

Office of School Board Attorney
Phyllis O. Douglas, Board Attorney

SUBJECT: DANVILLE FINDORFF, INC. v. MIAMI-DADE COUNTY SCHOOL BOARD and (Intervenor) PASS INTERNATIONAL, INC. - DOAH CASE NO. 98-5111BID

On August 4, 1998, the School Board Administration opened bids for the Booker T. Washington Project No. A-0557 (BTW). The School Board Administration determined that the lowest responsive bid was submitted by Pass International, Inc. (Pass) and announced its intention to recommend that Pass receive award of the BTW Project.

Danville-Findorff, Inc. (Danville) submitted the second lowest bid. Danville filed a bid protest against the award of the BTW project to Pass. In the bid protest, Danville primarily alleged that Pass' bid was nonresponsive because it did not comply with the Minority/Women Business Enterprise (M/WBE) subcontracting requirements contained in the Special Provisions of BTW Project bid documents. The protest was referred to the Division of Administrative Hearings for a formal hearing. Shortly thereafter, Pass intervened in the matter.

The case was tried on January 19-21, 1999, before Patricia Hart Malono, the duly-designated Administrative Law Judge of the Division of Administrative Hearings. On April 14, 1999, Administrative Law Judge Malono entered her Recommended Order. In her Order, Judge Malono found that Pass did not comply with the requirements of the M/WBE Special Provisions at the time its bid was submitted and the bid is therefore nonresponsive. Accordingly, Judge Malono recommended that the School Board reject the bid of Pass as nonresponsive to the bid specifications and initiate a compliance review with respect to the next lowest responsive and responsible bidder.

Exceptions to the Recommended Order have been filed in this case by Intervenor, Pass International, Inc. These exceptions, along with the Recommended Order and record in this case, have been forwarded to the School Board Members under separate cover. Pursuant to School Board Rule, each party should be permitted fifteen (15) minutes to address this matter, at which point the case is ripe for School Board action.

RECOMMENDED: That The School Board of Miami-Dade County, Florida enter its Final Order in the case of Danville-Findorff, Inc. v. Miami-Dade County School Board and (Intervenor) Pass International, Inc., DOAH Case No. 98-5111BID accepting the recommendations of the Administrative Law Judge entered on April 14, 1999 or accepting the exceptions set forth in Petitioner's Exceptions to the Administrative Law Judge's Order, filed on April 29, 1999.