

Office of School Board Attorney
Walter J. Harvey, School Board Attorney

SUBJECT: ARTHUR J. GALLAGHER RISK MANAGEMENT SERVICES, INC., D/B/A GALLAGHER V. SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, DOAH Case No.: 20-4844BID

On June 18, 2020, at its regularly scheduled meeting, The School Board of Miami-Dade County, Florida authorized issuance of Request for Proposals No. 19-010-CM for the purpose of qualifying and selecting a Risk Management and Insurance Broker of Record (RFP). Arthur J. Gallagher Risk Management Services, Inc., d/b/a Gallagher (AJG), Marsh USA, Inc. (Marsh), and AON Risk Services, Inc. of Florida (AON) submitted proposals in response to this RFP. A Selection Committee established pursuant to the RFP reviewed the proposals submitted by these vendors. On September 4, 2020, the Selection Committee convened for presentation of all proposers and voted to recommend awarding the RFP to Marsh. AJG filed a protest of the proposed award and the matter was forwarded to the Division of Administrative Hearings for resolution of this protest through the administrative hearing process.

On December 2-4, 2020, a hearing on the bid protest was held before Administrative Law Mary Li Creasy. On January 13, 2021, the Judge issued a Recommended Order recommending that the Board issue a final order that adopts the Finding of Facts and Conclusion of Law, upholds the challenged recommendations, and awards a contract, pursuant to the RFP, to Intervenor Marsh. A copy of the Recommended Order will be furnished to the Board under separate cover, along with proposed final orders for the Board's consideration.

On January 22, 2021, Petitioner filed Exceptions to the Recommended Order. Respondent filed responses to Petitioner's Exceptions. Pursuant to Board Bylaw 0133, *Quasi-Judicial Proceedings*, a written request for oral argument must be filed at least seven (7) days prior to the meeting during which the Board will consider the exceptions. If oral argument is timely requested, the arguments will be heard at the February 10, 2021 Board Meeting. Each party shall be provided ten (10) minutes at the Board meeting to argue the exceptions. In connection with the Board's consideration of the exceptions, a copy of the record will be furnished to the Board under separate cover.

Pursuant to Section 120.66, F.S., *ex parte* communications to the Board related to the merits of any dispute governed by this policy are prohibited beginning when the Board receives the Recommended Order from the Division of Administrative Hearings or the

local hearing officer, until the Board issues a Final Order. If a Board member receives an *ex parte* communication in violation of this provision, the process outlined in Section 120.66(2), F.S. shall be followed.

RECOMMENDED:

That The School Board of Miami-Dade County, Florida enter a Final Order in the case of Arthur J. Gallagher Risk Management Services, Inc., d/b/a Gallagher v. The School Board of Miami-Dade County, Florida, DOAH Case No. 20-4844BID either:

- a) adopting the Administrative Law Judge's Recommended Order, and the Finding of Facts and Conclusion of Law contained therein, and awarding the contract pursuant to RFP No. 19-010-CM to the Intervenor, Marsh; or
- b) adopting any or all of the exceptions filed by Petitioner, and in so doing, reject or modify the Administrative Law Judge's (a) findings of fact or (b) conclusions of law.