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April 12, 2004

Andrew Pedrick
Project Manager
CH2MHILL
One Harvard Circle
West Palm Beach, FL 33607

FILE COPY

RE: REQUEST FOR ADVISORY OPINION 04-52

Dear Mr. Pedrick:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on April 7, 2004 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding any conflicts between the firm's current work at the Seaport and serving on the team for Cruise Terminal Improvements.

In your request, you advised the Ethics Commission that the Seaport recently issued a Notice for Professional Consultants to provide architectural and engineering services related to Cruise Terminal Improvements at the Seaport. The scope of services provides that the required professional services for this project shall include but not be limited to the design and rehabilitation of existing cruise terminals 1, 2, 3, 4, 5, 6, 7, 8, 9, and 12. The selected firm will also provide services related to terminals D and E. The County reserves the right to add other projects to this PSA.

The Notice to Professional Consultants provides that "(p) rime Consultants must identify whether they or any of their subconsultants, or members have participated in any way in the development of previous Miami-Dade Seaport Department, Cruise Terminal Improvements projects. In identifying themselves or any such subconsultants, or members, the Prime Consultant must identify the specific work that they the sub-consultant or member performed or work to be performed on previous Cruise Terminal Improvements projects as well as the work to be performed as a part of this solicitation."

CH2MHILL is not currently performing any cruise terminal work at the Seaport. The firm previously performed mechanical engineering services on Terminal 10. The other team members are Ludovicki and Orange, Ojito and Associates and Delta Surveyors. Delta Surveyors is currently performing survey work. Ludovicki and Orange is also providing a construction project manager to the Seaport.

The Ethics Commission found that CH2M HILL does not have a conflict of interest related to the Cruise Terminal Improvement contract. However, Ludovicki and Orange may not provide a construction manager who has oversight responsibilities for cruise terminal improvement projects while the firm provides services under this contract. Finally, the other team members do not have a conflict of interest between the scope of their current work and the scope of work under the Cruise Terminal Improvement 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, .

A handwritten signature in cursive script, appearing to read "Robert Meyers", with a horizontal line extending from the end of the signature.

ROBERT MEYERS,
Executive Director

cc: Luisa Millan Donovan