

Felix P. Camacho  
Governor



**GENERAL SERVICES AGENCY**

(Ahensian Setbision Hinirat)  
Department of Administration  
Government of Guam

148 Route 1 Marine Drive, Piti, Guam 96915

Tel: (671) 475-1707 thru 1729 • Fax Nos: (671) 472-4217/475-1727/475-1716

**Michael W. Cruz, M.D.**

Lt. Governor

Lourdes M. Perez  
Director  
Department of Administration

Joseph C. Manibusan  
Deputy Director  
Department of Administration

**OFFICE OF THE PUBLIC AUDITOR  
PROCUREMENT APPEAL**

In the Appeal of )  
)  
Z-4 CORPORATION )  
)  
Appellee )  
\_\_\_\_\_ }

APPEAL NO.: OPA-PA-09-012

**SUBMISSION OF PROCUREMENT  
RECORD**

Appellee, Guam Public School System by and through its counsel of record, Attorney Fred Nishihira, hereby files with the Office of the Public Auditor a complete copy of the procurement record relevant to the above-captioned appeal in the form prescribed by 2 GAR, Chapter 12, Section 12104 ( c ) (3).

Dated this 19<sup>th</sup> day of November, 2009.

*C. Acfalle 11/19/09*  
**CLAUDIA S. ACFALLE**  
Chief Procurement Officer

**RECEIVED**  
**OFFICE OF THE PUBLIC AUDITOR**  
**PROCUREMENT APPEALS**

NOV 20 2009

TIME: 12:50pm  
BY: JW  
FILE No. OPA-PA 09-012

**EXHIBIT 1**

5/20/2009 Bid Package Set: GPSS IFB-008-2009 (RE-BID)  
Oceanview Middle School Gymnasium Repairs  
Issued Date: 5/20/09  
Opening Date: 6/17/09  
Guam Time: 10:00 a.m., Wednesday

6/2/2009 PDN Advertisement Proof for 6/4/09 Run and Fax Confirmation Report  
Re: GPSS IFB 008-2009 (RE-BID)

6/4/2009 Bid Package Set: GPSS IFB-008-209 (RE-BID)  
Oceanview Middle School Gymnasium Repairs  
Issued Date: Thursday, June 4, 2009  
Opening Date: Wed., 6/24/09 @ 10:00 a.m.

6/4/2009 Bid Register: GPSS IFB-008-2009 (RE-BID)  
Bid Opening: Wed., June 24, 2009  
Time: 10:00 a.m. Guam Time

6/4/2009 Correspondence From: Molecular Construction and Development  
To: GPSS  
Re: Inquiries

6/5/2009 Correspondence From: Inland Builders corporation  
To: GPSS  
Subject: Request for Issuance of Bid Plans

6/15/2009 Correspondence From: Eons Construction  
To: GPSS  
Subject: GPSS IFB-008-2009 (RE-BID),  
Oceanview Middle School Gymnasium Repairs

6/18/2009 Correspondence From: WECCO Electrical Contractor  
To: GPSS  
Subject: Bid No. GPSS IFB 008-2009  
Oceanview Middle School Gymnasium Repairs

6/19/2009 Correspondence From: GPSS  
To: WECCO Electrical Contractor  
Subject: Response to Letter Dated June 18, 2009  
Ref: Oceanview Middle School Gymnasium Repairs  
GPSS IFB 008-2009

6/19/2009 Acknowledgement Receipt Signed 6/19/2009 1:00 p.m.

6/19/2009 Fax Confirmation Report Dated 6/19/09 Job No.: 308 1:02 p.m. To: 653-4942

6/23/2009 Correspondence From: Z4 Corporation  
To: GPSS  
Re: Request for Information

**EXHIBIT 2**

6/24/2009 GPSS Bid Submission Log  
IFB No.: GPSS IFB 00-2009 Oceanview Middle School Gymnasium Repairs  
Submission Date: 6/24/2009  
Bid Opening Time: 10:00 Guam Time

6/24/2009 Bid Submission From: Loyal Pacific Corporation (9:12 a.m.)

6/24/2009 Bid Submission From: Z4 Corporation (9:29 a.m.)

6/24/2009 Bid Submission From: Eons Enterprises Corporation (9:45 a.m.)

6/24/2009 Bid Submission From: Hubtec International Corporation (9:55 a.m.)

**EXHIBIT 3**

6/24/2009 Abstract of Bids : GPSS IFB-008-2009 Oceanview Middle School Gymnasium Repair  
Bid Date/Time: Wednesday, June 24, 2009 - 10:00 a.m.  
Number of Bids Issued: 20  
Number Bids Received: 4

6/29/2009 Correspondence From: Dae Kyong Construction  
To: GPSS  
Reference: GPSS IFB 008-2009 (Re-Bid), Oceanview Middle School Gymnasium Repairs  
Subject: Clarification on GPSS Solicitation (IFB) Policy Relative to Providing Response or Explanation to Bidder's Request for Information or Concern

\*Attachments

7/2/2009 Correspondence From: GPSS  
To: Dae Kyong Construction  
Subject: Response to Letter Dated June 29, 2009  
Reference: Oceanview Middle School Gymnasium Repairs (Re-Bid)  
GPSS IFB 008-2009

7/6/2009 Fax Confirmation Report - Job Number 612 12:26 p.m. To: 646-0138

7/16/2009 Memorandum To: Mr. Rod Traya, GPSS  
From: TRMA Taniguchi Ruth Makio Architects  
Subject: Oceanview Gymnasium Renovation, Bid Submittal Evaluation

7/27/2009 GPSS Memorandum To: Administrator, Procurement and Supply  
From: Manager  
Subject: Oceanview Middle School, Gymnasium Repairs  
GPSS IFB No. 008-2009

**EXHIBIT 3 (continuation)**

7/30/2009 GPSS Memorandum To: Administrator, Supply Management  
From: Buyer Supervisor II  
Subject: Analysis and Recommendation  
Reference: Oceanview Middle School Gymnasium Repairs  
**Formal Bid: GPSS IFB 008-2009**

8/3/2009 GPSS Requisition No.: 2400-215-004 Total: \$810,000.00

8/4/2009 GPSS Purchase Order No.: 200901666  
Vendor: Z4 Corporation  
Total: \$810,000.00  
**\*DRAFT** (White, yellow, gold, blue, pink, and green copies)

8/6/2009 Bid Status - Eon's Enterprises

8/6/2009 Fax Confirmation Report - Job Number 497 3:04 p.m. To: 637-6871

8/6/2009 Bid Status - Hubtec International

8/6/3009 Fax Confirmation Report - Job Number 498 3:06 p.m. To: 477-3370

8/6/2009 Bid Status - Loyal Pacific Corporation

8/6/2009 Bid Status - Z-4 Corporation

8/6/2009 Fax Confirmation Report - Job Number 496 2:56 p.m. To: 649-0322

8/8/2009 Bid Status Acknowledgement Receipt - Z-4 Corporation  
Receipt Dated: 8/6/09 2:32 p.m.

9/9/2009 GSA Correspondence To: Eon's Enterprises Corporation  
Subject: GSA/DOE Bid No. IFB-008-2009,  
Oceanview Middle School Gymnasium Repair for Department of  
Education  
Reference: Guam Department of Education (GDOE) Bid Status Letter,  
Dated August 6, 2009

9/9/2009 Fax Transmission Report - Job: 321 18:50:48 To: 477-4366

9/10/2009 Acknowledgement Receipt of GSA Correspondence dtd 9/9/09 to Eon's Enterprises Corp.

**EXHIBIT 3 (continuation)**

9/14/2009 GSA Memorandum To: Guam Department of Education; Facilities and Maintenance Division  
From: Chief Procurement Officer  
Subject: Approval of Bid Specifications (IFB No.: GSA/DOE-008-2009,  
Oceanview Middle School Gymnasium Repairs for Dept. of Education  
Reference: Eon's Enterprises Corporation Letter, dated 9/11/2009  
GSA/DOE Letter, dated 9/9/2009  
Tanigiuchi, Ruth, and Makio Architects (TRMA) Letter, dtd 7/16/2009  
\*Attachments

9/14/2009 Acknowledgement Receipt by GPSS of GSA 's Approval of Bid Specifications dated 9/14/09.

9/16/2009 GPSS Remarks on GSA Memorandum dated 9/14/2009 (Approval of Bid Specifications)  
"Need more further clarification specifically on Item #1&2 (See TRMA comments/remarks.)"

9/25/2009 GSA Memorandum To: Guam Department of Education; Facilities and Maintenance Division  
From: Chief Procurement Officer  
Subject: Approval of Bid Specifications (IFB No.: GSA/DOE-008-2009,  
Oceanview Middle School Gymnasium Repairs for Dept. of Education  
Reference: Eon's Enterprises Corporation Letter, dated 9/22/2009  
GSA/DOE Letter, dated 9/18/2009  
Tanigiuchi, Ruth, and Makio Architects (TRMA) Letter, dtd 9/16/2009  
\*Attachments

9/25/2009 "For Rod T. of F&M to Pck-Up Monday."  
GSA Memorandum To: Guam Department of Education; Facilities and Maintenance Division  
From: Chief Procurement Officer  
Subject: Approval of Bid Specifications (IFB No.: GSA/DOE-008-2009,  
Oceanview Middle School Gymnasium Repairs for Dept. of Education  
Reference: Eon's Enterprises Corporation Letter, dated 9/22/2009  
GSA/DOE Letter, dated 9/18/2009  
Tanigiuchi, Ruth, and Makio Architects (TRMA) Letter, dtd 9/16/2009  
\*Attachments

9/25/2009 Fax Transmission Report No. 1850 15:10 To: 477-5429

9/25/2009 Fax Transmission Report No. 1851 15:26 To: 477-5429

9/30/2008 Bid Status Acknowledgement Receipt - Loyal Pacific Corporation  
Receipt Dated: 8/19/09 3:20 p.m.  
(attached w/ Bid Status of Loyal Pacific Corporation dated 8/6/2009)

10/8/2009 GSA Correspondence To: Eons Enterprises Corporation  
Re: Notice of Intent of Possible Award for GSA/DOE IFB-008-2009  
Oceanview Middle School Gymnasium Repairs for DOE

10/8/2009 Fax Transmission Report No. 2608 17:52 To: 637-6871

10/8/2009 Acknowledgement Receipt by Eons Enterprises  
Re: Notice of Intent of Possible Award for GSA/DOE IFB-008-2009  
Oceanview Middle School Gymnasium Repairs for DOE

**EXHIBIT 4**

- 8/28/2009 File Date: Appendix A: Notice of Appeal Form  
**PROCUREMENT APPEAL**  
**NOTICE OF APPEAL** Docket No. OPA-PA-09-006  
\*Attachments
- 8/28/2009 GSA Correspondence To: Z-4 Corporation  
Subject: Notice of Stay of Procurement  
Reference: GPSS IFB-008-2009 (Re-Bid)  
Oceanview Middle School Gymnasium Repairs
- 8/28/2009 Fax Transmission Report Job: 010 11:49:45 To: 472-7040 (DOE Facilities & Maint. Div)
- 8/28/2009 Fax Transmission Report Job: 566 20:06:03 To: 649-0322  
GSA's 8/28/09 Correspondence to Z-4 Corporation (Notice of Stay of Procurement)
- 8/31/2009 Correspondence From: Office of the Public Auditor  
To: GPSS  
Via Facsimile: 472-5003  
Re: Receipt of Notice of Appeal Regarding GPSS IFB No. 008-5-2009  
(Re-Bid), Oceanview Middle School Gymnasium Repairs Contract  
\*Acknowledged Receipt by GPSS: 8/31/09
- 9/6/2009 E-Mail Between GSA and Guam Office of the Public Auditor  
thru Subject: Notice of Appeal, Docket No. OPA-PA-006  
9/11/2009
- 9/18/2009 GSA Correspondence To: Eon's Enterprises Corporation  
Subject: GSA/DOE BID NO. IFB-008-2009  
Oceanview Middle School Gymnasium Repair for DOE  
Reference: Taniguchi, Ruth and Makio Architects (TRMA) Letter, dtd 9/16/2009  
Eon's Enterprises Corporation Letter, dtd 9/11/2009  
GSA Letter, dtd 9/9/2009  
\*Attachment
- 9/18/2009 Fax Transmittal Report 10:16p.m. To: 637-6871  
GSA's 9/18/2009 Correspondence to Eon's Enterprises Corporation
- 9/18/2009 Fax Transmittal Report 10:19p.m. To: 637-6871  
GSA's 9/18/2009 Correspondence to Eon's Enterprises Corporation
- 9/21/2009 Acknowledgement of Receipt by Eon's Enterprises Corporation  
GSA's 9/18/2009 Correspondence to Eon's Enterprises Corporation

**EXHIBIT 5**

- 8/6/2009 GPSS Correspondence To: Z-4 Corporation  
**NOTICE TO PROCEED**  
Project Name: Renovation of Oceanview Middle School Gymnasium  
Contract No.: GPSS IFB 008-2009 PO#200901666  
Contract Amount: \$810,000.00
- 8/28/2009 GPSS Memorandum to File  
From: Buyer Supervisor II  
Reference: IFB 008-2009
- 9/14/2009 Correspondence From: Berman O'Connor & Mann, Attorneys at Law  
To: Office of the Public Auditor  
Re: Dismissal from Procurement Appeal  
File No. OPA-PA-09-006
- 9/16/2009 **PROCUREMENT APPEALS**  
APPEAL NO. OPA-PA-09-006  
**ORDER OF DISMISSAL**  
  
\*Attachment: Email from OPA to GSA
- 10/7/2009 GPSS Concurrence  
GSA Memorandum dtd 9/25/2009 To: GPSS  
Subject: Approval of Bid Specifications (IFB No.: GSA/DOE-008-2009,  
Oceanview Middle School Gymnasium Repairs for Dept.of Education  
Reference: Eon's Enterprises Corporation Letter, dated 9/22/2009  
GSA/DOE Letter, dated 9/18/2009  
Tanigiuchi, Ruth, and Makio Architects (TRMA) Letter, dtd 9/16/2009  
\*Attachments
- 10/9/2009 GSA Correspondence To: Z-4 Corporation  
Re: Invitatio for Bid No.: GPSS IFB-008-2009 (Re-Bid)  
(Oceanview Middle School Gymnasium Repairs)
- 10/12/2009 Fax Transmission Report No. 2783 12:45 To: 649-0322  
GSA 10/9/09 Correspondence to Z-4 Corporation
- 10/12/2009 Fax Transmission Report No. 2791 12/54 To: 649-0322  
GSA 10/9/09 Correspondence to Z-4 Corporation

**EXHIBIT 6**

10/7/2009 GPSS Requisition No. 2400-280-006 Total Amount: \$729,098.50  
\*Attachments

10/9/2009 Bid Status (Revised Copy) - Z-4 Corporation

10/9/2009 Bid Status (Revised Copy) - Z-4 Corporation  
\*Blank Acknowledgment Block

10/9/2009 Bid Status (Revised Copy) - Hubtec International Corp.

10/9/2009 Bid Status (Revised Copy) - Hubtec International Corp  
\*Blank Acknowledgement Block

10/9/2009 Bid Status (Revised Copy) - Loyal Pacific Corporation  
\*Blank Acknowledgement Block

10/12/2009 Fax Transmission No. 2787 12:48 To: 789-2440  
Bid Status (Revised Copy) - Loyal Pacific Corporation

10/12/2009 Fax Transmission No. 2788 12:50 To: 649-0322  
Bid Status (Revised Copy) - Z-4 Corporation

10/12/2009 Fax Transmission No. 2789 12:51 To: 4773370  
Bid Status (Revised Copy) - Hubtec International Corp

10/12/2009 Fax Transmission No. 2794 13:01 To: 4773370  
Bid Status (Revised Copy) - Hubtec International Corp

10/12/2009 Fax Transmission No. 2795 13:03 To: 4773370  
Bid Status (Revised Copy) - Hubtec International Corp

10/12/2009 Fax Transmission No. 2788 13:03 To: 649-0322  
Bid Status (Revised Copy) - Z-4 Corporation

10/12/2009 Fax Transmission No. 2797 13:05 To: 789-2440  
Bid Status (Revised Copy) - Loyal Pacific Corporation

10/13/2009 Acknowledgement Receipt of Loyal Pacific Corporation  
Bid Status (Revised Copy) - Loyal Pacific Corporation



**EXHIBIT 7**

8/6/2009 Correspondence From: Eons Enterprises Corporation  
To: GPSS  
Re: Request for Re-Evaluation of the Bid Award  
\*Attachments

8/6/2009 Correspondence From: GPSS  
To: Z-4 Corporation  
Re: Notice to Proceed  
Project Name: Renovation of Oceanview Middle School Gymnasium

8/13/2009 Correspondence From: Alpha Insurers  
To: GPSS  
Re: Z-4 Corporation Performance & Payment Bond  
Project: Oceanview Middle School Gymnasium Repairs

8/14/2009 Correspondence From: GPSS  
To: Eon's Enterprises Corporation  
Re: Oceanview Middle School Gymnasium Repairs  
Form Bid: GPSS IFB 008-2009 (Re-Bid)

8/14/2009 Correspondence From: Z-4 Corporation  
To: GPSS  
Re: Request for Extension of Time for Performance Bond

8/25/2009 Correspondence From: Daniel J. Berman  
To: GPSS  
Re: Eon's Enterprises Corporation Request for View and Inspection  
of Winning Bid Documents: Z-4 Corp;  
Formal Bid: GPSS IFB 008-2009 (Re-Bid)  
Oceanview Middle School Gymnasium Repairs

8/28/2009 Correspondence From: GSA  
To: Z-4 Corporation  
Re: Notice of Stay of Procurement

10/15/2009 Correspondence From: Law Offices of Mair, Mair, Spade & Thompson, LLC  
Re: Bid Protest for Invitation for Bid No. GPSS IFB-008-2009 (Re-Bid)  
Oceanview Middle School Gymnasium Repairs

10/16/2009 Letter of Transmittal From: Law Offices of Mair, Mair, Spade & Thompson, LLC  
Re: Bid Protest for Invitation for Bid No.: GPSS-IFB-008-2009 (Re-Bid)  
Via: Hand Delivery  
\*Letter dated October 15, 2009 with enclosures.

10/16/2009 Correspondence From: GSA  
To: Eon's Enterprises Corporation  
Re: Notice of Stay of Procurement

**EXHIBIT 7 (Continuation)**

10/16/2009 Fax Confirmation Report No. 3134 10:45  
To: Eon's Enterprises Corporation  
Re: Notice of Stay of Procurement

**EXHIBIT 7 (Continuation)**

10/16/2009 Fax Confirmation Report No. 3135 10:47

10/16/2009 Fax Confirmation Report No. 3136 10:49

10/16/2009 Correspondence From: GSA  
To: Eon's Enterprises Corporation - Acknowledgement Copy

10/22/2009 Correspondence From: GSA  
To: Aaron R. Jackson, Esq.  
Re: Protest - Invitation for Bid No. GPSS IFB 008-2009 (Re-Bid)  
Oceanview Middle School Gymnasium Repairs

11/12/2009 Office of the Public Auditor  
PROCUREMENT APPEAL  
GROOUNDS FOR APPEAL Docket No. OPA-PA 09-012  
\*Filed 11/12/2009