

Sedfrey M. Linsangan
P.O. Box 23128, Ba
rrigada, Guam 96921
671-649-6997-8-4

RECEIVED
OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS
DATE: 1/18/2022
TIME: 11:07 AM EPM BY: [Signature]
FILE NO OPA-PA: 21-011

BEFORE THE PUBLIC AUDITOR
Procurement APPEALS
TE RRITORY OF GUAM

In the Appeal of
Guam Pacific Ent. Inc.
Appellant
v.
University of Guam

Appeal No. OPA-PA-21-011
Appelants Brief

Memorandum of Points and Authorities

VOG issued IFB-21-10 (Air Purifier System and Replacement Filters) on April 26, 2021. Bid was held on May 20, 2021 and it was awarded to Docomo on June 7, 2021. VOG did not issue a Notice of Award to my company. Violation of Section 5001 of Chapter 5 of Guam Procurement Law, Ethical Conduct on Public Service and VOG Rules and Instruction # 18 which provides that all bidders will be provided or notified with the status of the

Bid. Bid Abstract was not provided to me until September 2, 2021 despite constant follow ups in June, July and August.

IFB Documents had deficiencies

The bid documents is lacking on Buy American Act provisions, Service Disable Veteran and Dispute Clause. Violation of Section 5001, Section 5625 of Chapter 5 of 5 GCA. (Good faith, equitable treatment and public trust.

Author of Bid not qualified

Section 5266 provides that "Specifications prepared by Architects and Engineers. That is why we have a case because the author are not qualified and just copy the specs of Auto Air which is specifically for home. If they have experience in Engineering, the Author will not select Auto Air specs.

Violation of Section 5268 of Chapter 5 of 5 GCA,
"Salient Features"

Selected Purifier is non conformance
or in compliance

The specs of Docomos offer did not complied
with the intention and background of the bid.

It is only ideal for home not classrooms, schools,
and other indoor places in the Liberal Arts building.

Violation of Method of Award (Chapter 5 GCA
on Procurement Law and Instruction # 12 of VOG,
Method of Award. Docomos bid is responsive
only for home but not responsive because
the offer or selected by VOG did not
conforms in all material respects to the
Invitation for Bids and background, intention
and purpose of the purifier. The specs
of Aura Air has no stipulation that it can
be used for the intended purpose of VOG


VOG did not adhere to Buy American Act and Executive Order 14005 by President Biden

Aura Air is made in Israel and the manufacturers are from Israel. VOG violated the Buy American Act, Section 1 of Executive Order 14005 of President Biden, Section 5001 of Chapter 5 of 56CA of Guam Procurement Law and Recipient's CARES Funding Certification and Agreement.

Conclusion

I have made compelling, extraordinary arguments to justify my claims. I am respectfully requesting the OPA to rule in my favor and grant the relief (all) I am requesting that is specified in my Notice of Appeal.

Dated: 11/18/22

Respectfully Submitted,

Sedfrey Linsangan
Pro Se