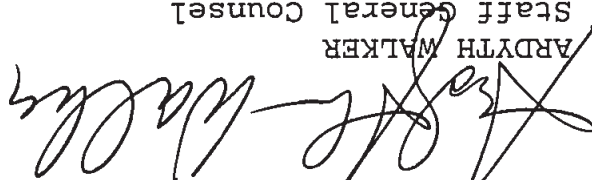


If you have any questions regarding this opinion, please call the undersigned at (305) 350-0616 or Robert Meyers, Executive Director at (305) 579-2594.

Sincerely Yours,



Ardyth Walker

ARDYTH WALKER

Staff General Counsel

Consultants advertising the establishment of the pool. The notice sets out the information which each firm must provide to DBD in order to be certified as a member of the pool. All firms must provide all information by November 15, 2001. All firms that are eligible will be certified as a member of the pool.

The Commission found the Cone of Silence does not apply to the Department of Business Development's certification process for the Equitable Distribution Pool. Section 2-11.1(t) provides that Section 2-11.1(t)(1)(a) provides that "Cone of Silence is hereby defined to mean a prohibition on: a) any communication regarding a particular RFP, RFQ or bid between a potential vendor, service provider, bidder, lobbyist or consultant and the County's professional staff including; but not limited to the County Manager and his or her staff; and b) any communication regarding a particular RFP, RFQ or bid between the Mayor, County Commissioners or their staff and member of the County's professional staff including, but not limited to, the County Manager and his or her staff." The Cone of Silence is inapplicable to DBD's certification process because the process does not concern a particular bid, RFP or RFQ. Moreover, the process is non-competitive and the Cone of Silence is designed to protect the integrity of the competitive selection process. Since all eligible firms may become a part of the pool, the Cone of Silence does not apply to the EDP certification process.

This opinion construes the Miami-Dade Conflict of Interest and Code of Ethics ordinance only and is not applicable to any conflict under state law. Please contact the State of Florida Commission on Ethics if you have any questions regarding possible conflicts under state law.



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STAFF GENERAL COUNSEL

December 28, 2001

Marsha Jackman
Director
Department of Business Development
175 N.W. First Avenue
28th Floor
Miami, Florida 33128

RE: REQUEST FOR ADVISORY OPINION 01-101

Dear Ms. Jackman:

The Commission on Ethics and Public Trust considered your request at its meeting of December 11, 2001 and rendered its opinion based on the facts in your letter.

You requested an opinion regarding the application of the Cone of Silence to the creation of an Equitable Distribution Pool for architectural and engineering firms.

In your letter, you advised the Commission that pursuant to Administrative Order 3-33, the Department of Business Development is responsible for certifying architectural and engineering firms to participate in the county's Equitable Distribution Program. Firms who are pre-certified by DBD will enter into miscellaneous contracts with the county to provide architectural and engineering services. Members of the pool will be assigned work on a rotation basis. The members of the pool are also pre-certified to participate in county solicitations for firms to work on large-scale AE projects.

The Department of Business Development recently issued a Notice to Professional