



April 12, 2004

ETHICS COMMISSIONERS

Kerry E. Rosenthal, Chairman
Robert H. Newman, Vice Chairman
Gail Dotson
Dawn Addy
Elizabeth M. Iglesias

ROBERT A. MEYERS
EXECUTIVE DIRECTOR

MICHAEL P. MURAWSKI
ADVOCATE

ARDYTH WALKER
STAFF GENERAL COUNSEL

Luis Ajamil
Bermello-Ajamil & Partners
2601 South Bayshore Drive
10th Floor
Miami, FL 33133

FILE COPY

RE: REQUEST FOR ADVISORY OPINION 04-59

Dear Mr. Ajamil:

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."

Bermello, Ajamil and Partners currently holds a professional services agreement with Miami-Dade County to provide architectural and engineering services related to Cruise Terminal Improvements. The current contract will expire in February, 2005. Pursuant to that agreement, Bermello has provided a wide range of services related to cruise terminals at the seaport. For example, Bermello developed a port enhancements master plan and manual. The master plan included enhancements to the landscape and hardscape of the cruise and cargo areas. The landscape enhancements included increasing the tree canopy, visibility, shoreline stabilization and accessibility. The hardscape enhancements included improving traffic circulation with improved signage, lighting, paving and street furniture. Bermello has also done preliminary planning and programming work for work on cruise terminals 2, 8 and 9. The firm has also done landscaping work at terminals D and E. Bermello is also providing a bookkeeper to the Seaport under this agreement.

Weidener Surveying and Mapping will also serve on the Bermello team. Weidener previously worked on a port contract as a subconsultant to David Volker and Associates. In that capacity, Weidener performed various surveys for planning and programming purposes.

Initial Engineers has performed electrical engineering services for the Seaport. Initial Engineering has redesigned the electrical infrastructure for the existing terminals, proposed terminals, wharfs and other facilities. Initial also did the mechanical and electrical work for the Homeland Security improvements to Terminals 8 and 9.

EAC Consulting is not currently providing any work to the Seaport. EAC previously did cargo yard improvement work on Wharfs 6 and 7 for DMJM Harris.

The scope of Bermello's work under the existing Cruise Terminal Improvement contract may not conflict with the work under the new Cruise Terminal Improvement contract. Therefore, if Bermello is selected, the work under the new contract may not involve Terminals 2, 8 or 9 and the firm may not provide construction manager or other oversight personnel on either Cruise Terminal Improvement contract. The other team members do not have a conflict of interest in regard to the Cruise Terminal Improvements 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
cc: Luisa Millan Donovan