

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, February 20, 2018 10:37 AM
To: Sanchez, Rodzandra (COE)
Subject: Thomas Davis, Esq., Director of Policy and Legislation Division, Office of the Commission Auditor, MDC (Voting Conflict re: MDAD Airport Signage Design, Fabrication and Installation RFQ No.MDAD 17014 (Tier 2) INQ 18-47
Attachments: MDAD - Sinage Design RFQ No. MDAD 17-04 (Tier 2).pdf

INQ 18-47 Davis

From: Centorino, Joseph (COE)
Sent: Friday, February 16, 2018 4:53 PM
To: Davis, Thomas (OCA) <Thomas.Davis@miamidade.gov>; Edwards, Phillip G. (OCA) <Phillip.Edwards@miamidade.gov>; Uppal, Namita (ISD) <Namita.Uppal@miamidade.gov>; Palmer, Donna S. (OCA) <Donna.Palmer@miamidade.gov>
Cc: Guillen, Kristina (Aviation) <KGuillen@miami-airport.com>; Johnson, Jannesha (OCA) <Jannesha.Johnson@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Sanchez, Gerald (CAO) <Gerald.Sanchez@miamidade.gov>; Kirtley, Eddie (CAO) <Eddie.Kirtley@miamidade.gov>; Lopez, Hernan (ISD) <Hernan.Lopez@miamidade.gov>
Subject: INQ 18-47 Thomas Davis, Esq., Director of Policy and Legislation Division, Office of the Commission Auditor, MDC (Voting Conflict re: MDAD Airport Signage Design, Fabrication and Installation RFQ No.MDAD 17014 (Tier 2)

Mr. Davis:

This is in response to your memo to the Aviation Department in connection with the background check on the selection committee members appointed on RFQ No. MDAD 17-04 (Tier 2), for MDAD Airport Signage Design, Fabrication and Installation. The memo indicates that one of the members, Hernan Lopez, Graphic Unit Supervisor for ISD/DCS, currently supervises a county contract with one of the respondents to this RFQ, Acolite Claude United Signs Company, Inc. (ACU)

The fact that a selection committee members has supervisory authority over a respondent to a competitive procurement does not create any legal voting conflict of interest for that member under Section 2-11.1(v) of the County Code of Ethics. There is no direct interest by Mr. Lopez in the contract, nor does he have a relationship with ACU that would prevent him from voting on the selection committee under that section.

As you know, this agency also looks beyond the Ethics Code on procurement issues such as these, to ascertain whether there may be an appearance of a conflict that could affect the public trust in the integrity of the procurement process. Absent some other factor, the mere fact that one of the members has interactions with a respondent in connection with the members county duties would not, in my opinion create such an issue. In fact, it may be valuable to have an individual such a board who is personally familiar with the work of one or more of the responding firms, particularly where the member also has come special expertise in the services that are being sought by the county. I have spoken with Mr. Lopez, who has expressed that he feels that he has only a professional relationship with this firm and that he believes that he can be completely fair in the selection process.

Therefore, it is my opinion that Mr. Lopez should be permitted to serve on this committee.


Joseph M. Centorino

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From: Johnson, Jannesha (OCA)
Sent: Monday, February 12, 2018 2:08 PM
To: Guillen, Kristina (ISD) <Kristina.Guillen@miamidade.gov>
Cc: Davis, Thomas (OCA) <Thomas.Davis@miamidade.gov>; Edwards, Phillip G. (OCA) <Phillip.Edwards@miamidade.gov>; Uppal, Namita (ISD) <Namita.Uppal@miamidade.gov>; Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Palmer, Donna S. (OCA) <Donna.Palmer@miamidade.gov>; Martinez, Angie (OCA) <Angie.Martinez@miamidade.gov>
Subject: Re - MDAD Airport Signage Design, Fabrication and Installation

This email is being sent to you on behalf of Mr. Thomas B. Davis, Esq. Director of Policy and Legislation Division.


Jannesha V. Johnson, MBA
Office of the Commission Auditor
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Miami, Florida 33128
305-375-1466



**BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR**

M E M O R A N D U M

TO: Kristina Guillen, Non-voting Chairperson,
Miami-Dade Aviation Department

FROM: Thomas B. Davis, Esq., Director of
Policy and Legislation Division

A handwritten signature in blue ink, appearing to read "Thomas B. Davis", is written over the printed name in the "FROM" field.

DATE: February 12, 2018

**SUBJECT: Appointment of Selection Committee for Miami-Dade Aviation
Department Request for Qualifications for Tier 2 Signage Design,
Fabrication and Installation – RFQ No. MDAD-17-04**

On May 6, 2014, the Board of County Commissioners adopted Resolution No. R-449-14, directing the Office of the Commission Auditor (OCA) to conduct background checks on members serving on evaluation/selection committees.

The results of the background checks will be submitted to the Internal Services Department or other County department(s) overseeing and administering the competitive procurement process and to the Commission on Ethics, if applicable.

The voting members of the Selection Committee are Ana Finol, MDAD; Dialis Buke-Wheeler, MDAD; Michael Houle, PROS; Hernon Lopez, ISD; Julio Rey, DTPW; and Shannon "Alissa" Penaloza (Alternate), Seaport. The non-voting chairperson is Kristina Guillen, MDAD.

Pursuant to the Resolution, the OCA completed the required background research noting no adverse findings for the Selection Committee members.

However, Hernan Lopez stated on his Neutrality/Disclosure Form, "ACU (Acolite Claude United Signs Company, Inc., is currently providing construction sign services to the graphics unit under Contract 0800-014-ISD-DC-01; Signs and banners." Per email sent to Ms. Guillen from Mr. Lopez on February 5, 2018, "one of the vendors listed in this group is one of my contracts and our section conducts business with them on a daily basis."

ACU (Acolite Claude United Signs Company, Inc.) is a respondent on this project.

c: Namita Uppal, Chief Procurement Officer, ISD Procurement Management
Services Division
Joseph Centorino, Executive Director, Commission on Ethics & Public Trust