

STATE OF FLORIDA  
DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

VAASTU DESIGN ENGG AND  
CONSTRUCTION SERVICES, INC.,

Petitioner,

vs.

DOAH CASE NO. 13-0414BID  
Agency Clerk No. A82419

FLORIDA DEPARTMENT OF AGRICULTURE  
AND CONSUMER SERVICES,

Respondent.

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**FINAL ORDER**

On January 7, 2013, the Department of Agriculture and Consumer Services (Department) posted notice of its intention to award a contract to Paragon Construction for demolition and renovation at the Pompano State Farmers' Market pursuant to Invitation to Bid 12/13-44 (ITB). VAASTU Design Engineering and Construction Services, Inc. (VAASTU) timely filed a Petition challenging the Department's intended decision, alleging that the intended award was erroneous because it violated the terms and conditions of the ITB in that late bids were opened and considered and that the intended decision violated section 255.0525, Florida Statutes.

This matter was referred to the Division of Administrative Hearings (DOAH) on or about January 28, 2013, for assignment of an administrative law judge and a formal hearing. An administrative hearing was held in Tallahassee, Florida, on February 27, 2013, before Barbara J. Staros, a duly appointed Administrative Law Judge.

VAASTU and the Department presented the testimony of Christie Hutchinson and Tina Peacock and stipulated to the admission of Joint Exhibits 1-12. No transcript of the hearing was

ordered or filed. Both parties filed timely Proposed Recommended Orders which were considered in the preparation of the Recommended Order. No exceptions to the Recommended Order were filed.

**STATEMENT OF THE ISSUE**

The issue in this case is whether the Department's intended decision to award the contract arising out of the ITB was contrary to the Department's statutes, rules, policies, or the ITB specifications.

**FINDINGS OF FACT**

A thorough review of the entire record of this matter reveals that the findings of fact contained in the recommended order are based on competent, substantial evidence in the record, and the proceedings on which the findings were based complied with the essential requirements of law. The Department hereby adopts and incorporates by reference the Findings of Fact as set forth in the Recommended Order.

**CONCLUSIONS OF LAW**

A thorough review of the entire record in this matter indicates that the Conclusions of Law contained in the Recommended Order are reasonable and correct interpretations of the law based on the Findings of Fact. The Department hereby adopts and incorporates by reference the Conclusions of Law as set forth in the Recommended Order.

The Recommended Order entered in this proceeding on March 26, 2013 is adopted and incorporated by reference.

**ORDERED AND ADJUDGED:**

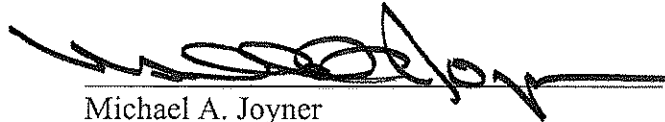
Based on the foregoing, VAASTU's bid protest is dismissed.

**NOTICE OF RIGHT TO APPEAL**

Any party to these proceedings adversely affected by this Final Order is entitled to seek judicial review of this Final Order pursuant to Section 120.68, Florida Statutes, and Rule 9.100, Florida Rules of Appellate Procedures. Judicial review proceedings must be instituted by filing a Notice of Appeal with the Department's Agency Clerk, 407 South Calhoun Street, Suite 509, Tallahassee, Florida, 32399-0800, within thirty (30) days of rendition of this order. A copy of the Notice of Appeal must be filed with the Clerk of the appropriate District Court of Appeal accompanied by any filing fees prescribed by law.

Done and Ordered this 17<sup>th</sup> day of April, 2013.

ADAM H. PUTNAM  
COMMISSIONER OF AGRICULTURE



Michael A. Joyner  
Assistant Commissioner

Rendered this 17<sup>th</sup> day of April, 2013.



Agency Clerk

Copies to: Sanjeev Mangoli, VAASTU Design Engineering and Construction Services, Inc  
State of Florida, Division of Administrative Hearings