



July 12, 2012

**Via Federal Express**

Florida Supreme Court  
Attention: Clerk's Office  
500 South Duval Street  
Tallahassee, Florida 32399-1927

Re: *Florida Blacktop, Inc. v. West Construction, Inc.*,  
Supreme Court of Florida Case No. \_\_\_\_\_  
In the Fourth District Court of Appeal of Florida, Case No. 4D11-408

To Whom It May Concern:

Enclosed for filing and the Court's consideration is The American Subcontractors Association, Inc.'s Notice of Intent to File an Amicus Brief on the Merits.

We appreciate your administration of this matter.

Respectfully submitted,

  
Francisco Touron III

Enclosure

cc: Eric B. Travers, Of Counsel  
Joseph W. Lawrence, II, Attorney for Florida Blacktop, Inc. (via regular mail)  
Allen R. Tomlinson, Attorney for West Construction, Inc. (via regular mail)

**IN THE SUPREME COURT OF FLORIDA**

**FLORIDA BLACKTOP, INC.**  
**Petitioner,**

**In the District Court of Appeal  
of Florida, Fourth District  
Case No. 4D11-408**

v.

**WEST CONSTRUCTION, INC.**  
**Respondent.**

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**NOTICE OF THE AMERICAN SUBCONTRACTORS ASSOCIATION,  
INC.'S INTENT TO FILE AN AMICUS BRIEF ON THE MERITS**

Pursuant to Florida Rule of Appellate Procedure 9.370(d), The American Subcontractors Association, Inc. (“ASA”) files this Notice of Intent to Seek Leave to File an Amicus Brief on the merits in support of Petitioner, Florida Blacktop, Inc. if this Court accepts jurisdiction. In support, ASA states as follows:

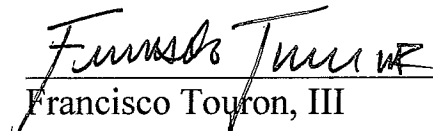
1. ASA is the largest, national organization and advocate for the interests of subcontractors, specialty contractors, and material suppliers throughout the United States, with thousands of members throughout the United States, including hundreds of members located or doing business in Florida. ASA is organized to promote fair and equitable business practices.

2. The Fourth District Court of Appeal’s decision directly and expressly conflicts with a decision of another district court of appeal or of the Florida Supreme Court on the same question of law, and in the process raises issues of great public importance —with state and national implications— as the decision

below involves whether Florida law still permits an offeror to control the terms of its offer, whether bid shopping is encouraged or discouraged, and whether promissory estoppel remains recognized in Florida.

3. Because resolving these issues directly relate, affect, and impact bidding practices designed to promote a fair and equitable business environment, the Court's decision will have statewide implications and will significantly affect the rights and interests of ASA members, and the welfare and business climate of public and private construction in Florida.

Respectfully submitted,



Francisco Touron, III

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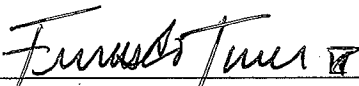
*Counsel for Amicus Curiae*

*American Subcontractors Association, Inc.*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and accurate copy of the foregoing was served via United States Mail on Allen R. Tomlinson, Jones Foster, Post Office Box 3475, West Palm Beach, FL 33402 and Joseph W. Lawrence, II, Vezina, Lawrence & Piscitelli, P.A., 300 S.W. 1<sup>st</sup> Ave., Fort Lauderdale, FL on this 11<sup>th</sup> day of July, 2012.

Respectfully submitted,

  
\_\_\_\_\_  
Francisco Touron, III