

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, October 16, 2018 4:23 PM
To: Sanchez, Rodzandra (COE)
Subject: INQ 18-230, Thomas B. Davis, Esq., Director, Policy & Legislation Division, Office of Miami-Dade Commission Auditor (OCA) (Voting Conflict re: Expedited Purchasing Program- Location E (Option 3)-RFA 00833)

INQ 18-230 Davis

From: Turay, Radia (COE)
Sent: Tuesday, October 16, 2018 10:28 AM
To: Johnson, Jannesha (OCA) <Jannesha.Johnson@miamidade.gov>
Cc: Arrojo, Jose (COE) <Jose.Arrojo@miamidade.gov>; Uppal, Namita (ISD) <Namita.Uppal@miamidade.gov>; Davis, Thomas (OCA) <Thomas.Davis@miamidade.gov>; Gorrita, Bryan (ISD) <Bryan.Gorrita@miamidade.gov>
Subject: INQ 18-230, Thomas B. Davis, Esq., Director, Policy & Legislation Division, Office of Miami-Dade Commission Auditor (OCA) (Voting Conflict re: Expedited Purchasing Program- Location E (Option 3)-RFA 00833)

Hello Mr. Davis,

We have reviewed your memorandum of October 4, 2014, regarding the selection committee on Expedited Purchasing Program-Location E (Option 3)- RFA 00833, . The memorandum indicates that two of the committee members, Mrs. Sarah Abate and Mrs Eumelia “Mel” Blanco, disclosed that they have worked with the President of one of the responding firms, Rebecca Figueroa of the BeKKA Group, Inc., on various projects in their county positions at the Miami International Airport (MIA).

This agency conducts reviews of these issues under Section 2-11.1(v) of the County Ethics Code, which governs voting conflicts by members of County advisory and quasi-judicial boards. We also consider whether there is an appearance of impropriety created and make recommendation based on R-449-14 and Ethics Commission Rule of Procedure 2.1(b).

We have discussed with Mrs. Abate and Mrs. Blanco their respective disclosures that they worked with Ms. Figueroa. They both explained that their only interaction with Ms. Figueroa was in connection with their duties as County employees at MIA. They do not have any close personal friendships or current business relationships with Ms. Figueroa or the BeKKA Group, Inc., that would affect their independence of judgment when evaluating the various respondents’ qualifications or suitability for the project.

The fact that a selection committee member has interactions with a respondent to a competitive procurement as a result of the member’s county duties does not create any legal voting conflict of interest for that member under Section 2-11.1(v) of the County Code of Ethics. See INQ 18-21, and 18-47. There is no direct interest by either Mrs. Abate or Mrs. Blanco in the contract, nor do they have any relationship with the Rebecca Figueroa or BeKKA Group, Inc., that would prevent them from voting on the selection committee under that section.

As you know, this agency also looks beyond the Ethics Code on procurement issues such as these, to ascertain whether there may be an appearance of a conflict that could affect the public trust in the integrity of the procurement process. Absent some other factor, the mere fact that one of the members has interactions with a respondent in connection with the members county duties would not, in our opinion create such an issue. See INQ 18-21, and 18-47. In fact it may be valuable to have an individual on such a board who is personally familiar with the work of one or more of the responding firms, particularly where the member also has some special expertise in the services that are being sought

by the County. See INQ 18-21, and 18-47. We have spoken to Mrs. Abate and Mrs. Blanco, who have expressed that they feel that they have only a professional relationship with Ms. Figueroa and they believe that they can be fair and impartial in the selection process.

Therefore, in our opinion Mrs. Abate and Mrs. Blanco should be permitted to serve on this committee.

Thanks,

RADIA TURAY

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From: Arrojo, Jose (COE)
Sent: Thursday, October 04, 2018 7:15 PM
To: Turay, Radia (COE) <Radia.Turay@miamidade.gov>
Subject: FW: RFA - 00833 Location E - Option 3

What does that mean “worked with” on projects? In what capacity and under what circumstances?

From: Johnson, Jannesha (OCA)
Sent: Thursday, October 4, 2018 2:26 PM
To: Gorrita, Bryan (ISD) <Bryan.Gorrita@miamidade.gov>
Cc: Uppal, Namita (ISD) <Namita.Uppal@miamidade.gov>; Arrojo, Jose (COE) <Jose.Arrojo@miamidade.gov>
Subject: RFA - 00833 Location E - Option 3

Good Afternoon –

This email is being sent on behalf of Thomas B. Davis, Director of Policy and Legislation.

Thanks.


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