

## Sanchez, Rodzandra (COE)

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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Thursday, February 21, 2019 1:07 PM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** FW: INQ 19-20, Amelia Cordova-Jimenez, Procurement Contracting Manager (Voting Conflict 2-11.1(v); Appearance of Impropriety)  
**Attachments:** INQ 19-20 OCA memo re MDAD 14-14 - Revised.pdf; INQ 19-20.pdf

INQ 19-20 Cordova-Jimenez

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**From:** Turay, Radia (COE)  
**Sent:** Wednesday, February 20, 2019 3:11 PM  
**To:** Sanchez, Rodzandra (COE) <Rodzandra.Sanchez@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>  
**Subject:** FW: INQ 19-20, Amelia Cordova-Jimenez, Procurement Contracting Manager (Voting Conflict 2-11.1(v); Appearance of Impropriety)

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**From:** Turay, Radia (COE)  
**Sent:** Wednesday, February 20, 2019 2:59 PM  
**To:** Cordova-Jimenez, Amelia (ISD) <Amelia.Cordova-Jimenez@miamidade.gov>  
**Cc:** Arrojo, Jose (COE) <Jose.Arrojo@miamidade.gov>; Uppal, Namita (ISD) <Namita.Uppal@miamidade.gov>; Pruna, Basia (ISD) <Basia.Pruna@miamidade.gov>; Davis, Thomas (OCA) <Thomas.Davis@miamidade.gov>  
**Subject:** INQ 19-20, Amelia Cordova-Jimenez, Procurement Contracting Manager (Voting Conflict 2-11.1(v); Appearance of Impropriety)

Dear Ms. Cordova-Jimenez:

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance. Attached is INQ 19-20 addressing your question. Please do not hesitate to contact us if you have any questions or if we may be of further assistance.

Sincerely,  
Radia.

**RADIA TURAY**

Staff Attorney  
Miami-Dade Commission on Ethics and Public Trust  
19 W. Flagler Street, Suite 820  
Miami, FL 33130  
Tel: (305) 350-0601  
Fax: (305) 579-0273  
Ethics.miamidade.gov

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**From:** Cordova-Jimenez, Amelia (ISD)  
**Sent:** Friday, February 15, 2019 9:24 AM  
**To:** Turay, Radia (COE) <Radia.Turay@miamidade.gov>  
**Subject:** RE: RFP No. MDAD-14-14, ATM Concession Services for the Miami International Airport

Good Morning Radia,

I have yet to speak with Namita.

I anticipate meeting with her today and will let you know about the background check.

Best regards,

**“Amy”**

**Amelia M. Cordova-Jimenez, MPA**  
**Procurement Contracting Manager**  
Miami-Dade County | Internal Services Department  
111 N.W. 1<sup>st</sup> Street, Suite 1300, Miami, FL 33128  
Phone: (305) 375-3054  
E-Mail: [Amelia.Cordova-Jimenez@miamidade.gov](mailto:Amelia.Cordova-Jimenez@miamidade.gov)

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**From:** Turay, Radia (COE)  
**Sent:** Thursday, February 14, 2019 5:39 PM  
**To:** Cordova-Jimenez, Amelia (ISD) <Amelia.Cordova-Jimenez@miamidade.gov>  
**Subject:** RE: RFP No. MDAD-14-14, ATM Concession Services for the Miami International Airport

Hello Amelia,

Did you speak to Namita? Any update on the background check?

Thanks,  
Radia.

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**From:** Cordova-Jimenez, Amelia (ISD)  
**Sent:** Thursday, February 14, 2019 10:40 AM  
**To:** Turay, Radia (COE) <[Radia.Turay@miamidade.gov](mailto:Radia.Turay@miamidade.gov)>  
**Cc:** Uppal, Namita (ISD) <[Namita.Uppal@miamidade.gov](mailto:Namita.Uppal@miamidade.gov)>; Pruna, Basia (ISD) <[Basia.Pruna@miamidade.gov](mailto:Basia.Pruna@miamidade.gov)>  
**Subject:** RFP No. MDAD-14-14, ATM Concession Services for the Miami International Airport

Good Morning Ms. Turay,

The OCA has not conducted a background check for Mr. Betancourt. Nonetheless, I can proceed to request that said is conducted.

Please advise how you believe we should proceed.

Thank you,  
**Amelia M. Cordova-Jimenez, MPA**  
*Procurement Contracting Manager*  
Miami-Dade County | Internal Services Department  
111 N.W. 1<sup>st</sup> Street, Suite 1300, Miami, FL 33128  
Phone: (305) 375-3054  
E-Mail: [Amelia.Cordova-Jimenez@miamidade.gov](mailto:Amelia.Cordova-Jimenez@miamidade.gov)

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**From:** Turay, Radia (COE)  
**Sent:** Thursday, February 14, 2019 9:37 AM  
**To:** Cordova-Jimenez, Amelia (ISD) <[Amelia.Cordova-Jimenez@miamidade.gov](mailto:Amelia.Cordova-Jimenez@miamidade.gov)>  
**Cc:** Uppal, Namita (ISD) <[Namita.Uppal@miamidade.gov](mailto:Namita.Uppal@miamidade.gov)>; Pruna, Basia (ISD) <[Basia.Pruna@miamidade.gov](mailto:Basia.Pruna@miamidade.gov)>  
**Subject:** RE: RFP No. MDAD-14-14, ATM Concession Services for the Miami International Airport

Hello Ms. Cordova-Jimenez,

Quick question: Did the OCA perform a background check on Mr. Betancourt with regard to this solicitation and did it reveal any issues?

Thanks,  
Radia.

**RADIA TURAY**

Staff Attorney  
Miami-Dade Commission on Ethics and Public Trust  
19 W. Flagler Street, Suite 820  
Miami, FL 33130  
Tel: (305) 350-0601  
Fax: (305) 579-0273  
Ethics.miamidade.gov

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**From:** Cordova-Jimenez, Amelia (ISD)  
**Sent:** Tuesday, February 12, 2019 5:12 PM  
**To:** Turay, Radia (COE) <[Radia.Turay@miamidade.gov](mailto:Radia.Turay@miamidade.gov)>  
**Cc:** Uppal, Namita (ISD) <[Namita.Uppal@miamidade.gov](mailto:Namita.Uppal@miamidade.gov)>; Pruna, Basia (ISD) <[Basia.Pruna@miamidade.gov](mailto:Basia.Pruna@miamidade.gov)>  
**Subject:** RFP No. MDAD-14-14, ATM Concession Services for the Miami International Airport

Good Afternoon Ms. Turay,

The Strategic Procurement Division respectfully requests your opinion regarding the potential appointment of Pedro J. Betancourt, Senior Aviation Property Manager, Miami-Dade Aviation Department (MDAD), as Technical Advisor for subject solicitation.

**FACTS:**

Pedro formally served as Aviation Senior Procurement Contract Officer at MDAD and later at the Internal Services Department (ISD). Pedro mentored / trained Michael Kosoko, also an Aviation Senior Procurement Contract Officer. Michael was originally assigned as the procurement professional tasked with drafting and advertising RFP No. MDAD-14-14; Pedro was key in training Michael throughout this process.

Subsequently, Michael left our Department and accepted employment with MDAD. As a result, Pedro was assigned as the Procurement Officer in charge of overseeing the solicitation. Under this role he met with the County Attorney's Office regarding matters of respondent responsiveness, communicated with the respondents in order to acquire information needed by the County, and discuss the solicitation with the user department. In late 2018, Pedro accepted a position with MDAD. Subject RFP is now managed by me and MDAD has requested that Pedro sit on the Selection Committee as a non-voting Technical Advisor.

**QUESTION:**

Is serving as a Technical Advisor for a solicitation that you formally oversaw as a procurement professional considered appropriate?

Your prompt response is greatly appreciated, as we have an evaluation meeting scheduled for February 21<sup>st</sup>.

Please feel free to contact me should you wish to discuss further.

Best regards,  
**Amelia M. Cordova-Jimenez, MPA**  
*Procurement Contracting Manager*

Miami-Dade County | Internal Services Department  
111 N.W. 1<sup>st</sup> Street, Suite 1300, Miami, FL 33128  
Phone: (305) 375-3054  
E-Mail: [Amelia.Cordova-Jimenez@miamidade.gov](mailto:Amelia.Cordova-Jimenez@miamidade.gov)

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## MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

19 West Flagler Street, Suite 820 · Miami, Florida 33130

Phone: (305) 579-2594 · Facsimile: (305) 579-0273

Website: [ethics.miamidade.gov](http://ethics.miamidade.gov)

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### MEMORANDUM

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**TO:** Thomas B. Davis, Esq.,  
Director of Policy and Legislation

Amelia Cordova-Jimenez, Non-Voting Chairperson,  
ISD Procurement Management

**FROM:** Radia Turay, Staff Attorney  
Commission on Ethics

**SUBJECT:** INQ 19-20, [Voting Conflict of Interest § 2-11.1(v); Appearance of  
Impropriety]

**DATE:** February 20, 2019

**CC:** All COE Legal Staff

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Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding the following proposed transaction.

Facts: You contacted our office regarding the appointment of the selection committee for Miami-Dade Aviation Department Request for ATM Concession Services at Miami International Airport – RFP NO. MDAD-14-14.

The Miami-Dade Aviation Department (MDAD) has requested that Mr. Pedro J. Betancourt, Senior Aviation Property Manager at MDAD, serve as a technical advisor for the solicitation.

Mr. Betancourt previously served as Aviation Senior Procurement Contract Officer at MDAD and later at the Internal Services Department (ISD). He mentored / trained Michael Kosoko, also an Aviation Senior Procurement Contract Officer. Mr. Kosoko was originally assigned as the procurement professional tasked with drafting and advertising RFP No. MDAD-14-14. Mr. Betancourt was key in training Mr. Kosoko throughout this process.

Subsequently, Mr. Kosoko left ISD and accepted employment with MDAD. As a result, Mr. Betancourt was assigned as the Procurement Officer in charge of overseeing the solicitation.

Under this role, Mr. Betancourt met with the County Attorney's Office regarding matters of respondent responsiveness, communicated with the respondents to acquire information needed by the County, and discussed the solicitation with the user department.

In late 2018, Mr. Betancourt accepted a position with MDAD. The subject RFP is now managed by Ms. Cordova-Jimenez. MDAD has now requested that Mr. Betancourt sit on the Selection Committee as a non-voting Technical Advisor.

We have reviewed the memorandum dated February 19, 2019, prepared in connection with this change, adding Mr. Betancourt as a technical advisor, to this selection committee. The memorandum was prepared in connection with 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 memorandum noted no adverse findings for any of the voting and/or non-voting selection committee members.

Issue: Whether Mr. Betancourt may serve as a technical advisor for a solicitation that he previously oversaw as the Procurement Contract Officer?

This office will limit its opinion to whether a conflict of interest exists where a former ISD procurement contract officer serves as a technical advisor for a solicitation that he previously oversaw while working for the ISD.

Discussion: Generally, this agency conducts reviews of issues relating to the appointment of selection committees under Section 2-11.1(v) of the County Ethics Code, which governs voting conflicts by members of County advisory and quasi-judicial boards. We also consider whether there is an appearance of impropriety created and make recommendations based on R-449-14 and Ethics Commission Rule of Procedure 2.1(b).

Section 2-11.1(v) of the County Ethics Code states that no quasi-judicial personnel or advisory personnel shall vote on any matter presented to an advisory board or quasi-judicial board on which the person sits if the board member will be directly affected by the action of the board on which the member serves and the board member has any of the following relationships with any of the persons or entities appearing before the board: (i) officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary or (ii) stock holder, bondholder, debtor or creditor.

In this case, there is no voting conflict for Mr. Betancourt under Section 2-11.1(v) since as technical advisor, he will not vote. *See* INQ 17-174; INQ 18-262 and INQ 18-11.

Additionally, as noted above, due to the sensitivity of the procurement process and the need to preserve public confidence in it, this agency also opines whether there may be an appearance of impropriety in a given situation that would justify the removal of a member of a selection committee. *See* Section 2-1067, Miami-Dade County Code, and 2.1(b) of the COE Rules of Procedure.

The COE has noted in its past opinions that there is no prohibition against an appointment of a County employee to a County board or committee, however there are several factors that would need to be considered with the employee prior to such an appointment. *See* INQ 16-03, INQ 17-52, and INQ 18-131. One of the factors that should be considered implicates Section 2-11.1(j) of the Ethics Code, which prohibits a County employee from engaging in certain activities that would impair their independence of judgement in the performance of his or her public duties.

Under this provision, Section 2-11.1(j), the COE has advised that a County employee who serves on a County board should avoid dealing in his or her County position with any issue that could foreseeably come before him or her as a member of a County board and vice versa. *See* INQ 16-03, INQ17-52, and INQ 18-131. Based on the facts presented, without more, we do not believe that Mr. Betancourt's previous service as the procurement professional for this solicitation would necessarily impair his independence of judgment in the performance of his duties as a technical advisor to this selection committee because he will not serve in both positions simultaneously. Mr. Betancourt is no longer the procurement officer for the solicitation and he no longer works for ISD which is the County Department overseeing the solicitation.

Further, there could be some considerations to be made as the County's Cone of Silence, Section 2-11.1(t), also applies to this solicitation. The Cone of Silence prohibits oral communications with the selection/evaluation committee members by the responding vendors, or their lobbyists or consultants, or by the Mayor and his staff, or by the Commissioners or their staffs, or by the County's professional staff. As the previous procurement contract officer on this solicitation, Mr. Betancourt, met with the County Attorney's Office regarding matters of respondent responsiveness, communicated with the respondents to acquire information needed by the County, and discussed the solicitation with the user department.

While the Ethics Commission has previously stated that, "absent some other factor, the mere fact that one of the members [of a selection committee] has interactions with a respondent in connection with the member's County duties would not...create [an appearance of a conflict that could affect the public trust in the integrity of the procurement process], ISD should consider whether Mr. Betancourt should serve on this selection committee, as perhaps the most sensitive pressure point within County government, the procurement process, has always maintained stronger ethical standards than the minimum provided under the Ethics Code. *See* INQ 17-200, INQ 18-21, and INQ 18-47.



Opinion: Consequently, it does not appear that Mr. Betancourt has a conflict of interest under the Ethics Code that would prohibit him from serving as a technical advisor for a solicitation for which he previously served as the procurement officer. However, the Internal Services Department's Procurement Management Services Division may consider whether Mr. Betancourt should serve on this selection committee, due to his interactions with respondents to this solicitation while he served as the procurement contracting officer, as perhaps the most sensitive pressure point within County government, the procurement process, has always maintained stronger ethical standards than the minimum provided under the Ethics Code. *See* INQ 17-200.

This opinion is limited to the facts as you presented them to the Commission on Ethics and is limited to an interpretation of the County Ethics Code only and is not intended to interpret state laws. Questions regarding state ethics laws should be addressed to the Florida Commission on Ethics.


INQs are informal ethics opinions provided by the legal staff after being reviewed and approved by the Executive Director. INQs deal with opinions previously addressed in public session by the Ethics Commission or within the plain meaning of the County Ethics Code. RQOs are opinions provided by the Miami-Dade Commission on Ethics and Public Trust when the subject matter is of great public importance or where there is insufficient precedent. While these are informal opinions, covered parties that act contrary to the opinion may be referred to the Advocate for preliminary review or investigation and may be subject to a formal Complaint filed with the Commission on Ethics and Public Trust.



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

**M E M O R A N D U M**

**TO:** Amelia Cordova-Jimenez, Non-Voting Chairperson  
Internal Services Department

**FROM:** Adeyinka Majekodunmi, CPA.,   
Commission Auditor

**DATE:** February 19, 2019

**SUBJECT:** **Appointment of Selection Committee for Miami-Dade Aviation Department Request for ATM Concession Services at Miami International Airport – RFP No. MDAD-14-14 (Substitution 1) – Revised**

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Pursuant to Resolution No. R-449-14 dated May 6, 2014, the Office of Commission Auditor (OCA) is directed to conduct background checks on members serving on evaluation or selection committees.

**Issue:** At the request of the Miami-Dade Aviation Department, Pedro J. Betancourt, Senior Aviation Property Manager, serve as the Technical Advisor for subject solicitation.

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

The voting members of the selection committee are:

- Carlos Sondon, Miami-Dade Aviation Department
- Mohammed Osman, Miami-Dade Aviation Department
- Dickson Ezeala, Department of Regulatory and Economic Resources
- Josephine Barrios, Water and Sewer Department
- Taquan Aranha, Housing Finance Authority

The non-voting member of the selection committee is:

- Amelia Cordova-Jimenez, Internal Services Department, Non-Voting Chairperson
- Pedro J. Betancourt, Miami-Dade Aviation, Technical Advisor

**Findings:** Pursuant to Resolution No. R-449-14, OCA completed the required background research concluding there were no adverse findings for the voting and non-voting selection committee members.

TD

cc: Namita Uppal, Chief Procurement Officer, ISD Procurement Management  
Thomas B. Davis, Esq., Director of Policy and Legislation