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April 13, 2004

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Timothy K. Blankenship
Engineering Department Head
Coastal Systems International, Inc.
464 South Dixie Highway
Coral Gables, Fl 33146

RE: REQUEST FOR ADVISORY OPINION 04-60

Dear Mr. Blankenship:

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 the team's ability to provide architectural and engineering services for Cargo Yard Improvements at the Port of Miami. The team members are Coastal Systems International, Inc., Transystems Corporation, Tasnim Uddin and Associates and Gartek.

In your request, you advised the Ethics Commission that the Seaport recently issued a Notice to Professional Consultants to provide architectural and engineering services for Cargo Yard Improvements at the Port of Miami. The scope of services will include but not be limited to the design and rehabilitation of cargo yard facilities, support infrastructure and ancillary services. The selected firm will also provide program monitoring services. Other projects may also be added to the scope of services.

The NTPC requires proposers to identify whether they or any of their sub-consultants, or members have participated in any way in

the development of previous Cargo Yard Improvements for the Seaport Department, including but not limited to, the scope of services identified for this project.

In a series of opinions, the Ethics Commission has opined that certain contractual arrangements create an inherent conflict of interest and should be determined prior to award. For example, a conflict exists if a contractor has overlapping responsibilities on different phases of the same project (i.e. AE on one phase of the project and serving as value engineer, CIS or CM partner on another phase of the project; supervisor or prime on one phase of the project and subcontractor on another or related phase or project). Further a conflict may exist if there are overlapping roles or responsibilities between two related contracts. These arrangements create conflict because they lead to disclosure of confidential information and impair independent judgment by the contractor in the performance of its contractual obligations.

Coastal Systems International, Inc. provided underwater inspection services for the Seaport in 1995 and 1996. The firm also performed hydrographic surveys along Berth 104 in 2003.

Transystems Corporation has done various projects at the Seaport over the last ten years. The work has included design of a maintenance and repair facility; intermodal rail master planning; a gate and site plan for a Maersk/ Universal Maritime Container Terminal and an Operations Study Review for the Port of Miami Terminal Operating Company.

Tasmin Uddin and Associates worked as a team member with Bruno-Elias Associates. The firm provided structural engineering services for the proposed provisional building and intermodal canopies that are part of the cruise terminal D and E. Tasmin Uddin is

currently providing geotechnical testing services to the Seaport.

Gartek is not currently providing any services at the Seaport.

The Ethics Commission found that Coastal Systems International and the other team members do not have a conflict of interest in regard to the Cargo Yard 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, CICC