



May 23, 2002

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Cynthia Curry
CWC & Associates, Inc.
150 S.E. 2nd Avenue
Suite 913
Miami, FL 33131

RE: REQUEST FOR ADVISORY OPINION 02-60

Dear Ms. Curry:

The Commission on Ethics and Public Trust considered your request for an opinion at its meeting on May 22, 2002 and rendered its opinion based on the facts stated in your letter.

You requested an advisory opinion regarding any conflicts between a contract as a subcontractor to the traffic engineer and a contract as a subcontractor on the air service development contract.

In your letter, you advised the Commission that the Aviation Department recently issued a Request for Proposals for firms to provide air service development services. The scope of services provides that the firms will conduct twenty-six international air service feasibility studies and route forecast including carrier market share projections, operating costs and profit margin estimates. The proposal also requires the firms to conduct low cost domestic air service feasibility studies including market share projections and profit margin estimates. The domestic study will focus on several low cost carriers including Southwest Airlines, Jet Blue, Delta Express and Spirit Airlines. The selected company may also be required to provide studies that project the impact of certain events on local air traffic. The

mission of the project is to assist the Aviation Department in securing international air service to new markets and to attract additional low fare carriers to Miami International Airport.

CWC also serves as subconsultant to John Brown Co. John Brown is the traffic engineer for the airport. As traffic engineer, Brown has the responsibility of studying, analyzing and reporting to the Aviation Director on financial matters, passenger traffic counts and demographic aspects related to the issuance of aviation bonds. Pursuant to the subconsultant agreement between CWC Associates and John W. Brown, CWC is contracted to provide specific studies as required. CWC has provided Brown with feasibility studies and a concession report. A subconsultant to CWC conducted the studies and CWC provided the findings to Brown.

The Conflict of Interest and Code of Ethics ordinance permits CWC & Associates to serve as a subconsultant on the Air Service Development Contract. However, CWC and Associates may not disclose confidential information acquired as a result of one contract to the other contractor.

The roles as a subconsultant on the traffic engineer contract and a subconsultant on the air service development contract do not conflict. Although the work is similar, the scope of services and focus of the two contracts are different. Further, the contracts do not require CWC to work on any project on which they are currently providing work or have worked in the past. However, CWC & Associates is prohibited from disclosing any confidential information acquired as a result of one job with the prime consultant on the other contract.

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) 350-0616.

Sincerely Yours,



ROBERT MEYERS
Executive Director