

**REQUEST FOR OPINION CHECKLIST**

\_\_\_\_\_ Request for Opinion

Dated: \_\_\_\_\_

\_\_\_\_\_ Investigative File

\_\_\_\_\_ Draft Opinion

\_\_\_\_\_ Notification to requestor of hearing before commission:

Scheduled for \_\_\_\_\_ at \_\_\_\_\_ .m; or No \_\_\_\_\_

\_\_\_\_\_ Commission Action: \_\_\_\_\_

\_\_\_\_\_ Final Disposition: \_\_\_\_\_

\_\_\_\_\_  
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\_\_\_\_\_  
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M E M O R A N D U M

TO: COMMISSION ON ETHICS AND PUBLIC TRUST  
FROM: ARDYTH WALKER, STAFF GENERAL COUNSEL  
RE: RQO 04-44  
DATE: MARCH 30, 2004  
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BACKGROUND

Ramona D. Phillips, President of Phillips Consulting Co., is requesting an opinion regarding her ability to serve on the Program Management Consultant team for the People's Transportation Plan.

FACTS

Miami-Dade County recently issued a Notice to Professional Consultants for a Program Management Consultant for the People's Transportation Plan. The Program Management Consultant (PMC) will hold a non-exclusive seven-year contract with Miami-Dade County to manage, with the support and supervision of Transit and Public Works staff, the various phases of implementing the People's Transportation Plan. Specifically, the Scope of Services requires the PMC to be responsible for short and long-range transit planning, facilities planning, feasibility studies, oversight of construction, engineering and inspection consultants and design criteria and standards. Transit will hire additional firms to do the actual design and construction inspection work but they will work under the direction of the Program Management Consultant team. As noted in the NTPC and our review of this matter, it is the intention of the County that the Program Management Consultant act as county staff in the areas for which the Consultant will provide staff and technical assistance. The contract should be awarded in the summer of 2004.

The People's Transportation Plan consists of several projects including highway and road improvements, bus service improvements and neighborhood improvements. The heart of the project is several rapid transit improvements including:

- The North Corridor- The North Corridor will run from the Dr. Martin Luther King Jr. Metrorail Station (N.W.

27<sup>th</sup> Avenue and 62<sup>nd</sup> Street) along N.W. 27<sup>th</sup> Avenue to 215<sup>th</sup> Street.

- The East West-Corridor- The East-West Corridor consists of two segments from the Florida Turnpike east to the Palmetto Expressway and from the Palmetto through Miami International Airport and Downtown Miami and to the Port of Miami-Dade
- Baylink- A corridor between downtown Miami and Miami Beach
- Kendall Corridor- A corridor with east-west and north-south elements

The Notice to Professional Consultants restricts firms from participating in the project if they are providing planning and preliminary engineering services for the East-West Rail Corridor Project or are serving as Program Management Oversight Consultant for the Federal Transit Agency.

#### **SCOPE OF REVIEW**

Pursuant to Section 2-11.1(v), the Ethics Commission has jurisdiction over contractors and vendors. Section 2-11.1(j) restricts persons covered by the Conflict of Interest and Code of Ethics ordinance from doing work that conflicts with their independence of judgment in performing their County responsibilities. Pursuant to that section of the Conflict of Interest and Code of Ethics ordinance, the Ethics Commission has delineated certain areas including overlapping responsibilities that would impair a contractor's independent judgment in the performance of its duties for the County. The analysis of potential conflicts, in this case, is generally limited to the requestor's contracts with Miami-Dade Transit and does not analyze potential conflicts with contracts with other agencies.

#### **ARGUMENT**

Phillips currently works for Miami-Dade County on two projects. Phillips serves as a subconsultant on a contract to facilitate community focus groups for the General Obligation Bond referendum for the fall election. Phillips also conducts public relations and community outreach services for the Housing Agency for the Hope VI program. Phillips also serves, as a lobbyist for several firms including BND Engineers and H.J. Russell and Co. Phillips

will provide community outreach and public relations services as a member of the Program Management Consultant team.

Phillips does not have a conflict with her current work as long as she does not provide any lobbying services for the PMC team. Therefore, Phillips may serve as a member of the Program Management Consultant team for the People's Transportation Plan.

#### CONCLUSION

Phillips may serve on the Program Management Consultant team for the People's Transportation Plan. Phillips Consulting Group does not have any current county contracts that should interfere with its work under the new contract.



**Electronic Document**

March 16, 2004

Robert Meyers  
Executive Director  
19 West Flagler Street  
Suite 207  
Miami, FL 33130

**RE: CICC Project No. Eo3-MDT-01  
Program Management Consulting Services for Peoples Transportation Plan**

Mr. Meyers:

The following is a description of recent and current projects in which **Phillips Consulting Group, Inc (PCG)** has been involved in the Miami Dade County area, and an analysis of potential conflict areas of interests as described by the Ethics Commission's Criteria, including:

- 1) Overlapping responsibilities and/or roles with existing contractual responsibilities;
- 2) Evaluation of the consultant's own work;
- 3) Processing of payments for itself;
- 4) Disclosure of confidential information; or
- 5) Impairment of independent judgment

**1. Project: General Obligation Bond**

**Client: Miami Dade County**

**PCG's Role: Sub Consultant to HBE Subcontractor (Prime MGT of America)**

**Description of Services:** Facilitate community focus group meetings throughout Miami Dade County in an effort to educate and receive input on the proposed General Obligation Bond issuance (November 2004). Work in concert with County GOB staff and team of consultants hired to manage project.

**(NO CONFLICTS)**

**2. Project: HOPE VI Program Management**

**Client: Miami Dade County – Miami Dade Housing Agency**

**PCG's Role: Consultant – Program Management**

**Description of Services:** Small Contractor Business Development Seminars, Public Relations, Media Consulting, Community Outreach, Liaison to MDHA and Service Providers.

**(NO CONFLICTS)**

**3. Past and Current Lobbyist Representation:**

**Clients: Business Travel Advisors, BND Engineers, HJ Russell & Co.,  
Concessions International, Anthony D. Hall CPA and Pinnacle Housing Group  
LLC.  
(NO CONFLICTS)**

Please let us know if you require any additional information on the scope of services for each of these contracts.

Sincerely,

*Ramona D. Phillips*  
President/CEO