

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, March 29, 2018 2:05 PM
To: Sanchez, Rodzandra (COE)
Subject: Hector Garnica, Systems Support Manager, Transportation Services Division, Information Technology Department (ITD), Miami-Dade County (Gifts) INQ 18-73

INQ 18-73 Garnica

From: Centorino, Joseph (COE)
Sent: Thursday, March 29, 2018 2:03 PM
To: Garnica, Hector (ITD) <Hector.Garnica@miamidade.gov>
Cc: Beltran, Edward (ITD) <Edward.Beltran@miamidade.gov>; Delgado, Ileen (DTPW) <Ileen.Delgado@miamidade.gov>; Perez, Rosie (ITD) <Rosie.Perez@miamidade.gov>; Fernandez, Darlene (DTPW) <Darlene.Fernandez@miamidade.gov>; Aira, Frank (DTPW) <Frank.Aira@miamidade.gov>; Brisbane, Margaret (ITD) <Margaret.Brisbane@miamidade.gov>; Guyamier, Frank (DTPW) <Frank.Guyamier@miamidade.gov>; Libhaber, Bruce (CAO) <Bruce.Libhaber@miamidade.gov>; Alfonso, Annery (CAO) <Annery.Alfonso@miamidade.gov>; 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>; Rosenthal, Oren (CAO) <Oren.Rosenthal@miamidade.gov>
Subject: INQ 18-73 Hector Garnica, Systems Support Manager, Transportation Services Division, Information Technology Department (ITD), Miami-Dade County (Gifts)

Mr. Garnica,

You have inquired, in your capacity as Systems Support Manger in the Transportation Services Division of the Miami-Dade County Information Technology Department (ITD), regarding whether it would be permissible, under Section 2-11.1(e) of the County Ethics Code, for the County to partner with Econolite, a contractor with ITD, to share a \$10,000 fee for the marketing and equipment set-up costs in connection with a booth at the Emerge Americas 2018 Conference to be held on April 23 at the Miami-Beach Convention Center. The proposal for the joint booth sponsorship came from the Marketing Division of the Department of Transportation and Public Works (DTPW), which is the user department for the \$11 million contract for Traffic Control and Modernization Services. The Emerge conference is a premier event for showcasing new technologies. Miami-Dade County has been involved with this conference in the past, and views it as benefiting the County by showcasing its technology initiatives, in particular the Adaptive Signaling and Transit Signal Priority technology deployed by Econolite under its County contract, to a variety of technology enterprises, startups, and government leaders focused on innovative digital solutions. It is also hoped that the convention will stimulate investment in the local community by aspiring technology entrepreneurs. The fees in question would be paid directly to the convention center. Econolite, of course, would also benefit, by having its technology on display to potential purchasers of its products and services.

The contract that Econolite has with the County was awarded under a bid waiver arrangement approved by the County Commission, following a review and recommended changes by the Office of Inspector General. I have been informed that there is a follow-up contract contemplated by the County that is being prepared through County procurement officials for public bid, that will be worth much more than the current contract.

Section 2-11.1(e) of the County Ethics Code governs the solicitation and acceptance of gifts. It is an appropriate provision to consider in connection with this inquiry, due to the fact that the County has essentially solicited from Econolite a contribution toward the event that could be considered a gift to the County. There are significant restrictions on the solicitation and acceptance of gifts by County officials and employees under the Code that are get

particular scrutiny when the gift is provided by a County vendor or contractor. There is actually a complete ban on solicitation of gifts unless they fall within one of the exceptions in the ordinance. Subsection 2-11.1(e)(2)(e) does create an exception from the ordinance for "Gifts solicited by County employees or departmental personnel on behalf of the County in performance of their official duties for use solely by the County in conducting its official business." This exception could apply here, given the fact that County personnel involved with the contract have expressed that the County has participated in the convention in the past, and that the County's involvement at the convention would serve bona fide County purposes. I am concerned, however, that the benefit to the County may be exceeded by the benefit to Econolite, in that it provides to that private company a unique opportunity to market its products with a public endorsement from the County. This does not seem consistent with the concept of a gift that is used **solely** by the County, which the exception under Subsection 2-11.1(e)(2)(e) requires.

In applying Section 2-11.1(e), which has a complete ban on solicitation of gifts by County employees, as well as a prohibition on acceptance of gifts which are provided in connection with some governmental action taken or to be taken, to the facts of this inquiry, I am concerned that this joint operation, which could be construed as an advertising vehicle for Econolite, funded, in part, by the County, would violate that section. Furthermore, the possibility that it will appear to other potential County vendors, to signal an inappropriate relationship between the County and a current vendor, leads to further concerns. The importance of the appearance of complete integrity in County procurement processes is paramount in maintaining the County's reputation for integrity in its business relationships with the private sector. This particular company has already received a bid waiver on a significant County contract. It is likely to be a prime contender on an upcoming procurement for a much larger contract. It is unknown at this time whether there will be competition for that contract, or whether there may be consideration of another bid waiver. In either event, the appearance provided by the County's joint sponsorship with this private contractor of a booth that will pay part of the County's expenses as well as provide the Company with a unique opportunity to market its products under the County's seal of approval, raises concerns about whether the County's consideration of the company in connection with the upcoming procurement will be fair and objective. In the event that there are competitors for the upcoming contract, it is likely that they will be aware of the County's close association with this company at the Emerge Americas convention.

While the County may find that its interests are served by its presence at this event, I have concluded that the County's participation in the convention should occur on the County's terms at its own expense and not in partnership with a private company which has its own agenda and interests that may not always coincide with the County's interests. Therefore, it is my recommendation that the County not go forward with the joint sponsorship of a booth with Econolite at the Emerge Americas Convention.

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
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From: Garnica, Hector (ITD)
Sent: Monday, March 26, 2018 10:31 AM
To: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
Cc: Beltran, Edward (ITD) <Edward.Beltran@miamidade.gov>; Delgado, Ileen (DTPW) <Ileen.Delgado@miamidade.gov>; Perez, Rosie (ITD) <Rosie.Perez@miamidade.gov>; Fernandez, Darlene (DTPW) <Darlene.Fernandez@miamidade.gov>; Aira, Frank (DTPW) <Frank.Aira@miamidade.gov>; Brisbane, Margaret (ITD) <Margaret.Brisbane@miamidade.gov>; Guyamier, Frank (DTPW) <Frank.Guyamier@miamidade.gov>; Libhaber, Bruce (CAO) <Bruce.Libhaber@miamidade.gov>; Alfonso, Annery (CAO) <Annery.Alfonso@miamidade.gov>
Subject: RE: EMerge - Econolite

Mr. Centorino,

Below are the responses to your questions:

- Please clarify for our records how the expenses for this project will be handled.
 - Vendor's will register and pay fees directly with the convention center.
- What costs (generally, not the amounts) will be borne by the County?
 - Marketing and equipment setup costs
- What benefits would the County receive?
 - Showcasing our technology initiatives to the industry has the potential to stimulate our local economy. As linked below, aspiring entrepreneurs selecting to thrive in Miami are going to be committed to the local community, investing in the local community, thus resulting in jobs and opportunities in this community
 - <http://www.miamiherald.com/news/business/article206193819.html>
- What costs would be shared with Econolite?
 - \$10,000 fee to be paid directly to the convention center.
- What benefits would Econolite derive from this project due to the County's co-sponsorship with it?
 - Showcase the Adaptive Signaling and Transit Signal Priority technology being deployed at Miami-Dade County.
- Who are the persons or entities likely to be attending the conference?
 - The conference of technology enterprises, technology startups and government leaders focused on innovative digital solutions.
 - Below is a link to past speakers:
 - <http://www.emergeamericas.com/past-speakers/>
- Also, if you can identify the Assistant County Attorney who is generally involved with ITD matters
 - On Transportation related matters we deal with Libhaber, Bruce (CAO) and Annery Alfonso (CAO) , I will update them on details of the conference.

Regards,

Hector Garnica
Systems Support Manager
Information Technology Department
Transportation Services Division
786-469-5126

“Delivering Excellence Every Day”



From: Centorino, Joseph (COE)
Sent: Friday, March 23, 2018 12:05 PM
To: Garnica, Hector (ITD) <Hector.Garnica@miamidade.gov>
Subject: RE: EMerge - Econolite

Mr. Garnica,

Thanks for your inquiry.

Please clarify for our records how the expenses for this project will be handled. What costs (generally, not the amounts) will be borne by the County? What benefits would the County receive? What costs would be shared with Econolite? What benefits would Econolite derive from this project due to the County's co-sponsorship with it? Who are the persons or entities likely to be attending the conference?

Also, if you can identify the Assistant County Attorney who is generally involved with ITD matters, that would be helpful. Thanks again.

Joe Centorino

Joseph M. Centorino

Executive Director and General Counsel
Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
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From: Garnica, Hector (ITD)
Sent: Friday, March 23, 2018 11:33 AM
To: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
Cc: Beltran, Edward (ITD) <Edward.Beltran@miamidade.gov>; Delgado, Ileen (DTPW) <Ileen.Delgado@miamidade.gov>;

Perez, Rosie (ITD) <Rosie.Perez@miamidade.gov>; Fernandez, Darlene (DTPW) <Darlene.Fernandez@miamidade.gov>;
Aira, Frank (DTPW) <Frank.Aira@miamidade.gov>; Brisbane, Margaret (ITD) <Margaret.Brisbane@miamidade.gov>;
Guyamier, Frank (DTPW) <Frank.Guyamier@miamidade.gov>

Subject: RE: EMerge - Econolite

Mr. Centorino,

Thanks again for talking with me on such short notice. Per our conversation, "Emerge Americas" conference is a premier technology event connecting Latin America, North America & Europe. Miami-Dade County has been founding sponsor since the inception 5 years ago. This technology focused conference connects government, academia, business leaders, startup ventures and global technology partners.

Below is link to the conference at the Miami Beach Convention Center April 23-24,2018:

<http://www.emergeamericas.com/>

Below is link to the sponsorship:

<http://www.emergeamericas.com/sponsors/>

Miami-Dade County hosts a booth to demonstrate our cutting edge technologies from various departments. We intend to include the Department of Transportation and Public Works (DPTW) vendor Econolite, an existing County vendor via contract: [BW9872-1/20](#) that will showcase adaptive signaling technology and Transit Signal Priority (TSP) for mass transit vehicles.

Below are pictures from previous years:





As noted below, our business user from DTPW has expressed concern if Econolite co-sponsors the booth how it may be perceived as we move into procurements that are in the RFP authoring phase.

Regards,

Regards,

Hector Garnica

Systems Support Manager
Information Technology Department
Transportation Services Division
786-469-5126
"Delivering Excellence Every Day"



From: Aira, Frank (DTPW)
Sent: Friday, March 09, 2018 9:14 AM
To: Garnica, Hector (ITD) <Hector.Garnica@miamidade.gov>; Brisbane, Margaret (ITD) <Margaret.Brisbane@miamidade.gov>
Cc: Beltran, Edward (ITD) <Edward.Beltran@miamidade.gov>; Delgado, Ileen (DTPW) <Ileen.Delgado@miamidade.gov>; Perez, Rosie (ITD) <Rosie.Perez@miamidade.gov>; Fernandez, Darlene (DTPW) <Darlene.Fernandez@miamidade.gov>
Subject: RE: EMerge - Econolite

Good Morning,

Thanks for the information. My only concern is any request for ECONOLITE sponsoring and how it may be perceived as we move into the procurements that are being developed.

Thanks,

Frank Aira, P.E.
Chief, Traffic Signals and Signs Division
Miami-Dade County Department of Transportation and Public Works
7100 NW 36 Street • Miami, Florida 33166
Phone 305-679-0002

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From: Garnica, Hector (ITD)
Sent: Friday, March 09, 2018 8:48 AM
To: Brisbane, Margaret (ITD)
Cc: Jenni Edgar; Persephone Oliver; Beltran, Edward (ITD); Delgado, Ileen (DTPW); Perez, Rosie (ITD); Fernandez, Darlene (DTPW); Aira, Frank (DTPW)
Subject: Re: EMerge - Econolite

Thanks Margaret, adding our TSS team members.

Sent from my iPhone

On Mar 9, 2018, at 8:42 AM, Brisbane, Margaret (ITD) <Margaret.Brisbane@miamidade.gov> wrote:

Jenni,

Thanks for the information. We look forward to partnering with your team and having a great conference. Ed will be the contact for the space design and all the environmental needs, so please have the team work with him. The Lowe's is the official conference hotel, but there are so many hotels on Collins Avenue that is in close proximity to the convention center.

We are excited to have you as a partner in the County booth. Look forward to our teams working together.

Margaret Brisbane - Assistant Director

305-596-8320

From: Jenni Edgar [<mailto:jedgar@econolite.com>]
Sent: Thursday, March 08, 2018 2:21 PM
To: Brisbane, Margaret (ITD) <Margaret.Brisbane@miamidade.gov>
Cc: Persephone Oliver <poliver@econolite.com>
Subject: EMerge - Econolite

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Hi Margaret –

It was a pleasure speaking with you yesterday. Below is a summary of what we suggest might work best in the booth, along with a photo of the monitor stand and cabinet we would supply.

- Monitor Stand:
 - Econolite graphic stand holds the monitor/interactive touch screen, see attached image. We will contact Ilene with Miami-Dade to see if they are interested in a combo-video that can also be shown on the monitor.
 - Dimensions:
 - Monitor Stand: 7.5' tall x 3' W
 - Electrical Needed: the monitor stand can share electrical with the cabinet – 5amps will work as that is what is ordered when we take the cabinet to industry conferences.
- ATC Cabinet:
 - A fully loaded wrapped cabinet, see attached image.
 - Dimensions:
 - Cabinet: 66 in. H x 24 in. W x 30 in. D
- Econolite Representation:
 - We will most likely send two Econolite representatives that will attend and work the booth. As soon as we have that information we will pass it onto you and Ed. Please let us know if we need to register our people or if that is handled by your team.
- Shipping:
 - Can you please send us the dates of when our equipment and products need to be at the convention center, that way we can go ahead and get the shipping pre-scheduled.
- Hotel:
 - Looking at the website the headquarters hotel is the Lowe's Miami-Beach, is that where your team will be staying?

Thank you again! Econolite looks forward to working with you on this upcoming event.

Jenni

Jenni Edgar
Senior Marketing Coordinator | Econolite

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Would You Recommend Us? feedback.econolite.com

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