

7-24-03

STATE OF FLORIDA  
DEPARTMENT OF TRANSPORTATION  
Haydon Burns Building  
605 Suwannee Street  
Tallahassee, Florida

FILED

03 SEP -9 PM 2:22

DIVISION OF  
ADMINISTRATIVE  
HEARINGS

AT

SFD-CWS

**GRADING AND BUSH HOG SERVICES, INC.,**

**Petitioner,**

**vs.**

**DOAH CASE NO. 03-1484BID  
DOT CASE NO. 03-040**

**DEPARTMENT OF TRANSPORTATION,**

**Respondent,**

**and**

**THREE H LEARNING CENTER, INC.,  
d/b/a FLORIDA YOUTH CONSERVATION  
CORPS.,**

**Intervenor.**

**FINAL ORDER**

This proceeding was initiated by the **Petitioner, GRADING AND BUSH HOG SERVICES, INC.**, filing a Notice of Protest on March 10, 2003, and a Formal Written Protest on March 21, 2003, in response to the **Respondent's, DEPARTMENT OF TRANSPORTATION** (hereinafter **DEPARTMENT**), posting of an intent to award a contract for the replacement of damaged guardrail along various roadways in Okaloosa and Walton Counties, Contract Number E3C42, Maintenance Financial Project Number 40952917201, to **Intervenor, THREE H LEARNING CENTER, INC., d/b/a FLORIDA YOUTH CONSERVATION CORPS.** The proceeding was referred to the Division of

Administrative Hearings for a formal administrative hearing in accordance with Chapter 120, Florida Statutes.

A formal hearing was held on May 22, 2003, in Tallahassee Florida, before Stephen F. Dean, a duly appointed Administrative Law Judge.

On July 24, 2003, Judge Dean submitted his Recommended Order in this proceeding. A copy of the Recommended Order is attached hereto as Exhibit A. The Recommended Order was served upon all parties. In accordance with Section 120.57(3)(e) Florida Statutes, all parties were allowed ten (10) days in which to file exceptions to the Recommended Order. No exceptions have been filed.

#### **FINDINGS OF FACT**

After review of the record in its entirety, it is determined that Findings of Fact 1 through 9 of the Recommended Order are supported by the record and are accepted.

#### **CONCLUSIONS OF LAW**

1. The **DEPARTMENT** has jurisdiction over the subject matter of and the parties to this proceeding pursuant to Chapters 120 and 337, Florida Statutes.

2. The Conclusions of Law 10 through 21 of the Recommended Order are fully supported in law. As such, they are adopted and incorporated as if fully set forth herein.

#### **ORDER**

Based on the foregoing Findings of Fact and Conclusion of Law, it is

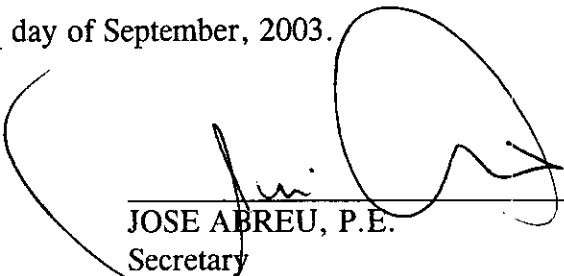
**ORDERED** that the Recommended Order is adopted in its entirety and is incorporated herein by reference. It is further

**ORDERED** that the protest filed by the **Petitioner, GRADING AND BUSH HOG**

**SERVICES, INC.**, is dismissed. It is further

**ORDERED** that the **Respondent, DEPARTMENT OF TRANSPORTATION**, shall award the subject contract to **Intervenor, THREE H LEARNING CENTER, INC., d/b/a FLORIDA YOUTH CONSERVATION CORPS.**

**DONE AND ORDERED** this 9<sup>th</sup> day of September, 2003.



JOSE ABREU, P.E.  
Secretary  
Department of Transportation  
Haydon Burns Building  
605 Suwannee Street  
Tallahassee, Florida 32399

FILED D.O.T. CLERK  
2003 SEP -9 AM 11:42

**THIS ORDER CONSTITUTES FINAL AGENCY ACTION AND MAY BE APPEALED PURSUANT TO SECTION 120.68, FLORIDA STATUTES, AND RULES 9.110 AND 9.190, FLORIDA RULES OF APPELLATE PROCEDURE, BY FILING A NOTICE OF APPEAL CONFORMING TO THE REQUIREMENTS OF RULE 9.110(d), FLORIDA RULES OF APPELLATE PROCEDURE, BOTH WITH THE APPROPRIATE DISTRICT COURT OF APPEAL, ACCOMPANIED BY THE APPROPRIATE FILING FEE, AND WITH THE DEPARTMENT' S CLERK OF AGENCY PROCEEDINGS, HAYDON BURNS BUILDING, 605 SUWANNEE STREET, M.S. 58, TALLAHASSEE, FLORIDA 32399-0458, WITHIN THIRTY (30) DAYS OF RENDITION OF THIS ORDER.**

Copies furnished to:

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The Honorable Stephen F. Dean  
Administrative Law Judge  
Division of Administrative Hearings  
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