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September 26, 2005

Mario Nuevo  
Area Manager  
Washington Group International  
8200 N.W. 52<sup>nd</sup> Terrace  
Suite 101  
Miami, FL 33166

**RE: REQUEST FOR ADVISORY OPINION 05-104**

Dear Mr. Nuevo:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on September 22, 2005 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding whether EAC Consulting can simultaneously perform services as a subconsultant to the Program Management Consultant for the People's Transportation Plan and perform services as subconsultant to Washington Group International on the Miami-Dade Transit Vehicle Overhaul and Mover Replacement Program.

In your letter, you advised the Commission that Washington Group International is currently the Prime Consultant for the Miami-Dade Transit Vehicle Overhaul and Mover Replacement Program. The Vehicle Overhaul and Replacement Program will revamp, rehabilitate and replace existing Metromover and Metrorail vehicles. As Prime Consultant, Washington is responsible for quality control functions at the Metromover vehicle manufacturing facility; provision of a

quality control engineer to work with transit inspectors during Metrorail Vehicle Rehabilitation work at the contractors' and subcontractors' facilities; witnessing all testing, including factory, qualification and acceptance testing; reviewing and approving all contractor submittals, drawings and designs; performance of all safety certification activities and assisting the County with review of schedules, analysis of invoices, review and analysis of all contractor claims, document control and change orders and a management system to ensure that only final approved plans are incorporated into the final project. Washington Group would like to use EAC Consulting to perform subconsultant services on this project.

EAC is currently performing subconsultant services for Dade Transportation Consultants. Dade Transportation Consultants is the General Engineering Consultant for the Miami-Dade Expressway Authority. EAC is also a subconsultant to the Program Management Consultant on the People's Transportation Plan. In that capacity, EAC is currently providing three engineers and two planners to assist Transit Department staff in work related to MIC-Earlington Heights Project and the North Corridor. The MIC-Earlington Heights project is a project to create a line between the existing Earlington Heights Metrorail Station and the forthcoming Miami Intermodal Center at Miami International Airport. The North Corridor project will create a new Metrorail line along N.W. 27<sup>th</sup> Avenue from the current Martin Luther King station to N.W. 215<sup>th</sup> St. The Vehicle Mover and Rehabilitation Program is a part of the People's Transportation Plan.

The Commission found EAC Consulting may provide subconsultant services to Washington Group International on the Vehicle Overhaul and Mover Replacement Program as long as EAC does not provide any staff who has any

responsibility for any portion or phase of the Vehicle Overhaul program and EAC staff does not perform any overall management or oversight authority for PMC projects.

In 02-80 and 02-189, the Ethics Commission opined that a subconsultant to the CM at risk on the South Terminal project could work for another contractor on the South Terminal project as long as the subconsultant did not have management responsibilities, selection responsibilities or perform any work as a CM at risk subconsultant related to the contractor's phase of the project.

EAC may similarly perform work as a subconsultant to Washington Group International because EAC's current work under the PMC contract and the Miami-Dade Expressway Authority contract do not involve the scope of work contemplated under Phase II of the Vehicle Overhaul project.

Therefore, EAC may simultaneously serve as a subconsultant to Washington Group International on the Vehicle Overhaul project and serve as a subconsultant to the Program Management Consultant on the People's Transportation Plan. Since EAC's current responsibilities as a subconsultant on the PMC contract does not include any work related to the Vehicle Overhaul contract and the firm does not have any management responsibilities as a PMC consultant, there are no conflicts between the two responsibilities. However, Transit, Parsons and Washington Group International must monitor all work orders provided to EAC to ensure that conflicts do not develop over the term of the two agreements.

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 Ardyth Walker, Staff  
General Counsel at (305) 350-0616 or the  
undersigned at (305) 579-2594.

Sincerely Yours,

A handwritten signature in cursive script, appearing to read "Robert Meyers", followed by a horizontal line.

ROBERT MEYERS  
Executive Director

cc: Christopher Mazzella, Inspector General