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March 28, 2003

Mark S. Blanchard
Vice-President
Metcalf & Eddy
800 Douglas Entrance
Suite 770
Coral Gables, FL 33134

RE: REQUEST FOR ADVISORY OPINION 03-39

Dear Mr. Blanchard:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on March 27, 2003 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding your firm's ability to serve as Program Manager for the Lateral Investigation and Replacement Program.

In your request, you advised the Commission that the Department of Water and Sewer is seeking a program manager for the Comprehensive Lateral Investigation and Replacement Program. The Program Manager's responsibilities will include: managing the program and the 10 million dollar budget for inspection and repair of laterals; writing specifications for lateral repair, project tracking and scheduling; planning and preparing written progress reports and maintaining a database for the peak flow model.

The Lateral Investigation and Replacement Program is one phase of a Water and Sewer

The Lateral Investigation and Replacement Program is one phase of a Water and Sewer Department project to comply with two federal consent decrees between the Environmental Protection Agency and the Department of Water and Sewer. Other phases of the project included a pump station improvement program and Infiltration, Exfiltration and Inflow analysis.

The Notice to Professional Consultants for the Lateral Investigation and Replacement Program requires consultants to file notice of any potential conflicts and seek an advisory opinion. The addendum states that "Prime Consultants must identify whether they or any of their subconsultants, or members have participated in any Miami-Dade Water and Sewer Department's current and previous design and program management services for sanitary sewer systems. In identifying themselves or any such subconsultants, or members, the Prime Consultant must identify the specific work that they, the subconsultant, or member performed or work to be performed on any Miami-Dade Water and Sewer Department's current and previous design and program management services for sanitary sewer systems as well as the work to be performed as part of this solicitation, Program Manager for Comprehensive Lateral Investigation and Replacement Program. Additionally, a statement is required as to how this work is sufficiently different so as not to pose a conflict of interest. Determinations by the Ethics Commission shall be deemed final. Any Prime Consultant, subconsultants, or members found to have a conflict of interest will render the Prime Consultant's submittal non-responsive.

Metcalf and Eddy performed design and engineering work on the Pump Station Improvement Program and worked on construction of the force main for the upgrade of three pump stations. Metcalf and

Eddy also provided design-build services for a sewer gravity main in 1998.

The Commission found that Metcalf and Eddy may serve as Program Manager for the Lateral Investigation and Replacement Program. The scope of work for Metcalf and Eddy's prior work on the pump station improvement program does not conflict with the scope of work under the Lateral Investigation and Replacement program. Therefore, Metcalf and Eddy may serve as Program Manager. However, Metcalf and Eddy and the other members of the team may not work with any affiliated firm or a firm for whom it serves as a subcontractor on any other contract on any phase of the Lateral Investigation and Replacement program.

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 the opinion, please call the undersigned at (305) 579-2954 or Ardyth Walker, Staff General Counsel at (305) 350-0616.

Sincerely Yours,



ROBERT MEYERS
Executive Director