

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

CHARTER COMMUNICATIONS
OPERATING, LLC,

Petitioner,

v

DOAH CASE NO. 20-0872BID

THE SCHOOL BOARD OF
BREVARD COUNTY, FLORIDA,
Respondent.

_____ /

NOTICE OF FILING FINAL ORDER

COMES NOW, the School Board of Brevard County, Florida, by and through its undersigned counsel hereby give notice that the attached Final Order (Agency File No. 2020-61BID) has been filed with the Division of Administrative Hearings (DOAH).

/s/ Paul D. Gibbs

PAUL D. GIBBS, ESQ.

Florida Bar No. 30143

The School Board of Brevard County, Florida

2700 Judge Fran Jamieson Way

Viera, Florida 32940

Telephone: 321-633-1000 (ext. 11438)

E-mail: gibbs.paul@brevardschools.org

Secondary Email: williams.juanita@brevardschools.org

General Counsel for School Board

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was electronically filed with the Division of Administrative Hearings E-Filing Portal and an electronic copy was provided to Kenneth Curtin, Esq., and Eric Partlow, Esq., 101 East Kennedy Boulevard, Suite 4000, Tampa, Florida 33602, Email Addresses: kenneth.curtin@arlaw.com; eric.partlow@arlaw.com; teresa.soluri@arlaw.com; and Debra Babb-Nutcher, Esq., Email Addresses: dbabb@orlandolaw.net and sjones@orlandolaw.net on April 27, 2020.

/s/ Paul D. Gibbs

PAUL D. GIBBS, ESQ.

THE SCHOOL BOARD OF BREVARD COUNTY, FLORIDA

CHARTER COMMUNICATIONS
OPERATING, LLC,

Petitioner,

DOAH CASE NO. 20-0872BID
AGENCY FILE NO. 2020-61BID

v

THE SCHOOL BOARD OF
BREVARD COUNTY, FLORIDA,
Respondent.

_____ /

FINAL ORDER

THIS CAUSE coming to be heard before The School Board of Brevard County, Florida (“School Board”) on March 24, 2020, to consider (1) the Recommended Order entered on March 12, 2020, by Honorable Lisa Shearer Nelson, Administrative Law Judge of the State of Florida, Division of Administrative Hearings (“ALJ”); (2) Order to Show Cause; (3) Petitioner and Respondent’s Orders to Show Cause; and (4) Exceptions to the Recommended Order.

The School Board of Brevard County, Florida, having reviewed the entire record, having heard from the Parties, and being fully advised in the Premises:

IT IS THEREUPON ORDERED AND ADJUDGED BY THE SCHOOL BOARD OF BREVARD COUNTY, FLORIDA, that:

1. Petitioner’s first Exception to Conclusion at Page 3 that the Circumstances are not Exceptional and therefore Petitioner lacks standing is rejected in that the conclusion of law contained in the Recommended Order is a reasonable application of the pertinent laws to the material facts as supported by competent substantial evidence.

2. Petitioner's second Exception to the Conclusion on Pages 3 and 4 that Petitioner has waived its right to protest is rejected in that the conclusion of law contained in the Recommended Order is a reasonable application of the pertinent laws to the material facts as supported by competent substantial evidence.
3. Petitioner's request to reject the ALJ's Recommended Order is rejected in that there is competent substantial evidence that the legal conclusions drawn by the ALJ are a reasonable application of the pertinent laws involved in this matter to justify the dismissal of the bid protest.
4. The Honorable Lisa Shearer Nelson's Recommended Order dated March 12, 2020 is adopted and incorporated herein by the School Board of Brevard County, Florida, in its entirety.

WHEREFORE, based on the foregoing, The School Board of Brevard County, Florida sustains the dismissal of Charter Communications Operating, LLC's Formal Written Protest for lack of standing, and failure to timely file its challenge to specifications in the bid documents.

A copy of the Recommended Order is attached hereto.

DONE and ORDERED on this 24th day of March, 2020, at Viera, Brevard County, Florida.

The School Board of Brevard County, Florida by:



MISTY BELFORD, Board Chair

Copies furnished to:
Paul Gibbs, Esq. (via email)

Debra S. Babb-Nutcher, Esq. (via email)
Kenneth M. Curtin, Esq. (via email)

Notice of Right to Appeal

Pursuant to Section 120.68, Florida Statutes, any party to this proceeding may seek judicial review of this *Final Order* in the appropriate district court of appeal by filing a notice of appeal pursuant to Florida Rules of Appellate Procedure 9.110 (c). The original notice of appeal shall be filed with Pam Escobar, Agency Clerk, Brevard County Public Schools, 2700 Judge Fran Jamieson Way, Viera, Florida 32940, on or before thirty (30) days from the date of this *Final Order*. A copy of the notice, together with the appropriate filing fee, must also be filed with the Clerk, District Court of Appeal, Fifth District, 300 South Beach Street, Daytona Beach, Florida.