

STATE OF FLORIDA  
DEPARTMENT OF MANAGEMENT SERVICES

KIKODA, LLC,

Petitioner,

v.

FLORIDA DEPARTMENT OF MANAGEMENT  
SERVICES,

Respondent.

Final Order No.: DMS-19-106  
DOAH Case No. 19-5503BID

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**FINAL ORDER**

This matter comes before the Department of Management Services (“Department”) for entry of a Final Order in accordance with section 120.569(1), Florida Statutes.

**FINDINGS OF FACT**

1. On June 24, 2019, at 3:11 p.m., the Department posted its “Revised Intent to Award – RFP #15-80101-507-SA-D – Information Technology Staff Augmentation Services” (“RFP”) on the Vendor Bid System (“VBS”)<sup>1</sup>.
2. On June 26, 2019, at 4:49 p.m., Petitioner Kikoda, LLC (“Kikoda”), filed with the Department’s Agency Clerk its notice of intent to protest the results of the RFP.
3. On July 3, 2019, Kikoda timely filed with the Department’s Agency Clerk its “Formal Written Protest and Petition for Formal Administrative Hearing Involving Disputed Issues of Material Fact” as well as its protest bond.
4. On July 22, 2019, Kikoda filed with the Department’s Agency Clerk its “Amended Formal Written Protest and Petition for Administrative Hearing Involving Disputed Issues of Material Fact.”

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<sup>1</sup> A link to the posting can be found at the following website:  
[http://www.myflorida.com/apps/vbs/vbs\\_www.ad\\_r2.view\\_ad?advertisement\\_key\\_num=147403](http://www.myflorida.com/apps/vbs/vbs_www.ad_r2.view_ad?advertisement_key_num=147403)

5. On October 14, 2019, the matter was referred to the Division of Administrative Hearings.
6. On October 21, 2019, Kikoda filed a “Notice of Voluntary Dismissal” with the Division of Administrative Hearings.
7. On October 22, 2019, the Honorable J. Bruce Culpepper, Administrative Law Judge (“ALJ”), issued an Order Closing File and Relinquishing Jurisdiction.

#### CONCLUSIONS OF LAW

8. In administrative proceedings, agency jurisdiction ceases to exist when a petition is withdrawn or voluntarily dismissed. Rudloe v. Florida Department of Environmental Regulation, 517 So. 2d 731, 732 (Fla. 1st DCA 1987).
9. The ALJ having closed the file and relinquished jurisdiction to the Department, this matter is now due to be dismissed because the Department’s jurisdiction ceased when Kikoda voluntarily dismissed its petition.

It is hereby **ORDERED AND ADJUDGED**:

1. The “Amended Formal Written Protest and Petition for Administrative Hearing Involving Disputed Issues of Material Fact” is hereby **DISMISSED**;
2. The Department’s Agency Clerk shall return Kikoda’s protest bond; and
3. This Final Order shall become effective on the date of filing with the Department’s Agency Clerk.

**DONE and ORDERED** on this 14 day of November, 2019.

  
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**JONATHAN SATTER**, Agency Secretary  
Department of Management Services  
4050 Esplanade Way, Suite 285  
Tallahassee, Florida 32399

Copies Furnished To:

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**NOTICE OF RIGHT TO APPEAL**

Unless expressly waived by a party such as in a stipulation or in other similar forms of settlement, any party substantially affected by this Final Order may seek judicial review by filing an original notice of appeal with the agency clerk of the Department of Management Services, and a copy, accompanied by the filing fees prescribed by law, with the clerk of the appropriate District Court of Appeal. The notice of appeal must be filed within thirty (30) days of rendition of this order, in accordance with Rule 9.110, Florida Rules of Appellate Procedure, and Section 120.68, Florida Statutes.

Certificate of Clerk:

Filed in the Office of the Agency  
Clerk of the Department of Management  
Services on this 15<sup>th</sup> day of  
November, 2019

Julie Morales  
Diane Wint Deputy Agency Clerk  
Agency Clerk