

MEH



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D R A F T

- M E M O R A N D U M -

TO: [REDACTED]

FROM: ROBERT C. HOWARD
Chairman

RE: Advisory Opinion
FILE NUMBER 86018A

DATE: November 3, 1986

The Board of Ethics has considered your request for an advisory opinion concerning the assignment of an employee to draw up the plans and specifications for a project, when there is a possibility that a company employing that employee's brother may bid, does not literally violate paragraph 13(d). Section 13(d) states:

"No City official or employee may exercise contract management responsibility or authority where any relative of the official or employee is employed by or has contracts with persons doing City work over which the City official or employee has or exercises contract management responsibility or authority. Contract management responsibility or authority includes negotiations, the preparation of specification, the evaluation of bids and/or the supervision of performance of the contract.

In the circumstances you describe, the firm is not "doing city work". However, the Board sees this set of circumstances as presenting the potential for conflict of interest.

In the spirit of the Executive Order, the Board recommends assigning the preparation of these bid specifications to someone else, if there is any reasonable way to do so.

RCH/cb

cc: File