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November 16, 2005

Brenda Gonzalez
Regional Director
MedAssets Supply Chain Systems
117 Elsa Road
Jupiter, FL 33477

RE: REQUEST FOR ADVISORY OPINION RQO 05-114

Dear Ms. Gonzalez:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on November 15, 2005 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding whether your firm is required to register as a lobbyist to service an existing contract, amend or extend an existing contract or provide information regarding a proposed Request for Proposals.

In your request, you advised the Commission that Med Assets currently has a contract to serve as Group Purchasing Agent for the Public Health Trust and all affiliated facilities throughout Miami-Dade County. The scope of services requires MedAssets to provide contract pricing for various products and services including medicine and medical equipment. The Public Health Trust is not required to purchase the products at the prices provided by MedAssets and may purchase products from other suppliers.

The Public Health Trust is currently negotiating amendments to the existing

contract and a Request for Proposal may be issued in 2006.

The Ethics Commission found the Conflict of Interest and Code of Ethics ordinance does not require MedAssets to register as a lobbyist to service their existing contract with the Public Health Trust. However, MedAssets may be required to register as a lobbyist to negotiate extensions or amendments to the existing contracts or to discuss requirements for a new request for proposal.

Section 2-11.1(s) defines a lobbyist as "all persons, firms, or corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modifications of (1) ordinance, resolution, action or decision of the County Commission; (2) any action, decision, recommendation of the County Manager or any County board or committee; or (3) any action, decision or recommendation of County personnel during the time period of the entire decision-making process on such action, decision or recommendation which foreseeably will be heard or reviewed by the County Commission, or a County board or committee."

MedAssets is not acting as a lobbyist when it provides services to the Public Health Trust under the existing agreement. Under the scope of services to the existing agreement, MedAssets is required to provide pricing and may provide information regarding whether the Trust should buy products under the group purchasing plan or other sources. Since these activities are contemplated under the scope of services, these activities are not lobbying.

However, a firm may have to register as a lobbyist to negotiate extensions or amendments to an existing contract that are not contemplated under the original agreement. Substantive amendments to the scope of services, excluding change orders,

which require the approval of the County Manager, the Board of County Commissioners or the Public Health Trust would require a firm to register as a lobbyist.

Accordingly, the Conflict of Interest and Code of Ethics ordinance does not require MedAssets to register as a lobbyist to provide services under its existing agreements with the Public Health Trust. However, MedAssets is required to register to discuss any substantive contract extensions or amendments, excluding change orders and extensions provided for in the original agreement, if the President of the Public Health Trust or the Public Health Trust must approve the extension or amendment.

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 Ardyth Walker, Staff General Counsel at (305) 350-0616 or the undersigned at (305) 579-2594.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "Robert Meyers", followed by a horizontal line.

ROBERT MEYERS
Executive Director

cc: Ted Lucas, Public Health Trust