

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

PROMETHEAN, INC.,

Petitioner,

vs.

DOAH NO. 11-003136BID

ORANGE COUNTY PUBLIC  
SCHOOLS,

Respondent,

and

SMART TECHNOLOGIES  
CORPORATION,

Intervenor.

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**FINAL ORDER**

This matter came to be heard by the Orange County School Board on October 17, 2011 on Petitioner Promethean, Inc.'s exceptions to the Recommended Order issued in this matter by Administrative Law Judge R. Bruce McKibbon on September 23, 2011. The School Board, having reviewed the complete record and heard argument of counsel and being fully advised in the premises, it is hereby ORDERED AND ADJUDGED as follows:

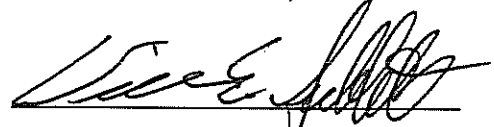
1. Pursuant to the stipulation of the parties at the exception hearing, Promethean, Inc.'s exception number 2 was granted. The last sentence in paragraph 29 is hereby stricken because there is no competent substantial evidence in the record to support the sentence. The sentence to be stricken reads as follows: "Promethean also made suggested changes to its prices on May 24, 2011, but the School Board's decision had already been made by that time."

2. The School Board, by vote of 6-0, rejected Promethean, Inc's exceptions numbers 1 and 3-7.

3. The Orange County School Board, except for striking of the last sentence in paragraph 29 on page 15 of the Recommended Order, hereby adopts the Recommended Order issued by Administrative Law Judge R. Bruce McKibben on September 23, 2011 (attached hereto) as its Final Order in this matter. The Notice of Intent to Award issued May 24, 2011 is upheld and the contract in this matter is awarded to SMART Technologies Corp.

DONE AND ORDERED THIS 18<sup>th</sup> Day of October, 2011.

THE SCHOOL BOARD OF  
ORANGE COUNTY, FLORIDA



William E. Sublette, Chairman

**APPEAL OF FINAL ORDER**

This Order may be appealed by filling two copies of a notice of appeal accompanied by a filing fee, as provided in §120.68, Fl. Stats. and Fla.R.App.P. 9.100(b) and (c) within thirty (30) days of the rendition of this Final Order.

CC: Administrative Law Judge R. Bruce McKibben  
Paul H. Amundsen, Esq., Counsel for Promethean, Inc.  
Martha Chumbler, Esq., Counsel for SMART Technologies, Corp.  
Diego "Woody" Rodriguez, Esq., Counsel for OCSB