

RECEIVED

OFFICE OF PUBLIC ACCOUNTABILITY  
PROCUREMENT APPEALS

1 **JRN AIR CONDITIONING & REFRIGERATION, INC.**  
1755 Army Drive, Route 16  
2 Harmon, Tamuning, GU 96913  
T (671) 649-8120  
3 F (671) 649-5737  
info@jrngu.com

DATE: 3/31/14

TIME: 2:06  AM  PM BY: AA

FILE NO OPA-PA: 14-001

5 Interested Party

6 BEFORE THE OFFICE OF PUBLIC ACCOUNTABILITY

8 In the Appeal of J & B Modern Tech,

9 Appellant.

OPA-PA-14-001

INTERESTED PARTY JRN AIR  
CONDITIONING &  
REFRIGERATION, INC.'S  
COMMENTS TO SUBMITTED  
AGENCY REPORT

13  
14 JRN Air Conditioning & Refrigeration, Inc. ("JRN" herein), an interested party in this  
15 matter, submits the following Comments, Argument, and Exhibits in response to and support of  
16 the Guam Department of Education's ("GDOE" herein) Agency Report and Agency Statement  
17 previously submitted.

18  
19 **COMMENTS**

20 On or about September 20, 2013, Mr. John Leon Guerrero of GDOE Facilities and  
21 Maintenance requested a cost proposal from JRN for duct work to be performed at Simon  
22 Sanchez High School, Southern High School, and Upi Elementary School, three of the four  
23 schools listed in the relevant invitation for bid (GDOE IFB 005-2014 lists a fourth school, C.L.  
24 Taitano Elementary School) (**Exhibit A**). To prepare the requested cost proposal, JRN personnel  
25 conducted thorough site inspections at Upi Elementary School on September 20, 2013 and at  
26 Simon Sanchez High School on September 23, 2013. (**Exhibit B** and **Exhibit C**). Because of  
27 inclement weather, JRN personnel did not complete their site inspections until September 24,  
28 2013 at Southern High School (**Exhibit D**).

COMMENTS TO AGENCY REPORT



1 2013 site inspections being mandatory was not made by GDOE. Rather, in the questions  
2 submitted to GDOE, JRN itself asked two questions: "Will there be a pre-bid conference?" and  
3 "Who will be scheduling the *mandatory* site inspection (emphasis added)?" In response to  
4 JRN's first question, GDOE noted the December 6, 2013 date, and to the latter, GDOE answered  
5 "[s]ite inspection will kick off immediately following pre-bid conference commencing with  
6 Simon Sanchez High School followed by Upi Elementary, CL Taitano and finally Southern High  
7 School" (Amendment No. 1).

8 JRN had prior notice of GDOE's exercise of discretion in calling and organizing a site  
9 inspection. JRN then characterized the GDOE-scheduled site inspection as "mandatory" in its  
10 question because of the addition of C.L. Taitano Elementary School to the scope of work. As  
11 stated above, this school was not one of schools initially discussed when a cost proposal was  
12 requested and it was the only school JRN has not previously inspected. Thus, to JRN's  
13 understanding, attending the one GDOE-scheduled site inspection was necessary to its bid.

14 That time ran out on December 6, 2013 and the Southern High School site inspection  
15 would have to take place on December 10, 2013 did not concern JRN because a second site  
16 inspection of that school would have been frivolous in light of the site inspection conducted by  
17 JRN on September 24, 2013. Thus, while attendance on December 6, 2013 was mandatory, i.e. a  
18 self-imposed requirement, for JRN, attendance on December 10, 2013 was not.

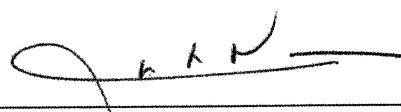
19 Lastly, JRN's difference in treatment of December 6, 2013 and December 10, 2013 was  
20 also due to the occurrence of the pre-bid conference on December 6, 2013, immediately prior to  
21 the site inspections, which was called and organized also at the discretion of GDOE per Section  
22 2.3.1 of GDOE IFB 005-2014.

23 The grounds on which Appellant J & B Modern Tech protested against the award to JRN  
24 and is now appealing GDOE's decision as to that protest are misguided. JRN respectfully ask  
25 that the Office of Public Accountability dismiss this matter.

26  
27 Dated: March 3, 2014  
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By



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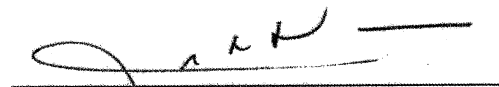
JULISIS R. NUCUM  
JRN Air Conditioning & Refrigeration, Inc.

1 **DECLARATION**

2 I, JULISIS R. NUCUM, declare that the foregoing statements are true and correct, to the  
3 best of my knowledge, and make such statements under penalty of perjury.

4  
5 Dated: March 3/, 2014

6  
7 By

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10 JULISIS R. NUCUM  
11 JRN Air Conditioning & Refrigeration, Inc.

**SERVICE LIST**

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J & B MODERN TECH  
Mr. John C. Terlaje, Esq.  
194 Hernan Cortez Avenue  
Suite 216, Terlaje Professional Building  
Hagatna, GU 96910  
T (671) 472-8894  
F (671) 472-8896  
john@terlaje.net

GUAM DEPARTMENT OF EDUCATION  
Mr. Andrew T. Perez, Esq.  
PO Box DE  
Hagatna, GU 96932  
T (671) 300-1537  
legal-admin@gdoe.net

OFFICE OF PUBLIC ACCOUNTABILITY  
Mr. Jerrick Hernandez, Auditor  
238 Archbishop Flores Street  
Suite 401, DNA Building  
Hagatna, GU 96910  
T (671) 475-0390 x 203  
F (671) 472-7951  
jhernandez@guamopa.org

**EXHIBIT A**

## Dan Gomez

---

**From:** John V. Leon Guerrero (Facilities & Maintenance) <jvleonguerrero@gdoe.net>  
**Sent:** Friday, September 20, 2013 2:17 PM  
**To:** Dan Gomez  
**Cc:** jrestella@gdoe.net; julisis nucum; lynnebalatbat@jrngu.com  
**Subject:** Re: FW: DUCT WORKS PROPOSAL  
**Attachments:** image001.jpg

Dan, Southern high School would be everything on roof top of Building 5000, Simon Sanchez would be all of the units on main building and Science building, Upi would be buildings A, B, C and D. These are all 5 ton package units. Please get with JR. He has all the specs.

On Fri, Sep 20, 2013 at 10:23 AM, Dan Gomez <[dangomez@jrngu.com](mailto:dangomez@jrngu.com)> wrote:

Hafa Adai,

Just a few clarification. Elmer and his crew are up in UPI, Simon Sanchez and Southern High. Are you requesting a quotation/proposal for units and duct works? Or just the transition ducts? If this is just the Transition ducts, we need information as to the exact location of the unit and dimension of the units.

Rain is pouring hard and I asked my guys to stop for now and resume when it's safe.

Regards,

**Dan Gomez**

**Project Engineer**



JRN Air Conditioning & Refrigeration

Personal E-mail : [dangomez@jrngu.com](mailto:dangomez@jrngu.com)

Company E-mail : [info@jrngu.com](mailto:info@jrngu.com)

Tel # ( 671 ) 649-8120/21

Fax# (671 ) 649-5737



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John V. Leon Guerrero Tel. 475-0616 E-Mail: [jvleonguerrero@gdoe.net](mailto:jvleonguerrero@gdoe.net)  
Building Maintenance Supervisor  
162 North Marine Corps Drive Piti, Guam 96915

# **EXHIBIT B**

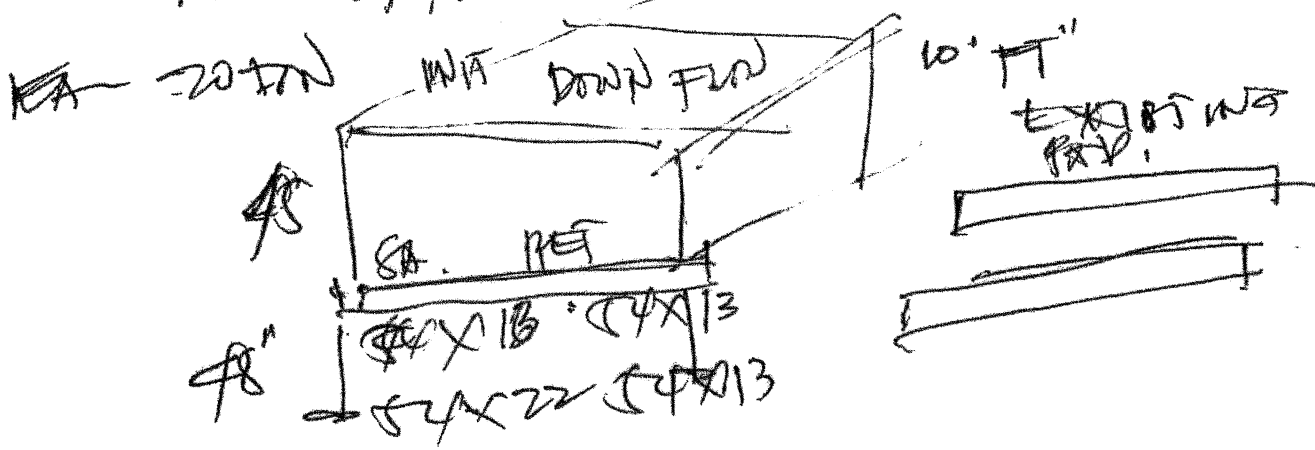
UVI - ELEMENTARY

9-20-13

1/2 14

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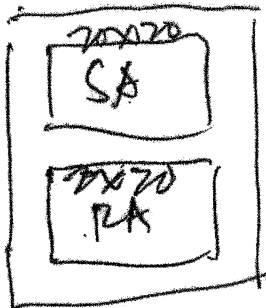
MAIN OFFICE



CATERERIA -

CAF - 15 TON UNIT PACKAGE

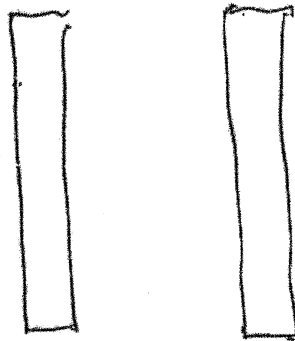
EXIST. PAV



20x20

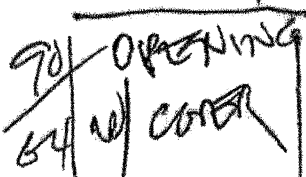
20x20

11'-0"

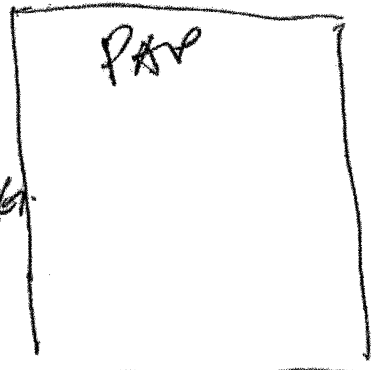


CAF - 15 TON UNIT PACKAGE

NO SIZE



NO EXISTING UNIT.

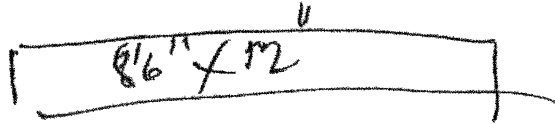
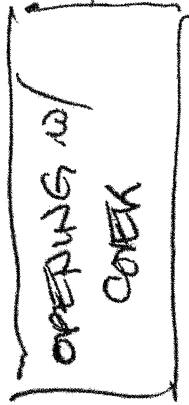


10'-0"

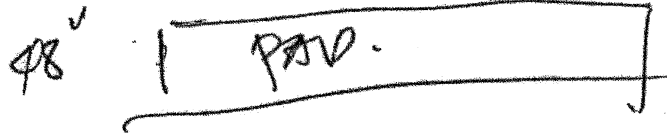
UPI - ELEMENTARY

9-20-18

LIBRARY  
1EA - 10 TIN UNIT PACKAGE  
24 X 12



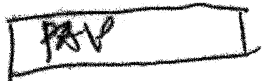
NO EXISTING



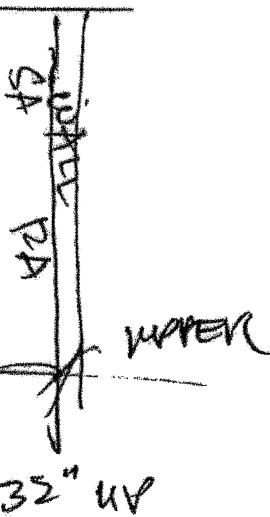
5 TIN UNIT PACKAGE. 10'-0"

BUILDING # C-D-E-ATB ? BUILDING - G -  
6EA -

2/18EA -

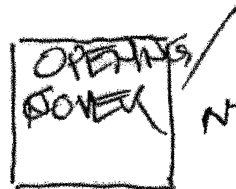


NO EXISTING UNIT

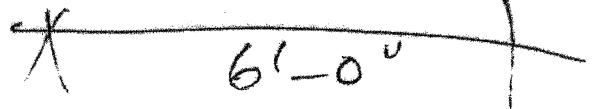


LOWER

6'-0"



NO EXIST.



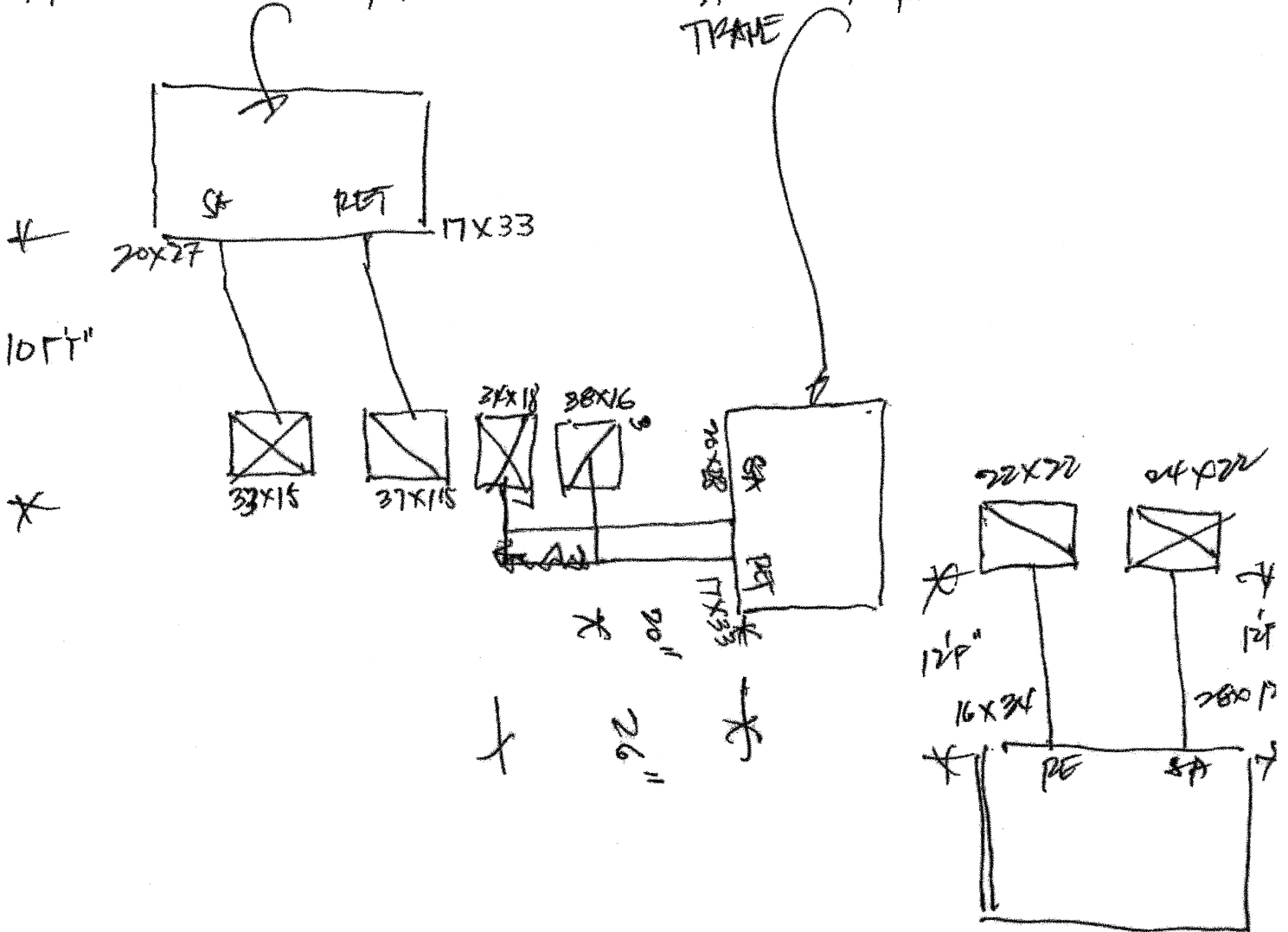
**EXHIBIT C**

SAMON SANCHEZ HIGGINS A/C

9-23-13

AC-1 TRANE - 7.5 TON

AC-2 - 7.5 TON  
TRANE

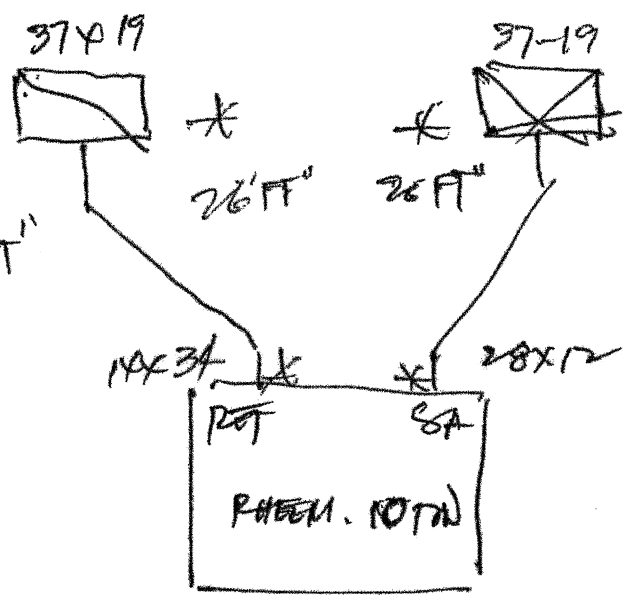
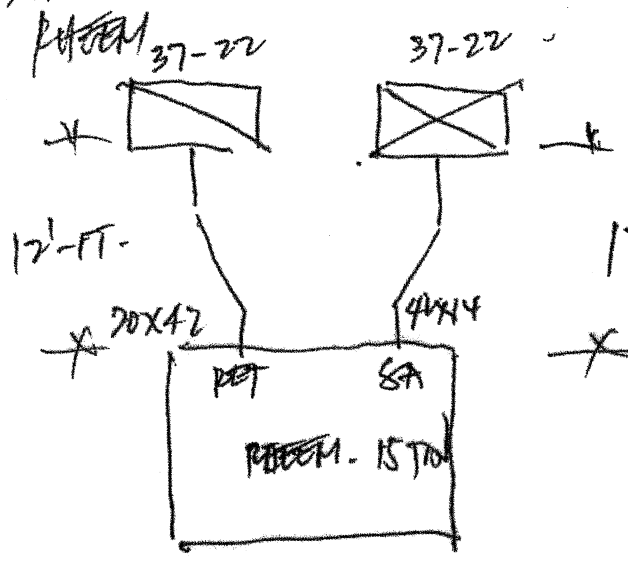


AC-3 - 10 TON  
TRANE

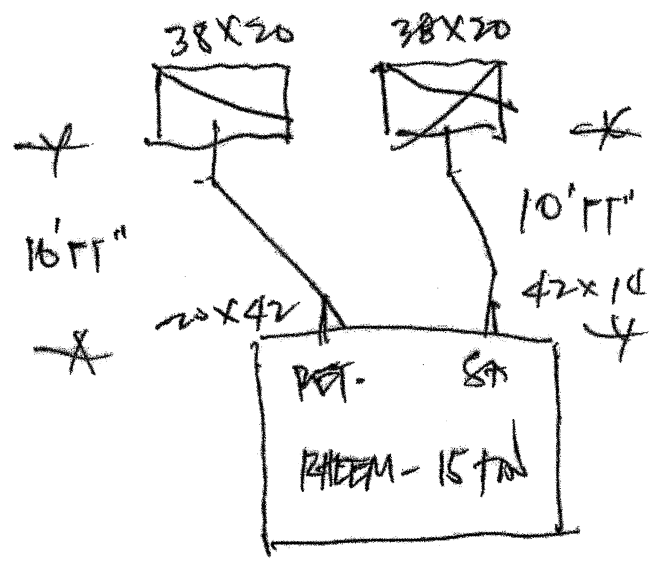
# SIMON SANCHEZ HIGH SCHOOL

9-23-13

A/C - 4 - 15 TON



A/C - 5 - 10 TON  
PHASEM



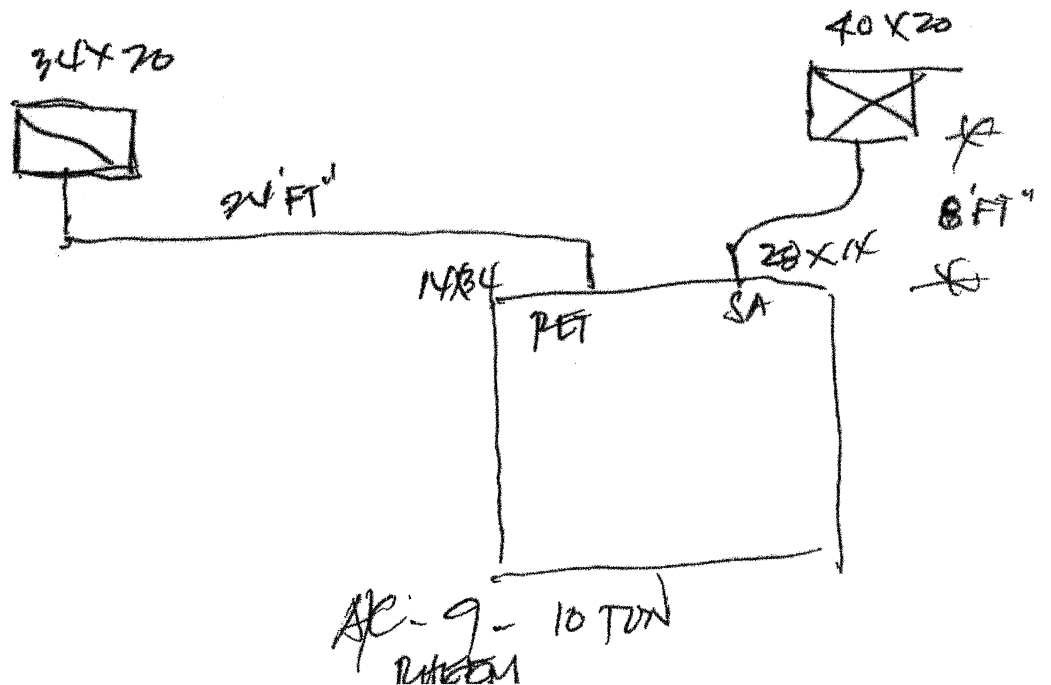
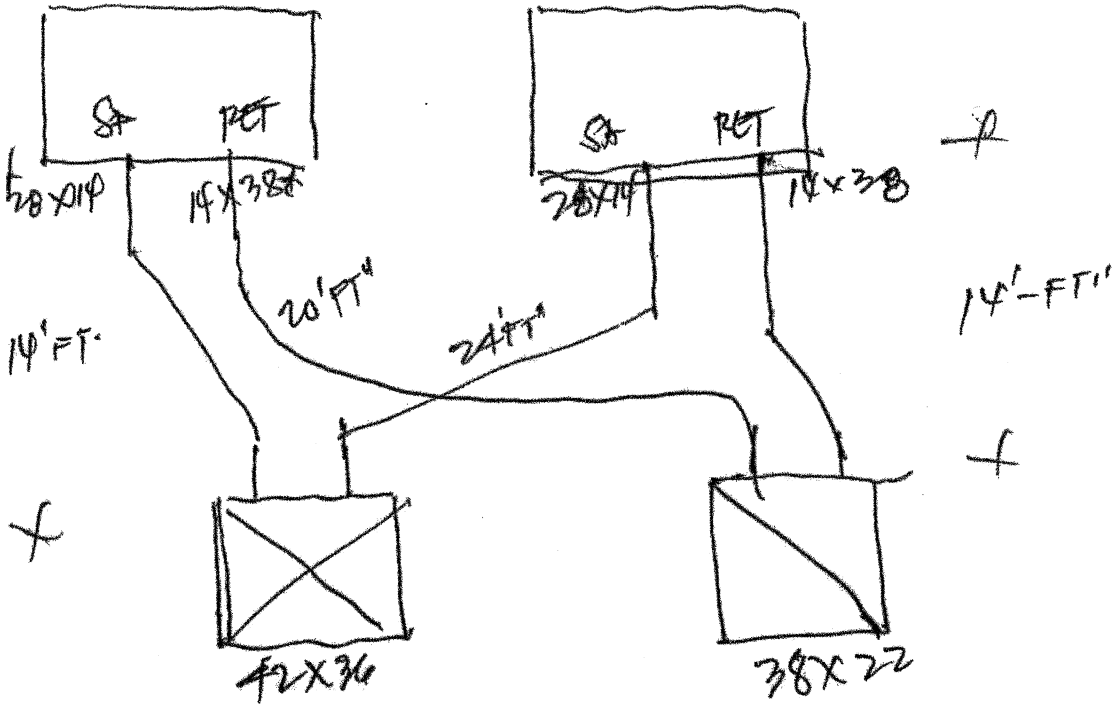
A/C - 6 - 15 TON  
PHASEM

SIMON SANCHEZ HIRSHFELD

9-23-12

A/C - 7 - 10 TON  
PANEEM

A/C - 8 - 10 TON  
PANEEM

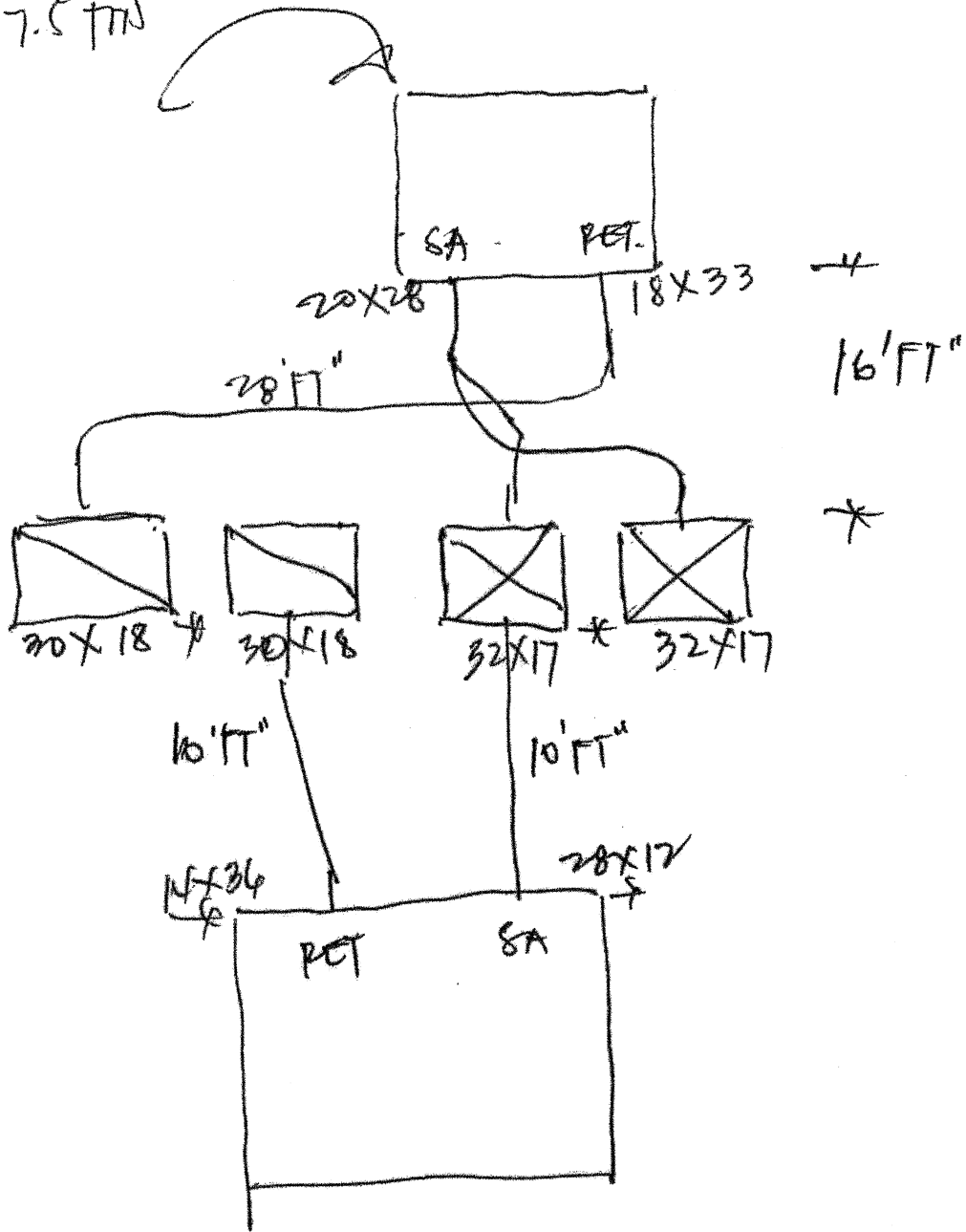




SIMON SANCHEZ HIGH SCHOOL

9-23-013

A/C - 10 - 7.5 TON  
TRANE



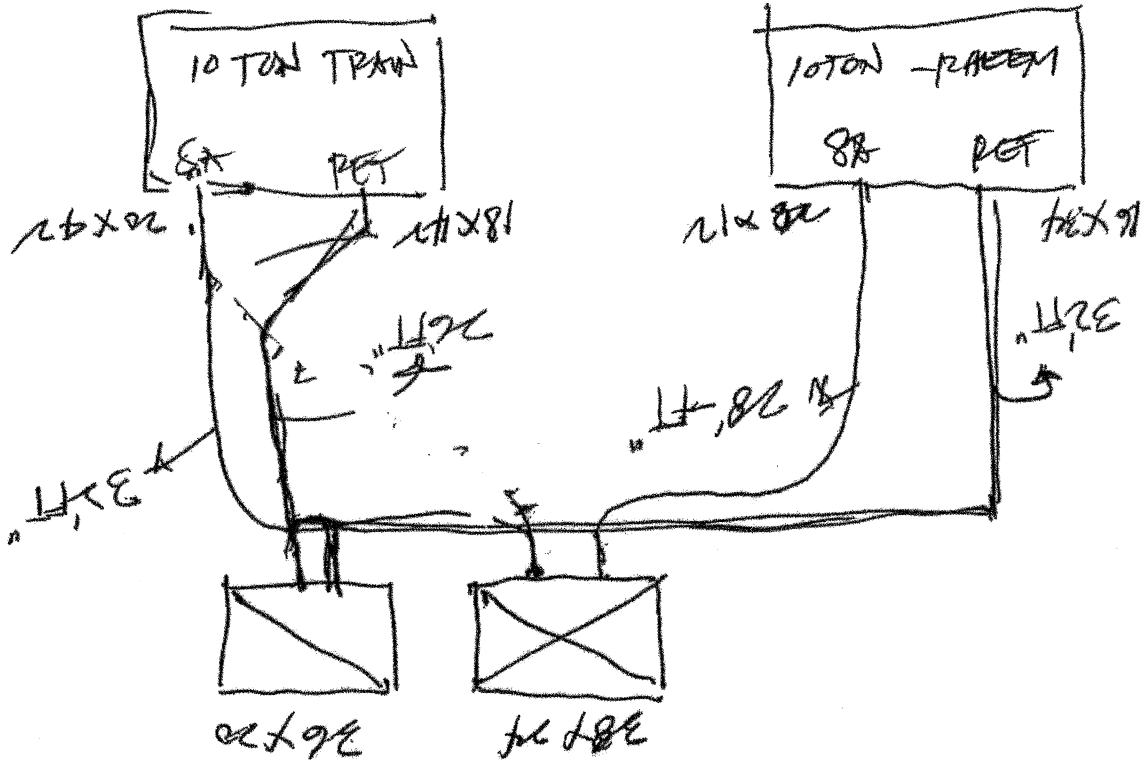
A/C - 11 - 10 TON  
PHEEM

SIMON SANCHEZ #168000

9-23-03

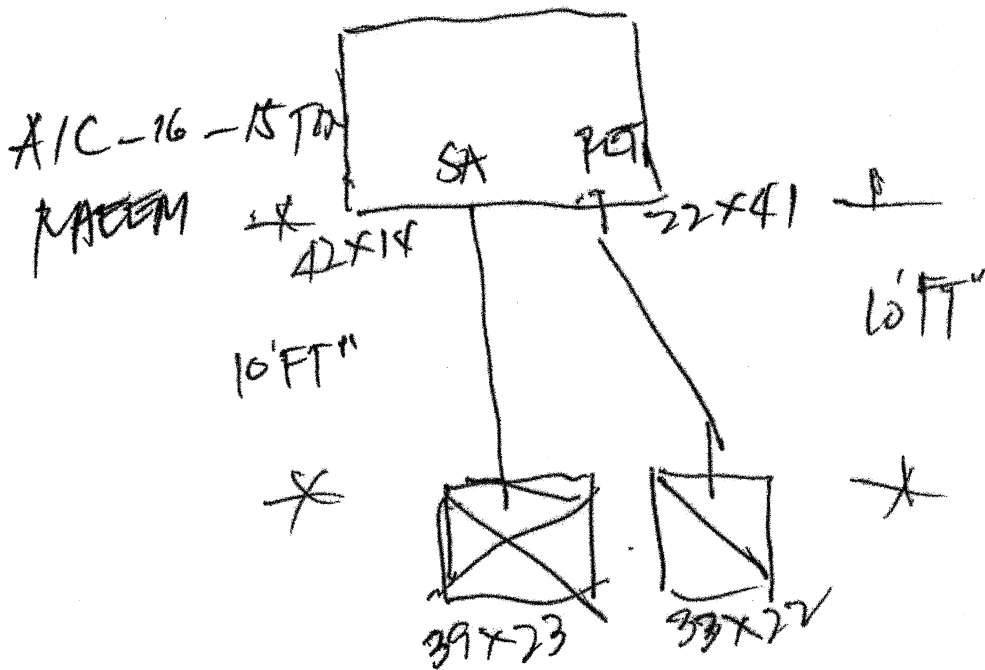
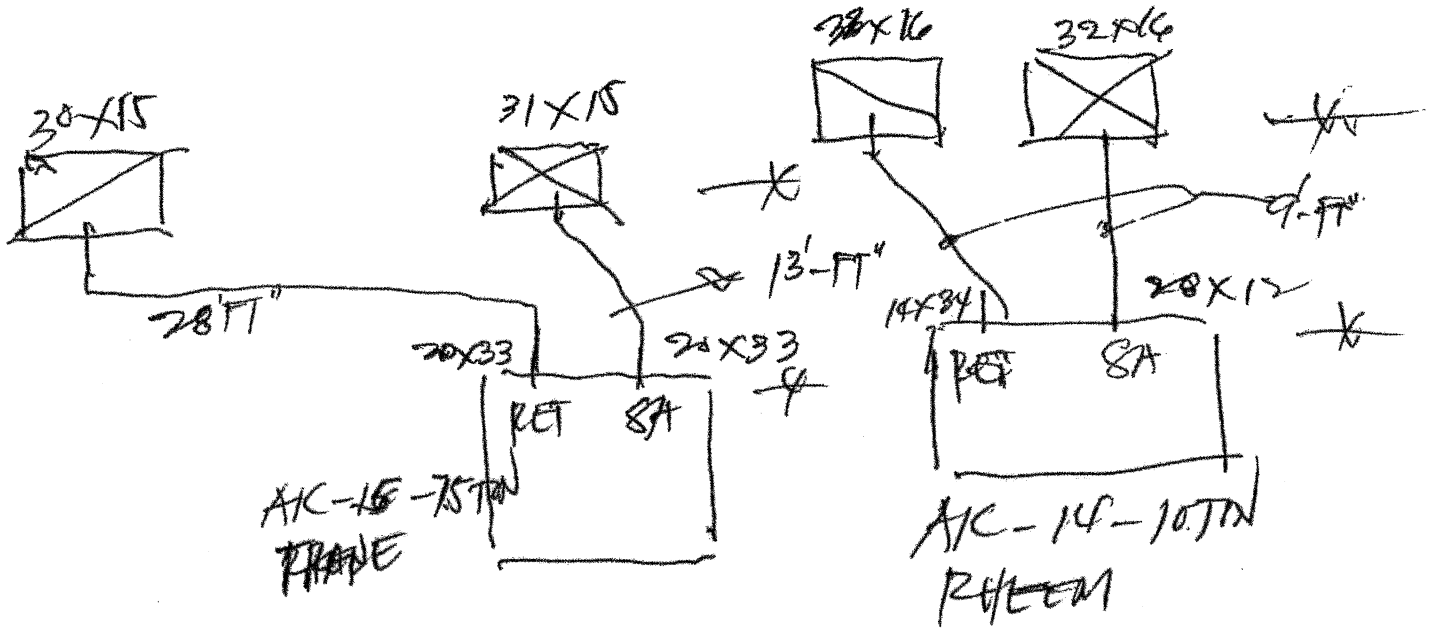
A/C-12-10TON  
TRXIN

A/C-13-10TON  
RACEM



# SIMON SANCHEZ MESSON

9-23-13



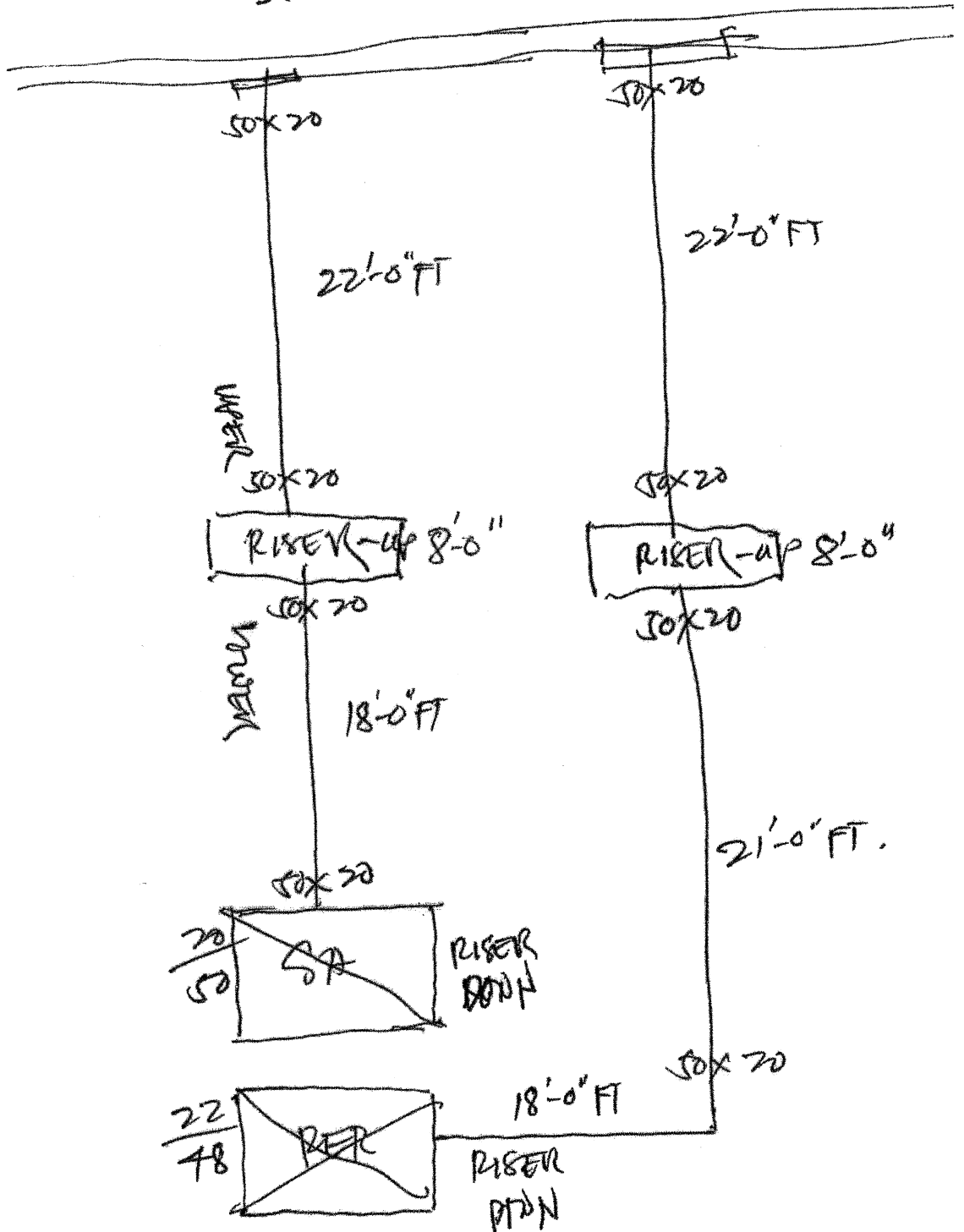
# **EXHIBIT D**

BURDEN  
S.H.S. 5/17/18  
(UNIT-A)  
SOUTH EAST.

STEEL METAL  
QA A-18

9-24-12

TOP FLOOR



SAS - BLDG. 5077

STEEL METAL  
EA # 18

9-24-13

UNIT - B  
SOUTH WEAST

