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March 22, 2006

Luisa Millan Donovan
Chief
Professional Services Division
Office of Capital Improvements
111 N.W. First Street
Miami, FL 33128

RE: REQUEST FOR ADVISORY OPINION RQO 06-29

Dear Mrs. Donovan:

I received your request for an advisory opinion. Per your request, I am issuing a preliminary opinion after conferring with the Chair of the Ethics Commission.

You requested an opinion regarding whether Tasnim Uddin, Post, Buckley, Schuh & Jerningan (PBSJ) and Nova Consulting can provide services as Program Management Consultant for the Seaport.

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.

SCOPE OF REVIEW

Pursuant to Section 2-11.1(v), the Ethics Commission has jurisdiction over contractors and vendors. 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.

I. PBSJ

PBSJ is currently providing services at the Seaport as a subconsultant to BEA International on the Cruise Terminal Improvements contract. The scope of services provided under the Cruise Terminal Improvements contract includes design services, such as preparation of bid and construction documents, for various projects on Cruise Terminals C, D, E, F and G.

PBSJ previously provided services as a subconsultant on a bond engineering contract and did wharf inspections under an EDP contract at the Seaport.

The current solicitation specifically provides that Cruise Terminal Improvements will be one of the projects overseen by the Program Management Consultant.

Under the Ethics Commissions prior opinions, PBSJ may provide services as Program Management Consultant if the firm does not oversee any project for which it did design

work under the Cruise Terminal Improvements contract. Further, PBSJ must relinquish any current responsibilities under the Cruise Terminal Improvements contract.

II. TASNIM UDDIN/TASK LABORATORIES

Tasnim Uddin/Task Laboratories is a sub to Transystems on a Capital Development Contract and Bruno-Elias Associates on the Cruise Terminal Improvements contract. Task Laboratories has also done geotechnical testing at the Seaport.

Tasnim Uddin/ Task Laboratories may provide services under the Program Management consultant agreement as long as the firm does not perform work on any portion of the Cruise Terminal Improvements or Capital Development contract where the firm has provided services.

III. NOVA CONSULTING

Nova Consulting served as a subconsultant to Bruno-Elias Associates (BEA) and Bermello, Ajamil on two prior Cruise Terminal Improvements contracts.

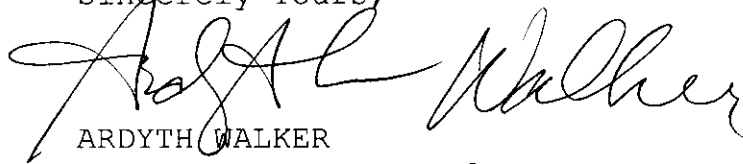
Nova Consulting may provide services under the Program Management Consultant contract because the firm's prior work at the Seaport should not conflict with the scope of services under the Program Management Consultant agreement.

Finally, any firm that is awarded the contract must provide the Seaport and the Ethics Commission's Executive Director with a written report regarding its compliance with any restrictions contained in an 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 Ardyth Walker, Staff General Counsel at (305) 350-0616.

Sincerely Yours,

A handwritten signature in cursive script, appearing to read "Ardyth Walker". The signature is written in black ink and is positioned above the typed name.

ARDYTH WALKER
Staff General Counsel

cc: Fernando Ponassi, Office of Capital
Improvements
Christopher Mazzella, Inspector General