

Frigo, Victoria (COE)

From: Frigo, Victoria (COE)
Sent: Monday, August 12, 2013 2:21 PM
To: Riaz, Ammad (Aviation)
Cc: Ramos, Jose A. (Aviation); Zabowski, M. Elizabeth (ISD); Centorino, Joseph (COE); Diaz-Greco, Gilma M. (COE)
Subject: Airport Perimeter Road Preliminary Planning (INQ 13-198)

Mr. Riaz,

This is to memorialize our telephone conversation in which you asked for examples of organizational conflicts of interest found in the Federal Acquisition Regulation at 48 CFR § 9.5 (2013).

As we discussed, conflicts are created when a government contractor is awarded a contract in which its independence of judgment might be impaired. For example, the consultant referenced below who wrote the scope study for the road project now holds information not available to others. This information gives the consultant an unfair advantage to compete for the actual PD&E solicitation in the next phase of the road project.

If you have additional questions, 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: Riaz, Ammad (Aviation) [mailto:ARiaz@miami-airport.com]
Sent: Monday, August 12, 2013 1:56 PM
To: Frigo, Victoria (COE)
Cc: Ramos, Jose A. (Aviation); Zabowski, M. Elizabeth (ISD); Centorino, Joseph (COE); Diaz-Greco, Gilma M. (COE)
Subject: RE: EDP SURVEY Miami International Airport Perimeter Road Preliminary Planning

Good afternoon Ms. Frigo,

Thank you for your response. As discussed please respond to this email with the examples we discussed in our phone conversation and the corresponding Ethics Commission's opinion on those projects.

Regards,

Ammad Riaz, P.E.
Aviation Planning Division

From: Frigo, Victoria (COE) [<mailto:FRIGOV@miamidade.gov>]

Sent: Monday, August 12, 2013 1:21 PM

To: Riaz, Ammad (Aviation)

Cc: Ramos, Jose A. (Aviation); Zabowski, M. Elizabeth (ISD); Centorino, Joseph (COE); Diaz-Greco, Gilma M. (COE)

Subject: RE: EDP SURVEY Miami International Airport Perimeter Road Preliminary Planning

Mr. Riaz,

The Ethics Commission has recently opined that it will hear potential conflicts such as the one you've outlined below only when the Ethics Commission has been granted jurisdiction in the related solicitation documents. See attachment titled "Organizational Conflicts."

Please advise if the language required by the Ethics Commission was included in the solicitation documents related to the work outlined below.

I'd also be happy to discuss this with you at additional length if you have further questions or concerns.

Sincerely,

VICTORIA FRIGO, SENIOR STAFF ATTORNEY

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From: Riaz, Ammad (Aviation) [<mailto:ARiaz@miami-airport.com>]

Sent: Monday, August 12, 2013 11:36 AM

To: Ethics (COE)

Cc: Ramos, Jose A. (Aviation); Zabowski, M. Elizabeth (ISD)

Subject: FW: EDP SURVEY Miami International Airport Perimeter Road Preliminary Planning

Good morning,

Please accept this email as a formal request for an Ethics Commission Opinion/Determination. The Aviation Planning Division at the Miami-Dade Aviation Department is pursuing a consultant through the Equitable Distribution Program (EDP) to write a scope for a Preliminary Design and Environmental (PD&E) Study for the widening of the eastern portion of Perimeter Road located on the south side of Miami International Airport. A question has been raised by a local AE Firm on if the selected consultant would be prohibited from competing for the actual PD&E solicitation when advertised by the Aviation Department in the near future. Please see the string of emails below for further elaboration on the question requiring an Ethics Commission Opinion/Determination.

Your assistance in rendering a determination on this issue will be greatly appreciated.

Regards,

Ammad Riaz, P.E.

Chief

Aviation Planning Division

Miami-Dade Aviation Department

Phone: (305) 876-7036

Fax: (305) 876-7630

www.miami-airport.com

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From: Ramos, Jose A. (Aviation)
Sent: Monday, August 12, 2013 10:27 AM
To: Riaz, Ammad (Aviation)
Cc: Zabowski, M. Elizabeth (ISD)
Subject: FW: EDP SURVEY Miami International Airport Perimeter Road Preliminary Planning

Ammad: Lets reach out to the Ethics Commission and seek a determination on whether a consultant preparing the scope of work for the Perimeter Road Re-alignment PD&E can seek to go after the design of the project.

José A. Ramos, R.A., LEED AP
Division Director Aviation Planning, Land-Use & Grants
Miami-Dade Aviation Department
Tel.: (305) 876-8080
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Email: jramos@miami-airport.com

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From: Zabowski, M. Elizabeth (ISD) [<mailto:BIBA@miamidade.gov>]
Sent: Thursday, August 08, 2013 1:05 PM
To: Ramos, Jose A. (Aviation)
Subject: FW: EDP SURVEY Miami International Airport Perimeter Road Preliminary Planning

Jose
Aviation may want to go ahead and ask for an opinion from Ethics`.

Regards
Elizabeth

From: Zabowski, M. Elizabeth (ISD)
Sent: Thursday, August 08, 2013 1:04 PM
To: 'Amy.McGreger@kimley-horn.com'
Subject: RE: EDP SURVEY Miami International Airport Perimeter Road Preliminary Planning

Good Morning Amy
It is possible that the consultant for this planning phase may not be permitted to compete in a future solicitation. Pursuant to the Survey, whenever there is a potential competitive advantage, the Miami-Dade Commission on Ethics will need to determine if there is a conflict of interest. If I can be of further assistance, just let me know.
Regards
Elizabeth

From: Amy.McGreger@kimley-horn.com [<mailto:Amy.McGreger@kimley-horn.com>]
Sent: Thursday, August 08, 2013 8:22 AM
To: Zabowski, M. Elizabeth (ISD)
Subject: RE: EDP SURVEY Miami International Airport Perimeter Road Preliminary Planning

Will the firm selected to prepare this preliminary planning report be eligible to compete in future solicitations related to the study? Specifically, the future PD&E study on the corridor?

Thanks,
Amy McGreger
Kimley-Horn and Associates, Inc.

From: Zabowski, M. Elizabeth (ISD) [<mailto:BIBA@miamidade.gov>]
Sent: Tuesday, August 06, 2013 4:38 PM
To: Zabowski, M. Elizabeth (ISD); 'pedro.hernandez@aecom.com'; 'cmgil@apcte.com'; JEForgione@pbsj.com; 'humberto.alonso@atkinsglobal.com'; bpieters@bpa-engineers.com; lizamaIL@cdmsmith.com; apierce@capfla.com; richb@cesmiami.com; malvarez@ch2m.com; 'tim.plummer@dplummer.com' (tim.plummer@dplummer.com); rcrooks@eaconsult.com; ccejas@gfnet.com; gino.valderrama@tylin.com; chuck.sinclair@hdrinc.com; Gloria.Booth@jacobs.com; McGreger, Amy; jperez@bpamiami.com; snifah@nifahpartners.com; bbehar@rjbehar.com; cathy.scott@rsandh.com; mark.minnery@urs.com; 'colasrm@pbworld.com' (colasrm@pbworld.com)
Subject: EDP SURVEY Miami International Airport Perimeter Road Preliminary Planning

EDP SURVEY

Miami International Airport Perimeter Road Preliminary Planning

The Miami-Dade Aviation Department (MDAD) is planning to widen, realign and reconstruct the Miami International Airport (MIA) Perimeter Road extending east from SR 959/NW 57th Avenue across the FEC Tracks and the Tamiami Canal Bridge/NW 15th Street to NW 42nd Court. At this time, MDAD needs the assistance of a qualified consultant to prepare a preliminary planning report. The purpose of the report is to assist the Miami-Dade Aviation Department (MDAD) in making a decision on the type, design and location of the improvements necessary for Perimeter Road as well as provide guidance and direction for the future detailed Project Development & Environmental (PD&E) Study.

Required Technical Certifications

TC 0302	Highway Design
TC 0303	Bridge Design
TC 0401	Aviation Engineering Design
TC 1600	General Civil Engineering

Minimum Experience and Qualifications:

1. Experience with the preparation of at least one FDOT Project Development & Environmental (PD&E) Study in the past 7 years.
2. Experience with at least one roadway project including a bridge of similar magnitude in the past 7 years.
3. Experience with at least one roadway project including a Rail Road Crossing of similar magnitude in the past 7 years.

If your firm and/or professional staff has the minimum experience and qualifications, please send me a confirmation reply email no later than [Friday, August 9, 2013](#).

PLEASE DO NOT SEND ATTACHMENTS. ANY ADDITIONAL INFORMATION WILL BE DISCARDED.

ISD/EDP will provide MDAD with the next three firms in the rotation that represented in their survey response that they meet the minimum experience and qualifications. MDAD will first require the firms to submit supporting documentation to verify that the firm and/or staff meet the minimum experience and qualifications. If they determine a firm does not, ISD/EDP will provide them with additional firms for consideration as necessary. Once MDAD confirms three firms with the minimum experience and qualifications, they will evaluate to determine the most qualified.

If your firm is under consideration for the assignment, a representative from MDAD will contact you for detailed qualification information.

Please note that projects involving planning and design schematic activities may preclude the firm from competing in future solicitations related to the project study. Whenever there is a potential competitive advantage, the Miami-Dade Commission on Ethics will make the decision if there is a conflict of interest.

Should you have any questions or need additional information, just let me know.

Thanks for your assistance.

Elizabeth "Biba" Zabowski, LEED® AP

Equitable Distribution Program Coordinator

Miami Dade County Internal Services Department

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