

Meyers, Robert (COE)

INQ 07-122

From: Meyers, Robert (COE)
Sent: Monday, July 30, 2007 4:03 PM
To: Caviglia, Silvia (DIST7)
Subject: RE: request for opinion

Dear Ms. Caviglia,

Thank you for your request for opinion. I understand from your email that you are an aide to County Commissioner Carlos Gimenez and also the president of a 501(c)(3) community-based non-profit organization. Your organization is considering submitting a bid in response to a Request for Proposal (RFP) issued by the Miami-Dade County Parks and Recreation Department. You wish to know whether any restrictions exist concerning your non-profit organization doing business with the County.

The question you posed is not a novel one and we have several relevant opinions that are applicable to your situation. There is no provision in the county ethics code that prevents your CBO from seeking County funding. However, you personally would not be permitted to appear on behalf of the organization in any meeting where possible funding for your agency is discussed. You should send another board member or an employee to appear instead. Furthermore, assuming your CBO receives funding, any administrative matters that might develop during the contract administration stage must be handled by others. In essence, you should have no interactions with the County either pre-award or post-award relative to this RFP. Lastly, as an aide to Commissioner Gimenez, you should not put yourself in a position of making recommendations to him about this particular RFP. Of course, there is no problem with him deciding to support funding your CBO, provided you are not attempting to influence his decision.

In summary, your position with Commissioner Gimenez does not bar your CBO from applying for County funding. If you wish to discuss the above, do not hesitate to contact me at your convenience.

Sincerely,

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

From: Caviglia, Silvia (DIST7)
Sent: Thursday, July 26, 2007 4:57 PM
To: Meyers, Robert (COE)
Subject: request for opinion

I am the president of a CBO, a soccer club for girls which does not have a home field. I am also an Aide to County Commissioner Carlos Gimenez

The organization is a 501 © 3 established in 1998, which has helped numerous girls in this community to obtain college opportunities through the practice of soccer.

We would like to explore the possibility of applying for an RFP issued by the Miami Dade County Parks Department to operate two soccer fields at Tamiami Park made available to not-for-profit youth program providers.

1.1 INTRODUCTION/BACKGROUND

Miami-Dade County, hereinafter referred to as the "County," as represented by the Miami-Dade County Parks & Recreations Department, is seeking proposals from experienced and capable not-for-profit community based organizations to provide youth soccer programming at Tamiami Park, located at 11201 SW 24th Street, Miami, Florida. The Selected Program Partner must be knowledgeable and

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experienced in youth soccer programs and related activities, as well as possess knowledge of the legal requirements that are involved in this type of operation. Preference will be given to organizations that are affiliated through an acceptable State or National parent organization supporting youth sports programming.

The Selected Proposer(s) will be expected to provide youth programs open to the general public during designated days and hours; to provide related concession services; and to promote the Park operation.

The Department reserves the right to schedule special events that may preclude the Program Partner from operating in the facility or a portion thereof. The Department will use reasonable efforts to notify the Selected Proposer(s) as early as possible of these special events, but in no event later than two (2) weeks prior to the special event.

It is anticipated that the County will issue a Program Partnership License agreement for a ten (10) year period with one (1) five year option to extend the term at the County's sole discretion. Per the Program Partnership Ordinance, the issuance of a Program partnership License is dependent upon the proposed capital participation offered by the selected Proposer.

I would like to request your guidance to ensure that this will not be a conflict for myself, my organization or the Commissioner.

Silvia Vago Caviglia

Aide to Miami-Dade County Commissioner

Carlos A. Gimenez

District 7

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