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February 9, 2011

Matthew B. Alvarez
Vice-President
CH2MHill
201 Alhambra Circle
Suite 600
Coral Gables, FL 33134

RE: REQUEST FOR ADVISORY OPINION-RQO 11-4

Dear Mr. Alvarez:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on February 8, 2011 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding whether the firm may bid on an upcoming solicitation to provide engineering and construction management services related to pipelines and storage facilities at the Northwest Wellfield. CH2MHill is currently serving as a subcontractor on a related project.

In your request, you advised the Commission that CH2MHill is currently serving as a subcontractor on a contract to design upgrades for the Hialeah/Preston Water Treatment Plants. The County has selected to construct a water treatment plant in the Northwest Wellfield. The new facility will be the Northwest Wellfield Water Treatment Plant.

The proposed solicitation is for a firm to design a pump station, storage tanks and pipelines for the new Northwest Wellfield Water Treatment Plant. The pump station and

pipelines will treat water and discharge treated water through a new pipeline to the Doral area. The pump station will be in service prior to the completion of the new water treatment facility.

The selected consultant will be responsible for providing engineering services including surveying, hydraulic modeling and analysis and preparation of contract specifications. The selected consultant will have to consult with the design and construction team of the upgrades at the Hialeah/Preston facilities.

The Ethics Commission found The Conflict of Interest and Code of Ethics ordinance permits CH2MHill to serve as a consultant on the pump station and pipeline facilities while serving as a subconsultant on the larger Hialeah/Preston upgrades (Northwest Wellfield Water Treatment Plant) project. The first project is essentially a phase or segment of the second project.

However, due to the fact that the work for the pump station and pipelines will be used in the second project and the fact that coordination will be required, CH2MHill should not have any construction management responsibilities as a subcontractor on the Hialeah/Preston upgrades.

In a series of opinions, the Ethics Commission has opined that certain contractual arrangements create an inherent conflict of interest. For example, 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 or responsibilities between two related contracts.

In this case, CH2MHill does not have a conflict even though the firm will serve as a subcontractor on one segment of the project and a prime on another segment of the project because the firm will not have management or oversight responsibilities regarding the other segment of the project. Therefore, CH2MHill may respond to the solicitation to provide services on the pump station and pipelines for the Northwest Wellfield project.

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 stylized flourish at the end.

ROBERT MEYERS
Executive Director