

STATE OF FLORIDA  
DEPARTMENT OF MANAGEMENT SERVICES

VISIUM RESOURCES, INC.,

Final Order No.: DMS-19-108  
DOAH Case No. 19-5505BID

Petitioner,

v.

FLORIDA DEPARTMENT OF MANAGEMENT  
SERVICES,

Respondent.

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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 25, 2019, at 12:50 p.m., Petitioner Visium Resources, Inc. (“Visium”), filed with the Department’s Agency Clerk its notice of intent to protest the results of the RFP.
3. On July 5, 2019, Visium filed with the Department’s Agency Clerk its “Formal Protest and Petition for Administrative Hearing” as well as its protest bond.
4. On October 14, 2019, the matter was referred to the Division of Administrative Hearings.
5. On November 5, 2019, Visium filed “Visium Resources’ Notice of Voluntary Dismissal” with the Division of Administrative Hearings.

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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)

6. On November 6, 2019, the Honorable J. Bruce Culpepper, Administrative Law Judge (“ALJ”), issued an Order Severing Case and Closing File.

**CONCLUSIONS OF LAW**

7. In administrative proceedings, agency jurisdiction ceases to exist when a petition is withdrawn or voluntarily dismissed.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).
8. The ALJ having severed the case, closed the file, and relinquished jurisdiction to the Department, this matter is now due to be dismissed because the Department’s jurisdiction ceased when Visium voluntarily dismissed its petition.

It is hereby **ORDERED AND ADJUDGED**:

1. The “Formal Protest and Petition for Administrative Hearing” is hereby **DISMISSED**;
2. The Department’s Agency Clerk shall return Visium’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 18 day of November, 2019.



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

**Copies Furnished To:**

Visium Resources, Inc.  
c/o Michael Forster  
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Maitland, Florida 32751  
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Chasity O'Steen, General Counsel  
Florida Department of Management Services  
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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 12<sup>th</sup> day of  
November, 2019

Julia Melules Deputy Agency Clerk  
Diane Wint  
Agency Clerk