

Office of General Counsel
Walter J. Harvey, General Counsel

SUBJECT: WSP USA, INC., v. SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, DOAH Case No.: 23-287BID

On September 15, 2022, The School Board of Miami-Dade County, Florida (hereinafter “Respondent” or School Board”) issued a Request for Qualification (“RFQ”) No. RFQ-22-066 for Program Management Support Services. WSP USA, Inc. (hereinafter “Petitioner” or “WSP”) and AECOM Technical Services, Inc. (“AECOM”), were two of the four firms that responded to the solicitation and were selected to present at the Selection Committee meeting on December 9, 2022. At the conclusion of the presentation the firms were scored and ranked. On December 13, 2022, the School Board posted the notice of intended action notifying the responding firms of the “Official Final Scores and Rankings Summary.” AECOM and WSP were ranked first and second respectively. Pursuant to the solicitation, a Negotiation Committee would have been established to start negotiations with the first ranked firm, AECOM. Prior to the commencement of negotiations, WSP filed a bid protest, and the matter was forwarded to the Division of Administrative Hearings (“DOAH”) for resolution of this protest through the administrative hearing process.

On February 28, 2023, a hearing on the bid protest was held before Administrative Law Judge (“ALJ”) Robert Cohen. On April 11, 2023, the ALJ issued a Recommended Order recommending that a Final Order be entered by the School Board denying WSP’s bid protest and the directing the District to proceed to negotiations with AECOM, in accordance with the RFQ. A copy of the Recommended Order will be furnished to the Board under separate cover, along with a proposed Final Order for the Board’s consideration.

On April 21, 2023, Petitioner WSP filed Exceptions to the Recommended Order and the Respondent filed a response 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 May 17, 2023 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 complete record will be furnished to the Board under separate cover.

Pursuant to Section 120.66, Florida Statutes, *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 DOAH 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), Florida Statutes shall be followed.

RECOMMENDED:

That The School Board of Miami-Dade County, Florida enter a Final Order in the case of WSP USA Inc. v. The School Board of Miami-Dade County, Florida, DOAH Case No. 23-287BID either:

- a) adopting the Administrative Law Judge's Recommended Order, and the Finding of Facts and Conclusion of Law contained therein as its Final Order, and deny WSP USA Inc.'s bid protest in connection to RFQ 22-066 for Program Management Support Services; 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.