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March 28, 2003

Alvaro Piedrahita
Principal
H.J. Ross and Associates
800 Douglas Entrance
Annex Building, Suite 250
Coral Gables, FL 33134

RE: REQUEST FOR ADVISORY OPINION 03-53

Dear Mr. Piedrahita:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on March 27, 2003 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding the firm's ability to bid on a supplemental architectural and engineering contract for the South Terminal program at Miami International Airport. H.J. Ross is currently a subcontractor to the Construction Manager for the South Terminal program.

In your request, you advised the Commission that H.J. Ross is currently a subcontractor to the two design firms for the South Terminal project. H.J. Ross has performed design work for Project B313A (fire protection and plumbing systems) and Project B315A (storm drainage and fuel system). As a member of the Construction Management team, H.J. Ross has worked on Project A155S (relocation of the Delta Outbound Baggage Conveyor System).

The South Terminal program consists of eight major capitol projects. The Construction Manager at Risk (CM) is responsible for managing all construction work and services provided by all contractors, subcontractors, vendors, suppliers, etc. and monitoring quality, safety and environmental standards. The CM is also responsible for entering into agreements providing for General Contractor or Design/Build Services for the various project phases.

The Aviation Department has recently issued a Notice to Professional Consultants for two architectural and engineering agreements for the South Terminal program. The scope of services for the two contracts includes contract administration and supplemental design services for concourse buildings as well as aircraft apron and taxilane and taxiway areas. The services will include, but not be limited to aviation planning, architecture, landscape architecture, lighting, acoustics, signage, graphics, industrial design, interior design, engineering, telecommunication systems, baggage systems, security and information systems.

The Commission found that H.J. Ross may work as a member of the Supplemental Architectural/ Engineering team as long as the firm does not work on any projects for which it provides Construction Management services. Further, Parsons-Odebrecht must ensure that the scope of construction management work provided by H.J. Ross does not include any projects performed under the original or supplemental AE agreements.

The Commission has previously considered the issue of whether H.J. Ross may simultaneously provide AE services and serve as a member of the South Terminal construction management team. In 00-137, the Commission opined that H.J. Ross could continue its work as a member

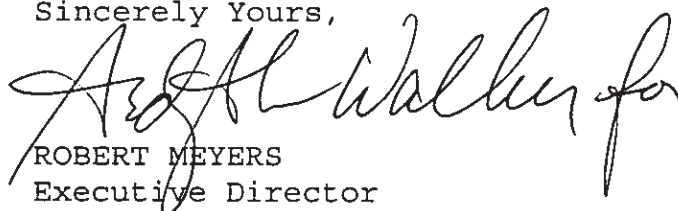
of the design team and work on the Construction Management team as long as firewalls were created to ensure that H.J. Ross would not perform the CM function in regards to any of its previous designs.

Therefore, H.J. Ross may serve as a member of the team for the supplemental AE contract as long as the firm does not do design work for any portion of the project for which it is serving a CM function. Further, Parsons-Odebrecht and the prime consultant on the AE team are responsible for ensuring that the scope of work does not overlap and that proper firewalls are maintained. Finally, if H.J. Ross serves as a member of a team that is awarded a supplemental architectural and engineering agreement, the firm must provide the Ethics Commission with a written report regarding its duties under the agreement and the creation of the required firewalls. The report must be submitted within six months of the issuance of the first work order.

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) 350-0616.

Sincerely Yours,


ROBERT MEYERS
Executive Director