

## Frigo, Victoria (COE)

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**From:** Frigo, Victoria (COE)  
**Sent:** Monday, December 17, 2012 3:52 PM  
**To:** Betancourt, Pete J. (Aviation)  
**Cc:** Centorino, Joseph (COE)  
**Subject:** Aviation Selection Committee Member (INQ 12-217)

Mr. Betancourt,

The County's Conflict of Interest Code prohibits Robert Binish, an employee of AvairPros, from serving on the County selection committee that is evaluating proposers to provide baggage handling services at Miami-Dade County Airport. *See* the Miami-Dade County Code at Sec. 2-11.1 (j).

For purposes of this analysis, we have assumed that Mr. Binish's employer, AvairPros, is closely affiliated with AvairPros Services. AvairPros Services has contracted or sub-contracted with four of the five bidders being evaluated by the selection committee. A proposer who wins the County contract, and who also holds a contract with AvairPros Services, might improperly respond to winning the County contract by augmenting its business dealings with AvairPros Services.

County employees and others who serve as selection committee members cannot engage in activities that would impair their independence of judgment in the performance of their public duties. Applying this section of the Code in Mr. Binish's case is not meant to imply that Mr. Binish would attempt to benefit his private employer to the detriment of the County. Rather, the intent of the Conflict of Interest Code is to *prevent* situations in which private economic considerations may override the faithful discharge of public responsibilities.

The State ethics law further emphasizes this rationale. In pertinent part, it states that a government worker may not "hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties." *See* Fla. Stat. 112.313(7)(a).

Thank you for bringing this matter to our attention, and we thank Mr. Binish for his willingness to serve Miami-Dade County in this capacity.

If you have additional questions, please feel free to contact me.

Sincerely,

**VICTORIA FRIGO, STAFF ATTORNEY**

Phone: 305 350-0601

Fax: 305 579-0273



19 West Flagler St., Suite 820  
Miami, FL 33130

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**From:** Betancourt, Pete J. (Aviation) [mailto:PJBETANCOURT@miami-airport.com]  
**Sent:** Monday, December 17, 2012 9:23 AM

**To:** Frigo, Victoria (COE)  
**Subject:** RE: Opinion - Evaluation/Selection Committee Member

Good morning.  
I apologize for not getting back to you sooner. I was out three (3) days last week.

As I mentioned before, the number of firms providing Baggage Handling System Operations & Maintenance (BHS O&M) providers are very limited.

[AvairPros](#) - provides business consulting, financial analysis, project management, use & lease agreement negotiations for airlines and airport authorities. Committee member, Mr. Robert Binish is employed with AvairPros and completed parts of a final report on or about 2008 on one of the proposing entities JBT Aero. The JBT Aero contact at the time was Mr. Tom Mayfield who is no longer with JBT.

[AvairPros Services](#) (sister of AvairPros above) – provides terminal management, financial management, operations & maintenance of airline systems & equipment at terminal facilities (airport). AvairPros Services has contracted or sub-contracted or worked with four (4) of the five (5) proposers in other states across the U.S. as follows:

- 1) Elite Line Services
- 2) Siemens
- 3) JBT Aero Tech
- 4) Oxford

I am also attaching a copy of the Neutrality Affidavit that committee members are required to execute. Please let me know if you require additional information.

Your assistance is greatly appreciated.

Regards,

**Pedro J. Betancourt, PMP, CPPO, LEED® AP O+M**  
Aviation Sr. Proc. Contract Officer  
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**From:** Frigo, Victoria (COE) [<mailto:FRIGOV@miamidade.gov>]  
**Sent:** Thursday, December 06, 2012 4:43 PM  
**To:** Betancourt, Pete J. (Aviation)  
**Subject:** RE: Opinion - Evaluation/Selection Committee Member

I have received your request for an opinion and will have a response to you by Monday.  
Sincerely,

**VICTORIA FRIGO, STAFF ATTORNEY**  
Phone: 305 350-0601  
Fax: 305 579-0273



19 West Flagler St., Suite 820  
Miami, FL 33130

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**From:** Betancourt, Pete J. (Aviation) [<mailto:PJBETANCOURT@miami-airport.com>]  
**Sent:** Thursday, December 06, 2012 2:38 PM  
**To:** Frigo, Victoria (COE)  
**Cc:** Clark-Vincent, Marie (Aviation)  
**Subject:** Opinion - Evaluation/Selection Committee Member

Good afternoon Ms. Frigo.

The Aviation Department often utilizes external (non-County) candidates to serve on selection committees. We have one (1) external committee member requesting an opinion from your office.

The committee member works with AvAirpros and a sister company of AvAirpros, has existing contracts at other US airports (not MIA) with three (3) of the firms proposing. The committee member has no interaction or involvement (interaction) with the firms or the existing contracts. Could you opine on this matter for us before we proceed?

Your assistance is greatly appreciated and please let me know if you require additional information.

Regards,

**Pedro J. Betancourt, PMP, CPPO, LEED® AP O+M**  
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