



BROWN, GARGANESE, WEISS & D'AGRESTA, P.A.

Attorneys at Law

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111 N. Orange Ave., Suite 2000
P.O. Box 2873
Orlando, Florida 32802-2873
Phone (407) 425-9566
Fax (407) 425-9596

DIVISION OF
ADMINISTRATIVE
HEARINGS

Usher L. Brown
Board Certified Civil Trial Law
Board Certified Education Law

ulbrown@orlandolaw.net

September 7, 2011

Susan B. Kirkland
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, FL 32399-3060

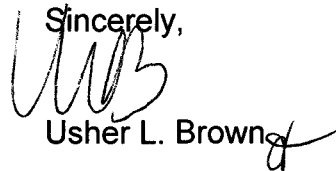
Re: Bedrock Industries, Inc. v. Osceola County School Board
Case No. 11-1431BID

Dear Judge Kirkland:

Enclosed please find a copy of the Final Order that was entered by the School board of Osceola County on September 6, 2011.

Thank you for your professional courtesies and assistance in this case.

Sincerely,



Usher L. Brown

ULB:tla

Enclosure

cc: Clerk, Division of Administrative Hearings
Robert Worman, Esq.
Michael V. Hammond, Esq.

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BEFORE THE SCHOOL BOARD OF OSCEOLA COUNTY, FLORIDA

Bedrock Industries, Inc.,)	
)	
Petitioner,)	
)	
vs.)	Case No. 11-1431BID
)	
Osceola County School Board,)	
)	
Respondent.)	
_____)	

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 FILED
 DIVISION OF ADMINISTRATIVE HEARINGS

FINAL ORDER

PRELIMINARY STATEMENT

On December 10, 2010 the School Board issued ITB number SDOC-11-B-049-CJ (rebid ITB). Three vendors submitted bids in response to the ready mix concrete rebid ITB. They were Petitioner, Bedrock Industries, Inc. (Bedrock); Cemex Construction Materials Florida, LLC, (Cemex); and Prestige AB Management Company, LLC, (Prestige). The School Board voted to award the contract to Prestige and posted its decision. Bedrock filed a timely bid protest.

The Division of Administrative Hearings (DOAH) received the case on March 18, 2011. A DOAH Administrative Law Judge, Susan B. Kirkland, presided over the final hearing on July 20, 2011. Judge Kirkland issued the Recommended Order on August 16, 2011. The Recommended Order recommended "that a final order be entered finding that the intended award to Prestige was not contrary to the School Board's governing statutes, the School Board's policies or rules, or the [Invitation to Bid] and that the intended award to Prestige was not clearly erroneous, arbitrary, capricious, or contrary to competition," which is the governing legal standard.

STANDARD OF REVIEW

The Board's standard of review for entry of the Final Order is outlined in Florida Statutes Section 120.57(1)(f), which states:

The agency may adopt the recommended order as the final order of the agency. The agency in its final order may reject or modify the conclusions of law over which it has substantive jurisdiction and interpretation of administrative rules over which it has substantive jurisdiction. When rejecting or modifying such conclusion of law or interpretation of administrative rule, the agency must state with particularity its reasons for rejecting or modifying such conclusion of law or interpretation of administrative rule and must make a finding that its substituted conclusion of law or interpretation of administrative rule is as or more reasonable than that which was rejected or modified. Rejection or modification of conclusions of law may not form the basis for rejection or modification of findings of fact. The agency may not reject or modify the findings of fact unless the agency first determines from a review of the entire record, and states with particularity in the order, that the findings of fact were not based upon competent substantial evidence or that the proceedings on which the findings were based did not comply with essential requirements of law. The agency may accept the recommended penalty in a recommended order, but may not reduce or increase it without a review of the complete record and without stating with particularity its reasons therefor in the order, by citing to the record in justifying the action.

The School Board of Osceola County, Florida hereby adopts in full the Recommended Order as its Final Order, finding that the intended award to Prestige was not contrary to the School Board's governing statutes, the School Board's policies or rules, or the [Invitation to Bid] and that the intended award to Prestige was not clearly erroneous, arbitrary, capricious, or contrary to competition.

Done and Ordered on this ^{6th} day of September 2011.



Cindy L. Hartig
Chairman

NOTICE OF RIGHT OF APPEAL

All parties have the right of judicial review of this Final Order as provided by section 120.68, Florida Statutes. In order to appeal, a party must file a notice of appeal as required by Florida Rules of Appellate Procedure 9.110 and 9.190. Review proceedings shall be conducted in accordance with the Florida Rules of Appellate Procedure.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to the persons listed below on this 7th day of September, 2011.



Betty Hittman, Executive Assistant
School Board of Osceola County,
Florida
817 Bill Beck Boulevard
Kissimmee, FL 34744

Robert B. Worman, Esquire
Florida Bar Number: 166182
Worman & Sheffler, P.A.
2707 West Fairbanks Avenue
Winter Park, FL 32789
Telephone: (407) 843-5353
Facsimile: (407) 841-9516
Attorney for Petitioner

Michael V. Hammond, Esquire
Florida Bar Number: 896690
Brown, Garganese, Weiss & D'Agresta, P.A.
111 North Orange Avenue, Suite 2000
Post Office Box 2873
Orlando, FL 32801-2873
Telephone: (407) 425-9566
Facsimile: (407) 425-9596
Attorneys for Respondent

Susan B. Kirkland
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060

Clerk, Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, FL 32399