

10-4-05 AT

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DIVISION OF
ADMINISTRATIVE
HEARINGS

STATE OF FLORIDA
DEPARTMENT OF JUVENILE JUSTICE

BAY POINT SCHOOLS, INC.)
)
Petitioner,)
)
v.)
)
DEPARTMENT OF JUVENILE JUSTICE,)
)
Respondent.)
_____)

DJJ Case No.: 05-0001
DOAH No.: 05-1540BID
REM
closed

FINAL ORDER

This matter is now before the undersigned for issuance of final agency action in regard to the Petitioner's challenge to a request for proposals (RFP). The protest was conducted pursuant to section 120.57(1), Florida Statutes, with a formal hearing conducted on June 29-30, 2005, before Administrative Law Judge Robert E. Meale in Miami, Florida. A "Recommended Order" was entered on October 4, 2005, which is attached and incorporated within this Final Order. Pursuant to section 120.57(3)(e), Florida Statutes, the parties were allowed 10 days within which to submit written exceptions. No exceptions were filed.

Findings of Fact

The Department adopts the "Findings of Fact" set out in paragraphs 1 through 37 of the Recommended Order.

Conclusions of Law

The Department generally accepts the "Conclusions of Law" set out in paragraphs 38 through 47 of the Recommended Order. There, the ALJ concluded, based upon the facts presented, that the Department's RFP was arbitrary and capricious in its omission of a recidivism-based success criterion, and in its scoring of bidders' financial responsibility based upon an undisclosed formula.

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 to the RFP is sustained, only as to:
 - a. The RFP's omission of a success criterion based on recidivism rates; and
 - b. The RFP's reliance on undisclosed formula to score potential bidders' financial responsibility.

Entered this 31 day of October, 2005, in Tallahassee, Florida.



ANTHONY J. SCHEMBRI, SECRETARY
Department of Juvenile Justice



Maritza Donate, Agency Clerk

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. 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, Department of Juvenile Justice, 2737 Centerview Drive, Suite 312, Tallahassee, Florida 32399-3100, and a second copy, accompanied by filing fees prescribed by section 35.22, Florida Statutes, with the District Court of Appeal, First District, 301 Martin Luther King, Jr. Boulevard, Tallahassee, Florida 32399-1850, or with the District Court of Appeal in the appellate district where the party resides. The notice of appeal must be filed within 30 days of rendition of the order to be reviewed.

COPIES FURNISHED:

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