

STATE OF FLORIDA

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DEPARTMENT OF JUVENILE JUSTICE

DIVISION OF ADMINISTRATIVE HEARINGS

PERSONAL ENRICHMENT THROUGH)
 MENTAL HEALTH SERVICES, INC.,)
)
 Petitioner,)
)
 v.)
)
 DEPARTMENT OF JUVENILE JUSTICE,)
)
 Respondent,)
)
 and)
)
 FLORIDA YOUTH ACADEMY, INC.,)
)
 Intervenor.)
 _____)

LPS CWS

DJJ Case No.: 01-0010

DOAH No.: 01-3847BID

FINAL ORDER

This matter is now before the undersigned for issuance of final agency action in regard to the bid protest filed by the Petitioner, Personal Enrichment Through Mental Health Services, Inc. (hereafter, "PEMHS"). The protest was conducted pursuant to section 120.57(1), Florida Statutes, with a formal hearing conducted on October 25, 2001, before Administrative Law Judge Lawrence P. Stevenson in Tallahassee, Florida. A "Recommended Order" issued on November 29, 2001, which is attached and

incorporated within this Final Order. Pursuant to section 120.57(3)(e), Florida Statutes, the parties stipulated to an abbreviated period of 5 days for filing exceptions. No exceptions were filed.

Findings of Fact

The Department adopts the "Findings of Fact" set out in paragraphs 1 through 32 of the Recommended Order.

Conclusions of Law

The Department accepts the "Conclusions of Law" set out in paragraphs 33 through 40 of the Recommended Order. There, the ALJ concluded that PEMHS "failed to establish that the Department's intent to award the contract to FYA was contrary to the Department's governing statutes, rules or policies or the RFP. The Department's actions were not clearly erroneous, contrary to competition, arbitrary or capricious." (RO: ¶40).

Order

Based upon the foregoing it is hereby **ORDERED**:

1. The Administrative Law Judge's Findings of Fact and Conclusions of Law are adopted.
2. The Petitioner's protest is dismissed.
3. The Department adopts the Administrative Law Judge's recommendation that it proceed with the award to Intervenor, Florida Youth Academy, Inc., for RFP No. F4G01.

Notification of Right to Appeal

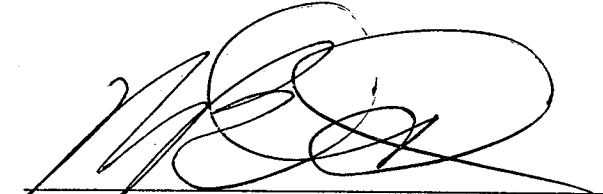
In accordance with the provisions of section 120.68(1), Florida Statutes, a party who is adversely affected by this Final Order is entitled to judicial review. To appeal this Final Order, a notice of appeal with a copy of this order attached must be filed with this agency within 30 days of the date below. The appeal may be filed in the District Court of Appeal in which this agency maintains its headquarters or in which the party appealing this Final Order resides. Any such appeal shall then be conducted pursuant to the Florida Rules of Appellate Procedure.

Entered this ¹⁶12 day of December, 2001, in Tallahassee,

Florida.



Jeanette Petersen, Indexing Clerk



W.G. "BILL" BANKHEAD, SECRETARY
Department of Juvenile Justice

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