

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, August 22, 2017 9:08 AM
To: Sanchez, Rodzandra (COE)
Subject: FW: Pedro Betancourt, Aviation Sr. Procurement Contract Officer, RE: Opinion - RFP No. MDAD-03-16, Voting Conflict of interest, INQ 17-206

[INQ 17-206 Betancourt](#)

From: Betancourt, Pete J. (Aviation) [<mailto:PJBETANCOURT@miami-airport.com>]
Sent: Monday, August 21, 2017 2:11 PM
To: Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>
Cc: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Clark-Vincent, Marie (Aviation) <MClark@miami-airport.com>; Murray, David M. (Aviation) <dmmurray@miami-airport.com>
Subject: RE: Pedro Betancourt, Aviation Sr. Procurement Contract Officer, RE: Opinion - RFP No. MDAD-03-16, Voting Conflict of interest, INQ 17-206

[Appreciate your assistance.](#)

From: Perez, Martha D. (COE) [<mailto:Martha.Perez2@miamidade.gov>]
Sent: Monday, August 21, 2017 1:38 PM
To: Betancourt, Pete J. (Aviation)
Cc: Centorino, Joseph (COE); Diaz-Greco, Gilma M. (COE); Turay, Radia (COE)
Subject: Pedro Betancourt, Aviation Sr. Procurement Contract Officer, RE: Opinion - RFP No. MDAD-03-16, Voting Conflict of interest, INQ 17-206

Dear Mr. Betancourt,

You inquire whether Mr. Daniel Barcia (Barcia), an employee at the County's Parks, Recreation and Open Spaces Department (PROS), may have a conflict of interest serving in a selection committee where the lobbyist for one of the proposers is a cabana patron at Crandon Park.

Background

Barcia is employed at the County's PROS as Park Manager 5, assigned to Crandon Park. As a Parks Manager, Barcia oversees the park's programs, activities and amenities such as the rental of 40 cabanas at Crandon Park. He is serving as a selection committee member for the County's Aviation Department RFP for Janitorial services- RFP No. MDAD-03-16. A pre-screening meeting was held on the RFP. In attendance at the meeting was a lobbyist who represents one of the proposers. Barcia recognized the lobbyist as one of the Park's customers who leases cabana space on an annual basis.

Analysis

A selection committee formed by a County department may be considered to be a County advisory board for purposes of assessing a conflict under Section 2-22.1(v) of the County Ethics Code. That section requires, for purposes of determining a voting conflict, that the member be directly affected by the action *and* that the member have any of the prohibited relationships with any person appearing before the committee: officer, director, partner, of counsel, consultant, employee, fiduciary, beneficiary, stockholder, bondholder, debtor or creditor. Consequently, Barcia does

not have a conflict under this section as there is no direct impact on him personally, nor any of the prohibited relationships with the lobbyist that could create such conflict. See INQ 16-242

As a member of a County selection committee, Barcia is also subject to Section 2-11.1(j) of the County Ethics Code, which prohibits a County employee from engaging in activities which would impair his or her independence of judgment in the performance of his or her public duties. Consequently, County employees who serve as selection committee members cannot participate in selections or evaluations where their private interests outweigh the faithful discharge of their responsibilities to the County. See INQ 12-217.

In assessing the private interests involved in any given activity, emphasis is given to the relationship between the committee member and the proposer or proposer's team members. In this instance, Barcia does not maintain a financial or business relationship with the lobbyist in question. The lobbyist is one of 40 potential renters of cabana space at the Park managed by Barcia. Barcia also does not have any personal interest in the solicitation itself. Consequently, his service in the selection aspect of the RFP does not present a conflict of interest under the County Ethics Code. See INQ 15-206.

Although Barcia's participation in the selection committee does not present a conflict of interest, be mindful that, in all procurement matters, where appearances of integrity and fairness are paramount, the County needs to conduct its operations in a manner that will not create appearances of impropriety, favoritism or undue influence. See INQ 14-242.

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

Sincerely,

Martha D. Perez
Staff Attorney
MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST
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From: Betancourt, Pete J. (Aviation) [<mailto:PJBETANCOURT@miami-airport.com>]
Sent: Monday, August 21, 2017 11:08 AM
To: Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>
Subject: RE: Opinion - RFP No. MDAD-03-16

Mr. Daniel Barcia is employed Miami-Dade County, Parks at Crandon (see attached appointment memorandum).

A total of forty (40) cabanas are available for rental.

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From: Perez, Martha D. (COE) [<mailto:Martha.Perez2@miamidade.gov>]
Sent: Monday, August 21, 2017 9:46 AM
To: Betancourt, Pete J. (Aviation)
Subject: RE: Opinion - RFP No. MDAD-03-16

Good morning Pedro,

Could you please attach the solicitation? Not included in the inquiry. Also:

- 1) Is Ms. Barcia assigned to Crandon Park?
- 2) How many cabanas are available to customers for annual rental?

Thank you.

Martha D. Perez
Staff Attorney
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From: Betancourt, Pete J. (Aviation) [<mailto:PJBETANCOURT@miami-airport.com>]
Sent: Monday, August 21, 2017 9:32 AM
To: Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>
Cc: Clark-Vincent, Marie (Aviation) <MClark@miami-airport.com>
Subject: Opinion - RFP No. MDAD-03-16

Good morning Ms. Perez.

One of our evaluation/selection committee members (Daniel Barcia, PROS Park Manager 5) serving on the referenced solicitation, realized at the pre-screening meeting that one (1) of the lobbyist representing a proposer is a cabana patron at Crandon Park. The lobbyist leases the cabana on an annual basis and the contact is strictly from a customer standpoint.

Please advise if your office foresees any possible conflict(s) on the matter.

Your assistance with this matter is greatly appreciated.

Regards,

Pedro J. Betancourt, PMP, CPPO, LEED® AP O+M
Aviation Sr. Proc. Contract Officer
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