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STAFF GENERAL COUNSEL

December 19, 2002

Richard Heidrich  
Vice-President  
DMJM Harris  
Douglas Entrance  
800 Douglas Road, Suite 770  
Coral Gables, FL 33134

**RE: REQUEST FOR ADVISORY OPINION 02-170**

Dear Mr. Heidrich:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on December 18, 2002 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding DMJM Harris' ability to bid on a Gantry Crane Consultant Project at the seaport.

In your letter, you advised the Commission that DMJM Harris is an engineering firm that is currently under contract to the Seaport to provide a crane electrification study. The crane electrification study requires the firm to identify alternatives to crane electrification and examine the structural capacities of existing wharf structures.

The Seaport Department recently issued a Notice to Professional Consultants for a Gantry Crane Consultant. The consultant agreement is for a period of three years. The scope of services include assisting the Seaport Department in the procurement of new

cranes, review qualifications of possible contractors and manufacturers, preparation of contract documents, manage crane-related design and construction projects and provide on-site engineer for crane troubleshooting of systems and control, crane fabrication, startup and commissioning.

The Commission found that DMJM Harris may serve as a Gantry Crane Consultant for the Seaport. The scope of work under the current Crane Electrification contract and the work under the Gantry Crane consultant agreement would not overlap. The current contract only requires DMJM Harris to provide preliminary crane electrification study. The Gantry Crane Consultant would perform crane procurement and management services. Since the scope of work does not overlap, DMJM Harris may serve as Gantry Crane Consultant.

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.

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

Sincerely Yours,

A handwritten signature in black ink, appearing to read "Robert Meyers", with a long horizontal flourish extending to the right.

ROBERT MEYERS  
Executive Director