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August 1, 2011

Oracio Riccobono  
GEOSOL, Inc.  
5795-A N.W. 151 Street  
Miami Lakes, FL 33014

**REQUEST FOR ADVISORY OPINION-RQO 11-23**

Dear Mr. Riccobono:

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 GEOSOL 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.

GEOSOL is currently providing soil, foundations and material testing services to the Seaport under the Mooring Ballards Phase I and Seaboard Redevelopment project. The Seaboard project is located in the Cargo area. The firm is also serving as a subconsultant on the design team for the Cruise Terminal D and E Improvements. Finally, the firm helped develop the design criteria for the WASD Water Main replacement contract from Port Island to Fisher Island. Coordination will be required between the firms working on the Wharf Strengthening project and the WASD project. However, GEOSOL is not serving as a member of the design-build team for the project.

The Ethics Commission found that GEOSOL may provide CEI services for the Wharf Strengthening program at the Port of Miami. The firm's current projects are unrelated to the Wharf Strengthening program or the Phase III Dredging Project. 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 GEOSOL's current work at the Seaport is unrelated to the Wharf Strengthening program or the Phase III Dredging Project, GEOSOL does not have any conflicts and may provide CEI 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 or Ardyth Walker, Staff General Counsel, at (305) 579-2594.

Sincerely Yours,

A handwritten signature in blue ink, appearing to read 'R. Meyers', followed by a long horizontal flourish.

ROBERT MEYERS  
Executive Director

cc: Mike Ramos, Office of Capital  
Improvements