

# Executive Summary

Board of Governors Meeting, July 12, 2023

## Recommended Order of Administrative Law Judge and Exceptions

### Topic

Bolt Solutions, Inc. (“Bolt”) was not selected for a contract award in Citizens ITN No.: 22-007, Citizens Eligibility Reimagined. Bolt then filed a Formal Bid Protest Petition (“Protest”). The Protest was referred to the Division of Administrative Hearings (“DOAH”) for resolution in accordance with Board of Governors Procedure: Procurement Protests (“Procedure”). Following the presentation of evidence and legal arguments, on May 25, 2023, Administrative Law Judge June C. McKinney entered a Recommended Order, attached as Exhibit 1.

In accordance with s. 627.351(6)(e)(3), Florida Statutes, the Board, acting as agency head, is required to “consider the recommended order of the administrative law judge in a public meeting and take final action on the protest.”

### History

On March 11, 2022, Citizens issued the ITN for Citizens Eligibility Reimagined, soliciting responses from vendors for three services: Citizens Offered Rater, Additional Certified Rater, and FMAP, as well as providing the opportunity for a vendor to propose a replacement Clearinghouse Program solution.

On January 31, 2023, the Negotiation Team voted to award a contract for Citizens Offered Rater to Applied Systems, Inc. (“Applied”) and voted to cancel and reject all replies for Additional Certified Rater and FMAP. That same day, Citizens issued a Notice of Intent to Award a contract to Applied Systems, Inc., (“Applied”).

On February 3, 2023, Bolt filed a Notice of Intent to Protest the intended award of a contract to Applied. The Protest was filed on February 13, 2023. After the Protest was filed with Citizens, Applied intervened in the matter.

Per Section 627.351(6)(e)2. b., Florida Statutes, upon receipt of the Protest, Citizens ceased all contract award activity on ITN No. 22-007 pending the outcome of the resolution of the Protest.

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On March 1, 2023, the Protest was referred to DOAH.<sup>1</sup> The hearing was held from April 4 through 6 and 20, 2023, in Tallahassee, Florida. Following the presentation of evidence and legal arguments, on May 25, 2023, Administrative Law Judge June C. McKinney entered a Recommended Order. The docket for DOAH Case No.: 23-000848CBP is available here: [Docket - Case Information - 23-000848 - Florida - Division of Administrative Hearings \(state.fl.us\)](https://www.doah.state.fl.us/CaseInformation/23-000848-Florida-Division-of-Administrative-Hearings)

The Recommended Order is now returned to the Citizens Board to take final action. The consideration of the Recommended Order includes any Exceptions to the Recommended Order. Exceptions were filed by Bolt.

A response to these Exceptions was filed by Citizens and Applied. In accordance with the Procedure, "The Board must consider the Recommended Order and any Exceptions filed at the next regularly scheduled Board meeting which provides for adequate public notice of the pending final action." (Section 4-24.00).

Christopher B. Lunny, Esq. of The Radey Law Firm has been retained to assist the Board in taking final action on the Protest.

## Recommendation

In accordance with s.627.351(6)(e)(3), Florida Statutes, the Board, acting as agency head, is requested to:

- a) Consider the Recommended Order of Administrative Law Judge June C. McKinney and take final action on the Protest; and,
- b) Authorize staff to take any appropriate or necessary action consistent with this Action Item.

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<sup>1</sup> This Action Item is separate and not related to the utilization of DOAH to offer an alternative dispute resolution process for claims, as approved at the December 7, 2022, Board meeting.

## Recommended Order of Administrative Law Judge and Exceptions

 **ACTION ITEM**
 **New Contract**
 **Contract Amendment**
 **CONSENT ITEM**
 **Contract Amendment**
 **Existing Contract Extension**
 **Existing Contract Additional Spend**
 **Previous Board Approval**
 **Other** \_\_\_\_\_

**Action Items:** Items **requiring** detailed explanation to the Board. When a requested action item is a day-to-day operational item or unanimously passed through committee it may be moved forward to the board on the Consent Index.

- Move forward as Consent:** This Action item is a day-to-day operational item, unanimously passed through committee or qualifies to be moved forward on the Consent Index.

**Consent Items:** Items **not requiring** detailed explanation to the Board of Governors. Consent items are contract extensions, amendments or additional spending authorities for items previously approved by the Board.

### Item Description

After not being selected for contract award in Citizens ITN No.: 22-007 (Citizens Eligibility Reimagined), Bolt Solutions, Inc. filed a Formal Bid Protest Petition ("Protest"). On March 1, 2023, the Protest was referred to the Division of Administrative Hearings ("DOAH").

This Protest was heard before Administrative Law Judge June C. McKinney from April 4 through 6 and 20, 2023, in Tallahassee, Florida.

Following the presentation of evidence and legal arguments, Administrative Law Judge June C. McKinney entered her Recommended Order on May 25, 2023.

In accordance with s. 627.351(6)(e)(3), Florida Statutes, the Board, acting as agency head, must now "consider the recommended order of the administrative law judge in a public meeting and take final action on the protest."

### Purpose/Scope

The Board, acting as agency head, is responsible for considering the recommended order of the administrative law judge in a public hearing and taking final action on the protest.

Christopher B. Lunny, Esq. of The Radey Law Firm has been retained to assist the Board in taking final action on the Recommended Order and the exceptions filed by Bolt.

## Recommended Order of Administrative Law Judge and Exceptions

<p><b>Procurement Method</b></p>	<p>On March 11, 2022, Citizens issued the ITN for Citizens Eligibility Reimagined, soliciting responses from vendors for three services: Citizens Offered Rater, Additional Certified Rater, and FMAP, as well as providing the opportunity for a vendor to propose a replacement Clearinghouse Program solution.</p> <p>On January 31, 2023, the Negotiation Team voted to award a contract for Citizens Offered Rater and voted to cancel and reject all replies for Additional Certified Rater and FMAP.</p> <p>On February 3, 2023, a Notice of Intent to Protest was filed by Bolt Solutions, Inc. The hearing at DOAH, and the Recommended Order of May 25, 2023, followed. The Recommended Order is now considered by the Board, together with the Exceptions filed, for final action on the Protest.</p>
<p><b>Board Recommendation</b> (DOES NOT go through Committee)</p>	<p>In accordance with s. 627.351(6)(e)(3), Florida Statutes, the Board, acting as agency head, is requested to:</p> <ol style="list-style-type: none"> <li>a) Consider the Recommended Order of the Administrative Law Judge June C. McKinney and take final action on the Protest; and</li> <li>b) Authorize staff to take any appropriate or necessary action consistent with this Action Item.</li> </ol>
<p><b>CONTACTS</b></p>	<p>Kenneth Tinkham, Interim General Counsel</p>