

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

EGIS PROJECTS, INC.

Petitioner,

vs.

**DOT CASE NO.: 21-024
DOAH CASE NO. 21-2161BID**

**FLORIDA DEPARTMENT
OF TRANSPORTATION,**

Respondent,

and

**CONDUENT STATE AND LOCAL
SOLUTIONS, INC.,**

Intervenor.

FINAL ORDER

On May 26, 2021, the Department of Transportation (“Department”) received a notice of protest filing related to DOT-RFP-20-8019-SM, Customer Service Operations. The notice was filed by Petitioner Egis Projects, Inc. (“Egis”). On June 4, 2021, Egis filed its Formal Written Protest and Petition for Administrative Hearing. The Petition generally alleges that the Department’s information technology systems malfunctioned and resulted in Egis’s proposal being rejected as untimely. The Petition was referred to the Division of Administrative Hearings on July 8, 2021. On July 14, 2021, the Department filed a motion to relinquish jurisdiction based on Egis’s violations of the “cone of silence” provision found in section 287.057(23), Florida Statutes. Egis

responded to the motion on July 19, 2021. On July 20, 2021, Judge Newton issued an Order Closing File and Relinquishing Jurisdiction (“Order”) based upon the violations. The Order is attached as Exhibit A. This Final Order follows.

FINDINGS OF FACT

1. The undisputed material facts found in paragraphs 1 through 12 of the Order are hereby adopted and incorporated by reference, with one minor change: the transcription found in paragraph 9 of the Order should read “Jenniffer” instead of “Jennifer” because it refers to Secretary Thibault’s assistant, Jenniffer Parfitt.

CONCLUSIONS OF LAW

A. The Analysis located on pages 4-5 of the Order is hereby adopted and incorporated by reference.

B. Egis violated the “cone of silence” provisions of section 287.057(23), Florida Statutes, and therefore is a nonresponsive bidder without standing to challenge the Department’s actions in the procurement.


C. As a nonresponsive bidder, Egis has “no chance of obtaining the contract award.” See AHF MCO of Florida, Inc. v. Agency for Healthcare Administration, 308 So. 3d 1136, 1139 (Fla. 1st DCA 2020).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, and those contained in the Order, it is **ORDERED**:

1. Egis’s Protest is hereby **DISMISSED**.

DONE AND ORDERED this 25th day of August, 2021.

for 

KEVIN J. THIBAUT, P.E.
Secretary
Department of Transportation
605 Suwannee Street
Haydon Burns Building
Tallahassee, Florida 32399-0458

FILED D.O.T. CLERK
2021 AUG 25 AM 9:01

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, MS-58, TALLAHASSEE, FLORIDA 32399-0458, WITHIN 30 DAYS OF RENDITION OF THIS ORDER.

Copies furnished to:

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Florida Department of Transportation

**RON DESANTIS
GOVERNOR**

605 Suwannee Street
Tallahassee, FL 32399-0450

**KEVIN J. THIBAUT, P.E.
SECRETARY**

DELEGATION OF AUTHORITY

I, Kevin J. Thibault, P.E., Secretary of the Florida Department of Transportation, delegate to Torey Alston as the Chief of Staff and Courtney Drummond, P.E. as the Assistant Secretary for Engineering and Operations, and Stacy Miller, P.E., 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 "Kevin J. Thibault", is written over a horizontal line.

Kevin J. Thibault, P.E., Secretary
Florida Department of Transportation

4.23.2020

Date