

**[Advisory Opinion 1997-5]**

MEMORANDUM

February 13, 1997

TO: [Name1 withheld], Acting Planning Manager  
Division of Solid Waste Services  
Department of Public Works and Transportation

FROM: Barbara M. McNally, Executive Secretary [initialed]  
Ethics Commission

SUBJECT: Your memo of November 18, 1996

At its meeting in December, the Ethics Commission reviewed your memo disclosing that [Name2 withheld] of Park and Planning is assisting your division, Solid Waste Services, with the preparation of an RFP for the restoration and long-term use of an historic farm. According to information provided by you, [Name2 withheld] is the Historic Preservation Coordinator in the Montgomery County Department of Parks and Planning and is the appropriate employee in her department to coordinate and review RFP documents regarding historic preservation issues.

You have asked the Ethics Commission for guidance or comments concerning [Name2 withheld]'s participation in the preparation of the RFP because she has regular contact both professionally and vocationally with preservationists who may potentially bid on the project. One such potential proposer works as a contract employee under [Name2 withheld]'s supervision.

In your memorandum you indicated that "[Name2 withheld] believes that she can provide her services in an objective manner and is sensitive to her obligations to not disclose any material concerning the RFP to potential proposers on this project." In consideration of this assurance and the procurement law prohibition of the use of confidential information, the Commission determined that [Name2 withheld]'s participation will not create a conflict of interest under the ethics law.

Thank you for bringing this matter to the attention of the Commission. We trust that this memo is responsive to your concern.

BmcN:jw