

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

LIFE INSURANCE COMPANY OF THE
SOUTHWEST,

Petitioner,

vs.

DOAH CASE No. 14-3549 BID

THE SCHOOL BOARD OF BROWARD
COUNTY, FLORIDA

Respondent;

and

AXA EQUITABLE LIFE INSURANCE
COMPANY,

Intervenor.

_____ /

STIPULATED MOTION FOR AGREED FINAL ORDER

COME NOW the Petitioner, LIFE INSURANCE COMPANY OF THE SOUTHWEST (hereafter "LSW"), and the Intervenor, AXA EQUITABLE LIFE INSURANCE COMPANY (hereafter "AXA"), by and through their respective undersigned attorneys, and jointly file this Stipulated Motion for Agreed Final Order and would state as follows:

1. These proceedings concern a protest of an intended award of RFP 15-010P – 403(b)/457(b) Program for School Board Employees ("RFP").
2. A Recommended Order was rendered in this cause on December 31, 2014 by the Honorable Darren A. Schwartz, Administrative Law Judge of the Florida Division of Administrative Hearings.
3. Exceptions to the Recommended Order were filed in these proceedings by Intervenor AXA.

4. LSW and AXA stipulate that the time within which THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA (“THE SCHOOL BOARD”) is to render a final order upon the Recommended Order rendered in this cause is extended through March 18, 2015 to enable THE SCHOOL BOARD to consider this Stipulated Motion. AXA stipulates that the time within which SBBC and LSW may file responses to AXA’s Exceptions to the Recommended Order is extended through March 11, 2015.

5. LSW and AXA have negotiated with SBBC an amicable resolution of the bid protest proceedings. LSW and AXA agree to the terms set forth in this Stipulated Motion for Agreed Order subject to its approval and acceptance by THE SCHOOL BOARD through the latter’s rendition of an Agreed Final Order approving this Stipulated Motion for Agreed Final Order and contingent upon THE SCHOOL BOARD’s approval of contracts with LSW and AXA for the provision of annuity services to SBBC employees. The School District Administration and the Office of the General Counsel recommend the acceptance and approval of this Stipulated Motion by THE SCHOOL BOARD.

6. Upon THE SCHOOL BOARD’s taking of the actions described in Paragraph 4, the parties agree to waive their respective rights to any appeal or judicial review of this Agreed Final Order that would otherwise have been available under Sections 120.569(1) and 120.68, Florida Statutes, and School Board Policy 3320.

7. Upon THE SCHOOL BOARD’s taking of the actions described in Paragraph 4, the Intervenor, AXA hereby withdraws its Exceptions to the Recommended Order that were filed in these proceedings.

8. Upon THE SCHOOL BOARD's taking of the actions described in Paragraph 4, the parties agree that each will bear its respective attorney's fees and costs incurred in these proceedings and SBBC will return to LSW its bid protest bond.

9. LSW and AXA waive any necessity for THE SCHOOL BOARD to review the complete record prior to reducing the recommended penalty in the Recommended Order and agree to waive the inclusion within the final order of a statement of its reasons or citation to the record in support of such reduced penalty.

10. LSW and AXA stipulate to THE SCHOOL BOARD's reduction of the penalty in these proceedings as follows:

Based upon the Recommended Order and the Stipulated Motion for Agreed Order filed by the parties, THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA enters an Order for the award of contracts for the provision of annuity products to school district employees to ING LIFE INSURANCE AND ANNUITY COMPANY, THE VARIABLE ANNUITY LIFE INSURANCE COMPANY, LIFE INSURANCE COMPANY OF THE SOUTHWEST, and AXA EQUITABLE LIFE INSURANCE COMPANY. The specific contracts with each awardee will be approved by THE SCHOOL BOARD under a separate agenda item.

WHEREFORE, the Petitioner, LIFE INSURANCE COMPANY OF THE SOUTHWEST and the Intervenor, AXA EQUITABLE LIFE INSURANCE COMPANY, respectfully move THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA to accept and approve this Stipulated Motion for Agreed Final Order and to enter forth an Agreed Final Order implementing the actions stipulated herein.

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DATED: February **24** 2015.