



FILE COPY

ETHICS COMMISSIONERS

Kerry E. Rosenthal, Chairperson
Dawn E. Addy, Vice Chairperson
Magda Abdo-Gomez
Regine Monestime
Seymour Gelber

ROBERT A. MEYERS
EXECUTIVE DIRECTOR

MICHAEL P. MURAWSKI
ADVOCATE

ARDYTH WALKER
STAFF GENERAL COUNSEL

April 25, 2008

Luisa Millan-Donovan
Chief, Professional Contracts Division
Office of Capital Improvements
111 N.W. First Street
Suite 2130
Miami, FL 33128

RE: REQUEST FOR ADVISORY OPINION RQO 08-17

Dear Mrs. Millan-Donovan:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on April 24, 2008 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding whether a former County official may serve as Principal in Charge of a design contract. The former official is subject to the two year rule.

In your request, you advised the Commission that Miami-Dade County recently issued a solicitation for a firm to provide design services for the construction of a new fleet shop and maintenance facility for the General Services Administration (GSA) department. The second-ranked firm was Bermello, Ajamil and Partners. The Principal in-Charge of the Project is Carlos Bonzon.

Carlos Bonzon is a former Assistant County Manager who retired on December 31, 2006. In his last position as Assistant County Manager, Bonzon was responsible for managing major transportation and capital improvement

projects for the Transit, Seaport and Public Works departments.

The scope of services for the Fleet Shop project provides that the selected firm will provide design, construction drawings and construction administration services for the new facility which will include a maintenance area, office space and a parking garage. The contract is for a term of four years.

The Ethics Commission found the Conflict of Interest and Code of Ethics ordinance permits Bonzon to serve as Principal in Charge of the project as long as he does not engage in any lobbying activity. Section 2-11.1(q) (two-year rule) only prohibits former employees from lobbying the county on behalf of a third party. Section 2-11.1(q) provides that no person who has served as an Assistant to the County Manager " shall for a period of two years after his or her County service has ceased, lobby any County officer, departmental personnel or employee in connection with any judicial or other proceeding, application, RFP, RFQ, bid, request for ruling or other determination, contract, claim, controversy, charge or accusation in which Miami-Dade County or one of its agencies or instrumentalities is a party or has any interest whatever, direct or indirect." Bonzon is not a member of the oral presentation team and is not a registered lobbyist for the firm on the subject contract.

The Conflict of Interest ordinance broadly defines lobbying as seeking to influence county staff, the County Manager or any member of the Board of County Commissioners during the entire decision-making period of any legislative action, decision or action that may foreseeably come before the Board of County Commissioners or any County board.

Under the provisions of the lobbying ordinance, Bonzon may serve as Principal-in

Charge if the firm is awarded the contract and provide services related to the oversight and management of the county agreement after the firm has been awarded the contract by the Board of County Commissioners. Further, prior to award, Bonzon may engage in activities such as attending Board of County Commission meetings, committee meetings or selection committee meetings as long as he does not speak or hold himself out as a representative of Bermello, et.al. (See Inquiry 07-61).

Therefore, the Conflict of Interest and Code of Ethics ordinance permits Carlos Bonzon to serve as Principal in Charge of a contract to design a new Fleet Shop facility for GSA. Section 2-11.1(q) (two-year rule) only prohibits former employees from lobbying county staff and elected officials during the two years after they leave county service.

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,



ROBERT MEYERS
Executive Director

cc: Carlos Bonzon, Bermello, Ajamil, et.al