
INQ 16-192 Manduley

From: Diaz-Greco, Gilma M. (COE)
Sent: Wednesday, July 27, 2016 3:45 PM
To: Manduley, Julian R. (ITD) <Julian.Manduley@miamidade.gov>
Cc: Centorino, Joseph (COE) <CENTORI@miamidade.gov>; Murawski, Michael P. (COE) <MURAWSK@miamidade.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: Julian Manduley, IT Contracts Procurement Manager, Miami-Dade ITD (Gifts) INQ 16-192

Dear Mr. Manduley:

You have inquired whether the County Ethics Code would prohibit Microsoft Corporation, a county vendor, from providing the County, free of charge, with third party administrator (TPA) services valued at \$12,566.

As background, Microsoft Corporation has changed the way they license their SQL database product which is used by the County IT Department. A review is required in order to convert to Microsoft's new SQL licensing model. Microsoft is paying a TPA to conduct this review for any entity that is changing to the new licensing model, including Miami-Dade County. Microsoft is providing the services of the TPA (valued at \$12,566) to the County free of charge.

Based on the facts presented we do not find any conflict of interest under the County Ethics Code. The County Ethics Code generally prohibits County employees and public officials from soliciting gifts for themselves or others in exchange for official action. *See* Miami-Dade Code §2-11.1(e)(3). However, nothing in the Ethics Code prohibits a County vendor from providing to the **County** services free of charge where the services will be used by the County in conducting its official business. Consequently, the County may accept the service being offered by Microsoft valued at \$12,566.

This opinion is based on the facts presented. If these facts change, please contact us.

Best regards,

Gilma (Mimi) Diaz-Greco
Staff Attorney



Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
Miami, FL 33130
Tel: (305) 579-2594
Fax: (305) 579-0273
gdiazgr@miamidade.gov
www.facebook.com/MiamiDadeEthics

From: Manduley, Julian R. (ITD)
Sent: Tuesday, July 26, 2016 5:21 PM
To: Diaz-Greco, Gilma M. (COE) <GDIAZGR@miamidade.gov>
Subject: FW: Microsoft

Hi Gilma:

Can your review be completed by end of day tomorrow?

Thank you.

Julian R. Manduley, C.P.M.
IT Contracts & Procurement Manager
Miami-Dade County Information Technology Department
5680 S.W. 87th Avenue
Miami, FL 33173
Tel: 305.596.8610
Fax: 305.275.7696
jmandul@miamidade.gov

Delivering Excellence Every Day

Visit our website at: www.miamidade.gov/itd

Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and are subject to disclosure.

From: Camner, Sue (ITD)
Sent: Tuesday, July 26, 2016 5:19 PM
To: Manduley, Julian R. (ITD) <Julian.Manduley@miamidade.gov>
Subject: FW: form

Working with Microsoft on their new SQL Server licensing model, we ran scripts across all Miami Dade domains. In order to get the full core credit of those licenses that will default to four (4) per processor, Microsoft is offering us the services of a third party at no charge to us to analyze the results of those scripts. Without these services the County will not realize the full value of the SQL server licenses in the new licensing model. The cost to Microsoft is \$12,566.

Sue Camner, Database Manager
Enterprise Architecture Services Division
Miami-Dade County Information Technology Department
5680 SW 87th Avenue, Miami, Florida 33173
305-596-8322 Phone 305-275-7696 Fax
305-276-0599 Pager for Production Emergencies
www.miamidade.gov

"Delivering Excellence Every Day"

Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure.



From: Camner, Sue (ITD)
Sent: Friday, July 22, 2016 9:34 AM
To: Manduley, Julian R. (ITD) <Julian.Manduley@miamidade.gov>
Cc: Suarez, Carmen (ITD) <Carmen.Suarez@miamidade.gov>; 'Blair Byrnes' <Blair.Byrnes@microsoft.com>
Subject: RE: form

Hi Julian-
Just following up, did you get a chance to look at the form? It is attached.

thanx

Sue Camner, Database Manager
Enterprise Architecture Services Division
Miami-Dade County Information Technology Department
5680 SW 87th Avenue, Miami, Florida 33173
305-596-8322 Phone 305-275-7696 Fax
305-276-0599 Pager for Production Emergencies
www.miamidade.gov

"Delivering Excellence Every Day"

Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure.



From: Camner, Sue (ITD)
Sent: Tuesday, July 19, 2016 1:37 PM
To: Manduley, Julian R. (ITD) <Julian.Manduley@miamidade.gov>
Cc: Suarez, Carmen (ITD) <Carmen.Suarez@miamidade.gov>; 'Blair Byrnes' <Blair.Byrnes@microsoft.com>
Subject: FW: form

Julian-
Please see attached and advise.

Sue Camner, Database Manager
Enterprise Architecture Services Division
Miami-Dade County Information Technology Department
5680 SW 87th Avenue, Miami, Florida 33173
305-596-8322 Phone 305-275-7696 Fax
305-276-0599 Pager for Production Emergencies
www.miamidade.gov

"Delivering Excellence Every Day"

Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure.

From: Camner, Sue (ITD)
Sent: Monday, July 18, 2016 1:01 PM
To: 'Blair Byrnes' <Blair.Byrnes@microsoft.com>
Cc: Suarez, Carmen (ITD) <Carmen.Suarez@miamidade.gov>; Manduley, Julian R. (ITD) <Julian.Manduley@miamidade.gov>
Subject: form

Blair-
I spoke with Carmen. She doesn't know either.
Can you send us the form without a name and we will get Julian's opinion.

Thank you

Sue Camner, Database Manager
Enterprise Architecture Services Division
Miami-Dade County Information Technology Department
[5680 SW 87th Avenue, Miami, Florida 33173](https://www.miamidade.gov)
[305-596-8322](tel:305-596-8322) Phone [305-275-7696](tel:305-275-7696) Fax
[305-276-0599](tel:305-276-0599) Pager for Production Emergencies
www.miamidade.gov

"Delivering Excellence Every Day"

Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure.



NOTICE AND CONSENT AGREEMENT FOR MICROSOFT-FUNDED SAM ENGAGEMENT

Microsoft Corporation recommends that **FL-County of Dade Miami** obtain **Software Asset Management engagement** to enhance the benefits of Microsoft technology in its environment. Therefore, upon your execution and our acceptance of this agreement, you may obtain such services, at no charge to you, from **Inviso, Corp.**, in an amount not to exceed **\$12,566**. Microsoft will pay the partner directly for the services. All services obtained by you under this agreement must be fully rendered by partner on or before 9/30/2016.

Microsoft waives any and all entitlement to compensation from **FL-County of Dade Miami** for the services provided to you by the partner pursuant to this letter agreement. Microsoft intends that these services and associated terms be in compliance with applicable laws and regulations with respect to gratuitous services. It is specifically understood that all services and services deliverables provided are for the sole benefit and use of **FL-County of Dade Miami** and are not provided for personal use or benefit of any individual government employee.

ACCEPTED AND AGREED:

FL-County of Dade Miami	Microsoft Corporation
Signature:	Signature:
Date:	Date:
Typed Name:	Typed Name: David Hasenkopf
Typed Email:	Typed Email: dhasen@microsoft.com