

If you have any questions regarding this opinion, please call Ardyth Walker, Staff General Counsel at (305) 350-0616 or the undersigned at (305) 579-2594.

Sincerely Yours,



ROBERT MEYERS

Executive Director

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 ordinance also provides for the Cone of Silence to be imposed after the advertisement of the bid and remain until the Manager makes his final recommendation to the County Commission.

Pursuant to the Interlocal Agreement between the Florida Department of Transportation, the Miami-Dade County Board of County Commissioners and the Miami-Dade County School Board, a Memorandum of Understanding was entered into Metropolitan Planning Organization and the Board of County Commissioners. The agreement provides that "Contracts and Bids for the purchase of materials and services shall be in accordance with County procedures for the same purposes, with the exception that the action of the MPO Governing Board with respect to such requests shall be final."

Since the Cone of Silence is an integral part of the County's procurement procedure and the county procedures govern MPO contracts and bids, the Cone of Silence applies to MPO contracts. Therefore, the Cone of Silence applies in MPO contracts with the MPO Governing Board substituted for the Board of County Commissioners in its provisions.

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.



July 11, 2001

ETHICS COMMISSIONERS

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ROBERT A. MEYERS
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Priscilla Perry
Priscilla R. Perry and Associates
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RE: REQUEST FOR ADVISORY OPINION 01-56

Dear Ms. Perry:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on July 10, 2001 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding whether the provisions of the Cone of Silence apply to the Metropolitan Planning Organization.

The Metropolitan Planning Organization (MPO) is an entity mandated by state and federal law to develop transportation plans and programs for metropolitan areas. The MPO Governing Board is comprised of the entire Board of County Commissioners as well as representatives from the Miami-Dade County School Board, several local municipalities and officials from the Florida Department of Transportation. The MPO is responsible for developing long-range capital plans and coordinating transit services and projects.

The Commission found the Conflict of Interest and Code of Ethics ordinance applies to contracting activities of the Metropolitan Planning Organization. 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