

REQUEST FOR OPINION CHECKLIST

Request for Opinion

Dated: 06-22-04

Investigative File

Draft Opinion

Notification to requestor of hearing before commission:

Scheduled for _____ at _____ .m; or No _____

Commission Action: _____

Final Disposition: _____

June 11, 2004

Mr. Robert Meyers
Executive Director
Commission on Ethics and Public Trust
Miami-Dade County
19 West Flagler Street, Suite 220
Miami, FL 33130

VIA FACSIMILE
(305) 579-0273

R00 04-123

Re: Earth Tech Consulting Inc. ("Earth Tech")

Dear Mr. Meyers:

Pursuant to Section 2.11.1(r) of the Miami-Dade County Code, in a letter dated February 18, 2003 (the "Letter"), Earth Tech requested an advisory opinion from the Commission on Ethics and Public Trust ("Ethics Commission") as to whether or not Earth Tech could pursue teaming opportunities and participate in the procurement process for the MIC/MIA Connector, without violating the Conflict of Interest Code of Miami-Dade County. In the Letter, Earth Tech advised the Ethics Commission that it is currently under contract with the Florida Department of Transportation ("FDOT") to provide professional and technical support exclusively for the Miami Intermodal Center ("MIC").

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On March 3, 2003, the Ethics Commission issued Advisory Opinion No. 03-33 in response to said Letter (the "Advisory Opinion"). Therein, the Ethics Commission opined that "Earth Tech may work on the Automated People Mover system if the firm relinquishes any management coordination responsibilities with the Aviation Department relating to overlapping areas in the MIC project. Earth Tech may not continue those responsibilities because the firm would serve as manager and contractor on the same project."

The purpose of this correspondence is to formally notify the Ethics Commission that Earth Tech may actively participate in the procurement process for the MIA Mover. If we participate and are selected, Earth Tech will relinquish any management coordination responsibilities with the Aviation Department relating to overlapping areas in the MIC project, consistent with the findings of the Ethics Commission as expressed in the Advisory Opinion. Please be so kind as to advise whether this action is sufficient and consistent with the terms of the Advisory Opinion.

Thank you for your consideration. Should you have any questions, please feel free to contact me directly at (305) 716-5141.

Sincerely,

Earth Tech Consulting, Inc.



Thomas J. Marwood
Vice President

04 JUN 22 PM 12:58
COMMISSION ON ETHICS
AND PUBLIC TRUST



A Tyco Infrastructure Services Company