

STATE OF FLORIDA

DEPARTMENT OF JUVENILE JUSTICE

FILED

2008 JAN 14 P 1:24

DIVISION OF ADMINISTRATIVE HEARINGS

ECKERD YOUTH ALTERNATIVES, INC.)
)
 Petitioner,)
)
 v.)
)
 DEPARTMENT OF JUVENILE JUSTICE,)
)
 Respondent.)
 _____)

DJJ Case No.: 08-0003
 DOAH No.: 07-4610BID

FINAL ORDER

This matter is now before the undersigned for issuance of final agency action in regard to the Petitioner's challenge to a proposed award to Henry and Rilla White Youth Foundation, Inc. (hereafter, "White Foundation"), the winning bidder in request for proposals (RFP) No. P2029. The protest was conducted pursuant to section 120.57(1), Florida Statutes, with a formal hearing conducted on November 9, 2007, before Administrative Law Judge T. Kent Wetherell, II, in Tallahassee, Florida.

A "Recommended Order" was entered on December 14, 2007, 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 32 of the Recommended Order.

Conclusions of Law

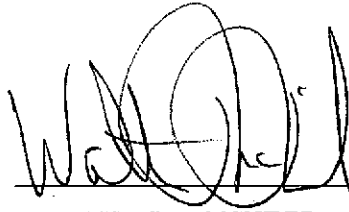
The Department generally accepts the "Conclusions of Law" set out in paragraphs 33 through 41 of the Recommended Order. There, the ALJ concluded, based upon the facts presented, that the Petitioner established that the proposed award to White Foundation was clearly erroneous and contrary to the RFP specifications, as it was based upon an incorrect scoring of White Foundation's proposal.

Order

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

1. The Administrative Law Judge's Findings of Fact and Conclusions of Law are adopted as described above.
2. The proposed award of RFP No. P2029 is rescinded.
3. All bids are rejected, and the procurement process will be re-commenced with a clearer articulation of accreditation requirements so that properly accredited programs are adequately and accurately rewarded.

Entered this 10th day of January, 2008, in Tallahassee,
Florida.



WALTER A. MCNEIL, SECRETARY
Department of Juvenile Justice



Karen Blackburn, 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 3200, 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:

T. Kent Wetherell, II
Administrative Law Judge
Div. of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, FL 32399-3060

Martha Harrell Chumbler, Esq.
Daniel Hernandez, Esq.
Carlton Fields, P.A.
215 South Monroe Street, Suite 500

Post Office Drawer 190
Tallahassee, FL 32302-0190

Tonja V. White, Esq.
Department of Juvenile Justice
2737 Centerview Dr., Ste. 3200
Tallahassee, FL 32399-3100