



**ETHICS COMMISSIONERS**

**Kerry E. Rosenthal, CHAIRPERSON**  
**Gail A. Dotson, VICE CHAIRPERSON**  
**Seymour Gelber**  
**Dawn E. Addy**  
**Brenda Rivera**

**ROBERT A. MEYERS**  
**EXECUTIVE DIRECTOR**

**MICHAEL P. MURAWSKI**  
**ADVOCATE**

**ARDYTH WALKER**  
**STAFF GENERAL COUNSEL**

March 10, 2006

Ian A. Nestler  
PGAL  
791 Park of Commerce Boulevard  
Suite 400  
Boca Raton, FL 33487

**RE: REQUEST FOR ADVISORY OPINION 06-09**

Dear Mr. Nestler:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on March 9, 2006 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding your team's ability to provide services under the North Terminal Area Improvements contract with the Aviation Department.

In 1997, Miami-Dade County and American Airlines entered into a contract to construct the North Terminal. The original agreement provided that the project would be constructed with county dollars but American Airlines would manage the construction. American Airlines will be the sole carrier occupying the North Terminal. The North Terminal will consist of a new terminal attached to existing concourses A-D. The project includes a regional commuter facility (American Eagle) domestic and international gates, ticket counters, a

federal inspection services facility, an automated peopled mover and fueling facilities. Due to the complexity of the project and several unanticipated difficulties, the program has experienced significant delays.

In the summer of 2005, pursuant to the Fourth Amendment to the original lease and financing agreement between Miami-Dade County and American Airlines, the County took over management of the North Terminal Development Program. At that time, the County assumed a portion of the outstanding construction and AE contracts between American Airlines and various AE and construction firms. Parson-Odebrecht (POJV) was also retained to serve as general contractor on the project.

The scope of services for the North Terminal Area Improvements provides that the selected team will provide planning, design, construction document preparation, bidding, construction administration related to work at concourses A through D. The scope includes work at terminal buildings, landside and airside facilities including concessions, waiting areas, relocations, ticket counters, information centers, life safety, fire protection and security improvements. Specifically, the Aviation Department will use the consultants to provide any miscellaneous services not covered under existing or amended design and engineering contracts.

The Commission found the PGAL team may provide services under the North Terminal Area Improvements agreement as long as the scope of work does not overlap with any other project where a team member is currently providing services.

Section 2-11.1(j) restricts persons covered by the Conflict of Interest and Code of

Ethics ordinance from doing work that conflicts with their independence of judgment in performing their County responsibilities. Pursuant to that section of the Conflict of Interest and Code of Ethics ordinance, the Ethics Commission has delineated certain areas including overlapping responsibilities that would impair a contractor's independent judgment in the performance of its duties for the County.

PGAL is requesting an opinion on behalf of the firm and its team members: H.J. Ross and Associates, Hammond and Associates, Varley Campbell, William A. Berry, Cini-Little, Donnell, Duquesne and Albaisa, ACES (Advance Consulting Engineering Services) and Nova Consulting.

PGAL is currently providing design services as a prime consultant on the Regional Commuter Facility. The designated project manager also provided planning and programming services as a design manager for American Airlines.

H. J. Ross is currently providing airside civil engineering services as a prime consultant. In that capacity, H. J. Ross has done planning, design, bidding and contract administration regarding the AB Infill, the BC Infill and the Regional Commuter Facility. H. J. Ross has also done design work on utilities, passenger loading bridges and sidewalks. H.J. Ross will continue to provide services during the duration of the construction phase.

H. J. Ross has also served as a subconsultant to Argus Consulting. As a subconsultant, H.J. Ross did planning design and prepared construction documents for the aircraft hydrant fueling system.

Hammond and Associates served as a subconsultant to Leo.A Daly and Associates. In that capacity, Hammond provided plumbing

and fire protection design services for Concourse D.

Hammond and Associates also provided mechanical, electrical, plumbing and fire protection services for American Airlines.

Varley Cambell is currently providing fire protection design services for Concourse D, CD Infill and the AB Infill Shell and Interior. Varley Campbell also provided AE services for the D Extension and AB pre-demolition services.

William A. Berry is currently serving as a subconsultant to the Corgan Group. William A. Berry has provided planning and programming services. Currently, the firm is primarily reviewing construction documents and providing quality assurance and quality control checks.

Donnell, Duquesne and Albaisa has provided structural engineering services on the BC Infill Interior Finishout, the BC Infill Shell and the CD Shell. Donnell, Duquesne also provided design and construction services for the D Extension Building Shell and Apron. Finally, Donnell and Duquesne provided design services for the Regional Commuter Facility.

Nova Consulting has provided environmental services(dewatering plans and permitting) as a subconsultant to Corgan and as a prime to American Airlines. Nova Consulting has also done stormwater design and prepared as-built drawing for pavement restoration for Gurri Matute. Finally, as a subconsultant to Argus Consulting, Nova Engineering provide engineering and environmental services related to the Aircraft Hydrant Fueling Distribution System and the PCA systems.

ACES provided geotechnical consulting services to American Airlines.

Cini-Little and Avino and Associates have not provided any services related to the North Terminal Development program.

The PGAL team may provide services under the North Terminal Area improvements contract as long as the scope does not overlap with any services currently being provided by a member of the PGAL team.

The Ethics Commission also held that, if the PGAL team is awarded the contract, PGAL must provide the MDAD project manager and the Ethics Commission's Executive Director with a written report regarding its compliance with any restrictions contained in this advisory opinion related to the prime or any subcontractors within ninety days of the issuance of each task assignment or 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 this opinion, please call the undersigned at (305) 579-2594 or Ardyth Walker, Staff General Counsel at (305) 350-0616.

Sincerely Yours,



ROBERT MEYERS  
Executive Director

cc:Amado Gonzalez, Office of Capital  
Improvements

Christopher Mazzella, Inspector General