

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST



REPORT OF INVESTIGATION

K #: K12- 085

Date Opened: June 6, 2012

Date Closed: June 14, 2012

Name of Investigator: Manuel W. Diaz

Allegation:

The COE received information from the Miami Dade-County (MDC), Internal Services, Procurement Division (ISD), that Claudia Mancini (Mancini), Chief Chemist, Offices of Laboratory Services, Miami-Dade Permitting, Environmental and Regulatory Affairs (PERA), had contacted a potential vendor, in violation of the "Cone of Silence" (COS).

Applicable Legislation:

Miami-Dade County Conflict of Interest and Code of Ethics Ordinance Sec. 2-11.1

(t) Cone of Silence. is hereby defined to mean a prohibition on: 1.Contracts for the provision of goods and service other than audit and independent private sector inspector general (IPSIG) contracts. (a) "Cone of Silence" is hereby defined to mean a prohibition on: (i) any communication regarding a particular RFP, RFQ or bid between a potential vendor, service provider, bidder, lobbyist or consultant and the County's professional staff including, but not limited to, the County Manager and his or her staff;...

Investigation:

History:

On 2/22/12, ISD issued BID No.: 7778-1/22, entitled: Sample Testing Bottles and Related Items (BID). This was a sealed bid. The opening for the bid responses was set for March 7, 2012. Products Unlimited, Inc. (PUI), PO BOX 339, Justin, Texas, 76247, was a proposed bidder. As of the writing of this report, the Mayor's recommendation has not been finalized.

Interviews:

1. Amos C. Roundtree (Roundtree), MDC Director Purchasing Division and Procurement Competition Advocate and Martha Garafolo (Garafolo), MDC Procurement Contracting Officer, were interviewed. Garafolo provided a copy of an e-mail from Mancini to John Lariosa, Account Clerk, PERA, where Mancini advised that she had contacted PUI.
2. Roundtree explained the content of the BID and clarified that the BID was issued by ISD.
3. Mancini was interviewed. She confirmed that she contacted a representative from PUI while the COS was in effect. Mancini advised that she is aware of the prohibitions of the COS. She explained that there was no intention on her part to violate the provisions of the COS; she simply wanted to answer a question that was asked of her by ISD. She thought that she could get the most accurate answer directly from a representative PUI, who was familiar with the classification system that the company utilized when responding to the BID.

To clarify further, Mancini provided copies of e-mails where she was asked to comment on level categories by ISD and to determine if the specifications provided by PUI were acceptable for the BID. The ISD question was routed through Lariosa.

Mancini explained that she was not able to answer because she was not familiar with the meanings of the level categories provided by PUI. Mancini, seeking clarification, contacted a representative from PUI directly. The PUI representative advised that she was not familiar with the level categories and would contact her supervisors. According to Mancini, the representative never responded to her. Mancini advised that she responded to ISD the best she could, again through Lariosa, acknowledging in the e-mail that she had personally contacted PUI.

Summary of Facts:

1. ISD issued the BID.
2. The COE was provided with copy of an e-mail wherein Mancini advised that she had contacted PUI, a potential bidder for the BID.
3. In an interview, Mancini acknowledged that she contacted PUI and explained why.
4. Sec. 2.11-1(t) prohibits such contacts.

CONCLUSION:

The COS violation appears to be unintentional, insubstantial and de minimus in nature and, accordingly, does not warrant the filing of a formal complaint. Therefore, this case is closed without further action.