful discharge by the employee of his or her duties to the County, 2) the employee has not participated in determining the subject contract awards or awarding the contract , and 3) the employee's job responsibilities and job description will not require him or her to be involved with the contract in any way, including but not limited to its enforcement, oversight, administration, amendment, extension, termination or forbearance.

You may contract with the other departments because your job responsibilities with GSA do not fall under any of the prohibitions against contracting in the ordinance. Your outside work for the other departments should not interfere with the full and faithful discharge of your duties in the Procurement Management Department.

This opinion construes the Miami-Dade Conflict of Interest and Code of Ethics ordinance only and is not applicable to any conflict under state law. Please contact the State of Florida Commission on Ethics if you have any questions regarding possible conflicts under state law.

If you have any questions regarding this opinion, please call the undersigned at (305) 579-2594 or Ardyth Walker, Staff General Counsel at (305) 579-2653.

Sincerely Yours,



ROBERT MEYERS  
Executive Director