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March 14, 2006

William Anido
Senior Vice-President
Parsons Brinckerhoff International
7300 Corporate Center Drive
Suite 600
Miami, FL 33126

RE: REQUEST FOR ADVISORY OPINION RQO 06-26

Dear Mr. Anido:

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 whether your firm may serve as Program Management Consultant for the Seaport. The firm is currently providing services under a Cargo Yard Improvements agreement.

In your letter, you advised the Commission that the Office of Capital Improvements recently issued a Notice to Professional Consultants (NTPC) to provide program management services at the Seaport. Specifically, the scope of services provides that the consultant will furnish personnel to support the Seaport in a variety of functions including long and short planning; facilities planning; oversight of design and system consultants; oversight of construction management consultants; value engineering; estimating; contract administration; claims

administration and project management on several selected projects.

As consultant for Cargo Yard Improvements, Parsons Brinckerhoff is responsible for the design and rehabilitation of cargo yard facilities, support infrastructure and ancillary services.

Currently, the firm is providing a senior Project Manager who is overseeing various projects including marine and mooring improvements, crane electrification, new security gate complex and security improvements. The firm also reconstructed portions of the container terminal yard behind Berths 6 and 7. Additionally, Parsons Brinckerhoff prepared the contract plans including paving, grading, utility adjustments for the major cargo yard improvement projects.

Finally, Parsons Brinckerhoff is currently serving as a design and engineering subconsultant to the Haskell Company at the Seaport. Parsons' current duties for the Haskell Company include improvements to the main entrance roadway, access roadways to the terminals and surface parking lots. Parsons has also worked on the Western Port Boulevard, the Eastern Port Boulevard, the New Cruise Boulevard and the East and West Surface Parking Lots.

The Commission found that Parsons Brinckerhoff may serve as Program Management Consultant for the Seaport as long as the firm has completed any work orders under the Cargo Yard Improvement agreement. Further, the firm may not supervise any project for which they have provided design work as a subconsultant to the Haskell Company and P and O Ports because the firm would be overseeing its own work.

Since the Program Management Consultant may have oversight responsibilities over all

aspects of the Seaport's capital program including cruise and cargo improvements, the scope of work would overlap with program management responsibilities under the Cargo Yard Improvements contract. However, if all work orders under that agreement are completed prior to commencement of work under the Program Management consultant contract, then the Cargo Yard Improvement contract would not preclude Parsons Brinckerhoff from serving as Program Management Consultant.

Further, Parsons Brinckerhoff is not precluded from serving as Program Management Consultant by their work as a subconsultant to the Haskell Company as long as the firm does not provide any program management consultant services on any project for which they have done design work. Finally, the firm may not perform any design work while serving as Program Management Consultant.

Therefore, Parsons Brinckerhoff may serve as Program Management Consultant for the Seaport as long as the firm has completed all work orders under the Cargo Yard Improvements contract and the firm does not supervise any projects for which it did design work as a subconsultant to the Haskell Company.

The Ethics Commission also held that, if Parsons Brinckerhoff is awarded the contract, Parsons Brinckerhoff must provide the Seaport 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 the Notice to Proceed or the issuance of the first 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", with a long horizontal flourish extending to the right.

ROBERT MEYERS
Executive Director

cc: Faith Samuels, Office of Capital
Improvements

Christopher Mazzella, Inspector General