

Diaz-Greco, Gilma M. (COE)

From: Centorino, Joseph (COE)
Sent: Friday, February 07, 2014 4:36 PM
To: 'Perez, Jose R'
Cc: Diaz-Greco, Gilma M. (COE); Sanchez, Gerald (CAO)
Subject: INQ - Jose Perez, Office Manager, AMEC (2-year rule)
Attachments: lobbyistlevels.pdf

Mr. Perez:

You have inquired regarding whether you may be involved in certain activities of your company involving existing County contracts. Your company, AMEC, has been assigned under these contracts to perform Hydrographic surveys to the Storm Water Utility Planning Division of the Public Works and Waste Management Department (PWWM) of Miami-Dade County. You are a former County employee who left your County employment less than two years ago. Therefore, you are subject to the restriction in Section 2-11.1 (q) regarding lobbying by former County employees within two years of leaving County employment. I understand that, while the actual contracts involved have been awarded, you are being asked to attend meetings with County staff to provide information in order to get cost estimates for the different surveys that will be requested by the County.

Please be aware that the Code places significant restrictions on activities by employees in your category concerning their interaction with County staff who will be making decisions concerning the matters under discussion. A previous opinion by this agency, RQO 12-09 (see attached), established that "advocating for decisions that may be made at the sole discretion of any municipal personnel. . . are prohibited under the post-employment ordinance." It discourages face-to-face meetings with County personnel that might be interpreted as intending to influence decision-making at relatively low levels, even though the decision to award a contract has already been made. On the other hand, there are a number of activities that have been ruled not to be considered lobbying for the purposes of the two-year rule, including routing administrative requests or applications, advising persons in your private company regarding their approach to dealing with the County, and estimating costs, as long as *long as you have no involvement with County officers and staff directly, through face-to-face meetings, telephone calls, emails or other communications, in negotiating changes for any purpose, including negotiating change orders.*"

I suggest that you carefully review the list in the attached opinion, which was provided to a former employee of the City of Miami Beach, facing somewhat similar issues as yourself. It would be advisable to avoid face-to-face meetings with County employees that might be reasonably interpreted to be connected to negotiation over costs. Certainly you can provide information regarding costs to those employees but you would be strictly limited from going further in any discussion that might influence any decision that those employees may need to make. It is, of course, permissible for you to speak to your own colleagues at AMEC concerning these matters.

If you have any further questions regarding specific activities that you may need guidance on, please do not hesitate to call me or Staff Attorney Gilma Diaz-Greco at 305-579-2594.

Sincerely,
Joseph Centorino
Executive Director and General Counsel

From: Perez, Jose R [<mailto:jose.r.perez@amec.com>]
Sent: Tuesday, February 04, 2014 5:45 PM
To: Centorino, Joseph (COE)

Subject:

Importance: High

Good afternoon Mr. Centorino: as per our phone conversation I'm a former Miami-Dade County employee (Last day of County service 11/16/12 -GSA), and office manager for "AMEC" which currently holds the following contracts;

- 1) 3 public works contracts (awarded and approved by the BCC) to perform numerous engineering services and tasks
- 2) (EDP) Equitable Distribution program list to perform miscellaneous professional services
- 3) DERM consultant list of vendors

On 1/31/14 Public Works contacted our office requesting to meet with me and staff regarding a project (refer to email attached). I would like your opinion on the two year rule regarding my ability to work with County staff when they call AMEC to perform professional services for contracts that are in place and approved. We would assist County staff with developing a scope of work, cost estimates for construction, contract documents and reports if necessary.

I'm available to speak on my cellphone if necessary or my office direct line (305) 818-8403. Thank you and look forward to your ruling.

Respectfully,

Jose R. Perez, AIA, LEED AP

Architect

Office Manager

AMEC | Miami

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