

Meyers, Robert (COE)

INQ 07-111

From: Meyers, Robert (COE)
Sent: Wednesday, July 18, 2007 9:16 AM
To: John Cospers (Aviation)
Cc: José Abreu (Aviation); Barbara S. Jimenez (Aviation); Bert Maura (Aviation); Vicky Garcia (Aviation)
Subject: RE: Miami International Airport - North Terminal Construction Management Team

Dear Mr. Cospers,

I apologize for not responding sooner, as I realize this matter is time sensitive, but I was waiting for correspondence from Bermello & Ajamil (B & A) before issuing an opinion. I have discussed this matter with the Ethics Commission's general counsel and she and I agree that based on the facts that you have provided, it appears a conflict of interests exists if B & A were to assume the duties of Director of Construction to oversee North Terminal construction contracts at Miami International Airport. The reason for this conclusion is that B & A has designed significant portions of this project and was designated Architect of Record with respect to some of the design work; this conclusion is consistent with other opinions given where similar facts were presented. However, our determination is a preliminary one and I would be more than willing to present this question to the Ethics Commission at its meeting of July 25th. I believe this falls outside your deadline, but I would ask that you consider extending your deadline to allow the full Ethics Commission to weigh in on this important project. Furthermore, it is possible by adjusting some of the responsibilities that B & A would be given, a conflict of interest could be avoided.

The other issue that I must address is whether Dr. Carlos Bonzon would be permitted to serve as Construction Manager of this project, assuming B & A is awarded this contract. The letter dated July 12, 2007 from Luis Ajamil delineates Dr. Bonzon's current responsibilities with the firm as well as summarizing his employment with Miami-Dade County. Dr. Bonzon and I have talked at length about the activities he can engage in for B & A without violating the county's Two Year Rule and there is letter in the file memorializing these discussions. Based on the scope of duties Dr. Bonzon would be expected to perform under this contract, he would not be lobbying the County and, therefore, the Two Year Rule would not serve as a bar in this case. Once again, this is my preliminary assessment of the matter and a formal opinion from the Ethics Commission may offer greater comfort to the Aviation Department and the firm.

If you decide you would like the Ethics Commission to formally issue an opinion, I would appreciate it if you could back to me by Friday, July 20. This will give our attorney ample time to draft an opinion.

Please feel free to contact me should you have any questions.

Sincerely,

Robert Meyers, Executive Director
 Miami-Dade Commission on Ethics and Public Trust
 (305) 350-0613

From: John Cospers (Aviation) [mailto:jcospers@miami-airport.com]
Sent: Tuesday, July 03, 2007 1:18 PM
To: Meyers, Robert (COE)
Cc: José Abreu (Aviation); Barbara S. Jimenez (Aviation); Bert Maura (Aviation); Vicky Garcia (Aviation)
Subject: Miami International Airport - North Terminal Construction Management Team
Importance: High

The County is considering hiring the firm of Bermello & Ajamil, Architects, (B&A) to provide a "Director of Construction" (exact title to be developed) to oversee the various North Terminal construction contracts, for a term of 5 or more years. This Director of Construction would report directly to the Aviation Department Director (Jose Abreu), or his designee. B&A would provide the Director plus support staff as authorized. All construction

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contracts are held directly by the County.

Concerns have been expressed that because B&A has "designed" a significant portion of the project that there may be a conflict of interest for them to have overall construction management responsibility. We are hereby requesting an opinion on this matter from your Commission.

Attached please find a typical floor plan (prints well at 11x17) of the new North Terminal for MIA. This plan delineates the area to be constructed or remodeled under the various construction contracts and also identifies the area contained in Bermello & Ajamil's design scope, for which they are **Architect of Record**. Other local and national architectural firms designed the remaining portions of the building. It should be noted that there are significant construction and operational links between and among all the various design/construction packages.

Please contact me if you need additional information.

I have also directed B&A to address a separate question to the Commission on Ethics and Public Trust.

7/18/2007



Bermello Ajamil & Partners, Inc.

Architecture
Engineering
Planning
Interior Design
Landscape Architecture

July 12, 2007

Mr. Robert Meyers
Executive Director
Ethics and Public Trust
19 West Flagler, Suite 820
Miami, Florida 33130

Re: Request for Advisory Opinion

Dear Mr. Meyers:

The purpose of this letter is to request an opinion whether Carlos F. Bonzon can serve as Construction Manager for the Miami-Dade Aviation Department (MDAD) North Terminal Project as per the request of MDAD and as specifically delineated below.

As you may already know, Dr. Bonzon retired from County service on December 31, 2006 after 35 years of continuous public service. On April 16, 2007 he was employed by our firm, Bermello Ajamil & Partners, Inc., an architectural and engineering firm doing business in the United States and other countries. His current position is Director of Infrastructure and Municipal Services.

On May 25, 2007, Miami-Dade Aviation Director Jose Abreu requested a proposal from Bermello Ajamil & Partners for us to assist the MDAD with the completion of the North Terminal Development (NTD). We were further specifically requested to include the utilization of Carlos F. Bonzon as Director of Construction.

During his long career with Miami-Dade County, Dr. Bonzon served as MDAD's Deputy Director in charge of the Capital Improvement Program (CIP) and as Interim Aviation Director. During those periods, the NTD was under the direct supervision and control of American Airlines as per a Lease and Construction Agreement approved by the Board of County Commissioners. In July 2005, shortly prior to Mr. Jose Abreu becoming Aviation Director and Dr. Bonzon returning to his post as Assistant County Manager, the Board of County Commissioners approved an Amendment to the Lease and Construction Agreement with American Airlines (AA) whereby AA would contribute \$105 million towards NTD cost overruns and the County would completely take over the management of the NTD project. The subject agreement was negotiated by Dr. Bonzon and County Manager George Burgess with support from the County Attorney's office and MDAD's Bond Engineers, HNTB.

In an abundance of caution, we have been asked by the MDAD to request this opinion. Your usual prompt attention to this matter is respectfully requested.

Sincerely,

Luis

Luis Ajamil

cc: Mr. Jose Abreu
Mr. John Cosper