



OFFICE OF THE PUBLIC AUDITOR

March 7, 2006

Mr. Lawrence Perez  
Director  
Department of Public Works  
Government of Guam  
542 N. Marine Corps Drive  
Tamuning, Guam 96913

Buenas Mr. Perez,

As you know, the Office of the Public Auditor was tasked by P.L. 28-68 to serve in place and stead of the former Procurement Appeals Board in deciding procurement appeals. To that end, I have been designated by the Public Auditor to be the Hearings Officer for Procurement Appeals. I have begun to work on the rules and regulations required for the hearings, as well as guidelines for processing the appeals within OPA.

As your agencies have been instrumental in procurement and resolution of procurement matters for many years, I invite you to submit any suggestions, facts, arguments and views in advance of the drafting of rules. I am also specifically requesting from your agencies copies of any rules and regulations outside of 5 GCA or 2 GAR used by your agency in its procurement, procurement protests, or other procurement matters. If there are prior or existing agency decisions, or guidelines as to the determination of contests or the interpretation of the statutes or rules and regulations, I would appreciate a copy of those as well.

Of course, if you have concerns that you believe I will be able to immediately address in the rules for procurement appeals, please do not hesitate to share them. It is my goal to incorporate as much as possible of the consistent procedures already in place in the hopes of expediting the hearing and appeal process.

You may reach me at 475-0390, extension 221, or via email at [tterlaje@guamopa.org](mailto:tterlaje@guamopa.org). Thank you in advance for your assistance.

Senseramente,

Therese M. Terlaje  
Hearings Officer



OFFICE OF THE PUBLIC AUDITOR

March 7, 2006

Ms. Claudia S. Acfalle  
Chief Procurement Officer  
General Services Agency  
Department of Administration  
Government of Guam  
148 Route 1 Marine Drive  
Piti, Guam 96915

Buenas Ms. Acfalle,

As you know, the Office of the Public Auditor was tasked by P.L. 28-68 to serve in place and stead of the former Procurement Appeals Board in deciding procurement appeals. To that end, I have been designated by the Public Auditor to be the Hearings Officer for Procurement Appeals. I have begun to work on the rules and regulations required for the hearings, as well as guidelines for processing the appeals within OPA.

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You may reach me at 475-0390, extension 221, or via email at [tterlaje@guamopa.org](mailto:tterlaje@guamopa.org). Thank you in advance for your assistance.

Senseramente,

Therese M. Terlaje  
Hearings Officer



OFFICE OF THE PUBLIC AUDITOR



May 16, 2006

Honorable Felix P. Camacho  
Governor  
Office of the Governor  
P.O. Box 2950  
Hagatna, Guam 96932

Dear Governor Camacho:

The Public Auditor, in accordance with P.L. 28-68, the Guam Procurement Law (5 GCA Ch.5), and the Administrative Adjudication Law (5 GCA Ch.9), will hold a public hearing to receive comment on the proposed **Rules of Procedure for Procurement Appeals** on May 31, 2006, at 2:00 p.m. at the Office of the Public Auditor Procurement Appeals public hearing room located on the 4<sup>th</sup> Floor of the Pacific News Building, Suite 403B in Hagatna, Guam.

The public is invited to submit written or oral testimony at the hearing or to submit electronic testimony via the OPA website at [admin@guamopa.org](mailto:admin@guamopa.org).

Copies of the proposed Rules of Procedure for Procurement Appeals may be picked up or examined at the Office of the Public Auditor, or may be viewed at [www.guamopa.org](http://www.guamopa.org).

Senseramente,

Doris Flores Brooks, CPA, CGFM  
Public Auditor

RECEIPT ACKNOWLEDGED:

By: \_\_\_\_\_

Date: \_\_\_\_\_



OFFICE OF THE PUBLIC AUDITOR

May 16, 2006

Honorable Kaleo S. Moylan  
Lt. Governor  
Office of the Lieutenant Governor  
P.O. Box 2950  
Hagatna, Guam 96932



Hafa Adai Lt. Governor Moylan,

The Public Auditor, in accordance with P.L. 28-68, the Guam Procurement Law (5 GCA Ch.5), and the Administrative Adjudication Law (5 GCA Ch.9), will hold a public hearing to receive comment on the proposed **Rules of Procedure for Procurement Appeals** on May 31, 2006, at 2:00 p.m. at the Office of the Public Auditor Procurement Appeals public hearing room located on the 4<sup>th</sup> Floor of the Pacific News Building, Suite 403B in Hagatna, Guam.

The public is invited to submit written or oral testimony at the hearing or to submit electronic testimony via the OPA website at [admin@guamopa.org](mailto:admin@guamopa.org).

Copies of the proposed Rules of Procedure for Procurement Appeals may be picked up or examined at the Office of the Public Auditor, or may be viewed at [www.guamopa.org](http://www.guamopa.org).

Senseramente

Doris Flores Brooks, CPA, CGFM  
Public Auditor

RECEIPT ACKNOWLEDGED:

By: \_\_\_\_\_

Date: \_\_\_\_\_



OFFICE OF THE PUBLIC AUDITOR

May 16, 2006

Lawrence Perez  
Director of Public Works  
542 North Marine Drive Corps Drive  
Upper Tumon, Guam 96913

Dear Mr. Perez,

Transmitted herewith are draft Rules of Procedure for Procurement Appeals. A hearing on these proposed rules will be held on May 31, 2006, at 2 p.m. at the Office of the Public Auditor conference room.

I would very much appreciate your review and comment on the draft rules, as the bulk of the process involves your agency and the proposed rules may have significant impact on the current protest and controversy procedures.

In a related matter, I would also respectfully suggest to you that existing sections of the procurement rules, promulgated in 1999 through the work of the Policy Office, the Office of the Attorney General, and others, need to be amended to comply with the current law. These proposed amendments are also attached and sent to you for your further action, but will not be part of our public hearing or transmittal to the Legislature.

Thank you for your prompt consideration and attention to these matters. If there are any questions please do not hesitate to contact me by phone at 475-0390 ext. 221 or at [tterlaje@guamopa.org](mailto:tterlaje@guamopa.org).

Senseramente,

Therese Terlaje  
Procurement Appeals Hearing Officer

Enclosures  
Draft Rules of Procedure for Procurement Appeals  
Suggested amendments to 2 GAR



OFFICE OF THE PUBLIC AUDITOR

May 16, 2006

Andrew Sergio Quenga  
Compiler of Laws  
Guam Judicial Center  
120 West O'Brien Drive  
Hagatna, Guam 96910

Dear Mr. Quenga,

Transmitted herewith are draft Rules of Procedure for Procurement Appeals. A hearing on these proposed rules will be held on May 31, 2006, at 2 p.m. at the Office of the Public Auditor conference room.

I would very much appreciate your review and comment on the draft rules. Any suggestion to address potential gaps is especially welcome. As we discussed, it appears to me that there are existing sections of the procurement rules, promulgated in 1999, which need to be amended to comply with current law. These proposed amendments are also attached and I would appreciate your input as to this. Amendments to the existing rules (2 GAR) will not be part of our public hearing or transmittal to the Legislature.

Thank you for your consideration and input on these matters. If there are any questions please do not hesitate to contact me by phone at 475-0390 ext. 221 or at [terlaje@guamopa.org](mailto:terlaje@guamopa.org).

Senseramente,

Therese Terlaje  
Procurement Appeals Hearing Officer

**RECEIVED**  
Office of the Compiler of Laws  
By: \_\_\_\_\_  
Date: 5/17/06  
Time: 1:55 pm

Enclosures  
Draft Rules of Procedure for Procurement Appeals  
Suggested amendments to 2 GAR



OFFICE OF THE PUBLIC AUDITOR

## NOTICE OF PUBLIC HEARING

May 16, 2006

Guam Contractors License Board  
542 North Marine Corp Dr. - A  
Tamuning, Guam 96911

Subject: Hearing on Proposed Rules of Procedures for Procurement Appeals

Hafa Adai,

The Public Auditor, in accordance with P.L. 28-68, the Guam Procurement Law (5 GCA Ch.5), and the Administrative Adjudication Law (5 GCA Ch.9), will hold a public hearing to receive comment on the proposed **Rules of Procedure for Procurement Appeals** on May 31, 2006, at 2:00 p.m. at the Office of the Public Auditor Procurement Appeals public hearing room located on the 4<sup>th</sup> Floor of the Pacific News Building, Suite 403B in Hagatna, Guam.

The public is invited to submit written or oral testimony at the hearing or to submit electronic testimony via the OPA website at [admin@guamopa.org](mailto:admin@guamopa.org).

Copies of the proposed Rules of Procedure for Procurement Appeals may be picked up or examined at the Office of the Public Auditor, or may be viewed at [www.guamopa.org](http://www.guamopa.org).

Senseramente,

Doris Flores Brooks, CPA, CGFM  
Public Auditor



OFFICE OF THE PUBLIC AUDITOR

May 16, 2006

Lourdes Perez  
Director of Administration  
Manuel FL Guerrero Building  
212 Aspinall Avenue  
Hagatna, Guam 96910

PHOTO COPY  
DEPT. OF ADMINISTRATION  
M-7-5  
2006 MAY 17 AM 9:16  
DIRECTIONS OFFICE

Dear Ms. Perez,

Transmitted herewith are draft Rules of Procedure for Procurement Appeals. A hearing on these proposed rules will be held on May 31, 2006, at 2 p.m. at the Office of the Public Auditor conference room.

I would very much appreciate your review and comment on the draft rules, as the bulk of the process involves your agency and the proposed rules may have significant impact on the current protest and controversy procedures.

In a related matter, I would also respectfully suggest to you that existing sections of the procurement rules, promulgated in 1999 through the work of the Policy Office, the Office of the Attorney General, and others, need to be amended to comply with the current law. These proposed amendments are also attached and sent to you for your further action, but will not be part of our public hearing or transmittal to the Legislature.

Thank you for your prompt consideration and attention to these matters. If there are any questions please do not hesitate to contact me by phone at 475-0390 ext. 221 or at [tterlaje@guamopa.org](mailto:tterlaje@guamopa.org).

Senseramente,

Therese Terlaje  
Procurement Appeals Hearing Officer

Enclosures  
Draft Rules of Procedure for Procurement Appeals  
Suggested amendments to 2 GAR





OFFICE OF THE PUBLIC AUDITOR

May 16, 2006

Douglas B. Moylan  
Attorney General of Guam  
The Justice Building  
287 West O'Brien Drive  
Hagatna, Guam 96910

Dear Attorney General Moylan,

Transmitted herewith are draft Rules of Procedure for Procurement Appeals. A hearing on these proposed rules will be held on May 31, 2006, at 2 p.m. at the Office of the Public Auditor conference room.

I would very much appreciate your review and comment on the draft rules, as the process involves your agency and the proposed rules may have significant impact on the current protest and controversy procedures.

In a related matter, I would also respectfully suggest to you that existing sections of the procurement rules, promulgated in 1999 through the work of the Policy Office, the Office of the Attorney General, and others, need to be amended to comply with the current law. These proposed amendments are also attached and sent to you for your further action, but will not be part of our public hearing or transmittal to the Legislature.

Thank you for your prompt consideration and attention to these matters. If there are any questions please do not hesitate to contact me by phone at 475-0390 ext. 221 or at [tterlaje@guamopa.org](mailto:tterlaje@guamopa.org).

Senseramente,

Therese Terlaje  
Procurement Appeals Hearing Officer



RECEIVED  
MAY 17 2006

Enclosures  
Draft Rules of Procedure for Procurement Appeals  
Suggested amendments to 2 GAR











OFFICE OF THE PUBLIC AUDITOR

May 16, 2006

Honorable Edward J.B. Calvo  
Senator  
Mina Bente Ocho Na Liheslaturan Guahan  
155 Hesler Pl.  
Hagatna, Guam 96910

Dear Senator Calvo:

The Public Auditor, in accordance with P.L. 28-68, the Guam Procurement Law (5 GCA Ch.5), and the Administrative Adjudication Law (5 GCA Ch.9), will hold a public hearing to receive comment on the proposed **Rules of Procedure for Procurement Appeals** on May 31, 2006, at 2:00 p.m. at the Office of the Public Auditor Procurement Appeals public hearing room located on the 4<sup>th</sup> Floor of the Pacific News Building, Suite 403B in Hagatna, Guam.

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Copies of the proposed Rules of Procedure for Procurement Appeals may be picked up or examined at the Office of the Public Auditor, or may be viewed at [www.guamopa.org](http://www.guamopa.org).

Senseramente,

Doris Flores Brooks, CPA, CGFM  
Public Auditor

RECEIPT ACKNOWLEDGED:

By:       28      

Date:       5-17-06









OFFICE OF THE PUBLIC AUDITOR

May 16, 2006

Honorable Larry F. Kasperbauer, Ph.D.  
Senator  
Mina Bente Ocho Na Liheslaturan Guahan  
Suite 16B, Sinajana Shopping Mall  
777 Route 4  
Sinajana, Guam 96926

Dear Senator Kasperbauer:

The Public Auditor, in accordance with P.L. 28-68, the Guam Procurement Law (5 GCA Ch.5), and the Administrative Adjudication Law (5 GCA Ch.9), will hold a public hearing to receive comment on the proposed **Rules of Procedure for Procurement Appeals** on May 31, 2006, at 2:00 p.m. at the Office of the Public Auditor Procurement Appeals public hearing room located on the 4<sup>th</sup> Floor of the Pacific News Building, Suite 403B in Hagatna, Guam.

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Senseramente

Doris Flores Brooks, CPA, CGFM  
Public Auditor

RECEIPT ACKNOWLEDGED:

By: 38  
5-17-06

Date: \_\_\_\_\_







OFFICE OF THE PUBLIC AUDITOR

May 16, 2006

Honorable Adolpho B. Palacios, Sr.  
Senator  
Mina Bente Ocho Na Liheslaturan Guahan  
Suite 101 Guam Marine Plaza  
142 West Seaton Blvd.  
Hagatna, Guam 96910


Dear Senator Palacios:

The Public Auditor, in accordance with P.L. 28-68, the Guam Procurement Law (5 GCA Ch.5), and the Administrative Adjudication Law (5 GCA Ch.9), will hold a public hearing to receive comment on the proposed **Rules of Procedure for Procurement Appeals** on May 31, 2006, at 2:00 p.m. at the Office of the Public Auditor Procurement Appeals public hearing room located on the 4<sup>th</sup> Floor of the Pacific News Building, Suite 403B in Hagatna, Guam.

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Senseramente,

  
Doris Flores Brooks, CPA, CGFM  
Public Auditor

RECEIPT ACKNOWLEDGED:

By: \_\_\_\_\_

Date: \_\_\_\_\_



OFFICE OF THE PUBLIC AUDITOR

May 16, 2006

Honorable Rory J. Respicio  
Senator  
Mina Bente Ocho Na Liheslaturan Guahan  
155 Hesler Pl.  
Hagatna, Guam 96910

Dear Senator Respicio:

The Public Auditor, in accordance with P.L. 28-68, the Guam Procurement Law (5 GCA Ch.5), and the Administrative Adjudication Law (5 GCA Ch.9), will hold a public hearing to receive comment on the proposed **Rules of Procedure for Procurement Appeals** on May 31, 2006, at 2:00 p.m. at the Office of the Public Auditor Procurement Appeals public hearing room located on the 4<sup>th</sup> Floor of the Pacific News Building, Suite 403B in Hagatna, Guam.

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Senseramente,

Doris Flores Brooks, CPA, CGFM  
Public Auditor

RECEIPT ACKNOWLEDGED:

By: \_\_\_\_\_

*DF*

Date: \_\_\_\_\_

*5-17-06*



OFFICE OF THE PUBLIC AUDITOR

May 16, 2006

Honorable Ray Tenorio  
Senator  
Mina Bente Ocho Na Liheslaturan Guahan  
Suite 104, Dela Corte Bldg.  
167 East Marine Corps. Dr.  
Hagatna, Guam 96910

Dear Senator Tenorio:

The Public Auditor, in accordance with P.L. 28-68, the Guam Procurement Law (5 GCA Ch.5), and the Administrative Adjudication Law (5 GCA Ch.9), will hold a public hearing to receive comment on the proposed **Rules of Procedure for Procurement Appeals** on May 31, 2006, at 2:00 p.m. at the Office of the Public Auditor Procurement Appeals public hearing room located on the 4<sup>th</sup> Floor of the Pacific News Building, Suite 403B in Hagatna, Guam.

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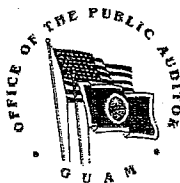
Senseramente

Doris Flores Brooks, CPA, CGFM  
Public Auditor

RECEIPT ACKNOWLEDGED:

By: \_\_\_\_\_

Date: \_\_\_\_\_



OFFICE OF THE PUBLIC AUDITOR

May 16, 2006

Honorable Antonio "Tony" R. Unpingco  
Senator  
Mina Bente Ocho Na Liheslaturan Guahan  
155 Hesler Pl.  
Hagatna, Guam 96910

Dear Senator Unpingco:

The Public Auditor, in accordance with P.L. 28-68, the Guam Procurement Law (5 GCA Ch.5), and the Administrative Adjudication Law (5 GCA Ch.9), will hold a public hearing to receive comment on the proposed **Rules of Procedure for Procurement Appeals** on May 31, 2006, at 2:00 p.m. at the Office of the Public Auditor Procurement Appeals public hearing room located on the 4<sup>th</sup> Floor of the Pacific News Building, Suite 403B in Hagatna, Guam.

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Doris Flores Brooks, CPA, CGFM  
Public Auditor

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Date: \_\_\_\_\_

