

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Wednesday, April 17, 2019 11:00 AM
To: Sanchez, Rodzandra (COE)
Subject: FW: INQ 19-45, Marcelo Osorio, President, Atlas Contractors, Corp. (Limitations on Contracting with the County)
Attachments: INQ 19-45 Osorio.pdf; Atlas Contractors, Corp. Sunbiz.pdf; Osorio, Marcel (son) bluebook.pdf; Osorio, Marcelo applic..pdf

From: Diaz-Greco, Gilma M. (COE)
Sent: Wednesday, April 17, 2019 10:53 AM
To: 'info@atlas-contractors.com' <info@atlas-contractors.com>; Osorio, Marcel I. (WASD) <Marcel.Osorio@miamidade.gov>
Cc: Arrojo, Jose (COE) <Jose.Arrojo@miamidade.gov>; Murawski, Michael P. (COE) <Michael.Murawski@miamidade.gov>; Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Sanchez, Rodzandra (COE) <Rodzandra.Sanchez@miamidade.gov>; Anderson, Machell (COE) <Machell.Anderson@miamidade.gov>
Subject: INQ 19-45, Marcelo Osorio, President, Atlas Contractors, Corp. (Limitations on Contracting with the County)

Dear Mr. Osorio:

It was a pleasure to speak with you over the phone. Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding limitations on relatives of County employees contracting with the County. Attached is INQ 19-45 addressing your question regarding limitations on contracting with the County. Please do not hesitate to contact us if you have any questions or if we may be of further assistance.

Cordially,

Gilma (Mimi) Diaz-Greco
Staff Attorney
Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
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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

MEMORANDUM

TO: Marcelo Osorio, President, Atlas Contractors Corp.

FROM: Gilma Diaz-Greco, Staff Attorney
Commission on Ethics

SUBJECT: INQ 19-45

DATE: 4-17-19

CC: All COE Legal Staff, Marcel Osorio, Construction Manager 1, Miami-Dade Water and Sewer Department

Thank you for contacting the Miami-Dade Commission on Ethics and Public Trust and requesting our guidance regarding relatives of Miami-Dade County employees applying to become County vendors.

Facts:

You advise that while you are not a County employee, your son, Marcel Osorio, is a County employee working at the Miami-Dade Water and Sewer Department (“WASD”) as a Construction Manager 1. You would like to contract with the County through your privately-owned business, Atlas Contractors Corp. (“Atlas”), a certified general contractor and engineering services company. Atlas is seeking to contract with Miami-Dade County.

Issue:

Whether the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance (“County Ethics Code”) would prevent your privately-owned company Atlas, from contracting with the County.

Discussion and Opinion

Your inquiry involves several sections of the County Ethics Code which are analyzed below:

A. Contracting with the County

The County Ethics Code at Sections 2-11.1 (c)(2) and (d) allow you to enter into a contract, individually or through a firm, with Miami-Dade County, as long as the contract does not interfere with the full and faithful discharge of your son's duties to the County.

This means that your son, Marcel Osorio, shall not participate in determining the contract requirements or in awarding the contract. Additionally, none of Mr. Osorio's responsibilities and job descriptions shall require him to be involved in the contract in any way including, but not limited to, its enforcement, oversight, administration, amendment, extension, termination or forbearance. In your case, this means that, Atlas shall not enter into contracts with WASD. *See* County Ethics Code §§ 2-11.1 (c) and (n).

B. Lobbying

Furthermore, your son may not lobby the County on behalf of Atlas. This means that he may not contact anyone within the County in an attempt to influence a decision about any contract Atlas. *See* the County Ethics Code § 2-11.1 (m)(1).

C. Exploitation of Official Position

Finally, the County Ethics Code prohibits County employees from exploitation of their official position. In this instance, it means that your son may not use his County position to secure **special privileges or exemptions** with respect to any County contract to which Atlas is applying. *See* County Ethics Code § 2-11.1(g).

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.

Please submit this memorandum to the Procurement Department. The Ethics Commission does not submit it on your behalf.

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.

INC 19-45



RELATIVES OF COUNTY EMPLOYEES WISHING to REGISTER as COUNTY VENDORS

Please submit the following information by mail, fax, or email to:

The Commission on Ethics & Public Trust
19 West Flagler St., Suite 820
Miami, FL 33130

Phone: (305) 579-2594
Fax: (305) 579-0273
Email: ethics@miamidade.gov

YOUR Name Marcelo Osorio

Name of your business Atlas Contractors, Corp.

Type of Business Certified General Contractor, Engineering Services

Your Mailing Address 1800 SW 70 CT, MIAMI, FL 33155

Your Daytime Phone 305-266-8774

Your Email info@atlas-contractors.com

Name of County employee related to you Marcel Osorio

Type of relationship-spouse? Child? Parent? Other? Child

County employee's department, if known Miami Dade Water and Sewer Department

County employee's title, if known Construction Manager 1

Please list the **names, titles and departments** of any other immediate family members currently employed by Miami-Dade County _____

The Miami-Dade County Conflict of Interest & Code of Ethics at §2-11.1(c)(2) allows immediately family members of County employees to contract with the County in certain circumstances and if the following criteria are met. Please confirm that you and your immediate family member(s) will be able to meet all of these criteria:

1. Entering into a contract with the County will not interfere with the full and faithful discharge of the County employee's duties to the County.
2. The County employee will not participate in determining your contract requirements.
3. The County employee will not participate in awarding the contract.
4. The County employee's job responsibilities and job description will not require him/her to be involved in the contract in any way including, but not limited to, its enforcement, oversight, administration, amendment, extension, termination, or forbearance.
5. The County employee will not be working in the County department that enforces, oversees, or administers your contract.

I have read these requirements and pledge to abide by them.

Signature

APRIL 8th 2019
Date



Menu

Employee Search

Select Department

First Name

Last Name

Email Address

Office Phone

| First | Last | Position | Department | Email Address | Phone |
|--------|--------|------------------------|------------|-----------------------------|-------|
| MARCEL | OSORIO | CONSTRUCTION MANAGER 1 | 96 | Marcel.Osorio@miamidade.gov | |

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Detail by Entity Name

Florida Profit Corporation
ATLAS CONTRACTORS, CORP.

Filing Information

| | |
|-----------------------------|--------------|
| Document Number | P95000093018 |
| FEI/EIN Number | 65-0624392 |
| Date Filed | 12/07/1995 |
| State | FL |
| Status | ACTIVE |
| Last Event | AMENDMENT |
| Event Date Filed | 09/28/2017 |
| Event Effective Date | NONE |

Principal Address

1800 S.W. 70 COURT
MIAMI, FL 33155

Mailing Address

1800 S.W. 70 COURT
MIAMI, FL 33155

Registered Agent Name & Address

OSORIO, MARCELO E
1800 S.W. 70 COURT
MIAMI, FL 33155

Name Changed: 04/09/2014

Officer/Director Detail

Name & Address

Title President, Treasurer

OSORIO, MARCELO E
1800 S.W. 70 COURT
MIAMI, FL 33155

Title VP

Osorio, Marco A
1800 S.W. 70 COURT
MIAMI, FL 33155

Annual Reports

| Report Year | Filed Date |
|--------------------|-------------------|
| 2017 | 02/10/2017 |
| 2018 | 04/02/2018 |
| 2019 | 02/06/2019 |

Document Images

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