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May 2, 2011

ETHICS COMMISSIONERS

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Michael Nardone
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 11-13

MICHAEL P. MURAWSKI
ADVOCATE

Dear Mr. Nardone:

ARDYTH WALKER
STAFF GENERAL COUNSEL

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on April 28, 2011 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding whether URS may provide Construction Engineering and Inspection Services for the Wharf Strengthening Program at the Seaport. URS is currently serving as bond engineer.

In your request, you advised the Commission that the Seaport is planning to issue a solicitation for Construction Engineering and Inspection Services for the Wharf Strengthening Program. The Wharf Strengthening project is a multiphase project for strengthening the existing cargo wharves and bulkheads to provide additional capacity for future dredged depth of fifty feet or more. The project must be completed in advance of the Phase III Dredging Project. The design phase has been completed and construction is expected to begin in August.

The Construction Engineering and Inspection Consultant will be responsible for assisting with construction program logistics,

planning, schedule development and monitoring, reviewing change orders and payment requests, coordinating and overseeing construction quality and quality assurance testing.

As bond engineer, URS is responsible for inspection of Seaport facilities, preparation of the annual bond engineering report which includes providing recommendations and approvals for necessary capital improvements, review of rate and tariff schedules and other tasks which may be assigned by the Port. The Bond Engineering agreement provides that URS may not bid on any design projects while the firm serves as bond engineer.

The Ethics Commission found URS may not provide Construction Engineering and Inspection Services for the Wharf Strengthening Project as long as the firm is serving as bond engineer.

Under the Ethics Commission's prior line of opinions, a contractor may not provide services if the contractor's current work overlaps with the scope of services under the proposed agreement. Further, a contractor is prohibited from serving if the firm is performing oversight responsibilities under one agreement and performing design or other work that will fall under the oversight of the other agreement because it impairs the contractor's independence of judgment.

Since the contract is not for design services, URS does not have a conflict under its contractual agreement with the Seaport. However, under the Ethics Commission's prior opinions, a conflict may still exist if work orders for the same project are issued under two different agreements. As URS may be required to provide services related to funding requests or financing for the Wharf Strengthening Program or the Phase III Dredging project under the bond engineering agreement, the firm may not simultaneously

provide construction engineering and inspection services. Therefore, the firm may not bid on the upcoming solicitation for Construction Engineering and Inspection Services for the Wharf Strengthening Program.

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 'Robert Meyers', written in a cursive style.

ROBERT MEYERS
Executive Director