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OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS

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BEFORE THE OFFICE OF PUBLIC ACCOUNTABILITY

In the Appeal of

GlidePath Marianas Operations Inc.,

Appellant.

DOCKET NOS. OPA-PA-19-010
OPA-PA-20-001

**MOTION FOR ORDER STAYING
PROCEEDINGS PENDING
COMPLETION OF THE
PROCUREMENT RECORD**

Appellant GlidePath Marianas Operations, Inc., moves the Office of Public Accountability (“OPA”) for an order staying proceedings in connection with matters in this action¹, pending the production by the procuring Agency, the Guam Power Authority (“GPA”), of the complete Procurement Record of Guam Power Authority Invitation for Bid GPA-007-18 Renewable Energy Resources Phase III (the “IFB”).

On July 6, 2020, Guam Power Authority (“GPA”) Engineer Jennifer Sablan, P.E, testified before the OPA that she worked with Mr. David Burlingame on the specifications for the IFB and its more than 20 amendments. Ms. Sablan also testified that she communicated with Mr. Burlingame via email and telephone. Ms. Sablan also testified that there are emails in her possession with Mr. Burlingame

¹ This Motion is not brought to seek a delay of the proceedings *vis vis* Interested Party ENGIE’s ability to continue with its case-in chief.

about the IFB and the underlying technical specifications and rationales of the Phase III project. On July 7, 2020, Mr. Burlingame confirmed Ms. Sablan's testimony under oath. Unfortunately, none of these items appear in the procurement record for the IFB that has been produced in the appeal.

A complete procurement record requires all drafts, signed by the draftsman and other papers or materials used in the development of specifications. See, 5 G.C.A. § 5249(d) and 2 G.A.R. § 3129(4)). Moreover, the specifications contained in any invitation for bids or requests for proposals shall identify the person responsible for drafting the specifications and any person, technical literature or manufacturer's brochures relied upon by the responsible person in drafting the specifications. 5 G.C.A. § 5267 and 2 G.A.R. § 4108. Nowhere in the procurement record does GPA identify David Burlingame and his role in the drafting of the specifications of the IFB. The procurement record also does not contain the technical literature or the reports and documents provided by Mr. Burlingame or GPA in drafting the specifications of the IFB.

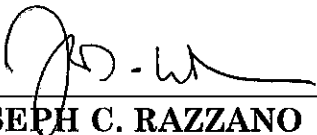
On July 8, 2020, GPA counsel informed counsel for GlidePath that GPA would be searching Ms. Sablan's email and when finished would supplement the admittedly incomplete procurement record. Without prejudice to its position that the procurement is fundamentally flawed because of the errors in the procurement record², Glidepath desires to see the previously undisclosed portions of the procurement record before determining if rebuttal testimony is required, and before

² In order to preserve its rights on this issue, GlidePath filed a procurement protest with the Agency regarding the incomplete procurement record on July 9, 2020.

closing the hearing in this case and submitting this matter for the Public Auditor's decision.

Submitted this 9th day of July, 2020.

RAZZANO WALSH & TORRES, P.C.

By: 
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