

STATE OF FLORIDA
DEPARTMENT OF CHILDREN AND FAMILIES

FBM GENERAL CONTRACTING CORP.,

Petitioner,

CASE NO. 09-2149BID
RENDITION NO. DCF-09-161-FO

v.

DEPARTMENT OF CHILDREN AND
FAMILIES,

Respondent.

_____ /

FINAL ORDER

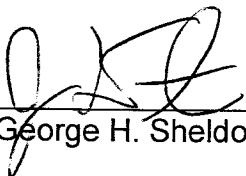
THIS CAUSE is before me for entry of a final order. The recommended order found that petitioner FBM General Contracting Corp., as either a non-responsive or the third-lowest bidder on Department Invitation to Bid No. DCF-03211120, lacked standing to contest the award to the successful bidder. The administrative law judge recommended that the bid protest be dismissed and that the Department be awarded \$1,311.05 in litigation costs, as provided in section 287.042(2), Florida Statutes. No exceptions to the recommended order were filed. The recommended order is approved and adopted.

Accordingly, the formal written protest is DISMISSED. Petitioner shall remit \$1,311.05 to the Department to reimburse its litigation costs in the proceeding. Petitioner provided a cashier's check in the amount of \$716.00 as a protest bond in this case. The check, however, specifies that it became void 90 days after April 16, 2009. Petitioner should contact the Department's legal counsel within 30 days of this order to remit payment of the full amount of the costs award.

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ADMINISTRATIVE CLERK
DEPARTMENT OF CHILDREN AND FAMILIES
DCF

Should petitioner fail to timely remit payment, the Department may pursue recovery of the costs award through any available legal means.

DONE AND ORDERED in Tallahassee, Leon County, Florida, this 27 day of October, 2009.

for 
George H. Sheldon, Secretary

NOTICE OF APPEAL RIGHTS

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW WHICH SHALL BE INSTITUTED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE DEPARTMENT OF CHILDREN AND FAMILIES, AND A SECOND COPY ALONG WITH FILING FEE AS PRESCRIBED BY LAW, IN THE DISTRICT COURT OF APPEAL WHERE THE PARTY RESIDES OR IN THE FIRST DISTRICT COURT OF APPEAL. REVIEW PROCEEDINGS SHALL BE CONDUCTED IN ACCORDANCE WITH THE FLORIDA RULES OF APPELLATE PROCEDURE. THE NOTICE OF APPEAL MUST BE FILED WITHIN 30 DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

Copies furnished to:

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Claudia Llado, Clerk
Division of Administrative Hearings
The DeSoto Bldg.
1230 Apalachee Pkwy
Tallahassee, FL 32399-3060

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of this final order was provided to the above-named individuals by U.S. Mail at the listed addresses, this 29 day of October, 2009.

Gregory D. Venz

Gregory D. Venz, Agency Clerk
Department of Children and Families
1317 Winewood Blvd., Bldg. 2, Rm. 204
Tallahassee, FL 32399-0700
Ph: (850) 488-2381