

Office of School Board Attorney
JulieAnn Rico, Board Attorney

**SUBJECT: RN EXPERTISE, INC. v. THE MIAMI-DADE COUNTY SCHOOL BOARD,
DOAH CASE NO. 06-2653BID**

On May 4, 2006, The School Board of Miami-Dade County, Florida issued its Invitation to Bid ("ITB") Number 056-FF10, for drug and alcohol testing services of current and prospective employees. Bids were opened and evaluated on May 23, 2006. The School Board determined that the lowest responsible and responsive bidder was Mercy Hospital Laboratory, and notified all bidders of its intent to award the bid to Mercy Hospital Laboratory. Subsequently, Petitioner, RN Expertise, Inc., the second lowest bidder, timely filed its formal written protest of the bid award. Thereafter the bid protest was transferred to the Division of Administrative Hearings for resolution of this protest through the administrative hearing process.

On September 26, 2006, an evidentiary hearing on the bid protest was held before Administrative Law Judge Claude B. Arrington. On December 18, 2006, the Judge issued a Recommended Order recommending that the Board issue a final order dismissing Petitioner RN Expertise Inc.'s bid protest and awarding the ITB to Mercy Hospital Laboratory.

On December 28, 2006, Exceptions to the Recommended Order were filed on behalf of the Petitioner. Those Exceptions along with the Recommended Order and complete record in the case have been forwarded to the School Board members under separate cover. The Exceptions challenge numerous Findings of Fact pertaining to determination of the lowest responsive bidder. Petitioner's Exceptions seek to have the Administrative Law Judge's Recommended Order modified and the contract awarded to Petitioner, the second lowest bidder.

RECOMMENDED: That The School Board of Miami-Dade County, Florida take one of the following actions in the case of RN Expertise, Inc. v. The School Board of Miami-Dade County, Florida, DOAH Case No. 06-2653BID:

(1) Adopt the Recommended Order of the Administrative Law Judge in its entirety as its Final Order, and thereby dismissing Petitioner's protest and awarding the contract pursuant to ITB No. 056-FF10 to Mercy Hospital Laboratory; or

(2) Adopt the Exceptions to the Recommended Order filed on behalf of the Petitioner and enter a Final Order consistent with those Exceptions.

G-4