

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Friday, December 22, 2017 12:25 PM
To: Sanchez, Rodzandra (COE)
Subject: Pablo Valin, ISD Procurement, Miami-Dade County (Organizational Conflicts, RQO 17-02) INQ 17-284

INQ 17-284 Valin

From: Centorino, Joseph (COE)
Sent: Thursday, December 14, 2017 4:34 PM
To: Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>
Subject: INQ 17-284 Pablo Valin, ISD Procurement, Miami-Dade County (Organizational Conflicts, RQO 17-02)

Pablo Valin, ISD Procurement for Miami-Dade County, inquired concerning the procedure for determination of an organizational conflict of interest, pursuant to the policy established by the COE in RQO 17-02 and the supplemental information provided thereunder. The policy requires disclosure of potential conflicts of interest on the part of prospective County contractors. Organizational conflicts may involve conflicts created through relationships that a contractor may have with other existing or prospective contractors or with individuals employed by existing or prospective contractors or with County personnel, which may interfere with the ability of a contractor or its personnel to carry out its obligations under a county contract with objectivity rather than having favoritism, bias or self-interest prevail over the public interest. Such conflicts are not covered by the Miami-Dade County Ethics Code, but are made subject to County policy under RQO 17-02. Following disclosure of an organizational conflict by a prospective contractor, or the discovery of such a conflict by County personnel, the department involved is to conduct its own inquiry into the conflict issue, and come up a plan or some mechanism to deal with the conflict. The plan of action to deal with the conflict is submitted to the Executive Director of the Commission on Ethics and Public Trust for approval. If the County department does not agree with that decision, it may appeal the decision of the Director to the full Commission on Ethics.

Mr. Valin was concerned about the timing of the inquiry to be made and the plan of action to be submitted to the Ethics Director. I informed him that it should be done at the earliest possible time following disclosure of the conflict. If it is not done promptly, there is a chance that the conflict issue may not be addressed until the procurement project has moved to the selection stage, making it more difficult for the County to disqualify a contractor or implement a plan of action to avoid or minimize the conflict. It is always preferable for such issues to be dealt with at the front end of the process rather than at the end, when the County may have practical or legal obstacles in the way of adequately addressing such a conflict.

Joseph M. Centorino

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