

Office of Superintendent of Schools
Board Meeting of September 12, 2002

August 28, 2002

Office of School Board Attorney
Johnny Brown, Board Attorney

SUBJECT: SOUTH FLORIDA BLOOD BANK, INC. v. THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA and COMMUNITY BLOOD CENTER OF SOUTH FLORIDA, INC. - DOAH CASE NO. 02-0140BID

On September 10, 2001 Petitioner, South Florida Blood Bank, Inc., filed its formal protest of the award of Request for Proposal #169-AA10, Administration of the Blood Drive Program to the incumbent provider, Community Blood Center of South Florida, Inc. The protest was forwarded to the Division of Administrative Hearings on January 10, 2002 for formal resolution, and a hearing on the matter was conducted on May 22 and 23, 2002 before DOAH Administrative Law Judge Claude B. Arrington. By recommended order entered August 14, 2002, the Administrative Law Judge ("ALJ") concluded from the findings that: (i) the evaluation and selection were materially flawed, and that the award to Intervenor should be invalidated; and (ii) Respondent should submit the two responses to a new Selection Committee with instructions that it should evaluate the two proposals only on the criteria set forth in the RFP.

Exceptions to the Recommended Order have been filed on behalf of Intervenor, Community Blood Center of South Florida, Inc. Those exceptions, the Recommended Order, and complete record in this case, have been forwarded to the School Board members under separate cover. The exceptions seek to have the School Board reject the ALJ's recommendations, or in the alternative, accept the recommended order and maintain the *status quo* pending the School Board's decision.

RECOMMENDED: That The School Board of Miami-Dade County, Florida enter a final order in the case of South Florida Blood Bank, Inc. v. The School Board of Miami-Dade County, Florida and Community Blood Center of South Florida, Inc. - Doah Case No. 02-0140Bid, either adopting the recommendation of the Administrative Law Judge, or adopting the exceptions set forth in the Intervenor's Exceptions to the Recommended Order.