

9-18-01

**STATE OF FLORIDA  
AGENCY FOR HEALTH CARE ADMINISTRATION**

FILED

OCT 11 01

DEPARTMENT CLERK  
DIVISION OF  
ADMINISTRATIVE  
HEARINGS  
OCT 17 PM 3:38  
FILED

PUBLIC CONSULTING GROUP, INC.,

Petitioner,

AT

v.

STATE OF FLORIDA, AGENCY FOR  
HEALTH CARE ADMINISTRATION,

DOAH CASE NO: 01-2858BID

Respondent,

and

rem-cws

HEALTH MANAGEMENT SYSTEMS, INC.

Intervenor.

FINAL ORDER

On June 28, 2001, petitioner, Public Consulting Group, Inc., filed with the Agency for Health Care Administration (Agency) its Formal Written Protest and Petition for Administrative Hearing challenging the Agency's intent to award a contract to Health Management Systems, Inc., based on the evaluation of proposals received in response to the Request for Proposals for Medicaid Third Party Recovery Services, Proposal No. RFP TPL 01-01.

On July 19, 2001, the formal protest was referred to the Division of Administrative Hearings (DOAH) for further proceedings. The assigned Administrative Law Judge, Robert E. Meale, submitted a Recommended Order to the Agency on September 18, 2001. The order recommended that the Agency enter a final order awarding the contract in question to

Intervenor, Health Management Systems, Inc. The Recommended Order is attached hereto and incorporated herein.

### EXCEPTIONS

Exceptions to the Recommended Order were filed by Intervenor on September 28, 2001, but were subsequently withdrawn on October 1, 2001.

### FINDINGS OF FACT

The Agency hereby adopts the findings of fact set forth in the Recommended Order, except to correct three scrivener's errors. The scrivener's error on page 13, paragraph 27, second sentence, is corrected to reflect that Petitioner, not Intervenor, filed the notice of protest. The sentence is corrected to read as follows:

On the basis of these scores, Respondent proposed the selection of Intervenor's proposal, and Petitioner timely filed a notice of protest and formal written protest.

Another scrivener's error confusing the Petitioner and Intervenor is located on page 3, first paragraph, last line, which incorrectly reads that "the disqualification of Intervenor's proposal would leave Intervenor's proposal as the highest remaining responsive proposal..." The second "Intervenor's" in the sentence is corrected to read "Petitioner's."

Finally, on page 5, paragraph 1, at the end of the first sentence, the "Proposal No." is designated as "Proposal No. RFP TPR 01-01 (RFP)." This is corrected to read, "Proposal No. RFP TPL 01-01 (RFP)."

CONCLUSIONS OF LAW

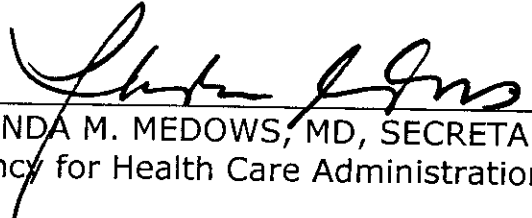
The Agency hereby adopts the conclusions of law set forth in the Recommended Order.

Based upon the foregoing Findings of Fact and Conclusions of Law, it is

**ORDERED:**

The Agency for Health Care Administration will award to Health Management Systems, Inc., the proposed contract in accordance with and subject to the requirements of the Request for Proposals for Medicaid Third Party Recovery Services, Proposal No. RFP TPL 01-01, and the proposal submitted by Health Management Systems, Inc., in response to the RFP.

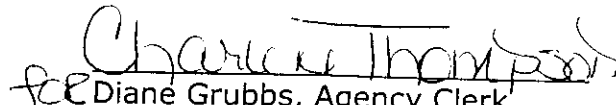
**DONE** and **ORDERED** this 11 day of October, 2001, in Tallahassee, Florida.

  
\_\_\_\_\_  
RHONDA M. MEDOWS, MD, SECRETARY  
Agency for Health Care Administration

**A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO A JUDICIAL REVIEW WHICH SHALL BE INSTITUTED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF AHCA, AND A SECOND COPY ALONG WITH THE FILING FEE AS PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE AGENCY MAINTAINS ITS HEADQUARTERS OR WHERE A PARTY RESIDES. REVIEW PROCEEDING SHALL BE CONDUCTED IN ACCORDANCE WITH THE FLORIDA APPELLATE RULES. THE NOTICE OF APPEAL MUST BE FILED WITHIN 30 DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been furnished by U.S. Mail, or by the method indicated, to the persons named below on this 11th day of October, 2001.

  
for Diane Grubbs, Agency Clerk  
Agency for Health Care Administration  
2727 Mahan Drive, Building 3  
Tallahassee, Florida 32308-5403  
850/922-5865

COPIES FURNISHED TO:

Kelly A. Bennett, Esquire  
Assistant General Counsel  
Agency for Health Care Administration  
2727 Mahan Drive, Building 3  
Tallahassee, Florida 32308-5403

David C. Ashburn, Esquire  
Seann M. Frazier, Esquire  
Greenberg Traurig, P.A.  
Post Office Drawer 1838  
Tallahassee, Florida 32302

Steve Pfeiffer, Esquire  
David A. Theriaque, Esquire  
Theriaque & Pfeiffer, P.A.  
1411 East Park Avenue  
Tallahassee, Florida 32301

Bob Sharpe, Medicaid Director  
AHCA  
(By Interoffice Mail)

Finance and Accounting, AHCA  
(By Interoffice Mail)

Robert Meale  
Administrative Law Judge  
DOAH, The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060