



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

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**OPA-PA-20-003: GSA's Hearing Materials (Witness List, Exhibits, List of Issues)**

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**Sandra Miller** <smiller@oagguam.org>

Wed, Jan 27, 2021 at 1:46 PM

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Hafa adai Jerrick,  
Please see the attached documents for filing in OPA-PA-20-003.

Thank you,

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**3 attachments**

 **GSA's List of Issues\_OPA-PA-20-003.pdf**  
135K

 **GSA's Witness List\_OPA-PA-20-003.pdf**  
131K

 **GSA's Exhibit List\_OPA-PA-20-003\_.pdf**  
6598K



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**Attorneys for the Government of Guam**

**IN THE OFFICE OF PUBLIC ACCOUNTABILITY  
 PROCUREMENT APPEAL**

|   |   |                                 |
|---|---|---------------------------------|
| <b>IN THE APPEAL OF:</b>                              | ) | <b>DOCKET NO. OPA-PA-20-003</b> |
|   | ) |                                 |
| <b>BASIL FOOD INDUSTRIAL SERVICE<br/>CORPORATION,</b> | ) |                                 |
|   | ) |                                 |
| <b>Appellant,</b>                                     | ) | <b>PURCHASING AGENCY</b>        |
|   | ) | <b>GSA'S LIST OF ISSUES</b>     |
| <b>AND</b>  | ) |                                 |
|   | ) |                                 |
| <b>GENERAL SERVICES AGENCY,</b>                       | ) |                                 |
|   | ) |                                 |
| <b>Purchasing Agency.</b>                             | ) |                                 |
|   | ) |                                 |

**COMES NOW GENERAL SERVICES AGENCY (GSA)**, the purchasing agency in this protest appeal, and submits the following List of Issues which require evidence or arguments to be presented at the hearing scheduled for February 8, 2020:

**LIST OF ISSUES**

1. Whether the Public Auditor has authority to review the Chief Procurement Officer's discretionary decision to not impose debarment or suspension on a government contractor or to

not conduct debarment or suspension proceedings.


2. Whether the Public Auditor or the Procurement Policy Office has jurisdiction to hear and adjudicate procurement ethical complaints against non-government employee contractors.

3. Whether the instant debarment proceedings comport with due process and the mandatory statutory requirements set forth in the procurement law (5 GCA §5426, §5651, §5705), the procurement regulations (2 GARR §9102, §12112, §12114), and the Administrative Adjudication Law (5 GCA Chapt. 9).

4. Whether the procurement law and its ethical provisions apply to SH Enterprises and the Hakubotan Building given the Governor of Guam's authority under 5 GCA §22704 to acquire office space outside of a formal procurement if the rental cost is less than \$10,000 or the term is less than five years.

Respectfully submitted on this 27th day of January, 2021.

**OFFICE OF THE ATTORNEY GENERAL**  
**Leevin Taitano Camacho, Attorney General**

By:   
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**SANDRA C. MILLER**  
Assistant Attorney General

