

State of Florida  
Division of Administrative Hearings

**Rick Scott**  
Governor

**Robert S. Cohen**  
Director and Chief Judge

**Claudia Lladó**  
Clerk of the Division



**Charles A. Stampelos**  
Deputy Chief  
Administrative Law Judge

**David W. Langham**  
Deputy Chief Judge  
Judges of Compensation Claims

NOTICE

Case No. **11-1662BID**

Effective July 1, 2011, any document filed with the Division of Administrative Hearings (DOAH) by a party represented by an attorney shall be filed by electronic means through DOAH's website. Ch. 2011-208, § 7, Laws of Fla. Your document, **Final Order**, was mailed, hand-delivered, delivered by express courier, or faxed to DOAH on **July 8, 2011**, in a case where the party is represented by an attorney. The document was not filed by electronic means. Accordingly, you bear the risk that the document was not properly filed with the Clerk of DOAH as required by law.

STATE OF FLORIDA  
DEPARTMENT OF EDUCATION

FILED AGENCY CLERK

2011 JUL -7 P 3:33

INFINITY SOFTWARE DEVELOPMENT,  
INC.,

DEPT OF EDUCATION  
TALLAHASSEE FLA

Petitioner,

v.

DOAH CASE NUMBER 11-1662BID

FLORIDA DEPARTMENT OF  
EDUCATION,

Respondent,

and

MICROSOFT CORPORATION,

Intervenor.

DIVISION OF  
ADMINISTRATIVE  
HEARINGS

2011 JUL -8 A 11:22

FILED

**FINAL ORDER**

This matter comes before the Department of Education (the "Department") for consideration and final agency action after an administrative hearing was conducted before Susan B. Harrell, Administrative Law Judge, Division of Administrative Hearings ("ALJ") in response to a challenge to Invitation to Negotiate, 2011-18 (the "ITN"). A Recommended Order was rendered by the ALJ on June 7, 2011. Exceptions to the Recommended Order were filed by the Department and Intervenor on June 17, 2011. Petitioner filed a Response to the Exceptions on June 27, 2011.

Based upon the complete record submitted to the Department by the Division of Administrative Hearings, together with the Recommended Order, the Exceptions to the Recommended Order, and the Response to Exceptions, the Department makes the following findings:

1. The Department adopts and incorporates into this Final Order the Recommended Order including the Findings of Fact and Conclusions of Law.

2. As recommended by the Hearing Officer, the Department hereby awards the contract for the ITN to Infinity Software Development, Inc.

RULING ON INTERVENOR'S EXCEPTIONS TO RECOMMENDED ORDER

1. The ruling by the ALJ was based on competent substantial evidence and existing law.

2. The ruling by the ALJ was based on competent substantial evidence and existing law.

DONE AND ORDERED this 7<sup>th</sup> day of July, 2011, in Tallahassee, Florida.




**JOHN L. WINN**  
Commissioner of Education

NOTICE OF RIGHTS

Any party to this proceeding has the right to seek judicial review of this Order under Section 120.68, Florida Statutes, by the filing of a notice of appeal under Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Agency Clerk and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this order is filed with the clerk of the Department. Failure to make a timely appeal will result in waiver of the right of judicial review in this matter.

CERTIFICATE OF THE AGENCY CLERK

I HEREBY CERTIFY THAT the above order has been filed with the agency clerk of the Department of Education, and that a true and correct copy has been furnished to the following by U.S. mail this 17<sup>th</sup> day of July, 2011:

  
LYNN ABBOTT  
Agency Clerk

Copies furnished to:

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Susan B. Harrell, Administrative Law Judge  
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