

10-18-02

STATE OF FLORIDA
DEPARTMENT OF LOTTERY

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DEPARTMENT OF
ADMINISTRATIVE
HEARINGS

PUBLICIS SANCHEZ & LEVITAN, LLC,

AT

Petitioner,

vs.

Final Order No.
Case No.

LOT02-28FOF
02-2659BID

BJS-CWS

DEPARTMENT OF LOTTERY,

Respondent.

FINAL ORDER

On March 22, 2002, the Florida Department of the Lottery (Department) posted its "Notice of Responsiveness and Responsibility Notice of Agency Decision" for Invitation to Negotiate (ITN) No. 03-01/02/C, which sought in part for provision of advertising and related services in a category entitled Spanish Language Hispanic Market Advertising. The Notice found Petitioner and several other proposers to be non-responsive. Petitioner, Publicis Sanchez & Levitan, LLC, timely filed a Petition and Formal Written Protest challenging the decision of the Department that its proposal was non-responsive. A formal hearing was held on August 13, 2002. The Administrative Law Judge filed her recommended order on October 18, 2002. No exceptions to the recommended order were filed by the Petitioners.

The Department hereby adopts the findings of fact, conclusions of law and recommended disposition contained in the recommended order. [Appendix A] Specifically, the Department finds that the Petitioner failed to comply with a material requirement of the ITN and that any attempt by Petitioner to challenge the language of section 4.9 of the ITN is untimely.

WHEREFORE, the Department orders and adjudges that Petitioner's protest is hereby DISMISSED. This Final Order shall take effect upon being filed with the Clerk of the Department of Lottery.

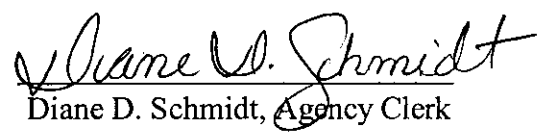
DONE AND ORDERED this 14th day of November, 2002.

STATE OF FLORIDA
DEPARTMENT OF LOTTERY


DAVID GRIFFIN, Secretary

CERTIFICATE OF FILING

I HEREBY CERTIFY that the foregoing Final Order has been filed in the official records of the Department of the Lottery this 14th day of November, 2002.


Diane D. Schmidt, Agency Clerk

NOTICE OF RIGHT TO JUDICIAL REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE DEPARTMENT OF HEALTH AND A SECOND COPY, ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, OR WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (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 provided by U.S. Mail to: to Chris H. Bentley, Esquire, John L. Wharton, Esquire, Rose, Sundstrom & Bentley, LLP, 2548 Blairstone Pines Drive, Tallahassee, Florida 32301; Paul J. Martin, Esquire, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050; Barbara J Staros, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060, this 14th day of November, 2002.