

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

THE DEMOYA GROUP, INC.,

Petitioner,

vs.

STATE OF FLORIDA,  
DEPARTMENT OF TRANSPORTATION,

DOT CASE NO.: 15-049

Respondent,

and

PRINCE CONTRACTING, LLC.

Intervenor.

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**FINAL ORDER**

THIS PROCEEDING was initiated by Petitioner, The deMoya Group, Inc. (DMG), filing a notice of intent to protest on June 5, 2015, and Formal Written Protest on June 15, 2015, in response to the Respondent's, Department of Transportation (Department), posting an intent to award Design-Build RFP E4Q64 for Interstate 95 (I-95) Express Lanes Phase 3A-2 to Prince Contracting, LLC (Prince). The matter was referred to the Division of Administrative Hearings on September 14, 2015, and a Notice of Hearing was issued on September 17, 2015, scheduling this matter for hearing on October 14 and 15, 2015. Prior to the matter being heard, the parties entered into a Settlement Agreement, a copy of which is attached and incorporated by reference into this Final Order.

### **FINDINGS OF FACT**

1. On June 3, 2015, the Department posted its notice of intent to award Design Build RFP E4Q64 for the design and construction of Express Lanes on I-95 Phase 3A-2.
2. On June 5, 2015, DMG filed its notice of intent to protest and a protest bond.
3. DMG filed its Formal Written Protest on June 15, 2015.
4. This matter was referred to the Division of Administrative Hearings on September 14, 2015.
5. The matter was assigned to Administrative Law Judge Lawrence P. Stevenson, who scheduled the hearing for October 14, and 15, 2015. Prior to the matter being heard, DMG and Prince reached an agreement, wherein the Department concurred.
6. As a result of the Settlement Agreement, DMG filed a Notice of Voluntary Dismissal With Prejudice as to its protest with the Division of Administrative Hearings. Subsequently, the Division of Administrative Hearings entered an Order Closing File and Relinquishing Jurisdiction of the matter back to the Department.
7. The parties desire that the terms of the Settlement Agreement be incorporated by reference and made a part of the Final Order.

### **CONCLUSIONS OF LAW**

- A. The Department has jurisdiction over the parties to and the subject matter hereto pursuant to Chapter 120, Florida Statutes.
- B. As the parties have entered into a Settlement Agreement, the Settlement Agreement should be approved.


### **ORDER**

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

**ORDERED** that the attached Settlement Agreement is approved and is incorporated as if fully set forth herein. It is further

**ORDERED** that the notice of intent and formal protest filed by Petitioner, The De Moya Group, Inc., is hereby dismissed.

**DONE AND ORDERED** this 28<sup>th</sup> day of October, 2015.

  
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JIM BOXOLD  
Secretary  
Department of Transportation  
Haydon Burns Building  
605 Suwannee Street  
Tallahassee, Florida 32399

FILED D.O.I. CLERK  
2015 OCT 28 PM 3:18

**NOTICE OF RIGHT TO APPEAL**

**THIS ORDER CONSTITUTES FINAL AGENCY ACTION AND MAY BE APPEALED BY ANY PARTY PURSUANT TO SECTION 120.68, FLORIDA STATUTES, AND RULES 9.110 AND 9.190, FLORIDA RULES OF APPELLATE PROCEDURE, BY FILING A NOTICE OF APPEAL CONFORMING TO THE REQUIREMENTS OF RULE 9.100(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 THIRTY (30) DAYS OF RENDITION OF THIS ORDER.**

Copies furnished to:

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