

Suite 401 DNA Building  
 238 Archbishop Flores St.  
 Hagåtña, Guam 96910



# FAX

<b>To:</b>	<b>Ms. Claudia S. Acfalle</b> <b>Chief Procurement Officer</b> General Services Agency Department of Administration 148 Route 1 Marine Drive Piti, Guam 96915 Phone: (671) 475-1707 Fax: (671) 475-1727/472-4217	<b>From:</b>	<b>Benjamin J.F. Cruz</b> <b>Public Auditor</b> Office of Public Accountability
		<b>Pages:</b>	5 (including cover page)
<b>CC:</b>	<b>Mr. R. Erik Soderholm</b> <b>Vice President</b> Soderholm Sales and Leasing, Inc. P.O. Box 19010 Honolulu, Hawaii 96817 Phone: (808) 834-1417 Fax: (808) 834-1070 Email: <a href="mailto:erik@solderholmbus.com">erik@solderholmbus.com</a>	<b>Date:</b>	June 29, 2020
		<b>Phone:</b> <b>Fax:</b>	(671) 475-0390 x. 208 (671) 472-7951

**Re:** OPA-PA-20-006 Notice of Receipt of Appeal

For Review

Please Comment

Please Reply

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**Comments:**

Please acknowledge receipt of this transmittal by re-sending this cover page along with your firm or agency's receipt stamp, date, and initials of receiver.

Thank you,

Jerrick Hernandez, Auditor

[jhernandez@guamopa.com](mailto:jhernandez@guamopa.com)



## OFFICE OF PUBLIC ACCOUNTABILITY

Suite 401 Pacific News Building, 238 Archbishop Flores St., Hagåtña, Guam 96910

Phone: (671) 475-0390 / FAX: (671) 472-7951

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June 29, 2020

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

VIA FACSIMILE: (671) 475-1727

Re: Notice of Receipt of Appeal – OPA-PA-20-006

Dear Ms. Acfalle,

Please be advised that Soderholm Sales and Leasing, Inc. (hereinafter referred to as “Soderholm”) filed an appeal with the Office of Public Accountability (OPA) on June 29, 2020, regarding the General Services Agency’s response to Soderholm’s protest of the procurement award for Passenger Bus, ADA Compliant Buses, Invitation for bid No. GSA-055-19. OPA has assigned this appeal case number OPA-PA-20-006.

Immediate action is required of GSA pursuant to the Rules of Procedure for Procurement Appeals, found in Chapter 12 of the Guam Administrative Regulations (GAR). Copies of the rules, the appeal, and all filing deadlines are available at OPA’s office and on its website at [www.opaguam.org](http://www.opaguam.org). The first six pages of the notice of appeal filed with OPA is enclosed for your reference.

Please provide the required notice of this appeal to the relative parties with instructions that they should communicate directly with OPA regarding the appeals. You are also responsible for giving notice to the Attorney General or other legal counsel for your agency. Promptly provide OPA with the identities and addresses of interested parties and a formal entry of appearance by your legal counsel.

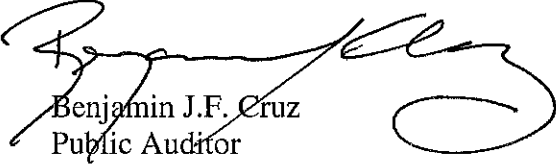
Pursuant to 2 GAR, Div. 4, Ch. 12, §12104(3), the submission of one complete copy of the procurement record for the procurement solicitation above, as outlined in Title 5, Chapter 5, §5249 of the Guam Code Annotated is required no later than **Tuesday, July 7, 2020**, five work days following this Notice of Receipt of Appeal. We also request one copy of the Agency Report for each of the procurement solicitations cited above, as outlined in 2 GAR, Div. 4, Chap. 12, §12105, by **Tuesday, July 14, 2020**, ten work days following receipt of this notice.

When filing all other required documents with our office, please provide one original and two copies to OPA (Electronic files of the two copies are acceptable for OPA), and serve a copy to

Soderholm. Although the Guam Procurement Law and Regulations require only one copy of the procurement record, OPA respectfully asks that GSA provide one original and two copies of the said record (Electronic files of the two copies are acceptable), which will be distributed as follows: Copy-1: Master File; Copy-2: Public Auditor; and Copy-3: Hearing Officer.

Thank you for your prompt attention to this matter. Please contact Jerrick Hernandez at 475-0390 ext. 208 or [jhernandez@guamopa.com](mailto:jhernandez@guamopa.com) should you have any questions regarding this notice.

Sincerely,

  
Benjamin J.F. Cruz  
Public Auditor

Enclosure: First two Pages of the Notice of Appeal – OPA-PA-20-006

Cc: R. Erik Soderholm, Vice President of Appellant Soderholm



Appendix A: Notice of Appeal Form  
PROCUREMENT APPEAL

**RECEIVED**  
OFFICE OF PUBLIC ACCOUNTABILITY  
PROCUREMENT APPEALS

DATE: 6/29/2020 (via email)

TIME: 8:37  AM  PM BY: jet

FILE NO OPA-PA: 20-006

**PART I- To be completed by OPA**

In the Appeal of )  
)  
)  
Soderholm Sales and Leasing, Inc.  
(Name of Company), APPELLANT )  
)  
)  
\_\_\_\_\_ )

**NOTICE OF APPEAL**

Docket No. OPA-PA \_\_\_\_\_

**PART II- Appellant Information**

Name: Soderholm Sales and Leasing, Inc.  
Mailing Address: PO Box 19010  
Honolulu, Hawaii 96817  
Business Address: 2044 Dillingham Blvd.  
Honolulu, Hawaii 96819  
Email Address: erik@soderholmbus.com  
Daytime Contact No: (808) 834-1417  
Fax No.: (808) 834-1070

**PART III- Appeal Information**

A) Purchasing Agency: General Services Agency (GSA)

B) Identification/Number of Procurement, Solicitation, or Contract: GSA-055-19

C) Decision being appealed was made on 6/22/20 (date) by:  
 Chief Procurement Officer  Director of Public Works  Head of Purchasing Agency

*Note: You must serve the Agency checked here with a copy of this Appeal within 24 hours of filing.*

D) Appeal is made from:

*(Please select one and attach a copy of the Decision to this form)*

- Decision on Protest of Method, Solicitation or Award  
 Decision on Debarment or Suspension  
 Decision on Contract or Breach of Contract Controversy  
(Excluding claims of money owed to or by the government)  
 Determination on Award not Stayed Pending Protest or Appeal  
(Agency decision that award pending protest or appeal was necessary to protect the substantial interests of the government of Guam)

E) Names of Competing Bidders, Offerors, or Contractors known to Appellant:

Monster Auto Spot

_____	_____
_____	_____
_____	_____
_____	_____

**PART IV- Form and Filing**

In addition to this form, the Rules of Procedure for Procurement Appeals require the submission together with this form of additional information, including BUT NOT LIMITED TO:

1. A concise, logically arranged, and direct statement of the grounds for appeal;
2. A statement specifying the ruling requested;
3. Supporting exhibits, evidence, or documents to substantiate any claims and the grounds for appeal unless not available within the filing time in which case the expected availability date shall be indicated.

*Note: Please refer to 2 GAR § 12104 for the full text of filing requirements.*

**PART V- Declaration Re Court Action**

Pursuant to 5 GCA Chapter 5, unless the court requests, expects, or otherwise expresses interest in a decision by the Public Auditor, the Office of Public Accountability will not take action on any appeal where action concerning the protest or appeal has commenced in any court.

The undersigned party does hereby confirm that to the best of his or her knowledge, no case or action concerning the subject of this Appeal has been commenced in court. All parties are required to and the undersigned party agrees to notify the Office of Public Accountability within 24 hours if court action commences regarding this Appeal or the underlying procurement action.

Submitted this 26 day of June, 2020.

By: Soderholm Sales and Leasing, Inc.  
APPELLANT

or 

By: R. Erik Soderholm, Vice President  
Appellant's Duly Authorized Representative  
(Address) 2044 Dillinham Blvd., Honolulu, Hawaii 96819  
(Phone No.) (808) 306-2115

APPENDIX A

## TRANSACTION REPORT

JUN/29/2020/MON 10:44 AM

## FAX (TX)

#	DATE	START T.	RECEIVER	COM. TIME	PAGE	TYPE/NOTE	FILE
001	JUN/29	10:42AM	4751727	0:02:08	5	MEMORY OK	ECM 0743

Suite 401 DNA Building  
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Hagåtña, Guam 96910

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		<b>Phone:</b>	(671) 475-0390 x. 208
		<b>Fax:</b>	(671) 472-7951

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Thank you,

Jerrick Hernandez, Auditor

[jhernandez@guamopa.com](mailto:jhernandez@guamopa.com)



Jerrick Hernandez &lt;jhernandez@guamopa.com&gt;

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**OPA-PA-20-006 Notice of Receipt of Appeal**

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Jerrick Hernandez &lt;jhernandez@guamopa.com&gt;

Mon, Jun 29, 2020 at 10:48 AM

To: erik@soderholmbus.com, Robert Kono &lt;robert.kono@gsa.guam.gov&gt;, Claudia Acfalle &lt;claudia.acfalle@gsa.guam.gov&gt;

Hafa Adai!

Please see attached Notice of Receipt of Appeal for OPA-PA-20-006. The Notice was also faxed to GSA.

Please confirm receipt of this email and the attached document.

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Regards,

Jerrick J.J.G. Hernandez, MA, CGAP, CICA  
Auditor  
Office of Public Accountability – Guam  
www.opaguam.org  
Tel. (671) 475-0390 ext. 208  
Fax (671) 472-7951

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 **20-006 Notice of Receipt of Appeal.pdf**  
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