

1 **GUAM DEPARTMENT OF EDUCATION**  
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**RECEIVED**  
OFFICE OF PUBLIC ACCOUNTABILITY  
PROCUREMENT APPEALS

DATE: 11/9/12

TIME: 4:15  AM  PM BY: JH

FILE NO OPA-PA: 12 019

8 **BEFORE THE OFFICE OF PUBLIC ACCOUNTABILITY**

9 IN THE PROTEST OF

10 J & B MODERN TECH,

11 Protestor.

APPEAL NO.: OPA-PA-12-019

**SUBMISSION OF PROCUREMENT  
RECORD**

12 The Guam Department of Education ("GDOE"), the purchasing agency in the matter  
13 referenced above, hereby submits the following exhibits as the procurement record to date  
14 regarding GDOE Invitation for Bid ("IFB") No. 026-2012:

15 1. Log of date, time, subject matter, and names of participants at meetings relating to GDOE IFB 026-2012 Not  
16 Applicable

17 2. Log of communication between GDOE employees and members of the public, potential bidders, vendors, or  
18 manufacturers relating to GDOE IFB 026-2012

19 **Bates Stamp Nos. GDOE001-008**

**Exhibit 1**

20 3. Sound recording of all pre-bid conference, negotiations arising from a request for proposals and discussions with  
21 vendors concerning small purchase procurement. Not  
22 Applicable

23 4. Brochures and submittals of potential vendors, manufacturers or contractors, and all drafts, signed and dated by the  
24 draftsman, and other papers or materials used in the development of specifications. Not  
25 Applicable

26 5. Written Determination of Need

27 **Bates Stamp Nos. GDOE009**

**Exhibit 2**

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3 6. Copy of the Protest. J & B Modern Tech (“Protestor”) filed a Protest with the  
4 Office of Public Accountability (“OPA”) on November 6, 2012. The OPA sent GDOE a Notice  
5 of Receipt of Protest on November 7, 2012. Both the Appellant and the Office of Public  
6 Accountability have copies of the Protest. For this reason, GDOE has not attached a copy of the  
7 Protest herein.

8  
9 7. Copy of the Bid Submitted by Protestor. In an effort to save resources, an  
10 electronic copy of the entire bid submitted by Protestor is submitted herewith on a CD. GDOE  
11 will supply the Office of Public Accountability a hard copy of Appellant’s bid upon request.  
12 Because the protest involves only the issue of bidder’s certification of C13 and C51 licensure and  
13 bid price, the following documents from the Protestor’s bid are submitted in hard copy to  
14 facilitate the expedited resolutions of this matter. These documents are Protestor’s Contractor’s  
15 License, Verification of License and the Bid Forms:

16 ***Appellant’s bid (J & B)(on CD on GDOE0010)***  
**Bates Stamp Nos. GDOE0011-0016**

**Exhibit 3**

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18 8. Copy of Bid Being Protested. In an effort to save resources, an electronic copy of  
19 the entire bid submitted by JRN Air Conditioning & Refrigeration, Inc. (“JRN”) is submitted  
20 herewith on a CD. GDOE will supply the Office of Public Accountability a hard copy of  
21 Appellant’s bid upon request. Because the protest involves only the issue of bidder’s certification  
22 of C13 and C51 licensure and bid price, the following documents from the JRN’s bid are  
23 submitted in hard copy to facilitate the expedited resolutions of this matter. These documents are  
24 JRN’s Contractor’s License and the Bid Forms:

25 ***JRN’s bid (on CD – GDOE0010)***  
**Bates Stamp Nos. GDOE0017-0021**

**Exhibit 4**

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9. GDOE IFB026-2012, Amendments and Clarification

**Bates Stamp No. GDOE0022-00112** **Exhibit 5**

10. Abstract of Bids

**Bates Stamp No. GDOE00113-00115** **Exhibit 6**

11. Notice of Bid Status and Intent to Award

**Bates Stamp No. GDOE00116-00121** **Exhibit 7**

12. Ranking Memorandum dated October 23, 2012: Analysis and Recommendations

**Bates Stamp No: GDOE00122-00127** **Exhibit 8**

13. Correspondence dated October 22, 2012, regarding Contractor's License

**Bates Stamp No: GDOE00128** **Exhibit 9**

14. Declaration regarding Court Action

**Bates Stamp No: GDOE00129** **Exhibit 10**

15. Notice of Publication and GDOE Website Log

**Bates Stamp No: GDOE00130-00131** **Exhibit 11**

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GDOE reserves the right to supplement this record and in this matter.

Dated this 9<sup>th</sup> day of November, 2012.

Respectfully submitted,

**GUAM DEPARTMENT OF EDUCATION**

By:   
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**ANDREW T. PEREZ, ESQ.**  
*Legal Counsel*