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STAFF GENERAL COUNSEL

March 10, 2006

Greer Manne  
The Russell Partnership  
5815 S.W. 68<sup>th</sup> Street  
Miami, FL 33143

**RE: REQUEST FOR ADVISORY OPINION 06-12**

Dear Mrs. Manne:

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 Russell team may provide services under the North Terminal Area Improvements agreement because the team member are not currently providing any services related to the North Terminal development.

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.

Only one Russell team member, San Martin and Associates, has provided any services related to the North Terminal Area improvement contract. San Martin and Associates provided mechanical, structural and electrical engineering services as a subconsultant to Harper Partners/Perez and Perez, Laura M. Perez and Associates and Gurri Matute.

Since none of the team members are currently providing services related to the North Terminal, the Russell team may provide services under the North Terminal Area Improvements agreement.

The Ethics Commission also held that, if the Russell team is awarded the contract, Russell 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,

A handwritten signature in black ink, appearing to read "Robert Meyers", followed by a horizontal line extending to the right.

ROBERT MEYERS  
Executive Director

cc: Amado Gonzalez, Office of Capital  
Improvements

Christopher Mazzella, Inspector General