

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

GEO REENTRY SERVICES, LLC,

Petitioner,

v.

STATE OF FLORIDA, DEPARTMENT OF
CORRECTIONS,

Respondent,

and

GATEWAY FOUNDATION, INC., and
THE UNLIMITED PATH, INC.,

Intervenors.

FINAL ORDER

This matter comes before the State of Florida, Department of Corrections (“Department”) pursuant to Section 120.57(3), Florida Statutes, for consideration and final agency action after an administrative hearing conducted before The Honorable Darren A. Schwartz, Administrative Law Judge, in response to a challenge to the Department’s intended award decisions for Invitation to Negotiate FDC ITN-17-112, In-Prison Substance Abuse Treatment Services (“ITN”) by Petitioner GEO Reentry Services, LLC (“GEO”). After reviewing this matter and being fully advised in the premises, the Department makes the following findings:

FINDINGS OF FACT

1. On September 21, 2016, the Department advertised the ITN on the Vendor Bid System.
2. On January 9, 2018, the Department posted its intent to award the ITN to The Unlimited Path, Inc. (“UPI”), for Regions 1 and 2, and Gateway Foundation, Inc. (“Gateway”), for Regions 3 and 4.

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| FILED-AGENCY CLERK |
| Initials <u>AW</u> |
| MAY 16 2018 |
| Time <u>3:01 p.m.</u> |
| Department of Corrections |

DOAH Case No.: 18-0613BID
FDC Case No. DC18-21

3. On January 12, 2018, GEO filed a notice of intent to protest the Department's intended awards to UPI and Gateway.
4. On January 19, 2018, GEO filed its Formal Written Protest with the Department's Agency Clerk.
5. GEO and the Department were unable to resolve the protest and it was forwarded to the Division of Administrative Hearings ("DOAH") on February 6, 2018 and assigned DOAH Case No. 18-0613BID.
6. Gateway intervened into this proceeding on February 7, 2018, and UPI intervened on February 8, 2018.
7. The Final Hearing in this matter was conducted on March 1, 2018 before the Honorable Darren A. Schwartz, Administrative Law Judge.
8. The Parties submitted their proposed recommended orders on March 19, 2018.
9. On April 20, 2018, the Honorable Darren A. Schwartz entered a recommended order recommending the Department dismiss GEO's protest.
10. On April 30, 2018, GEO filed exceptions to the recommended order.
11. On May 7, 2018, the Department posted its notice of intent to rescind the awards to UPI and Gateway and reject all Replies received for the ITN.
12. The Department received no notices of intent to protest this decision within the timeframe provided under Section 120.57(3)(b), Fla. Stat.

CONCLUSIONS OF LAW


13. The Department has jurisdiction over this matter pursuant to Section 120.57(3), Fla. Stat.
14. A case is moot when it presents no actual controversy or when the issues have ceased to exist. Fridman v. Safeco Ins. Co. of Illinois, 185 So. 3d 1214, 1224 (Fla. 2016).

15. The Department's decision to reject all Replies received for the ITN rendered this case moot as there is no case or controversy remaining to be litigated.

16. The rejection of all Replies coupled with the lack of subsequent notice of intent to protest that decision renders this case ripe for dismissal with prejudice.

WHEREFORE, it is hereby ordered and adjudged the notice of intent to protest and formal written protest filed in the above-styled matter is dismissed, with prejudice, with each party to bear its own attorney's fees and costs.

DONE AND ORDERED on this 16TH day May, 2018, in Tallahassee, Florida.



JULIE L. JONES, Secretary
Florida Department of Corrections
501 South Calhoun Street
Tallahassee, FL 32399-2500

Notice of Right to Appeal

This Final Order constitutes final agency action. Any party to this proceedings has the right to seek judicial review of the Final Order pursuant to Section 120.68, Florida Statutes, by filing a Notice of Appeal in accordance with Florida Rules of Appellate Procedure 9.110 and 9.190, with the Clerk of the Department in the Office of General Counsel, 501 South Calhoun Street, Tallahassee, Florida 32399, email: CO-GCAgencyClerk@fdc.myflorida.com; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees either in the First District Court of Appeal or in such other appellate district as Petitioner resides or as otherwise provided by law. The Notice of Appeal must be filed within 30 days from the date this Final Order is filed with the Clerk of the Department.

Filed in the official records of the Florida Department of Corrections on this 16TH day of May, 2018.



Deputy Agency Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing "Final Order" has been furnished this 16TH day of May, 2018, by email or some other means to:

GEO Reentry Services, LLC

c/o Carlton Fields

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Deputy Agency Clerk