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September 21, 2007

Faith Samuels  
Office of Capital Improvements  
111 N.W. First Street  
Suite 2130  
Miami, FL 33128

**RE: REQUEST FOR ADVISORY OPINION RQO 07-41**

Dear Ms. Samuels:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on September 20, 2007 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding whether the Portico Group may provide architectural and engineering services related to Metrozoo. The Portico Group drafted the Metrozoo Master Plan in 2002.

In your letter, you advised the Commission that Miami-Dade County recently issued a Notice to Professional Consultants to provide services related to several projects at Miami Metrozoo. Specifically, the scope of services provides that two selected consultants will provide design and construction administration services necessary to implement Zoo-Wide Improvements as well as several planned exhibits including the Florida Exhibit and the Islands of the Caribbean. The selected consultants will provide complete design, civil, mechanical, structural and electrical engineering services. The selected consultants will also provide programming, bidding and award services and serve as the Owner's representative during the construction phase. The contract is expected to last the duration

of construction for all of the various phases of zoo renovation and expansion. The Portico Group would serve as a subconsultant to the Sixto Group on the proposed project.

The Ethics Commission found The Portico Group may provide services related to Metrozoo Improvements as long as the firm has not provided and will not provide any covered design, construction administration or bidding services related to the Metrozoo Improvements under the Master Plan contract.

The Ethics Commission has consistently held that a firm may work on a project where the firm worked on a prior phase of the project as long as the work does not involve oversight or review of the prior work. In RQO 02-166, the Ethics Commission opined that a contractor could serve as a gantry crane consultant where the firm had previously provided related services on an earlier phase of the same project. In RQO 03-36, the Ethics Commission opined that a conflict is not created by continuation of prior work as long as the scope of work does not overlap. In RQO 05-60, the Ethics Commission opined that a firm could provide courthouse renovation design and construction management services although the firm had performed the original studies that led to the contract. In RQO 06-06 and 06-11, the Ethics Commission opined that an airport contractor could bid on work in the North Terminal where the firm had previously done design work.

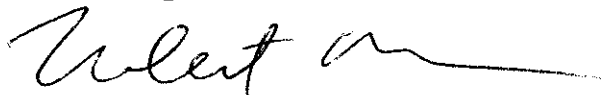
Similarly, in the instant case, the Portico Group may provide services related to the Metrozoo Improvements that are based on the study, review and analysis contained in the 2002 Master Plan. However, since the original contract is still in effect, the Department of Parks and Recreation may not issue any work orders under the 2000 contract to Portico regarding any projects covered by this solicitation if the Sixto team is awarded the contract. Otherwise, Portico would have a prohibited conflict of interest.

Finally, the Portico Group must furnish the Ethics Commission with quarterly reports after the Notice to Proceed is issued so that the Commission can monitor the firm's compliance with the restrictions contained in this opinion.

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 black ink, appearing to read "Robert Meyers", with a long horizontal flourish extending to the right.

ROBERT MEYERS  
Executive Director

cc: Maggie Tawil, Parks and Recreation  
Charles G. Mayes, The Portico Group