

Andrew Schwartz Published in The Procurement Lawyer

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In “*What a Bright Idea! Florida’s First District Court of Appeal Applies Common Sense to the Government in the Sunshine Law*,” Andrew Schwartz discusses Florida’s Sunshine Law, which generally requires open meetings for boards, commissions, state agencies, and the like. Andrew argues an open door is not necessarily the best thing for public procurements—especially negotiated ones.

Andrew analyzes *Carlson v. State*, which involved a procurement that awarded Systems and Methods Inc. (SMI) a contract worth tens of millions of dollars to assist the Florida Department of Revenue in maintaining a child support payment system. The only other bidder was the incumbent, Xerox. During the negotiation process, the team held 22 meetings that were closed in their entirety. Xerox ended up protesting the award to SMI alleging an opening meeting was required by the Sunshine Law. *Carlson* ultimately lost its administrative protest to both the Florida Division of Administrative Hearings and on appeal at the First District.

By the time the First District issues its decision, SMI had probably been performing the contract for nearly a year. Voiding the contract likely would have wreaked havoc on the Department’s child support payment system. “Equally important, there is no point in interpreting a statute in a manner that inflicts significant public costs while providing no corresponding benefits,” said Andrew.

To read the full article, [click here](#).

About Andrew Schwartz

Andrew Schwartz is an attorney in the Fort Lauderdale office of Shutts & Bowen, where he is a member of the Government Law and Business Litigation Practice Groups. Andrew’s practice focuses on government contracts and commercial litigation. He regularly represents businesses contracting with all levels of government, and has experience in the procurement process.

Practice Areas

Government Contracts

Government Law