

**REQUEST FOR OPINION CHECKLIST**

\_\_\_\_\_ Request for Opinion Dated: \_\_\_\_\_

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

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

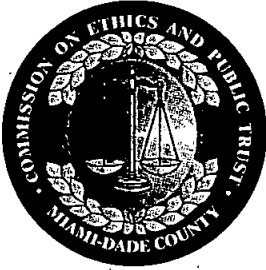
3-31-04 Notification to requestor of hearing before commission:

Scheduled for 4/7/04 at 10-11 am; or No \_\_\_\_\_

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

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

\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_



ETHICS COMMISSIONERS

Kerry E. Rosenthal, Chairman  
Robert H. Newman, Vice Chairman  
Gail Dotson  
Dawn Addy  
Elizabeth M. Iglesias

ROBERT A. MEYERS  
EXECUTIVE DIRECTOR

MICHAEL P. MURAWSKI  
ADVOCATE

ARDYTH WALKER  
STAFF GENERAL COUNSEL

March 31, 2004

Andrew Pedrick, Project Manager  
CH2MHILL  
One Harvard Circle  
West Palm Beach, FL 33607

**RE: REQUEST FOR ADVISORY OPINION 04-62**

Dear Mr. Pedrick:

The Commission on Ethics & Public Trust will hear your request and render its opinion at its meeting scheduled for **April 7, 2004**. The meeting is held in the conference room at 19 West Flagler Street, Suite 220. Please note that you are permitted to be present at the meeting. Your matter will be heard between **10:00 to 11:00 a.m.** Please call me if you plan to attend or have any questions. I can be reached at (305) 350-0616.

SINCERELY YOURS,

ARDYTH WALKER  
Staff General Counsel



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Staff General Counsel

**MEMORANDUM**

**TO: COMMISSION ON ETHICS AND PUBLIC TRUST**  
**FROM: ARDYTH WALKER, STAFF GENERAL COUNSEL**  
**RE: CRUISE TERMINAL IMPROVEMENTS REQUESTS**  
**DATE: APRIL 4, 2004**

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**BACKGROUND**

Pursuant to the Conflict of Interest provision of a recently issued Notice to Professional Consultants for Cruise Terminal Improvements, all of the competing firms have requested a Conflict of Interest opinion. The following memo summarizes the requests from each team.

**FACTS**

Miami-Dade County recently issued a Notice to Professional Consultants to provide architectural and engineering services for Cruise Terminal Improvements at the Seaport. The scope of services provides that " the scope of services for this project shall include but are not limited to the design and rehabilitation of existing cruise terminal numbers 1,2,3,4, 5, 6, 7, 8, 9, and 12 in addition to terminals D and E, support infrastructure, ancillary services and cruise terminal master planning. The contract is for an eighteen month period with an option to renew for an additional eighteen month period. The Seaport anticipates that the scope of work under this contract will involve modernization and retrofitting of Terminals 3,4, 5, 6, 7 and T-10 and T-12.

**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.

Section 1.13 of the Notice to Professional Consultants requires Prime Consultants to identify whether they or any of their subconsultants or members have participated in any way in the development of previous Miami-Dade Seaport Department Cruise Terminal Improvement projects. In identifying themselves or any such subconsultants or members, the Prime Consultant must identify the specific work that they, the subconsultant or member performed or work to be performed on previous Cruise Terminal Improvements

projects as well as the work to be performed as part of this solicitation. Finally, a statement is required as how this work is so different as not to pose a conflict of interest.

## **REQUESTS**

### **I. TASMIN UDDIN AND ASSOCIATES RQO 04-50**

Tasmin Uddin and Associates worked as a team member with Bruno-Elias Associates. The firm provided structural engineering services for the proposed provisional building and intermodal canopies that are part of cruise terminal D and E. Tasmin Uddin is currently providing geotechnical testing services to the Seaport.

The scope of work that Tasmin Uddin has performed and is performing at the Seaport should not overlap with the scope of duties for the Cruise Terminal improvements contract. Therefore, Tasmin Uddin does not have a conflict of interest related to the Cruise Terminal Improvements contract.

### **II. PEREZ AND PEREZ RQO 04-53**

Perez and Perez has performed work on several Seaport projects including planning studies related to the 2020 Master Implementation Plan. The firm's work on the 2020 Master Implementation Plan included land use allocation studies and design criteria documentation for new Seaport projects. Perez and Perez is currently providing professional design services for the Port Crane Maintenance Facility. The team's other members are Bliss and Nyitray, William A. Berry and Associates, URS Corporation and Consul-Tech. The other team members are not currently providing any work at the Seaport.

Although Perez and Perez' prior work was related to this contract, the scope of work does not overlap with the duties under the Cruise Terminal Improvements contract. Therefore, Perez and Perez does not have a conflict of interest related to the Cruise Terminal Improvements contract. Further, the other team members do not have a conflict of interest because they are not providing any related work to the Seaport.

### **III. SEQUIRA & GAVARETTE RQO 04-55**

Sequira and Gavarette has not participated in any cruise terminal improvement work at the Seaport. The other team members are ADA Engineering, E.R. Brownwell & Associates, San Martin Associates and Ross and Baruzzini.

In 1994, E.R. Brownwell & Associates prepared topographic surveys for expansion of Terminals 8, 9 and 12 at the Seaport. Most recently, E.R. Brownwell provided work for BellSouth Communications at the Seaport.

San Martin Associates previously provided engineering services to the Seaport as a subconsultant to Bruno-Elias Associates. San Martin Associates is not currently performing any services at the Seaport.

Sequira and Gavarette , ADA Engineering, San Martin Associates and Ross and Barnuzzi are not currently performing any work at the Seaport. Therefore, the firms do not have a conflict of interest related to the Cruise Terminal Improvements contract. Further, although E. R. Brownwell's topographic surveys were related to the cruise terminals, the scope of work does not overlap with the scope of work under the Cruise Terminal Improvements contract. Therefore, E.R. Brownwell does not have a conflict of interest related to the Cruise Terminal Improvement contract.

#### **IV. C. DAVID MORTON & ASSOCIATES 04-56**

C. David Morton, as an associate of another firm, was the architect of record for Terminals 8 and 9. The other members of the team are Rodriguez, Peterson & Possar Architects, E.B.S. Engineering, Triangle Associates, DeRose Design Consultants , Weidener Surveying and Mapping, Basulto and Associates and Allen and Associates.

Weidener and Associates served as a subconsultant to David Volkert & Associates. In that capacity, Weidener provided surveys for the construction of the hill site, NOAH slip site and Wharf V. Weidener also provided drainage design surveys for Terminal 9 and did work on the Gantry Crane extension.

Basulto & Associates served as a subconsultant to Bruno-Elias Associates on the Bond Engineering contract Allen and Associates completed a Value Engineering project for the Seaport on a Terminal 8 and 9 Garage Facility. Allen also completed work on an ADA analysis for the Seaport.

C. David Morton and the other team members do not have a conflict of interest regarding the Cruise Terminal Improvement contract. The scope of the team members' prior work at the Seaport does not overlap with the scope of work under the Cruise Terminal Improvement contract.

#### **IV BERMELLO, AJAMILL & PARTNERS RQO 04-59**

Bermello, Ajamil and Partners currently holds a professional services agreement with Miami-Dade County to provide architectural and engineering services related to Cruise Terminal Improvements. The current contract will expire in February, 2005. Pursuant to that agreement, Bermello has provided a wide range of services related to cruise terminals at the seaport. For example, Bermello developed a port enhancements master plan and manual. The master plan included enhancements to the landscape and hardscape of the cruise and cargo areas. The landscape enhancements included increasing the tree canopy, visibility, shoreline stabilization and accessibility. The hardscape enhancements included improving traffic circulation with improved signage, lighting, paving and street furniture. Bermello has also done preliminary planning and

programming work for work on cruise terminals 2, 8 and 9. The firm has also done landscaping work at terminals D and E. Bermello is also providing a bookkeeper to the Seaport under this agreement.

Weidener Surveying and Mapping will also serve on the Bermello team. Weidener previously worked on a port contract as a subconsultant to David Volker and Associates. In that capacity, Weidener performed various surveys for planning and programming purposes.

Initial Engineers has performed electrical engineering services for the Seaport. Initial Engineering has redesigned the electrical infrastructure for the existing terminals, proposed terminals, wharfs and other facilities. Initial also did the mechanical and electrical work for the Homeland Security improvements to Terminals 8 and 9.

EAC Consulting is not currently providing any work to the Seaport. EAC previously did cargo yard improvement work on Wharfs 6 and 7 for DMJM Harris.

The scope of Bermello's work under the existing Cruise Terminal Improvement contract may not conflict with the work under the new Cruise Terminal Improvement contract. Therefore, if Bermello is selected, the work under the new contract may not involve Terminal 2, 8 or 9 and the firm may not provide construction manager or other oversight personnel on either Cruise Terminal Improvement contract. The other team members do not have a conflict of interest in regard to the Cruise Terminal Improvements contract.

#### **VI. CH2MHILL 04-62**

CH2MHILL is not currently performing any cruise terminal work at the Seaport. The firm previously performed mechanical engineering services on Terminal 10. The other team members are Ludovicki and Orange, Ojito and Associates and Delta Surveyors. Delta Surveyors is currently performing survey work. Ludovicki and Orange is also providing a construction project manager to the Seaport.

CH2M HILL does not have a conflict of interest related to the Cruise Terminal Improvement contract. However, Ludovicki and Orange may not provide a construction manager who has oversight responsibilities for cruise terminal improvement projects while the firm provides services under this contract. Finally, the other team members do not have a conflict of interest between the scope of their current work and the scope of work under the Cruise Terminal Improvement contract.

#### **VII. WOLFSBERG, ALVAREZ & PARTNERS**

Wolfsberg, Alvarez & Partners is currently providing work to the Seaport as a subconsultant to Tetra-Tech/FosterWheeler on its P&O Ports contract. Wolfberg's scope of work under the P&O Ports contract is for miscellaneous port improvements including

security upgrades at some cruise terminals. The other team members are Shaw Environmental and Infrastructure and William Berry and Associates.

Shaw Environmental is currently providing engineering services to CH2MHILL on a Cargo Yard Improvement contract. Two Shaw employees worked on the Seaport Redevelopment program in Program Management capacities. The work involved coordination with the cruise terminal architect.

Wolfsberg Alvarez and the other team members do not have a conflict of interest in regard to the Cruise Terminal Improvement project. The scope of work of the team's current and prior work does not overlap with the scope of work for this contract.

### **CONCLUSION**

The teams may provide architectural and engineering services related to Cruise Terminal Improvements subject to the limitations discussed herein.





**CH2MHILL**

CH2M HILL  
One Harvard Circle  
West Palm Beach  
Florida 33607  
Tel 561.515.6500  
Fax 561.515.6502

*RQG 04-02*

March 26, 2004

Robert Myers  
Executive Director  
Miami-Dade Ethics Commission  
19 West Flagler Street, Suite 207  
Miami, FL 33130

Subject: Miami-Dade Seaport  
Conflict of Interest Statement  
Re Cruise Terminal Improvements Submittal A03-SEA-01

Dear Mr. Myers,

This letter is in response to the request for a statement of no conflict of interest regarding this submittal.

The only work we have performed for the Port of Miami on cruise facilities was as a sub-consultant to Bruno-Elias in 1999 and 2000. At that time we provided mechanical engineering services, as a sub-consultant to Bruno-Elias, for improvements to Cruise Terminal 10 in the physical spaces used by INS, Customs and USDA. For those tasks we were compensated \$45,450 and then the project was cancelled. That is the only work CH2M HILL has performed for cruise terminal facilities at the Port of Miami. We were awarded the Environmental Engineering Services contract for the Port this month, but we do not yet have a signed contract.

Our sub-consultants indicate they have done no work on cruise facilities, and their work at the Port is highlighted below.

Ludovici & Orange, a sub-consultant on our cargo yard contract, has performed survey work for us on the Oleta River mitigation project, which is now completed, and they provide a Construction Project Manager to the Port for on-going construction projects, through our current contract

Our sub-consultant, Ojito & Associates (CBE) states they have never done any work for the Port of Miami, and therefore have no conflict.

Our sub-consultant, Delta Surveyors (CBE) has recently received an assignment from the Port, for survey work, not to exceed \$25,000. That work includes verifying another firm's surveys and doing new boundary surveys associated with the new fire station. This is the only work they have ever done for the Port and therefore they have no conflict of interest.

Accordingly, we have no conflict of interest regarding this contract for Cruise Terminal Improvements at the Port of Miami. If you have any questions, please contact me at 561-515-6613.

Regards,

Andrew Pedrick, AIA  
Project Manager  
CH2M HILL



OFFICE OF THE COUNTY MANAGER  
CAPITAL IMPROVEMENTS  
CONSTRUCTION COORDINATION  
111 N.W. 1st STREET, SUITE 1715  
MIAMI, FLORIDA 33128-1000

March 18, 2004

Mr. Andrew Pedrick, Project Manager  
CH2M Hill, Inc.  
2600 Douglas Road, Suite 308  
Coral Gables, FL 33134

SENT VIA FACSIMILE (305) 443-8856

RE: CICC Project No. A03-SEA-01  
Cruise Terminal Improvements

Dear Mr. Pedrick:

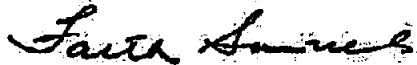
Pursuant to the Notice to Professional Consultants for the above solicitation, please be advised that Section 1.13 entitled "Conflict of Interest" states that Prime Consultants must identify whether they or any of their sub-consultants, or members has participated in any way in the development of previous Miami-Dade Seaport Department, Cruise Terminal Improvements projects. In identifying themselves or any such sub-consultants, or members, the Prime Consultant must identify the specific work that they, the sub-consultant, or member performed or work to be performed on previous Cruise Terminal Improvements projects as well as the work to be performed as part of this solicitation, Cruise Terminal Improvements. Additionally, a statement is required as to how this work is sufficiently different so as not to pose a conflict of interest.

If your firm and/or any of your subconsultants or members have participated in any way in the development of previous Miami-Dade Seaport Department, Cruise Terminal Improvements projects, please submit your requests within the next ten (10) days of the date of this letter to the Miami-Dade County Commission on Ethics and Public Trust, 19 West Flagler Street, Suite 207, Miami, FL 33130, attn: Robert Meyers, Executive Director, for evaluation as to any possible conflicts of interest. In addition, please submit a copy of your request to the Office of Capital Construction Coordination, 111 N.W. 1<sup>st</sup> Street, Suite 17-202, Miami, FL 33128 or by fax to (305) 375-1083, attn: Faith Samuels. Determinations by the Ethics Commission shall be rendered prior to the completion of the selection process and shall be deemed final. Any Prime Consultant, sub-consultants, or members found to have a conflict of interest will render the Prime Consultant's submittal non-responsive. The next scheduled Ethics Committee meeting is April 7, 2004 and requests need to be submitted at least one week prior to the meeting date.

Page 2 of 2  
March 18, 2004

Failure in complying with the above may result in your team of firms being deemed non-responsive. Should you have any further questions, please feel free to contact me in writing. Please be advised the Clerk of the Board is required to be copied on all requests for information on projects under the conc of silence. My fax number is (305) 375-1083 or you may e-mail me at [fy@miamidade.gov](mailto:fy@miamidade.gov). The fax number for the Clerk of the Board is (305) 375-2484.

Very truly yours,



Faith Samuels  
Sr. A/E Consultant Coordinator

cc: Clerk of the Board  
Gyselle Fernandez, Seaport