

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

**VE GROUP, LLC,**

**Petitioner,**

**vs.**

**DOT CASE NO.: 16-059  
DOAH CASE NO.: 17-3663BID**

**DEPARTMENT OF TRANSPORTATION,**

**Respondent.**

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**FINAL ORDER**

On December 20, 2016, the Department of Transportation (Department) posted the Shortlist Selection Results in Contract No. 17903, which listed Civil Services, Inc., Michael Baker International, Inc., and PMA Consultants, LLC. Petitioner, VE Group, LLC (VE Group) filed a Notice of Intent to Protest on December 22, 2016, and a formal protest and protest bond on December 30, 2016.

The Department referred the matter to the Division of Administrative Hearings (DOAH) on June 23, 2017, for assignment of an administrative law judge (ALJ) and a formal hearing.

An administrative hearing was held in Tallahassee, Florida, on August 11, 2017, before the Honorable G. W. Chisenhall, a duly appointed administrative law judge. Appearances on behalf of the parties were as follows:

For Petitioner: Brant Hargrove, Esquire  
Law Office of Brant Hargrove  
1291 Cedar Center Drive  
Tallahassee, Florida 32301

For Respondent: Douglas Dell Dolan, Esquire  
Department of Transportation  
605 Suwannee Street, MS-58  
Tallahassee, Florida 32399-0458

VE Group presented the testimony of Jon Ty Garner, a Department consultant, and William F. Ventry, President of VE Group. The Department presented the testimony of James Wolfe, Production Support Specialist II; Bobbie Goss, Value Engineering Program Manager; and Carla Murchison Perry, Procurement Manager. Joint Exhibits 1 through 11 were admitted into evidence. VE Group's Exhibits 1 and 2 were admitted into evidence after the ALJ overruled the Department's objections. VE Group's Exhibit 3 was admitted into evidence for a limited purpose. The transcript of the hearing was filed October 4, 2017. The parties filed Proposed Recommended Orders that were subsequently considered by the ALJ. Judge Chisenhall issued his Recommended Order on November 14, 2017. None of the parties filed exceptions to the Recommended Order.

#### **STATEMENT OF THE ISSUE**

The issue presented was whether the Department's decision to exclude VE Group from the shortlist of firms seeking to provide value engineering professional services to the Department was contrary to competition, clearly erroneous, arbitrary, or capricious.

#### **FINDINGS OF FACT**

1. The Findings of Fact set forth in paragraphs 1-77 of the Recommended Order are supported by competent, substantial evidence and the Department adopts the Findings of Fact set forth in paragraphs 1-77 of the Recommended Order and incorporates them by reference.

2. None of the parties filed exceptions to the Findings of Fact in the Recommended Order.

3. The Department has incurred \$764.75 in taxable costs for transcript and mailing costs and charges.

### CONCLUSIONS OF LAW

A. The Department has jurisdiction over the subject matter of and the parties to this proceeding pursuant to Chapters 120 and 287, Florida Statutes.

B. The Conclusions of Law set forth in paragraphs 78-84 of the Recommended Order are supported by law and the Department adopts the Conclusions of Law set forth in paragraphs 78-84 of the Recommended Order and incorporates them by reference.

C. None of the parties filed exceptions to the Conclusions of Law in the Recommended Order.

### ORDER

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

**ORDERED** that VE Group, LLC, is determined to have failed to establish that the Department's decision to exclude VE Group from the shortlist was contrary to competition, clearly erroneous, arbitrary, or capricious. It is therefore

**ORDERED** that the protest of VE Group, LLC, is dismissed.

**ORDERED** that the motion for costs by the Department of Transportation is granted. VE Group, LLC shall pay the sum of \$764.75 to the Department within 30 days of the date of this order or the amount shall be deducted from the bond posted by VE Group, LLC.

**DONE AND ORDERED** this 14<sup>th</sup> day of December, 2017.



**MIKE DEW**  
Secretary  
Department of Transportation  
605 Suwannee Street  
Haydon Burns Building  
Tallahassee, Florida 32399-0458

FILED D.O.T. CLERK  
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**NOTICE OF RIGHT TO APPEAL**

**THIS ORDER CONSTITUTES FINAL AGENCY ACTION AND MAY BE APPEALED PURSUANT TO SECTION 120.68, FLORIDA STATUTES, AND RULES 9.110 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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