

Office of School Board Attorney
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SUBJECT: J. RUIZ SCHOOL BUS SERVICE, INC. v. THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA and M & M MARROQUIN SCHOOL BUS SERVICES, INC. (Intervenor); CASE NO. 99-4021BID; A. OLIVEROS TRANSPORTATION, INC. v. THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, CASE NO. 99-4022BID

In August, 1999, the School Board administration issued Bid No. 053-ZZ07 School Bus Routes for Approved Private School Bus Companies (hereinafter "Bid No. 053-ZZ07"). The bids submitted in response to Bid No. 053-ZZ07 were opened on August 12, 1999. Twenty one (21) bids were submitted in response to the solicitation with seventeen (17) bids meeting specifications and four (4) bids determined to be not responsive. At its regularly scheduled meeting of August 25, 1999, the School Board took action to adopt the administration's recommendation to award Bid No. 053-ZZ07 to the seventeen bidders that were determined to be responsive.

J. Ruiz School Bus Service, Inc. ("Ruiz") submitted the lowest bid on Item 11: Route Number 4606. A. Oliveros Transportation, Inc. ("Oliveros") submitted the lowest bid on Item 55: Route Number 7602. Both Ruiz and Oliveros were determined to be non-responsive and ineligible for award because they failed to submit with their bid the most recent copy of the Florida Division of Unemployment Compensation Employer's Quarterly report Form UCT6 ("UCT6"). Consequently, these two routes were awarded to the second low bidders.

Ruiz filed a bid protest challenging the award of Route No. 4606 to M&M Marroquin School Bus Services, Inc. ("M&M"). Oliveros filed a bid protest challenging the award of Route No. 7602 to Bestway Bus Service, Inc. In the protests, Ruiz & Oliveros alleged that their failure to submit the UCT6 form with their respective bids was a minor informality that should have been waived by the School Board. The protest was referred to the Division of Administrative Hearings for a formal hearing in which M&M intervened.

The hearing commenced on January 12, 2000, before Linda M. Rigot, the duly-designated Administrative Law Judge of the Division of Administrative Hearings. On March 24, 2000, Administrative Law Judge Rigot entered her Recommended Order finding that the failure to submit the UCT6 form was not a material deviation from the bid specification, but rather was a minor irregularity that should have been waived by the School Board. The Administrative Law Judge recommended that a final order be entered awarding Ruiz Route No. 4606, and awarding Oliveros Route No. 7602.

RECOMMENDED: That The School Board of Miami-Dade County, Florida enter its Final Order in the case of J. Ruiz School Bus Service, Inc. v. The School Board of Miami-Dade County, Florida and M & M Marroquin School Bus Services, Inc. (Intervenor); Case No. 99-4021Bid; A. Oliveros Transportation, Inc. v. The School Board of Miami-Dade County, Florida, Case No. 99-4022Bid adopting the recommendation of the Administrative Law Judge entered on March 24, 2000, awarding Ruiz Route No. 4606 and Oliveros Route No. 7602.