

Memo

To: Luisa Millan-Donovan
Chief, Professional Services Division
Capital Improvements Construction Coordination

From: Ardyth Walker
Staff General Counsel

Date: August 27, 2003

Re: Request for Advisory Opinion- RQO 03-120

I received your request for an advisory opinion regarding the definition of lobbying and whether a meeting between the principal of an architectural/ engineering firm and CICC staff to discuss the company's expertise and how to provide professional services to Miami-Dade County requires lobbyist registration.

In other correspondence, you provided additional scenarios including vendor meetings with the staff of the Vendor Information Center (VIC), vendor discussions with the Department Director after public presentations before local Chambers of Commerce and other business and professional organizations regarding doing business with Miami-Dade County and one-on-one meetings with senior level staff to discuss procurement opportunities.

As a general rule, the principal of an AE firm or a vendor is not required to register as a lobbyist to discuss general rules and procedures for responding to solicitations or doing business with Miami-Dade County. However, a principal of an AE firm or a vendor is required to register for any meeting where the vendor or principal is seeking to influence any action of staff.

Under the scenarios presented by your correspondence, the following guidelines would apply:

- A principal of an AE firm or a vendor is not required to register if the purpose of the meeting or discussion with the Department Director or other staff is to discuss general rules and procedures for responding to solicitations or becoming registered as a county vendor.
- A principal of an AE firm or a vendor is not required to register to provide the Department Director or other staff with general information regarding a firm's background or expertise (as long as the principal or vendor is not seeking any action from the Department Director or staff).
- A principal of an AE firm or a vendor is required to register to discuss information regarding a particular solicitation or product (i.e. time frames for the solicitation, specifications, qualifications, etc.). Lobbyist registration is required even if the meeting takes place during the market research phase or during any period of time prior to advertisement, when requested by the principal or vendor, if a particular project or purchase is the purpose of the meeting. Registration is also required if a vendor attempts to sell an unsolicited item.
- A principal of an AE firm or a vendor is required to register if the principal retains a third party to assist him in meeting with staff or arranging introductions. The principal and the lobbyist should register prior to any meetings between principal, lobbyist and staff.
- A principal of an AE firm or a vendor is required to register for any meetings with staff to discuss issues regarding a past or ongoing solicitation.
- A principal of an AE firm or a vendor is required to register for any meeting where the principal or the vendor is seeking to influence staff action regarding a particular matter. Registration is required even if the matter under discussion is a policy issue rather than an issue related to a particular solicitation or purchase.

Finally, although this list addresses some scenarios, it is not intended to be all-inclusive. Moreover, in many instances, a meeting may appear to be scheduled for one purpose and veer into other directions. If you or any other member of the staff has questions regarding a particular meeting, you may call me at 350-0616 for assistance or seek an advisory opinion.