

**STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION
Haydon Burns Building
605 Suwannee Street
Tallahassee, Florida 32399**

CYRIACKS ENVIRONMENTAL SERVICE, INC.,

Petitioner,

vs.

DOT CASE NO.: 15-087

DEPARTMENT OF TRANSPORTATION,

Respondent.

FINAL ORDER

On November 3, 2015, the Department of Transportation (Department) posted a notice of intent to award contract RFP-DOT-15/16-4004PM (RFP) for Districtwide Mitigation, Wildlife and Environmental Support Services. The Department's proposed agency action was to award the Districtwide contract to Cyriacks Environmental Services, Inc. (CECOS). On November 5, 2015, the Department posted a cancellation of the Intent to Award explaining the matter would be reviewed by the Selection Committee meeting on November 9, 2015. After determining there was an ambiguity in the price proposal instructions, the Department posted Addendum No. 4 to the RFP seeking resubmission of a new price proposal by the six bidding firms in accordance with the timeline provided in the Addendum.

Petitioner, CECOS, filed a notice of intent to protest on November 13, 2015. CECOS filed its formal protest and protest bond on November 23, 2015. On December 17, 2015, the Department cancelled the procurement and rescinded all agency action. The agency action which was the subject of the protest no longer exists.

FINDINGS OF FACT

1. On November 3, 2015, the Department of Transportation (Department) posted a notice of intent to award contract RFP-DOT-15/16-4004PM (RFP) for Districtwide Mitigation, Wildlife and Environmental Support Services in District 4 to CECOS.

2. On November 5, 2015, the Department posted a cancellation of the Intent to Award explaining the matter would be reviewed by the Selection Committee at a meeting on November 9, 2015.

3. After determining there was an ambiguity in the price proposal instructions, the Department posted Addendum No. 4 to the RFP on November 9, 2015, seeking resubmission of a new price proposal by the six bidding firms in accordance with the timeline provided in the Addendum.

4. CECOS filed a notice of intent to protest on November 13, 2015, and a formal protest and protest bond on November 23, 2015.

5. On December 17, 2015, the Department cancelled the procurement and rescinded all agency action.

6. On January 4, 2016, the Department issued an Order of Dismissal Without Prejudice setting forth that the agency action was extinguished and CECOS' protest was moot. The Order provided CECOS ten days to file written evidence of why the matter is not moot.

7. CECOS filed a Motion to Immediately Consolidate and Refer Protest and This Motion to DOAH to Have a Settlement Meeting, To Show Cause and to Vacate Order (Motion) on January 14, 2016.

8. In its Motion, CECOS did not raise facts showing why the extinguished agency action has not been rendered moot.

CONCLUSIONS OF LAW

A. The Department has jurisdiction over the subject matter and the parties to this proceeding pursuant to Section 120.57(3), Florida Statutes.

B. The Order of Dismissal set forth the Department's determination that issues raised in the petition were moot.

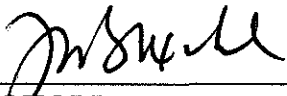
C. CECOS' failure to provide facts showing why the matter has not been rendered moot supports the Department's entry of a Final Order dismissing the case.

ORDER

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

ORDERED that the protest filed by Cyriacks Environmental Services, Inc., is dismissed.

DONE AND ORDERED this 27th day of January, 2016.



JIM BOXOLD
Secretary
Department of Transportation
605 Suwannee Street
Haydon Burns Building
Tallahassee, Florida 32399-0458

FILED D.O.T. OLEMK
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NOTICE OF RIGHT TO FILE AMENDED PETITION

THIS ORDER IS AN ORDER OF DISMISSAL WITHOUT PREJUDICE. THE PETITIONER(S) MAY, WITHIN 10 DAYS OF THE DATE OF THIS ORDER OF DISMISSAL, FILE AN AMENDED PETITION, ADDRESSING THE DEFICIENCIES NOTED IN THIS ORDER OF DISMISSAL. THE AMENDED PETITION SHOULD BE FILED WITH THE DEPARTMENT'S CLERK OF AGENCY PROCEEDINGS, HAYDON BURNS BUILDING, 605 SUWANNEE STREET, M.S. 58, TALLAHASSEE, FLORIDA 32399-0458. IF AN AMENDED PETITION IS NOT FILED WITHIN THE TIME PROVIDED ABOVE, THE DISMISSAL SHALL BE FINAL AND A FINAL ORDER WILL BE ENTERED.

Copies furnished to:

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