

STATE OF FLORIDA DIVISION OF ADMINISTRATIVE HEARINGS

BSN SPORTS, LLC,
A DELAWARE LIMITED
LIABILITY COMPANY,

Petitioner,

vs.

Case No. 15-1566BID

SCHOOL BOARD OF PALM BEACH
COUNTY, A POLITICAL SUBDIVISION
OF THE STATE OF FLORIDA,

Respondent.

FINAL ORDER

THIS CAUSE, came before The School Board of Palm Beach County, Florida (hereinafter referred to as "SCHOOL BOARD"), pursuant to §120.569 and §120.57, Fla. Stat., after an Administrative Hearing was conducted before the Honorable Mary Li Creasy on June 2, 2015. The Recommended Order was entered by the Honorable Mary Li Creasy on July 22, 2015, recommending that a Final Order be entered that the School Board of Palm Beach County adopt the Findings of Fact and Conclusions of Law contained herein, dismisses the protest filed by BSN Sports, LLC, and upholds the awards of contracts ITB No. 15C-26K to Matty's Sports, Simmons Team Sports, D&J Commerce Solutions, Inc., and Palm Beach Sports.

Upon review of the Order, and after review of the record in this case, the School Board makes the following findings and conclusions:

FINDING OF FACT

1. The findings of fact set forth in the Recommended Order are approved, adopted and incorporated herein by reference in its entirety.
2. No genuine issues of material facts exist.

3. The Superintendent established, by a preponderance of the evidence, that BSN failed to demonstrate that the School Board erred by not determining the successful bidders engaged in collusion. Accordingly, BSN failed to meet its burden to demonstrate that the School Board acted contrary to one or more governing statutes, rules, policies, or procurement specifications, or any combination thereof.

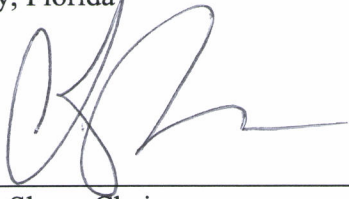
CONCLUSION OF LAW

4. The Board has jurisdiction of this matter pursuant to §120.57, Fla. Stat.
5. The conclusions of law set forth in the Recommended Order dated July 22, 2015 are approved, adopted and incorporate herein by reference in its entirety.
6. The awards of contracts ITB No. 15C-26K to Matty's Sports, Simmons Team Sports, D&J Commerce Solutions, Inc., and Palm Beach Sports was consistent with the law.

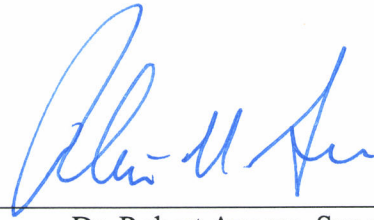
WHEREFORE, IT IS ORDERED AND ADJUDGED, that The School Board's hereby issues a FINAL ORDER that the intended award should stand, was made after consideration of all relevant factors, and was based upon facts and logic. It is further **ORDERED** that Petitioner (BSN) shall pay thirteen thousand, forty-one dollars and sixty-eight cents (\$13,041.68) as the sum total of all costs and charges incurred by the School Board in this action. This FINAL ORDER shall take effect upon being filed with the Clerk of the School Board.

DONE and ORDERED this 31 day of March 2017.

The School Board of Palm Beach
County, Florida



Chuck Shaw, Chairman

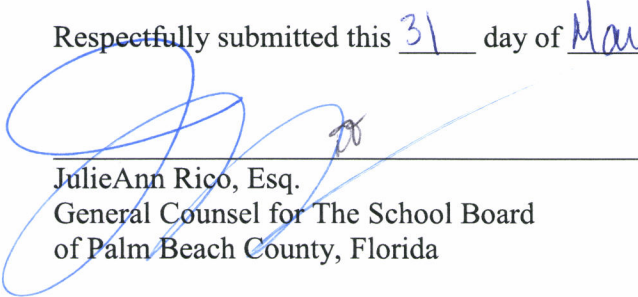


Dr. Robert Avossa, Superintendent

NOTICE OF RIGHT TO JUDICIAL REVIEW

This Final Order constitutes final agency action. Any party who is adversely affected by this Final Order has the right to seek judicial review of the Final Order pursuant to Section 120.68, Fla. Stat. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a notice of appeal with the agency clerk of The School Board of Palm Beach County, Florida, and a second copy, accompanied by appropriate filing fees as prescribed by law, with Fourth District Court of Appeals, or with the District Court of Appeal in the Appellate District, where the party resides, if applicable. The notice of appeal must be filed within thirty (30) days of rendition of the Order to be reviewed.

Respectfully submitted this 31 day of March 2017.

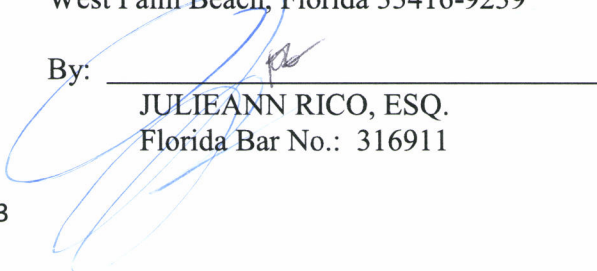


JulieAnn Rico, Esq.
General Counsel for The School Board
of Palm Beach County, Florida

CERTIFICATE OF SERVICE

I HEREBY certify that a true and correct copy of the foregoing document has been furnished via electronic mail this 31 day of March 2017, to: Gregory W. Coleman, Esq. and Santo DiGangi, Esq. - Critton, Luttier & Coleman, LLP, 303 Banyan Blvd., Suite 400, West Palm Beach, FL 33401, at gcoleman@bclclaw.com, sdigangi@bclclaw.com, cwoodward@bclclaw.com, and Brady J. Cobb, Esq., Cobb Eddy, PLLC, 642 NE 3rd Avenue, Ft. Lauderdale, FL 33304, at bcobb@cobbbeddy.com.

THE SCHOOL BOARD OF PALM
BEACH COUNTY, FLORIDA
JulieAnn Rico
General Counsel
Office of General Counsel
Post Office Box 19239
West Palm Beach, Florida 33416-9239

By: 

JULIEANN RICO, ESQ.
Florida Bar No.: 316911