

3-21-05

BEFORE THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

MAGNUM CONSTRUCTION MANAGEMENT CORPORATION, d/b/a MCM CORP.,

Petitioner,

DOAH Case No. 04-4252 BID

JVL closed

vs.

AT

RFP NO. 2021-24-01

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA,

Respondent,

and

JAMES B. PIRTLE CONSTRUCTION COMPANY, INC.,

Intervenor.

05 APR 27 PM 12:32  
ADMINISTRATIVE HEARINGS

**FINAL ORDER**

THIS CAUSE coming on to be heard before THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA (hereafter referred to as "THE SCHOOL BOARD") at its meeting conducted on April 12, 2005, to consider the Recommended Order filed on March 21, 2005 by John G. Van Laningham, Administrative Law Judge of the State of Florida Division of Administrative Hearings consisting of Findings of Fact, Conclusions of Law, and a Recommendation, and having considered the record, upon stipulation of the Parties and THE SCHOOL BOARD being fully advised in the Premises:

IT IS THEREUPON Ordered and Adjudged as Follows:

1. The Findings of Fact, Conclusions of Law and Recommendation contained in the Recommended Order are adopted in their entirety by THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA.

2. The proposed award of RFP 2021-24-01 to James B. Pirtle Construction Company, Inc. is hereby rescinded. A special meeting shall be convened for the purposes of

reassigning points to each proposer using the published selection criteria, re-ranking each proposer according to its respective scores, and awarding the contract to the firm that receives a majority of the first choice votes.

3. The Facilities Department is directed to release to Petitioner, Magnum Construction Management Corporation, the protest bond it provided to THE SCHOOL BOARD in these proceedings.

4. The Petitioner, Magnum Construction Management Corporation, is awarded reasonable attorney's fees and costs incurred in these proceedings. The School Board of Broward County, Florida retains and reserves jurisdiction for the assessment of such reasonable attorney's fees and costs.

DONE AND ORDERED in Fort Lauderdale, Broward County, Florida this 22 day of April, 2005.

THE SCHOOL BOARD OF BROWARD  
COUNTY, FLORIDA

By   
STEPHANIE ARMA KRAFT, ESQ., Chair

Copies Furnished:

J. ALFREDO De ARMAS, ESQUIRE  
Alvarez, De Armas & Borron, P.A.  
Attorneys for Petitioner MCM  
3211 Ponce De Leon Boulevard – Suite 302  
Coral Gables, Florida 33134

ROBERT PAUL VIGNOLA, ESQUIRE  
Office of the School Board Attorney  
Attorneys for Respondent School Board  
Kathleen C. Wright Administrative Building  
600 Southeast Third Avenue - 11th Floor  
Fort Lauderdale, Florida 33301

KEVIN A. FERNANDER, ESQUIRE  
Tripp Scott, P.A.  
Attorneys for Intervenor Pirtle Construction  
110 Southeast Sixth Street – 15<sup>th</sup> Floor  
Fort Lauderdale, Florida 33301

STATE OF FLORIDA, DIVISION OF  
ADMINISTRATIVE HEARINGS  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060

**APPEAL OF FINAL ORDER**

THIS FINAL ORDER may be appealed by filing notices of appeal and a filing fee, as set out in Section 120.68(2), Florida Statutes, and Rules 9.110(b) and (c), Florida Rules of Appellate Procedure, within thirty (30) days of the entry of this Final Order.

Filed in Official School Board Records the  
22 day of April, 2005.

Ellen Ruth McKnight  
Supervisor, Official School Board Records

s:/v/allwork/bidprotest/mcm04/pleading/finalorder