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March 21, 2011

Asael Marrero
Manager
AE Section
Design and Construction Services Division
General Services Administration
111 N.W. First Street
24th Floor
Miami, FL 33128

RE: REQUEST FOR ADVISORY OPINION-RQO 11-5

Dear Mr. Marrero:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on March 21, 2011 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding whether a firm may provide specifications on a Request for Price Quotation and respond to the solicitation.

In your request, you advised the Commission that GSA is in the process of installing daylight harvesting systems at the Kendale and Naranja Branch libraries. The daylight harvesting systems are an energy conservation device and permit the library to use less electricity to manage the lighting of the facilities. The materials and equipment must work together with the existing building management system which controls lighting, alarms and heating and air conditioning systems. The building management system is manufactured by Delta Controls.

GSA asked Delta Controls to provide specifications for lighting systems that would be compatible with the current building management system. Compatible equipment is available from a large number of suppliers.

The solicitation asks firms to provide a price to supply the requested equipment or an approved equivalent. The supplier is also asked to provide a price and proposal for installation, engineering, programming and startup of the lighting system. The supplier is responsible for development of graphics and integration into the existing system. Finally, the selected proposer must have the staff to provide emergency and routine maintenance and repair.

The Ethics Commission found Delta Controls may submit a price quotation and proposal for the daylight harvesting systems. The Ethics Commission has consistently held that a firm may do preliminary design work and bid on final design of a project where the same information will be available to all proposers. Similarly, a firm may provide specifications which will be available to all firms and submit a price quotation and proposal. Therefore, Delta Controls may submit a price quotation and proposal on the daylight harvesting systems.

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', written over a horizontal line.

ROBERT MEYERS
Executive Director