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STAFF GENERAL COUNSEL

August 1, 2011

Arturo Perez  
President  
Pinnacle Consulting Enterprises, Inc.  
1700 S. Red Road  
Suite 201  
Miami, Fl 33155

**REQUEST FOR ADVISORY OPINION-RQO 11-21**

Dear Mr. Perez:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on July 26, 2011 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding whether Pinnacle Consulting may provide construction engineering and inspection services for the Wharf Strengthening project at the Port of Miami.

The Seaport recently issued 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 federally-funded Phase III dredging project and construction is slated 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. Pinnacle is not currently providing any services to the Seaport.

Pinnacle may provide CEI services for the Wharf Strengthening program for the Port of Miami. 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. Since Pinnacle does not have any conflicting responsibilities, Pinnacle may provide CEI services for the Wharf Strengthening program at the Port of Miami.

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 or Ardyth Walker, Staff General Counsel, at (305) 579-2594.

Sincerely Yours,

A handwritten signature in blue ink, appearing to read 'R. Meyers', with a long horizontal flourish extending to the right.

ROBERT MEYERS  
Executive Director

cc: Mike Ramos, Office of Capital  
Improvements