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RECEIVED
OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS

APR 30 2012
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BEFORE THE OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEAL

8 IN THE APPEAL OF
9 ALLIED PACIFIC BUILDERS, INC.,

APPEAL NO. OPA-PA-12-010
AGENCY REPORT

10 Appellant.
11

12 The Guam Department of Education (“GDOE”) hereby submits the following exhibits as
13 the Agency Report required by 2 GAR §12105:
14

15 **1.** A copy of the protest:

16 *January 5, 2012 Letter of Protest Structural Repairs and Roof*
17 *Coating-Northern A Solicitation No. IFB035-2011 & Northern B*
18 *Solicitation No. IFB036-2011*

Bates Stamp No. GDOE 0554-0555

Exhibit 45

19 *April 3, 2012 Response to Letter of Protest*
20 *Dated January 5, 2012*

Bates Stamp No. GDOE 0556-557

Exhibit 46

21 **2.** A copy of the bid or offer submitted by the Appellant and a copy of the bid or
22 offer that is being considered for award or whose bid or offer is being protested, if
23 any had been submitted prior to the protest:

24 *Appellant’s Bid in response to GDOE IFB035-2011*

Bates Stamp No. GDOE 0558-0685

Exhibit 47

25 *Bid that is being considered for award for GDOE IFB 035-2011:*
26 *Phil-Gets (Guam) International Trading Corp. dba: J & B Modern*
27 *Tech bid in response to IFB035-2011*

Bates Stamp No. GDOE 0707-0765

Exhibit 48

1 A portion of the bid being considered for award for GDOE IFB 035-2011 has been
2 accepted by GDOE as proprietary information pursuant to 2 GAR Div 4 § 3109(1)(2-3).
3 A copy of the proprietary information is included in the Agency Report filed with the
4 Office of Public Accountability but is withheld from the Agency Report served upon
5 Appellant as it is not public information.

J & B Modern Tech's proprietary information
Bates Stamp No. GDOE 0511-0545

6 Appellant's Bid in response to GDOE IFB036-2011
7 **Bates Stamp No. GDOE 0766-0895**

Exhibit 49

8 Bid that is being considered for award for GDOE IFB 036-2011:
9 Mega United Corp.'s bid in response to IFB036-2011

Bates Stamp No. GDOE 0896-0941

Exhibit 50

10 3. A copy of the solicitation, including the specifications or portions thereof relevant
11 to the protest:

12 *A copy of GDOE IFB 035-2011 and its amendments were previously filed with GDOE's*
13 *Procurement Record as Exhibits 1 through 10.*

14 *A copy of GDOE IFB 036-2011 and its amendments were previously filed with GDOE's*
15 *Procurement Record as Exhibits 22 through 31.*

16 4. A copy of the abstract of bids or offers or relevant or portions thereof relevant to
17 the protest:

18 *The Bid Abstract for GDOE IFB 035-2011 was previously filed with GDOE's*
19 *Procurement Record as Exhibit 17.*

20 *The Bid Abstract for GDOE IFB 036-2011 was previously filed with GDOE's*
21 *Procurement Record as Exhibit 37.*

22 5. Any other documents which are relevant to the protest; including the contract, if
23 one has been awarded, pertinent amendments, and plans and drawings:

24 *None.*

25 6. The decision from which the Appeal is taken, if different than the decision
26 submitted by Appellant:

27 *Not Applicable.*

28 7. A statement answering the allegation of the Appeal and setting forth findings,
actions, and recommendations in the matter together with any additional evidence

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or information deemed necessary in determining the validity of the Appeal. The statement shall be fully responsive to the allegations of the Appeal:

GDOE's Agency Statement

Bates Stamp No. GDOE 0943-0945

Exhibit 51

8. If the award was made after receipt of the protest, the report will include the determination required under 2 GAR § 9101(e):

Not Applicable.

9. A statement in substantially the same format as Appendix B to this Chapter, indicating whether the matter is the subject of a court proceeding:

Declaration Regarding Court Action

Bates Stamp No. GDOE 0946

Exhibit 52

10. Memorandum to File re: Determination of Proprietary Data:

Bates Stamp Nos. GDOE0942

Exhibit 53

Dated this 30th day of April, 2012.

Respectfully submitted,

GUAM DEPARTMENT OF EDUCATION

By: 

REBECCA M. PEREZ, ESQ.

Legal Counsel