

## Sanchez, Rodzandra (COE)

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**From:** Diaz-Greco, Gilma M. (COE)  
**Sent:** Friday, April 20, 2018 2:45 PM  
**To:** Sanchez, Rodzandra (COE)  
**Subject:** Tara C. Smith, Director, Internal Services Department (ISD) (Potential Organizational Conflict of Interest re: RFQ-00820, Design, Build, Finance, Operate and Maintain Civil and Probate Courthouse -INQ 18-102  
**Attachments:** Lawrence Kline - Opinion on Potential Conflict of Interest RFQ-00820 Design Build Finance Operate and Maintain Civil and Probate Courthouse.pdf; ISD Request for Conflict of Interest Opinion on the Civil and Probate Courthouse.pdf

INQ 18-102 Smith

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**From:** Centorino, Joseph (COE)  
**Sent:** Friday, April 20, 2018 2:16 PM  
**To:** Smith, Tara C. (ISD) <Tara.Smith2@miamidade.gov>; lawrence.kline@perkinswill.com; Marquez, Edward (Office of the Mayor) <Edward.Marquez@miamidade.gov>; Benitez, Hugo (CAO) <Hugo.Benitez@miamidade.gov>; Rosenthal, Oren (CAO) <Oren.Rosenthal@miamidade.gov>; Cagle, Mary (OIG) <Mary.Cagle@miamidade.gov>; Clerk of the Board (COC) <Clerk.Board@miamidade.gov>  
**Cc:** Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Perez, Martha D. (COE) <Martha.Perez2@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Sanchez, Gerald (CAO) <Gerald.Sanchez@miamidade.gov>; Kirtley, Eddie (CAO) <Eddie.Kirtley@miamidade.gov>  
**Subject:** INQ 18-102 Tara C. Smith, Director, Internal Services Department (ISD) (Potential Organizational Conflict of Interest re: RFQ-00820, Design, Build, Finance, Operate and Maintain Civil and Probate Courthouse

C Ms. Smith,

Thank you for forwarding your letter concerning the possible organizational conflict of interest in connection with the marital relationship between a principal of Perez and Perez Architects Planners, Inc., the County's technical advisor and design criteria professional on RFQ-00820, Design Build, Finance, Operate and Maintain Civil and Probate Courthouse, and a principal of Perkins+Will, which is part of the Skanska-John Laing team, a potential respondent to the RFQ. You have informed that the County has determined that the appropriate method of addressing this potential conflict is to recommend discontinuing participation of the Perkins+Will firm on this project, including providing services on a potential respondent team.

In reviewing this matter, I have considered the nature and circumstances of this project; the respective potential roles of Perkins+Will and Perez and Perez in the project; the existence of a marital relationship between principals of the two firms involved; and the provisions of RQO 17-02 regarding the procedure adopted by the Ethics Commission in connection with organizational conflicts, as well as the Amended Letter of Instruction issued pursuant to that opinion.

Based on the foregoing and the necessity that the County adhere to the highest ethical standards on all procurement matters, I am in agreement with the position taken by the County on this important project of critical public concern.

Sincerely,

Joe Centorino

*Joseph M. Centorino*  
Executive Director and General Counsel

Miami-Dade Commission on Ethics and Public Trust  
19 W. Flagler Street, Suite 820  
Miami, FL 33130  
Tel: (305) 579-2594  
Fax: (305) 579-0273  
[ethics.miamidade.gov](http://ethics.miamidade.gov)



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**From:** Bello-Hermida, Orlaida (ISD) **On Behalf Of** Smith, Tara C. (ISD)  
**Sent:** Wednesday, April 18, 2018 4:13 PM  
**To:** [lawrence.kline@perkinswill.com](mailto:lawrence.kline@perkinswill.com); Marquez, Edward (Office of the Mayor) <[Edward.Marquez@miamidade.gov](mailto:Edward.Marquez@miamidade.gov)>; Benitez, Hugo (CAO) <[Hugo.Benitez@miamidade.gov](mailto:Hugo.Benitez@miamidade.gov)>; Rosenthal, Oren (CAO) <[Oren.Rosenthal@miamidade.gov](mailto:Oren.Rosenthal@miamidade.gov)>; Centorino, Joseph (COE) <[Joseph.Centorino@miamidade.gov](mailto:Joseph.Centorino@miamidade.gov)>; Cagle, Mary (OIG) <[Mary.Cagle@miamidade.gov](mailto:Mary.Cagle@miamidade.gov)>; Clerk of the Board (COC) <[Clerk.Board@miamidade.gov](mailto:Clerk.Board@miamidade.gov)>  
**Cc:** Smith, Tara C. (ISD) <[Tara.Smith2@miamidade.gov](mailto:Tara.Smith2@miamidade.gov)>  
**Subject:** Opinion on Potential Conflict of Interest RFQ-00820, Design, Build, Finance, Operate and Maintain Civil and Probate

Good afternoon:

On behalf of the ISD Director, Tara C. Smith, please see attached letter re: Opinion on Potential Conflict of Interest RFQ-00820, Design, Build, Finance, Operate and Maintain Civil and Probate Courthouse.

*Thank you,*

***Orlaida Bello-Hermida***  
***ISD Administrative Coordinator***  
*Miami-Dade County, Internal Services Department*  
*111 NW 1<sup>st</sup> Street, 21<sup>st</sup> Floor*  
*Miami, FL. 33128*

*Phone: 305-375-5893*

*Cell: 305-781-7340*

[Orlaida.Bello-Hermida@miamidade.gov](mailto:Orlaida.Bello-Hermida@miamidade.gov)

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April 18, 2018

Lawrence Kline  
Principal, Managing Director  
Perkins+Will  
806 Douglas Road  
Suite 300  
Coral Gables, FL 33134

Re: Opinion on Potential Conflict of Interest  
RFQ-00820, Design, Build, Finance, Operate and Maintain Civil and Probate Courthouse

Dear Mr. Kline:

Thank you for your letter dated April 10, 2018 requesting a review of an organizational relationship for the subject project. In your letter, you stated that Perkins+Will is part of the Skanska-John Laing team, a potential respondent to the solicitation. A principal of the Perkins+Will Miami office is married to a principal of Perez and Perez Architects Planners, Inc., the County's technical advisor and design criteria professional for this project.

After consultation with Joseph Centorino, Executive Director, Commission on Ethics and Public Trust, the County has determined that this request will be handled pursuant to the RFQ, Section 7.3, Organizational Conflicts of Interest and Advance Restrictions Policy. Under the referenced policy, potential organizational conflicts of interest are addressed on a case-by-case basis by the department director, in this case the Internal Services Department. The policy states:

*"An organizational conflict of interest is a situation in which a person: (a) under a contract with the County including a particular work order or defined task, is required to exercise judgment to assist the County in a matter (such as in drafting specifications or assessing another consultant's or contractor's proposal or performance) and the person has a direct or indirect financial or other interest at stake in the matter, so that a reasonable person might have concern that when performing work under the contract, the person may be improperly influenced by its own interests rather than the best interest of the County, or (b) would have an unfair competitive advantage in a County competitive solicitation as a result of having performed work on a County contract that put the person in a position to influence the result of the solicitation."*

Each conflict of interest review presents unique facts. In this case, you have requested the County to accept a familiar relationship of principals at the two firms, with a firewall policy of zero communication between the two firms to maintain confidentiality of information. You have

provided reassurances that your firm has taken professional and personal measures to ensure continued separation, and nondisclosure, of information. Based on your letter, it does not appear that any conflict of interest has occurred. However, going forward, the County cannot support the continued relationship of the two firms, as a reasonable person would conclude that the risk of an inadvertent breach of information or improper influence for financial interest is too great.

The County has spent numerous resources to move this project forward and is not interested in impairing the integrity of the project by the perception of an unfair advantage or risking a positive outcome that could be overturned due to an information breach that is out of our control. Accordingly, the County must take action to eliminate those risks and has determined that the appropriate method of addressing this potential future conflict of interest is to recommend discontinuing participation of your firm on this project, including providing services on a potential respondent team.

If you require further assistance, please contact me at [Tara.Smith2@miamidade.gov](mailto:Tara.Smith2@miamidade.gov) and copy the Clerk of the Board to comply with the Cone of Silence.

Sincerely,



Tara C. Smith  
Director


- c: Edward Marquez, Deputy Mayor
- Hugo Benitez, Assistant County Attorney
- Oren Rosenthal, Assistant County Attorney
- Joseph Centorino, Executive Director, Commission on Ethics and Public Trust
- Mary T. Cagle, Inspector General, Office of the Inspector General
- Clerk of the Board
- Frederick Burman, Senior Vice President, Skanska Infrastructure Development

# Memorandum



**Date:** April 16, 2018

**To:** Joseph Centorino, Executive Director  
Commission on Ethics

**From:**   
Tara C. Smith, Director  
Internal Services Department

**Subject:** Conflict of Interest Opinion on the Civil and Probate Courthouse

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Attached please find a letter from Perkins + Will requesting a conflict of interest review regarding the firm's involvement on a potential respondent team to Miami-Dade County's Request for Qualifications (RFQ) No. 00820, Design, Build, Finance, Operate and Maintain Civil and Probate Courthouse. The letter was sent via e-mail and addressed to Rita Silva, Interim Division Director, Procurement Management, who is the County's contact for this solicitation. The letter was e-mailed on April 13, 2018 and Ms. Silva opened the e-mail today and brought it to my attention.

The RFQ, Section 7, provides information regarding organizational conflicts and restrictions. Specifically, Section 7.3.6, County Advisors and Advance Restrictions, cites Perez & Perez Architects Planners, Inc. as the County's technical advisor and design criteria professional for this project.

Please advise whether the review requested in the attached letter requires an opinion by the Commission on Ethics pursuant to Section 2-11.1 of the Code of Miami-Dade County or whether the County may handle the review following the process as outlined in the RFQ, Section 7.3.2, Addressing Organizational Conflicts of Interest.

It is important that this matter be addressed by April 18, 2018, as a request for additional expenditure authority on the County's contract with Perez & Perez Architects Planners, Inc. is scheduled for the Public Safety and Health Committee this week.

Should you require additional information, please contact me at 305-375-5893.

## Attachment

- c: Edward Marquez, Deputy Mayor
- Hugo Benitez, Assistant County Attorney
- Oren Rosenthal, Assistant County Attorney
- Clerk of the Board

906 Douglas Road      t 305 569 1333  
Suite 300                f 305 569 1304  
Coral Gables, FL 33134    perkinswill.com

## PERKINS – WILL

April 10, 2018

Rita Silva,  
Interim Division Director, Procurement Management Chief,  
Policy and Legislation Miami-Dade County Internal Services Department  
111 NW 1st Street, Suite 1300, Miami, FL 33128  
rita.silva@miamidade.gov

Via e-mail: [rita.silva@miamidade.gov](mailto:rita.silva@miamidade.gov)

**Re: Opinion as to a Potential Conflict of Interest Related to the Miami-Dade County Civil and Probate Courthouse Pursuit**

Dear Ms. Silva,

Perkins+Will is an architectural design firm located in Miami, Florida and a part of the 'Skanska-John Laing' team responding to RFQ-00820, Design, Build, Finance, Operate and Maintain Civil and Probate Courthouse. In that capacity, the Design Director and a Principal of the Miami office of Perkins+Will, Pat Bosch, is married to Ben Melendez, a Principal with Perez and Perez, Architects Planners. Perez and Perez has been retained by Miami-Dade County as a Design Criteria Consultant on the Miami-Dade County Court project referenced above in an advisory capacity.

The purpose of this letter is to respectfully request from the Office of Inspector General and Commission on Ethics in Public Trust, an opinion as to a potential conflict of interest based on this relationship of a pursuit member, married to a County-retained consultant for the same project. Perkins + Will only recently joined the 'Skanska-John Laing' team and therefore the reason we are just now raising this issue.

All members of Perkins+Will, in accordance with the code of silence concerning this project, have placed a 'firewall' policy of zero communication between Perkins+Will and Perez and Perez during and after the pursuit stage of this project. These "firewall" protections include secure network drives, password-protected files and formal instructions to every member of the team at the start and throughout the duration of the effort to maintain confidentiality of information. For this reason, Perkins + Will does not believe that a conflict of interest exists and will take all professional and personal measures as necessary to ensure this continued separation and nondisclosure of information.

We would appreciate a timely review by the Office of Inspector General and the Commission on Ethics in Public Trust confirming this assumption and request a response in advance of the RFQ submission. This confirmation is required for Perkins+Will to continue forward toward the RFP and potential shortlisting phase.

Thank you in advance for a review and reply.

Regards,



Lawrence Kline  
Principal, Managing Director  
**PERKINS+WILL**

Cc: Commission on Ethics and Public Trust (COE) at [ethics@miamidade.gov](mailto:ethics@miamidade.gov)