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February 28, 2003

Michael Egbebike
President
Precision Engineering & Surveying, Inc.
3785 N.W. 82nd Avenue
Suite 209
Miami, FL 33166

RE: REQUEST FOR ADVISORY OPINION 03-23

Dear Mr. Egbebike:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on February 28, 2003 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding your firm's ability to bid on a Department of Water and Sewer (WASD) contract.

In your request, you advised the Commission that the Department of Water and Sewer is seeking a program manager for the Comprehensive Lateral Investigation and Replacement Program. The Program Manager's responsibilities will include: managing the program and the 10 million dollar budget for inspection and repair of laterals; writing specifications for lateral repair, project tracking and scheduling; planning and preparing written progress reports and maintaining a database for the peak flow model.

The Lateral and Investigation Program is one phase of a Water and Sewer Department project to comply with two federal consent decrees between the Environmental Protection Agency

and the Department of Water and Sewer. Other phases of the project included a pump station improvement program and Infiltration, Exfiltration and Inflow analysis.

The Notice to Professional Consultants for the Lateral Investigation and Replacement Program requires consultants to file notice of any potential conflicts and seek an advisory opinion. The addendum states that "Prime Consultants must identify whether they or any of their subconsultants, or members have participated in any Miami-Dade Water and Sewer Department's current and previous design and program management services for sanitary sewer systems. In identifying themselves or any such subconsultants, or members, the Prime Consultant must identify the specific work that they, the subconsultant, or member performed or work to be performed on any Miami-Dade Water and Sewer Department's current and previous design and program management services for sanitary sewer systems as well as the work to be performed as part of this solicitation, Program Manager for Comprehensive Lateral Investigation and Replacement Program. Additionally, a statement is required as to how this work is sufficiently different so as not to pose a conflict of interest. Determinations by the Ethics Commission shall be deemed final. Any Prime Consultant, subconsultants, or members found to have a conflict of interest will render the Prime Consultant's submittal non-responsive.

Precision Engineering and Surveying, Inc. previously worked as a subconsultant on an Infiltration, Exfiltration and Inflow analysis. The analysis studied flow through the sewer system and infiltration from outside sources. Precision also worked on a survey of the pump stations and the force mains of the system.

The Commission found that Precision may serve as Program Manager for the Lateral

Investigation and Replacement Program.
Precision's previous work for the Department of Water and Sewer does not create a conflict for Precision. Precision does not have a conflict of interest because the company's prior work does not overlap with the scope of work on this project. Further, Precision does not have a conflicting relationship with the other companies on the team. However, if Precision is awarded the contract, it may not supervise an affiliated firm or a firm for which it acting as a subcontractor on another project.

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 the opinion, please call the undersigned at (305) 579-2954 or Ardyth Walker, Staff General Counsel at (305) 579-2653.

Sincerely Yours,



ROBERT MEYERS
Executive Director