

Memo

TO: Pamela Paulk
A/E and Specifications and Standards Manager
Department of Procurement Management

FROM: Ardyth Walker
Staff General Counsel

DATE: October 16, 2003

RE: RQO 03-164 (E03-WASD-03-Bond Consulting Services)

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I received your request for an opinion regarding whether a conflict of interest clause should be included in the solicitation for bond consulting services at the Department of Water and Sewer. The Executive Director and I reviewed this matter and I am issuing this opinion based on the documents provided with your request.

The Department of Water and Sewer is seeking a consultant to provide bond engineering services. The consultant's responsibilities include: preparing an annual report on the water and sewer utility system before September 1st of each year; setting forth recommendations as to any necessary revisions of rates and charges; determining the amount to be deposited in the renewal and replacement fund during the next fiscal year and generating recommendations, approvals and certifications in connection with various sections of the Bond ordinance.

The Water and Sewer Department has a current contract with Malcolm Pirnie, Inc. to provide bond engineering services. The contract has a maximum compensation amount of \$950,000 with \$181, 000 in remaining contract funds. Although all funds are expected to be expended by the time work commences under the current solicitation, there may be uncompleted work orders. Accordingly, CICC wants to know if restrictions should be included in the solicitation which preclude the current consultant and their subconsultants from bidding on the project.

Based on the potential for overlapping responsibilities, CICC should include conflict language in the solicitation for the bond consulting services at the Department of Water and Sewer.

Please contact me at 350-0616 if you have any questions.