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March 27, 2008

Stephen Schwartz
Vice-President
Malcolm Pirnie, Inc.
8201 Peters Road
Suite 3400
Plantation, FL 33324

RE: REQUEST FOR ADVISORY OPINION 08-14

Dear Mr. Schwartz:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on March 27, 2008 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding whether Malcolm Pirnie may provide services to a corporation affiliated with the county's recycling facility in Tampa. Malcolm Pirnie is currently serving as Bond Engineer for the Solid Waste Department.

In your letter, you advised the Commission that Malcolm Pirnie is currently serving as Bond Engineer for the Department of Solid Waste. In that capacity, the firm is responsible for conducting an annual evaluation of the County solid waste system, including the Resources Recovery facility and preparing an annual report on the condition of the system and financial records pursuant to Section 607 of the Bond Ordinance. Further, pursuant to the Operating and Management agreement between Montenay and

Miami-Dade County, the Bond Engineer shall evaluate the physical condition and operating efficiency of the Resource Recovery facility and make recommendations regarding rates, charges and necessary capital improvements.

Malcolm Pirnie is also providing services to the Tampa Water Department. Veolia Water also provides contract services to the Tampa Water Department. The Tampa Water Department has requested that Malcolm Pirnie provide design services for the expansion of a local water treatment plant. Veolia Water and Veolia Waste Management (successors in interest to the Montenay Corporation who operates the Miami-Dade recycling plant) are both subsidiaries of Veolia Environment, S.A. The work on the Tampa plant will be done by a different division of the Malcolm Pirnie firm.

The Commission found that Malcolm Pirnie may perform services under both agreements as long as the work is done by separate groups of employees and the company creates firewalls between any employees working for Veolia Water in Tampa and the bond engineering contract in Miami.

The Conflict of Interest and Code of Ethics ordinance prohibits Malcolm Pirnie from disclosing any confidential information acquired from its current work as bond engineer for the Solid Waste Department to Veolia Water, its parent company, its subsidiaries or any other firm with whom they may serve as a partner in a joint venture. Further, although a partnership with Veolia Water does not create a legal conflict, a potential conflict does exist where Malcolm Pirnie regulates the work of a firm on one project while serving as a partner to a related firm on another project.

Therefore, in order to prevent any undue influence, Malcolm Pirnie and Veolia Water must create firewalls to prevent employees

from the two divisions from transferring between the two projects or exchanging information related to the firm's work as Bond Engineer for the Solid Waste Department to Veolia Water, its parent company or its subsidiaries.

Malcolm Pirnie must present the Ethics Commission with a letter agreeing to the restrictions contained in this opinion prior to entering into an agreement with the City of Tampa to provide the requested design services. Further, Malcolm Pirnie must provide the Ethics Commission with semiannual reports regarding its compliance with the restrictions contained in this opinion. The letter and the reports should be forwarded to Robert Meyers, Executive Director, 19 West Flagler, Suite 820, Miami, FL 33130.

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", with a long horizontal line extending to the right.

ROBERT MEYERS
Executive Director