



FILE COPY

ETHICS COMMISSIONERS

May 2, 2011

Dawn Addy, CHAIR
Charlton Copeland, VICE CHAIR
Nelson Bellido
Judge Seymour Gelber
Kerry E. Rosenthal

Amelia M. Cordova-Jiminez
A & E Consultant Selection Coordinator
Office of Capital Improvements
111 N.W. First Street
Suite 2130
Miami, FL 33128

ROBERT A. MEYERS
EXECUTIVE DIRECTOR

RE: REQUEST FOR ADVISORY OPINIONS 11-09, 11-10

MICHAEL P. MURAWSKI
ADVOCATE

ARDYTH WALKER
STAFF GENERAL COUNSEL

Dear Mrs. Cordova-Jiminez:

The Commission on Ethics and Public Trust reviewed the conflict review requests of firms that responded to the solicitation to provide AE services for Concourse D Roof Rehabilitation (A10-MDAD-01) at its meeting on April 28, 2011. The following report summarizes the Ethics Commission's findings.

THE NORTH TERMINAL PROGRAM

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 and American Airlines would manage the construction. American Airlines will be sole carrier occupying the North Terminal. The North Terminal will consist of a new terminal that will replace existing concourses A-D. The project includes a regional commuter facility (American Eagle), domestic and international gates (World Gateway), ticket counters, a federal inspection services facility, an automated people mover and fueling facilities.

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. Parsons-Odebrecht (POJV) was retained to serve as general contractor on the project.

The requesting firms have or are providing work to the Miami-Dade Aviation Department (MDAD), Parsons-Odebrecht (POJV), American Airlines (AA) or their contractors and consultants.

The requestors have provided work on some of the following completed projects:

- A-B Shell and Interior-The AB Shell and Interior consists of the construction and finish-out of a three-story terminal expansion. The ground floor will provide space for airline operation and gate delivery baggage systems. The second floor will consist of passenger gates, lounges and other public amenities. The third floor will provide space for incoming international passengers. The Automated People Mover (APM) guideway and two passenger platforms are part of this project.
- Relocation- Relocation of existing baggage, ticketing, check-in locations, tenants and office space from existing sites to temporary sites for the duration of construction
- AB Apron & Infill Utilities-Civil engineering work required for the construction of the AB Concourse are including pavements, sewer systems, water distribution and fire protection mains and electrical and communication ducts.
- Concourse C Demolition-Demolition of existing Concourse C

- BC Shell and Interior- The construction and interior of the terminal expansion. Ticketing stations, gates, security systems and APM guideways are part of this project

The North Terminal is expected to be completed by the end of 2011. The North Terminal has opened in phases and work is still being done on the following projects.

- Federal Inspection Services- Immigration and Naturalization Services(now ICE) offices, Homeland Security Border Control(formerly Customs), inspection stations, USDA inspection areas and CDC offices
- Regional Commuter Facility- The terminal building for American Eagle flights
- Baggage Handling System
- BC Infill- Construction of terminal space between former concourse B and C
- D Extension-Extension of existing Concourse D
- D Remodel-Renovation of existing Concourse D
- BC Apron- The area surrounding former Concourse B and C

CONCOURSE D ROOF REHABILITATION

The project involves the phased tear-off (demolition) of the existing roof from the former Concourse A to former Concourse B atrium. The new roof will be built in accordance with the Terminal Design Guidelines Manual. The selected firm will prepare roof plans, construction documents and phasing plans. The proposer must also provide projected construction costs and maintenance of traffic plans.

ETHICS COMMISSION DETERMINATION

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 official duties. The NTPC contemplates replacing the roof of former Concourse A so that it meets the same design standards as the roof that was constructed for the rest of the North Terminal. As seen in the attached exhibit, although some prior studies have been done related to the roofing conditions at MIA, this particular project was not part of any current or former work done on the North Terminal. The Ethics Commission has previously opined that related planning work does not constitute a conflict of interest. Accordingly, none of the firms have a conflict of interest in regard to this project and may provide services related to the roofing improvements on Concourse D.

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 'R. Meyers', with a long horizontal flourish extending to the right.

ROBERT MEYERS
Executive Director

**RQO 11-10- MIAMI-DADE AVIATION DEPARTMENT CONCOURSE D ROOF
REHABILITATION (A10-MDAD-01)**

EXHIBIT A- PRIOR WORK

The attached chart summarizes the work the requestors have done on the North Terminal.
The following key may be used for the chart:

Name of Firm- Requestor

Team-Proposing Teams for the Solicitation

Prime-The Prime Consultant for the team number referenced on the chart (if the prime
has not submitted a request- the team number will reference the name of the prime
contractor)

MDAD- Miami-Dade Aviation Department

POJV-Parsons-Odebrecht Joint Venture

DAC-Dade Aviation Consultants

NTD- North Terminal Development

Scope of Work- Projects in the NTD program or other work related to the North Terminal

Time frames are listed if the information was provided by the requestor or otherwise
available.

Firm Name	Team #s	MDAD	POJV	AA	Scope of Work
ACES Consulting	7-Sixto,9,12,20-WA			x	Subcontractor to ATC Materials Testing 2000-2002 Roofing Consultant A/B Infill
Louis Aguirre	12,16,21	x			Subcontractor-MC Harry Mechanical/Electrical Federal Inspection Services Station 2001-Present
Alleguez	1-Prime	x			Tenant Relocation 2000-2003 Emergency Roof Repairs 2008
APEC	3-Prime	x			Roofing Study and Repair No work on North Terminal
Architects International	13-Prime	x			Construction Inspection Services Project Specific Current work Orders Expire 4/11 Ongoing
ATC	10,16,22	x		x	Materials testing and inspections Soil testing/Roofing Inspections 2000-2007 Former Employees
CES	18,21		x		Quality Control/Construction Administration of all project phases Inspection of materials/ products
Civil Works	10,16			x	Sub to Harper Partners Design of Water and Sewer systems 2000-2010
CSA	9-Prime				No work reported
DDA	19	x			Structural Engineering D Extension C-D Infill BC Shell

					North Terminal Improvements
Douglas Wood	7-Sixto,16			x	Sub to Harper Partners Small Structural Design Projects 2001-2002
EAC	7-Sixto,17	x			Sub to URS Baggage Handling System Document Control/Project Management Ongoing
Eastern	6		x		Sub to Allied Contractors Structural Design 2009-2010
EBS	11			x	Construction Inspection Services Soil and Groundwater Testing 2001-2002
Fraga	8-Silva,19	x			Electrical/ Mechanical Engineer of Record BC Infill and Interiors 2002- Present Ongoing
Gartek	3,22	x			Sub to Argus/Ty Lin Engineering Design Air and Power Systems for Parked Aircraft
Guirola	2				Employee worked for firm that did North Terminal work
Gurri Matute	16-Prime	x			Tenant Relocations 1999-2000 Automated People Mover (APM) Storage and Maintenance Facility 2000-2010 Interior Finish-Out and Remodeling 2000-2005
HADP(Harper Partners)	18-Prime	x		x	Architect of Record D Extension Shell and Interiors-Finish Out Completed 2005

					Employee- Corgan Sub 1998-2000
Heery/S&G	22-Prime	x		x	Sub to Corgan Master Planning 1997 NTD Program Support Scheduling and Phasing 2005-Present Roofing Consultant-MIA Developed Design Criteria Manual for MIA Roofing Work
HJ Ross	1	x			Architect of Record Airside A/B Infill, BC Infill and Regional Commuter Facility (RCF) Planning, Design, Bidding and Contract Administration Sub- Argus Construction Documents- Aircraft Hydrant Fueling System
Ideal Architectural Design	10-Prime				No work reported
KVH	17				No work reported
Laura Perez	19-Prime	x-DAC			Tenant Relocation and Construction Management -Initial Phase
Leo Daly	21-Prime	x			Prime Architect A/B Infill Shell and Interior Finish
Martinez Engineering Group	3,10			x	Threshold Inspections A/B Infill C-D Infill Concourse D Remodel Federal Inspection Service
Maurice Gray	2,11	x DAC			Sub to SpillisCandela Preliminary design work 1999 Other miscellaneous tasks- DAC
MGE	6-Prime				No work reported
MC Harry	3				Architect of record Federal Inspection Service: Ongoing AB Infill Design Support

					Completed
Nova	1,5-Gecko,6,18,19			x	Sub to Gurri Matute and Argus Consulting provided services related to several projects-engineering, stormwater , aircraft hydrant fueling distribution system and dewatering plans 1998-2004
Pedraza	2-Prime				No work reported
Perez and Perez	25-Prime	x			A/B Infill C-D Finish Out Tenant Spaces Design Ongoing
PSI	11,17,18	x			Materials Testing Roof Inspections Subcontractor HVAC-Pump Station Structural Design-APM Station-Completed in 2007
RCP-RizoCarreno Partners	12-Prime	x			Sub to MC Harry Federal Inspection Service: Mechanical/Electrical Engineering Design/ Planning HVAC and Fire Systems2001- Present
RodriguezPetersonPorras	11-Prime				Roofing Studies-MIA No North Terminal work reported
SDM	4-Indigo,6,25			x	Sub to Harper Partners C-D Infill Design and Construction Construction Administration and Engineering Design: Sub to Russell Partnership Regional Commuter Facility Sub to Gurri Mature APM Maintenance and Storage Sub to Leo Daly A-B Tenant Relocations Sub to MC Harry

					Tenant Spaces-Terminal A
Silva	8				No work reported
TLC	15-Saqui,17	x			Structural Engineering AB Infill Mechanical, Electrical, Plumbing
ZAG					No work reported for any team members
Westhorp and Associates	13				Environmental Oversight 2002-2005 Sub to URS Concourse C Environmental
Wolfberg Alvarez	20-Prime	x			C-D Infill Concourse D Remodel