

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

**NETWORK ENGINEERING SERVICES, INC. D/B/A  
BOLTON PEREZ AND ASSOCIATES,**

**Petitioner,**

vs.

**DOAH CASE NO. 20-3336  
DOT CASE NO. 20-034**

**DEPARTMENT OF TRANSPORTATION,**

**Respondent.**

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**FINAL ORDER**

On July 10, 2020, a Petition for Formal Administrative Hearing was filed by Petitioner, Network Engineering Services, Inc. D/B/A Bolton Perez and Associates (“BPA”). The Petition was filed in response to a Notice of Intent to Deny Qualifications issued by the Department of Transportation (“Department”) for Certain Work Types (“Notice”) on June 18, 2020. The Notice stated an intent to deny BPA’s application for renewal of its annual Certificate of Qualification in Standard Work Types 10.1, Roadway Construction Engineering, Inspection; 10.3, Construction Materials Inspection; 10.4, Minor Bridge & Miscellaneous Structures CEI; and 11.0, Engineering Contract Administration and Management for the qualification period beginning July 1, 2020, and continuing through June 30, 2021.

Before the matter could be heard, the parties entered into a Stipulation of Settlement, which is attached hereto and made a part hereof, resolving all issues.

### **FINDINGS OF FACT**

1. On June 18, 2020, the Department issued the Notice to BPA.
2. On July 10, 2020, BPA filed a timely petition for a formal administrative hearing with the Department.
3. On July 24, 2020, this matter was referred to the Division of Administrative Hearings (“DOAH”), where it was assigned DOAH Case No. 20-3336.
4. On November 30, 2020, prior to the matter being heard, the Parties entered into a Stipulation of Settlement, attached hereto, resolving all matters at issue in this proceeding.
5. On December 4, 2020, the parties filed a Joint Motion to Relinquish Jurisdiction to the Department in DOAH Case No. 20-3336.
6. On December 7, 2020, DOAH closed its case file and relinquished jurisdiction regarding this matter to the Department, with leave to reopen the case file.
7. BPA agreed to a dismissal of its Petition upon entry of this Final Order.

### **CONCLUSIONS OF LAW**

The Department has jurisdiction over the subject matter of and the parties to this proceeding pursuant to Chapter 337, Florida Statutes, and Rule Chapter 14-75, Florida Administrative Code.

### **ORDER**

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

**ORDERED** that the attached Stipulation of Settlement is approved and adopted as if fully set forth herein. It is further

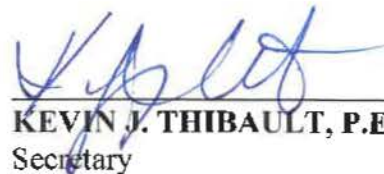
**ORDERED** that except as provided in the subsequent paragraph, for the qualifications period beginning July 1, 2020 and continuing through June 30, 2021, BPA shall voluntarily refrain from (i) bidding on all projects the Department lets during such period and (ii) quoting work as a

subcontractor or materials supplier on projects let by the Department during such period for Standard Work Types 10.1, Roadway Construction Engineering, Inspection; 10.3, Construction Materials Inspection; 10.4, Minor Bridge & Miscellaneous Structures CEI; and 11.0, Engineering Contract Administration and Management.

**ORDERED** that starting January 1, 2021, BPA may serve as a subcontractor or subconsultant for the following FDOT District Six contracts: Contract CA080 (NW 47th Ave.) and Contract CA732 (Districtwide CEI).

**ORDERED** that the petition for administrative hearing filed by BPA in this matter is dismissed.

**DONE** and **ORDERED** this 15<sup>th</sup> day of December 2020.



KEVIN J. THIBAUT, P.E.  
Secretary  
Department of Transportation  
Haydon Burns Building  
605 Suwannee Street  
Tallahassee, Florida 32399

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**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 9.110(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:

**SONYA DAWS, Esquire**  
Chief, Administrative Law  
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