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October 1, 2009

Marina Alonso-Mendoza
Rodriguez and Quiroga Architects
2100 Ponce De Leon Boulevard
Coral Gables, FL 33134

RE: REQUEST FOR ADVISORY OPINION-RQO 09-33

Dear Ms. Mendoza:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on September 30, 2009 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding your firm's ability to provide construction inspection services for Miami-Dade County.

In your letter, you advised the Commission that the Office of Capital Improvements recently issued a Notice to Professional Consultants to provide Construction Inspection Services for several county departments including Aviation, Seaport, GSA, Public Works, Water and Sewer and DERM. Two firms will be selected to provide the services. The firms who previously provided any services on the South Terminal were required to request an advisory opinion.

The scope of services for the Construction Inspection Services requires the consultants to oversee, coordinate and inspect the work of design consultants, surveyors and construction contractors. The work may include review of change orders, schedules, claims and requests for compensations by

contractors and consultants. The work will include construction inspection services for new building construction, renovations, airfields and roadways. The South Terminal program consisted of construction of a new Concourse J and renovation to existing Concourse H. The project was substantially completed in 2007 although final close-out will not take place until later this year.

Rodriquez and Quiroga Architects (RQA) was the AE of Record for the South Terminal Improvements project. RQA provided full AE services including construction documents, basic design and construction phase services. DDA Engineers, a RQA subconsultant, provided structural engineering and construction phase services.

The Ethics Commission found that RQA may perform construction inspection services for all departments but the firm may not provide any construction inspection services regarding the South Terminal. The Ethics Commission has found that a conflict exists if a contractor has overlapping responsibilities on different phases of the same project (i.e. AE on one phase of the project and serving as value engineer, CIS or CM partner on another phase of the project; supervisor or prime on one phase of the project and subcontractor on another or related phase or project). Further, a conflict may exist if there are overlapping roles on responsibilities between various members of a team (i.e. a member serves as prime contractor on one contract and as a subcontractor to another contractor on another contract) or if there are overlapping scopes of work between two agreements.

Since RQA was the AE of record on the South Terminal Improvements project, the firm would be responsible for reviewing its own work. Therefore, the firm would be prohibited from providing any construction inspection services for the South Terminal. DDA would

also be prohibited from providing any services related to the South Terminal.

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 horizontal line extending to the right.

ROBERT MEYERS
Executive Director

cc: Luisa Millan, Office of Capital
Improvements