



For Immediate Release: December 12, 2013
Contact: Joseph Centorino, Executive Director
(305) 350-0613 or centori@miamidade.gov

Another opinion issued on sewer bid controversy

In a follow up to last month's **Request for Opinion 13-11** regarding solicitations for proposals for a company to oversee massive repairs to Miami-Dade's sewer system, the Miami-Dade Commission on Ethics & Public Trust (COE) today determined that there were no clear guidelines in the County's bid specifications on the project that prohibited a bidder from submitting additional information to selection committee members following the committee's initial ranking and prior to the second tier oral presentation. AECOM Technical Services, Inc., complained that CH2M violated the rules by sending a 400-page addendum to its original presentation prior to the second phase of the evaluation process. But today's decision found that the late submission was not "specifically prohibited" by the bid documents. This opinion follows a previous one in which the COE ruled that the County's Cone of Silence ordinance did not prohibit such submissions. Because of these rulings, Ethics Commissioners also found No Probable Cause to a complaint (**C 13-26**) against attorney Mitchell Bierman for submitting the above-mentioned addendum as the lobbyist for CH2M Hill. County procurement officials have since corrected this ambiguity by amending its procedures to clearly prohibit such direct communications with selection committee members in future bids.

In a Request for Opinion (**RQO 13-12**) regarding lobbying rules, the Ethics Commission determined that persons appearing in video presentations for government contracts may not have to register as lobbyists under certain conditions. Those conditions include that the individual is not employed by or retained by the applicant, has no financial or other special interest in the project, is commenting solely on past experience with the firm applying for the contract and makes no reference to the current application.

Ethics Commissioners approved a Letter of Instruction for former North Miami Mayor Andre Pierre following his settlement last month over a complaint (**C 12-35**) that he had free use of public parks for his private soccer club. The Letter refers to his soliciting free use of the stadium and not reporting it as a gift, as an "improper act" that creates an appearance of impropriety that shakes the public's trust in their elected officials," and also resulted in a financial loss to the city. In addition to accepting the Letter, Pierre is paying a fine of \$500 and investigative costs of \$4,634.70 to the Ethics Commission, as well as reimbursing the City of North Miami the amount of \$2,181.72.

In other action today, Ethics Commissioners chose **Nelson Bellido** as their chair for the next two years. Mr. Bellido has been on the Ethics Commission since July 2010 and is a partner in the Coral Gables-based law firm, Concepcion Martinez & Bellido, P.A., specializing in business and complex commercial litigation, insurance law and products liability. **Judge Lawrence Schwartz**, who joined the Ethics Commission in January 2013, was elected Vice-Chair.

The Ethics Commission was created in 1996 as an independent agency with advisory and quasi-judicial powers. It is composed of five members, serving staggered terms of four years each. Through a program of education, outreach and enforcement, the Commission seeks to empower the community and bolster public trust.

###