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STAFF GENERAL COUNSEL

March 10, 2006

Roberto Smith  
MGE Architects  
150 Alhambra Circle  
Suite 700  
Coral Gables, FL 33134

**RE: REQUEST FOR ADVISORY OPINION 06-11**

Dear Mr. Smith:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on March 9, 2006 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding your team's ability to provide services under the North Terminal Area Improvements contract with the Aviation Department.

In 1997, Miami-Dade County and American Airlines entered into a contract to construct the North Terminal. The original agreement provided that the project would be constructed with county dollars but American Airlines would manage the construction. American Airlines will be the sole carrier occupying the North Terminal. The North Terminal will consist of a new terminal attached to existing concourses A-D. The project includes a regional commuter facility (American Eagle) domestic and international gates, ticket counters, a federal inspection services facility, an automated people mover and fueling facilities. Due to the complexity of the project and several unanticipated

difficulties, the program has experienced significant delays.

In the summer of 2005, pursuant to the Fourth Amendment to the original lease and financing agreement between Miami-Dade County and American Airlines, the County took over management of the North Terminal Development Program. At that time, the County assumed a portion of the outstanding construction and AE contracts between American Airlines and various AE and construction firms. Parson-Odebrecht (POJV) was also retained to serve as general contractor on the project.

The scope of services for the North Terminal Area Improvements provides that the selected team will provide planning, design, construction document preparation, bidding, construction administration related to work at concourses A through D. The scope includes work at terminal buildings, landside and airside facilities including concessions, waiting areas, relocations, ticket counters, information centers, life safety, fire protection and security improvements. Specifically, the Aviation Department will use the consultants to provide any miscellaneous services not covered under existing or amended design and engineering contracts.

The Commission found the MGE team may provide services under the North Terminal Area Improvements agreement. The team's prior work and current services should not overlap with the services under the pending contract. Section 2-11.1(j) restricts persons covered by the Conflict of Interest and Code of Ethics ordinance from doing work that conflicts with their independence of judgment in performing their County responsibilities. Pursuant to that section of the Conflict of Interest and Code of Ethics ordinance, the Ethics Commission has delineated certain areas including overlapping responsibilities that would impair a contractor's independent

judgment in the performance of its duties for the County.

MGE has not performed any work related to the North Terminal Development project.

Civil Works has served as a subconsultant to Harper Partners. In that capacity, Civil Works has provided design, construction document preparation, bidding assistance and construction administration for telecommunications, sanitary pump station, underground fuel storage tank and other assorted piping and utilities. The firm completed its work in 2004.

HNGS is providing services on the BC Infill Shell and the CD Extension Interior Finish-out as a subconsultant to Bermello, Ajamil and Harper. HNGS also provides services on the D Extension Building Shell and Apron. Finally, HNGS did design work on the Admiral's Club for Concourse A and D.

Since the proposed scope of work under the North Terminal Area Improvements agreement should not conflict with any prior or current work by the members of the MGE team, the MGE team may provide AE services under the proposed agreement.

The Ethics Commission also held that, if MGE is awarded the contract, MGE must provide the MDAD project manager and the Ethics Commission's Executive Director with a written report regarding its compliance with any restrictions contained in this advisory opinion related to the prime or any subcontractors within ninety days of the issuance of each task assignment or work order.

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", followed by a horizontal line.

ROBERT MEYERS  
Executive Director

cc:Amado Gonzalez, Office of Capital  
Improvements

Christopher Mazzella, Inspector General