

Memorandum

TO: OSCAR WILLUMSEN
DEPARTMENT OF PROCUREMENT MANAGEMENT

FROM: ARDYTH WALKER
STAFF GENERAL COUNSEL

RE: INQUIRY 06-120

DATE: AUGUST 18, 2006

I received your request for an advisory opinion regarding a possible conflict by a member of a selection committee. Robert Janosi, a non-voting member of the technical advisory committee, disclosed on his neutrality affidavit that he had provided certification training to employees of some of the proposers. You requested an opinion as to whether Janosi was barred from serving as a member of the technical committee. The Executive Director and I have reviewed this matter. The Ethics Commission has not considered this matter. Please advise me if you want this matter placed on the Ethics Commission's August agenda.

The Department of Public Works recently issued an RFQ for two firms to retrofit all of the county's existing traffic lights with new LED traffic lights. The RFQ provides that one firm will replace the lights in the northern half of the county and another firm will replace the lights in the southern half of the county. The firms will manage all phases of the project including purchase, distribution, installation, inspection and repair during the warranty period of the traffic signals. The contractors are required to provide proof of required licenses and certifications for traffic signal contractors.

Janosi currently provides certification training for the International Municipal Sign Association (IMSA). In Janosi's capacity as a trainer, he provides classes for certification in various areas including traffic signal inspection, work zone safety and roadway lighting. Janosi contracts directly with firms who are seeking certification for their employees. Janosi has provided certification training for several of the companies who have responded to the RFQ. Janosi is not responsible for grading the certification exams. Janosi is serving as a non-voting member of the technical advisory committee for the RFQ.

The Conflict of Interest and Code of Ethics ordinance permits Janosi to serve as a member of the technical advisory committee. Section 2-11.1 (n) prohibits employees from taking official action if they or a member of their immediate family have a financial interest, direct or indirect, in their decision-making. Since Janosi does not have a financial interest, direct or indirect, in which firm receives the contract award, he does not have a conflict under this section of the ordinance. However, Janosi must ensure that he does not violate Section 2-11.1(h)(disclosure of confidential information) or Section 2-11.1(t)(Cone of Silence) if he teaches a course for any proposer or subcontractor during the time that he serves as member of the technical advisory committee. Therefore, Janosi may serve as a member of the technical advisory committee but he is prohibited from disclosing any confidential information or discussing the RFQ with any proposer while the contract is covered by the Cone of Silence.

This opinion construes the Conflict of Interest and Code of Ethics ordinance only. Please consult the State of Florida Commission on Ethics for any possible conflicts under state law.

Please contact me at (305) 350-0616 or awalker@miamidade.gov if you have any additional questions or I can provide any further assistance.

cc: Robert Janosi, Department of Public Works

MIAMI-DADE COUNTY COMMISSION ON ETHICS AND
PUBLIC TRUST

FACSIMILE TRANSMITTAL SHEET

TO:
Oscar Willumsen

FROM:
Ardyth Walker

COMPANY:
Department of Procurement
Management

DATE:
8/18/2006

FAX NUMBER:
(305) 375-1083

TOTAL NO. OF PAGES INCLUDING COVER:
3

PHONE NUMBER:
(305) 375- 5683

SENDER'S REFERENCE NUMBER:

RE:
Inquiry 06-120

YOUR REFERENCE NUMBER:

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Please call me at (305) 350-0616 or email me at awalker@miamidade.gov if you have any questions.

Walker, Ardyth (COE)

From: Willumsen, Oscar (DPM)
Sent: Wednesday, August 16, 2006 12:02 PM
To: Walker, Ardyth (COE)
Subject: FW: Reference the Neutrality/Disclosure Form
Importance: High

FYI

-----Original Message-----

From: Willumsen, Oscar (DPM)
Sent: Wednesday, August 09, 2006 10:21 AM
To: Walker, Ardyth (COE)
Cc: Armstrong, Norma (DPM); Janosi, Bob (PWD)
Subject: FW: Reference the Neutrality/Disclosure Form
Importance: High

Dear Ms. Walker,

Could you please give us an opinion on this case? Should you have any further questions or concerns, please feel free to contact me and/or Mr. Janosi. The Committee will meet again on 8/17/06 and I would like to have an opinion by then. Thank you so much for your time.

Regards,

-----Original Message-----

From: Janosi, Bob (PWD)
Sent: Wednesday, August 09, 2006 8:27 AM
To: Willumsen, Oscar (DPM)
Cc: Armstrong, Norma (DPM)
Subject: Reference the Neutrality/Disclosure Form
Importance: High

Oscar:

I need you to check with the Ethics Commission on a conflict that I have with the Neutrality/Disclosure Form.

I provide various National certification courses in traffic signals and work zone construction to Traffic Signal Contractors and Consultants for the International Municipal Signal Association (IMSA) which I am a Moderator and Test Administrator for. In reviewing the proposal packages, I observed that I have previously and currently contracted with several of the local Traffic Signal Sub-contractors for said services, which **all** of the Proposal packages has listed one (1) of these firms as their Traffic Signal Sub-contractors.

The Traffic Signal contractors are: Under Power Corp. and Systems Integration and Maintenance.

I personally do not see a conflict, since I have no vested interest on what work or projects any government agency (County, State or Municipal) or Private Corporation has with any Contractor or Consultant that have contracted my services to moderate IMSA certification

8/18/2006

courses for their employees.

Bob

Robert Janesi

Traffic Control Standards & Specifications Coordinator

Miami-Dade Public Works Department

Traffic Signals & Signs Division

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