



10/29/2010 10:00 AM  
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October 29, 2010

**ETHICS COMMISSIONERS**

Kerry E. Rosenthal, CHAIRPERSON  
Dawn E. Addy, VICE CHAIRPERSON  
Charlton Copeland  
Judge Seymour Gelber  
Nelson Bellido

Carlos Garcia  
Vice-President  
URS Corporation Southern  
7600 Corporate Center Drive  
Suite 400  
Miami, FL 33126

**ROBERT A. MEYERS**  
EXECUTIVE DIRECTOR

**RE: REQUEST FOR ADVISORY OPINION-RQO 10-26**

**MICHAEL P. MURAWSKI**  
ADVOCATE

Dear Mr. Garcia:

**ARDYTH WALKER**  
STAFF GENERAL COUNSEL

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on October 28, 2010 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding whether URS may create a project book for a runway project and bid on the project.

In your request, you advised the Commission that URS currently has an aviation planning contract with the Aviation Department. The scope of services provides that URS will provide planning services including airfield, airspace and terminal planning. The consultant is also responsible for providing studies, planning data and support for programs under the airport's Capital Improvement Program(CIP).

The Aviation Department is planning to issue a solicitation for a firm to provide design services for rehabilitation and renovation of Runway 12/30 and associated taxiways in November. The project will include design of pavement, rehabilitation of the runways, upgrading of associated utilities, marking and centerline, edge and holdbar lighting.

URS has been asked to develop the project book for the runway project. The project book will contain information regarding the present use and condition of the runway, technical specifications of the runway and detailed specifications regarding the planned improvements. The information will be provided to all proposers for use in developing their response to the solicitation.

The Ethics Commission found the Conflict of Interest and Code of Ethics ordinance permits URS to prepare the project book and respond to the solicitation as long as the firm is not responsible for any work related to evaluation of bids. The Ethics Commission has consistently held that a firm is not precluded from bidding on a project because the firm performed planning studies or did related work on an earlier phase of the project. In RQO 09-31, the Ethics Commission opined that an architect who had created a master plan and specifications for Vizcaya renovations could serve as a member of a design team for the renovations. In RQO 04-166, the Ethics Commission opined that a firm could provide services under a contract where the firm had prepared the preliminary master plan for the 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.

Under the Ethics Commission's prior opinions, URS would not have a conflict if it provides preliminary design work related to the runway project because the firm would not have overlapping responsibilities under the two agreements or supervise their own work. Accordingly, URS may perform design services as long as the firm's work on the project book does not include any responsibility for evaluation or assessment of bids.

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 'R. Meyers', with a long horizontal flourish extending to the right.

ROBERT MEYERS  
Executive Director

cc: Faith Samuels, Office of Capital  
Improvements

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