

**STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION
Haydon Burns Building
605 Suwannee Street
Tallahassee, Florida**

**TRIMBLE NAVIGATION LIMITED
CORP.,**

Petitioner,

vs.

**DOAH CASE NO: 12-3862BID
DOT CASE NO: 12-126**

DEPARTMENT OF TRANSPORTATION,

Respondent,

and

LEICA GEOSYSTEMS, INC.,

Intervenor.

FINAL ORDER

On September 6, 2012, the Department of Transportation (Department) posted its notice of intended award of RFP-DOT-12/13-9003-JP for the Statewide GPS Station Network Infrastructure Upgrade. The notice indicated that the intended award would be made to LEICA Geosystems, Inc. (LEICA). Trimble Navigation Limited Corp. (Trimble), filed a Notice of Protest on September 11, 2012, and a formal written protest and protest bond on September 21, 2012.

This matter was referred to the Division of Administrative Hearings (DOAH) on November 28, 2012, for assignment of an administrative law judge and a formal hearing. An administrative hearing was held in Tallahassee, Florida, on March 18, and March 19, 2013, before Suzanne Van Wyk, a duly appointed administrative law judge.

For Petitioner: J. Randolph MacPherson, Esquire
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Washington, D.C. 20006

For Respondent: C. Denise Johnson, Esquire
Assistant General Counsel
Department of Transportation
605 Suwannee Street, M.S. 58
Tallahassee, Florida 32399

For Intervenor: M. Christopher Bryant, Esquire
Oertel, Fernandez, Cole and Bryant, P.A.
301 South Bronough Street, 5th Floor
Post Office Box 1110
Tallahassee, Florida 32302

The parties presented the testimony of five current and/or former Department employees, John Krause, State Surveyor; Joyce Plummer, Procurement Agent; Alex Parnes, District 7 Locations Surveyor; Horace Roberts, Location Survey & Right of Way Mapping Manager; and Scott Harris, former Statewide GPS Manager. Trimble also presented the testimony of Thomas Mackie, Global Sales Manager for Trimble's Infrastructure Division. LEICA presented the testimony of Lee Meeks, LEICA's Director of Sales for Global Navigation Satellite System Reference Networks for the NAFTA Region. Joint Exhibits 1 through 15 were received into evidence. Petitioner also offered Exhibits P-1, P-2 and P-3 which were also admitted into evidence, over objection. The three volume transcript of the hearing was filed on April 3, 2013. The parties filed timely Proposed Recommended Orders, which were considered in the preparation of the Recommended Order.

STATEMENT OF THE ISSUE

The issue in this case is whether the Department's intended decision to award RFP-DOT-12/13-9003-JP to LEICA was contrary to the agency's statutes, rules, policies, or specifications.

FINDINGS OF FACT

1. After review of the record in its entirety, it is determined that the Administrative Law Judge's Findings of Fact in paragraphs 1 through 124 of the Recommend Order are supported by competent, substantial evidence, and are adopted and incorporated as if fully set forth herein.
2. The Department has incurred costs in the amount of \$1,676.07 for the record of the proceedings.

CONCLUSIONS OF LAW

1. The Department has jurisdiction over the subject matter of and the parties to this proceeding pursuant to Chapters 120 and 287, Florida Statutes.
2. The Conclusions of Law at paragraphs 125 through 146 of the Recommended Order are fully supported in law and are adopted and incorporated as if fully set forth herein.

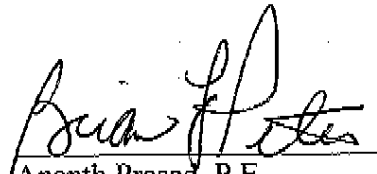
ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is

ORDERED that the notice of protest, and the formal protest filed by Trimble Navigation Limited Corp. challenging the award of RFP-DOT-12/13-9003-JP are hereby dismissed. It is further

ORDERED that the motion for costs filed by the Department of Transportation is granted. Trimble Navigation Limited Corp. shall pay the sum of \$1,676.07 to the Department within 30 days of the date of this order or the amount shall be deducted from the bond posted by Trimble Navigation Limited Corp.

DONE AND ORDERED this 13th day of June, 2013.

for 
Ananth Prasad, P.E.
Secretary
Department of Transportation
605 Suwannee Street
Haydon Burns Building
Tallahassee, Florida 32399-0458

FILED: D.O.T. CLERK
2013 JUN 13 PM 12:07

NOTICE OF RIGHT TO APPEAL

THIS ORDER CONSTITUTES FINAL AGENCY ACTION AND MAY BE APPEALED PURSUANT TO SECTION 120.68, FLORIDA STATUTES, AND RULES 9.100 AND 9.190, FLORIDA RULES OF APPELLATE PROCEDURE, BY FILING A NOTICE OF APPEAL CONFORMING TO THE REQUIREMENTS OF RULE 9.110(d), FLORIDA RULES OF APPELLATE PROCEDURE, BOTH WITH THE APPROPRIATE DISTRICT COURT OF APPEAL, ACCOMPANIED BY THE APPROPRIATE FILING FEE, AND WITH THE DEPARTMENT'S CLERK OF AGENCY PROCEEDINGS, HAYDON BURNS BUILDING, 605 SUWANNEE STREET, M.S. 58, TALLAHASSEE, FLORIDA 32399-0458, WITHIN 30 DAYS OF RENDITION OF THIS ORDER.

Copies furnished to:

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Florida Department of Transportation

**RICK SCOTT
GOVERNOR**

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**ANANTH PRASAD, P.E.
SECRETARY**

DELEGATION OF AUTHORITY

I, Ananth Prasad, P.E., Secretary of the Florida Department of Transportation, delegate to Brian Blanchard, as the Assistant Secretary for Engineering and Operations, and Brian Peters, as the Assistant Secretary for Finance and Administration, the authority and responsibility to take action on my behalf at anytime during my absence from the Department headquarters in Tallahassee. I also rescind any prior delegations to the contrary.

A handwritten signature in black ink, appearing to read "Ananth Prasad".

Ananth Prasad, P.E., Secretary
Florida Department of Transportation

7-10-2012

Date