

STEEL
HECTOR
& DAVIS
INTERNATIONAL™

Steel Hector & Davis LLP
200 South Biscayne Boulevard
Suite 4000
Miami, FL 33131-2398
305.577.7000
305.577.7001 Fax
www.steelhector.com

Pablo Acosta
305.577.2828
pacosta@steelhector.com

February 6, 2003

INQ 03-136

VIA FACSIMILE (305) 579-2656

DRAFT

Mr. Robert Meyers
Miami-Dade County
Commission on Ethics and Public Trust
19 West Flagler Street, Suite 220
Miami, FL 33130

**RE: Section 2-11.1 (r) Code of Miami-Dade County, Request for Advisory
Opinion on Behalf of Parsons Transportation Group**

Dear Mr. Meyers:

Our firm is duly registered with the Clerk of the Board of County Commissioners to act as representatives of Parsons Transportation Group ("Parsons").

Pursuant to Section 2-11.1(r) of the Miami-Dade County Code, Parsons respectfully requests an opinion from the Ethics Commission, since it renders services to the County as a sub-contractor. Parsons would like to seek some clarification regarding a possible course of action under consideration. That being the possibility of pursuing other contracting opportunities involving the MIC/MIA Connector project and what potential violation of the Conflict of Interest provisions of the Code of Ethics may that create. Parsons respectfully requests the Commission's guidance with the question below based on the following facts.

STATEMENT OF FACTS:

Parsons is currently a sub-consultant to Lea + Elliott Transportation Consultants ("Lea + Elliott"). Lea + Elliott, in turn, is a sub-consultant to Dade Aviation Consultants ("DAC"). DAC is a General Consultant to the Miami-Dade Aviation Department ("MDAD"). Specifically, DAC is involved in providing consulting services to MDAD on its MIC/MIA Connector project.

To date, Parsons has only been engaged in developing a preliminary conceptual design schematic for a portion of the MIC/MIA Connector project. The portion which Parsons has been involved in consists of the area of the east end of the future INS station to the MIC Station and Maintenance and Storage Facility. The design activities

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of Parsons have been limited to only this narrow portion of the MIC/MIA Connector project and have been conducted pursuant to a traditional design, bid, build process. Thus, Parsons has not been involved in any other aspect of the MIC/MIA Connector project, nor has it engaged in providing any other services as a sub-consultant to Lea + Elliott.

It now appears that the traditional design, bid, build approach to the MIC/MIA Connector project has changed. Additionally, under the previously envisioned traditional design, bid, build process, a loop connector concept was envisioned for the project. In essence, both the methodology and design concept for the MIC/MIA Connector project have now changed. The new procurement process will be a Design, Build Operate and Maintain ("DBOM") approach and the new design concept will now be a straight line connector concept rather than the previously envisioned loop connector concept. Thus, Parsons' conceptual design for the east end portion of the MIC/MIA Connector project described above is no longer viable and as such the conceptual design will not be used in the project's implementation. Parsons has not been involved in any way whatsoever with the development of the documentation for the new DBOM bidding process nor the new design concept of the straight line for the MIC/MIA Connector project. Parsons now wishes to participate with other firms in the bidding process for the DBOM straight line concept of the MIC/MIA Connector project.

QUESTION:

- 1.) Given the facts described herein, if Parsons formally withdraws immediately from its current involvement with the team comprised of Lea + Elliott and DAC, may it pursue teaming opportunities with other firms for the purpose of participating in the pursuit and award of a DBOM bidding process for a straight line concept of the MIC/MIA Connector project, without violating the "Conflict of Interest" or other provisions of the Ethics Code?

Thank you for your prompt attention to this matter. Should you have any questions, please contact me directly at (305) 577-2828.

Sincerely,

Pablo Acosta, Esq.
Partner