

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Tuesday, July 23, 2013 3:20 PM
To: Arteaga, Juan Carlos (WASD)
Cc: Centorino, Joseph (COE); Diaz-Greco, Gilma M. (COE)
Subject: Video comments used as an endorsement (INQ 13-182)

Mr. Arteaga,

Mr. Centorino has asked me to address your concerns about a County contractor using a video of you that suggested you were endorsing the contractor for a new County project.

Although the County Code at Sec. 2-1074 (y) does not authorize the Ethics Commission to give opinions about past behavior—were the facts to be the same in the future, your inadvertent involvement in a contractor's presentation would not create a conflict of interest for you as long as you have no financial interests in the contractor's company and you did not agree to the action taken by the contractor in return for a personal or financial benefit. *See* County Code at Secs. 2-11.1 (e)(3), (g), and (l).

In order to prevent similar miscommunications, you have sent an email to all major contractors and consultants that you have dealt with at MIA in the past and advised them not to use your comments as endorsements for future County projects.

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

Sincerely,

VICTORIA FRIGO, SENIOR STAFF ATTORNEY

Direct Phone: 305 350-0601
Main Number: 305 579-2594
Fax: 305 579-0273



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

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From: Arteaga, Juan Carlos (WASD)
Sent: Tuesday, July 23, 2013 8:19 AM
To: Centorino, Joseph (COE)
Cc: Frigo, Victoria (COE)
Subject: RE: Recommendations While I was the NTD Program Director

Dear Mr. Centorino:

This is a brief summary of the situation:

The North Terminal Development (NTD) Program at MIA while under the Management of American Airlines (AA) was plagued with continuous delays, cost overruns and a myriad of construction claims (more than 400 claims for over \$380 million).

On June 2005; the County took over the NTD Program; AA was removed from managing the Program and the Managing General Contractor (MGC), Turner Austin Airport Team was also terminated for convenience. The construction of the NTD was in a total state of complete stagnation.

On January 2006 I was asked to assist MDAD in managing the design aspects of this complex and convoluted Program (a few weeks later I was asked to act as the Program Director); immediately after coming on board we noticed that some of the same mistakes made with the previous Contractor; therefore we insisted that the Contract with the new MGC, Parsons Odebrecht Joint venture (POJV) be re-negotiated; the overall Program be properly planned and phased; and that we needed to perform Constructability studies in order to “plan the work” first and later on “work the plan” to ensure success; the re-organization and planning was long and painful, but absolutely essential for success. Finally in May 2007 the Contract with POJV was amended and we began resuming construction of the NTD Program on June 2007. The Contract with POJV was about 1/3 of the total NTD Budget (\$1.1 billion). The total budget of the NTD was \$3.1 billion.

Ever since we took over management of the NTD Program; we never missed a deadline or a milestone (with the exception of the Baggage Handling System) and the NTD became a story of success; by closing Concourse A and converting into landside we managed to save approximately \$200 million and 18 months of construction costs.

At that time and around September 2009 when we had successfully settled all claims for the NTD and we had begun to deliver and open gates on time as scheduled and within the budget; many trade industry organizations and experts, as well as the local media (TV stations and newspapers) took special interest on the success of the NTD Program; and we were constantly featured in the cover of magazines; and were also honored with several awards and recognitions for our hard work and management accomplishments; including but not limited to:

- ENR (Engineering News Record) Best Global Airport/Port Project in June 2013 for the North Terminal Development Program.
- Construction Management Association of America (CMAA) 2012 – Project Achievement Award.
- Construction Owners Association of America (COAA) 2011. Project Leadership Gold Award.
- Regional Commuter Facility (2011). ENR Best Projects 2011 – Merit Award - Transportation
- American Institute of Architects (2011). Charles W. Clary Government Service Award.
- North Terminal Project (2010). Best Vertical Transportation project, awarded by South East Construction, McGraw Hill Construction.
- Best Concessions Program Award (2012) Airport Revenue News (ARN).
- NTD named one of the 6 Most Beautiful US Airport Terminals. The Street 2011
- MIA considered one of the 15 most noteworthy Airports in the World. Passenger Terminal 2011
- NTD Awarded with the Best Food Court Award (2010). Miami New Times Best of Award, among other recognitions

We also had conducted a series of interviews, tours with the local TV news channels; specialized trade industry organizations, etc. so it became kind of the normal routine for us to conduct televised interviews.

Obviously; everybody wants to be part of success; so some of the main Contractors and Consultants as they finished the scope of their work; prepared videos and they interviewed our Project Managers, and NTD staff, everything that it was said was (and still is) the truth, the whole truth and nothing but the truth; we had truly managed to organize an amazing organization where teamwork, collaboration, cooperation and getting the job done on time and under budget was our cardinal rule.

The Contractors of these extremely complex projects such as: the North Terminal Improvement (NTI); successfully executed by MCM/Dragados Joint Venture; the Regional Commuter Facility (RCF); successfully executed by Beauchamp Construction; The Automated People Mover APM); successfully executed by Sumitomo Corporation of America; The In-Line Baggage handling System (BHS); executed by Siemens, the Consolidated NTD Program; successfully executed by POJV, among others also wanted to memorialize their contribution to the success of the Program; so they prepared videos where they showcased their project, and interviewed key NTD staff. All of this was properly coordinated through MDAD Communications Division and there was nothing secretive about it.

The problem surfaced when one of this Contractors, a few weeks ago, in a public bid oral presentation included a video in which I state how well they had worked with the Owner; and that they were instrumental in the success of the NTD Program (which they were); however the presentation was for another Miami Dade County Department (WASD) where I am currently working. Even though the type of work is completely different (horizontal vs. vertical structures) it may suggest I was endorsing them for the work; which I was NOT; I just was testifying the kind of work they did at the NTD for us, in my position as the NTD Program Director for MDAD.

What I had asked you is whether or not, inadvertently, I had done anything unethical; by agreeing to be interviewed to memorialize our strategy for success and to describe the role these Contractors played with the success of the NTD Program. It is evident that they should not have used the video while competing for work in Miami Dade County; that is why I sent the email below to all of them; as I was extremely dissatisfied by their action and I truly hope it never happens ever again.

Thank you for you valuable time, cooperation, guidance and assistance.

Warmest regards,

Juan Carlos Arteaga, AIA, NCARB, CGC, CBO, LEED ®AP
Assistant Director CID
Water and Sewer Department
3071 S.W. 38th Avenue, Miami, FL 33146
Tel: 786-552-8571 Cel: 305-218-8976 Fax: 786-552-8639
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From: Centorino, Joseph (COE)
Sent: Monday, July 22, 2013 4:54 PM
To: Arteaga, Juan Carlos (WASD)
Cc: Frigo, Victoria (COE)
Subject: RE: Recommendations While I was the NTD Program Director

Mr. Arteaga,
Since I do not remember all the details of our conversation, and because I think it is important that this be properly documented, I suggest that you send us back an email describing the situation how it developed, and requesting an opinion from us regarding what actions should be taken by you. That way we will have a complete record of this issue should there be any questions raised about it in the future.

Sincerely,
Joe Centorino

From: Arteaga, Juan Carlos (WASD)
Sent: Monday, July 22, 2013 4:41 PM
To: Centorino, Joseph (COE)
Subject: FW: Recommendations While I was the NTD Program Director

Dear Mr. Centorino:

I want to thank you very much for your valuable time and the opinion you gave me during the telephone conversation we had a few weeks ago; for which I was deeply relieved and thankful.

After our conversation I sent the email below to all major Contractors and Consultants that were involved with the North Terminal Development at MIA; just to be on the safe side; and to ensure that something like what Dragados did during their oral presentation does not happen ever again. As I had told you, I have no financial interests, no personal relations with any of the firms that worked on the NTD at MIA.

Having completed one of the most complex and largest airport expansion in the world without any claims and within the revised schedule and budget, made us all be very grateful to the hard work of these professionals; I just did not think at that time that someone would use my testimonial while I am still employed with Miami Dade County (even if in a different Department). Throughout the years, I have also served several times as a selection committee member for some large projects around the US; and it is quite often that I had seen videos and interviews of public officials offering their views and evaluations of a particular Contractor, Consultant, CMAR, et al. I simply I did not think a few years ago that they would use inside the County.

I really do not want to hurt the County, the Water & Sewer Department, the Director or the procurement process and I would like to kindly request you to confirm what you had told me over the phone.

Once again, thank you very much for you cooperation, guidance and assistance,

Warmest regards,

Juan Carlos Arteaga, AIA, NCARB, CGC, CBO, LEED® AP

Assistant Director CID

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From: Alton, Shane [<mailto:Shane.Alton@siemens.com>]

Sent: Wednesday, July 03, 2013 8:40 AM

To: Arteaga, Juan Carlos (WASD)

Subject: RE: Recommendations While I was the NTD Program Director

I hear you loud and clear JC. Will comply!

b/r

Shane

From: Arteaga, Juan Carlos (WASD) [<mailto:JCARTEAGA@miamidade.gov>]

Sent: Wednesday, July 03, 2013 7:59 AM

To: 'COneil@dragados-USA.com'; 'eugenio@mcm-us.com'; 'pmunilla@mcmcorp.com'; 'Wilcox, Glenn'; Raul Estevez (restevez@wolfbergalvarez.com); 'fdeldago@leoadaly.com'; 'jpalma@rodriguezquioga.com'; 'rwaters@tylin.com'; 'dwaugh@bermelloajamil.com'; Gavarrete, Fernando (fgavarrete@miami-airport.com); dave.brown@pojv-ntd.com; Luiz Simon (lsimon@odebrecht.com); 'bsmith@beauchampco.com'; Adams, Mike (NTD); McFadden, Daniel J. (dmcfadden@leaelliott.com); armando@allied-contractors.com; Baker, Bob (bob.baker@urs.com); Schneider, Larry (larry.schneider@urs.com); Alton, Shane

Subject: Recommendations While I was the NTD Program Director

Dear Friends:

Please when responding to RFQs, RFPs, and/or applying for any public solicitations to provide consulting and/or construction services for ANY Department inside Miami Dade County, REFRAIN from using any recommendation letters, video recordings; taped compliments, et al, that I may have done on your behalf while I was working in MDAD as The NTD Program Director.

Since I am still working for Miami Dade County; any testimonials you provide are perceived as an endorsement of the County or a Department (such as WASD) towards your firm and they are in CLEAR violation of the Miami Dade Commission on Ethics & Public Trust mandates; if you do, it really only hurts *all*.

You may certainly use them anywhere else OUTSIDE of Miami Dade County; and I will be more than HAPPY to testify the outstanding work you have done for us at MIA (as I have done so far); however inside of Miami Dade County (since I am still employed by the County), they cannot and shall NOT be used.

I appreciate your understanding; as I had explained to some of you, the only way Miami Dade County employees rate consultants and contractors are through the Miami Dade County Capital Improvement Information System (CIIS).

Wishing you the best of lucks,

JC

Juan Carlos Arteaga, AIA, NCARB, CGC, CBO, LEED® AP

Assistant Director CID

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