

## Frigo, Victoria (COE)

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**From:** Frigo, Victoria (COE)  
**Sent:** Thursday, November 21, 2013 2:48 PM  
**To:** Valderrama, Jesus (MDT); Forrest, Hobbit (MDT)  
**Cc:** Andres, Ivonne (MDT); Millan, Luisa M. (ISD); Samuels, Faith (ISD); Rasheed, Ahmed (MDT); Centorino, Joseph (COE); Diaz-Greco, Gilma M. (COE)  
**Subject:** NW 27th Avenue EBS design contract (INQ 13-296)  
**Attachments:** Organizational Conflicts.pdf

Dear Colleagues,

You have asked the Ethics Commission to opine on an organizational conflict involving potential or current Transit contractors. This matter does not relate to natural persons, such as County officers, employees, certain designated contract staff, and others.

Because the County Ethics Code at Sec. 2-11.1 applies only to natural persons, the Miami-Dade Ethics Commission cannot issue an opinion regarding an organizational conflict unless the Ethics Commission has been named to do so in the solicitation document and the criteria on which the opinion is to be based is also identified.

I recommend you contact your County Attorney for further guidance in this matter.

Attached is a memo that explains the position the Ethics Commission has taken to resolve organizational conflicts. If you have additional questions regarding this email or memo, please contact Joe Centorino, Executive Director, or Gilma Diaz-Greco, Staff Attorney, at the Miami-Dade Ethics Commission.

Sincerely,

**VICTORIA FRIGO, SENIOR STAFF ATTORNEY**

Direct Phone: 305 350-0601  
Main Number: 305 579-2594  
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Miami, FL 33130

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**From:** Valderrama, Jesus (MDT)  
**Sent:** Wednesday, November 20, 2013 8:55 AM  
**To:** Forrest, Hobbit (MDT)  
**Cc:** Andres, Ivonne (MDT)  
**Subject:** FW: NW 27th Avenue EBS design contract

[See me!!!!!!!!!!!!!!](#)

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**From:** Millan, Luisa M. (ISD)  
**Sent:** Thursday, November 14, 2013 12:15 PM  
**To:** Valderrama, Jesus (MDT)

**Cc:** Andres, Ivonne (MDT); Padron, Isabel (MDT)  
**Subject:** RE: NW 27th Avenue EBS design contract

Jesus,

I would recommend that you request an opinion from the Ethics Commission as to whether this would be considered a competitive advantage given the work they have previously performed.

*Luisa M. Millan*, R.A., I.D.

Director, Design and Construction Services Division  
Internal Services Department  
(305) 375-1100  
[lmillan@miamidade.gov](mailto:lmillan@miamidade.gov)

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**From:** Valderrama, Jesus (MDT)  
**Sent:** Thursday, November 14, 2013 12:11 PM  
**To:** Millan, Luisa M. (ISD)  
**Cc:** Andres, Ivonne (MDT); Padron, Isabel (MDT)  
**Subject:** RE: NW 27th Avenue EBS design contract

Hi Luisa!

Please advise if MDC would allow Kimley Horn and Associates to pursue the NW 27 Avenue EBS design contract.

Thanks

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**From:** Valderrama, Jesus (MDT)  
**Sent:** Tuesday, November 12, 2013 08:17 AM  
**To:** Millan, Luisa M. (ISD); Samuels, Faith (ISD)  
**Cc:** Padron, Isabel (MDT); Andres, Ivonne (MDT)  
**Subject:** FW: NW 27th Avenue EBS design contract

GM Luisa, hope you had a great long weekend!!!!!!!!!!!!!!

Please advise status of the NTPC and please provide answer to e-mail below.

Thanks

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**From:** Valderrama, Jesus (MDT)  
**Sent:** Wednesday, November 06, 2013 8:40 AM  
**To:** Millan, Luisa M. (ISD); Samuels, Faith (ISD)  
**Cc:** Andres, Ivonne (MDT)  
**Subject:** FW: NW 27th Avenue EBS design contract  
**Importance:** High

GM Luisa, hope all is well.

Please refer to the e-mail below from Kimley Horn and Associates. Their question is regarding the upcoming PSA for the NW 27 Avenue EBS contract utilizing FTA and FDOT funds.

Please advise if MDC would allow Kimley Horn and Associates to pursue the NW 27 Avenue EBS design contract given that this consultant performed the planning study of this corridor.

Thanks

Jesus

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**From:** [Stewart.Robertson@kimley-horn.com](mailto:Stewart.Robertson@kimley-horn.com) [<mailto:Stewart.Robertson@kimley-horn.com>]  
**Sent:** Thursday, October 03, 2013 8:05 AM  
**To:** Padron, Isabel (MDT)  
**Cc:** Rasheed, Ahmed (MDT); [Jill.Capelli@kimley-horn.com](mailto:Jill.Capelli@kimley-horn.com); [Greg.Kyle@kimley-horn.com](mailto:Greg.Kyle@kimley-horn.com)  
**Subject:** NW 27th Avenue EBS design contract

Good morning Isabel,

Kimley-Horn would like to continue our working relationship with MDT on upcoming design contracts. As you know, we were the consultant for the planning study and NEPA environmental documentation for the NW 27<sup>th</sup> Avenue EBS project through our MPO contract. We believe our experience in the corridor and strong local relationships with the municipalities that the corridor passes through would serve MDT well during the design phase.

However, in our meeting with Mr. Ahmed Rasheed on Monday regarding the upcoming design project, he asked that we e-mail you for clarification on whether MDT would allow consultants that perform the EBS planning study on a particular corridor to pursue the EBS design contract for that same corridor. We do not believe that completing the environmental work should preclude a consultant firm from subsequently providing final design services. For example, Kimley-Horn completed the NEPA documentation for improvements to the Pompano Beach Tri-Rail Station and subsequently prepared the final design plans for the project. This project includes Federal funds through FTA with an estimated construction budget of approximately \$10 million.

Please provide a response confirming whether or not Kimley-Horn is eligible to pursue the design of the NW 27<sup>th</sup> Avenue EBS project. Thank you for your help on this matter.

Stewart

Stewart Robertson, P.E.  
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