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OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS

JUL 17 2012

TIME 12:30 PM BY NHT/FFR

FILE NO. 12-010

5
6 **BEFORE THE OFFICE OF PUBLIC ACCOUNTABILITY**
7 **PROCUREMENT APPEAL**

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

APPEAL NO. OPA-PA-12-010

RENEWAL OF REQUEST FOR DECISION

10 Appellant.
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13 Comes now the Guam Department of Education (“GDOE”) by and through its counsel
14 and files this Renewal of Request for Decision on the basis that Allied Pacific Builders, Inc.
15 (“Appellant”) filed a Letter of Formal Hearing Request Withdrawal (“Hearing Request
16 Withdrawal”) with the Office of Public Accountability (“OPA”) on June 13, 2012 and an
17 Appendix D Hearing Request/Waiver Form on June 14, 2012.

18 This request is supported by the Memorandum of Points and Authorities below.

19 **MEMORANDUM OF POINTS AND AUTHORITIES**

20 In GDOE’s Request for Decision filed on June 14, 2012, GDOE requested that given the
21 time-sensitive nature of the funds available for this procurement, that a decision on the merits of
22 the Appeal be made as soon as possible, but in no event, no later than Friday, July 13, 2012. A
23 decision on the Motions to Dismiss was issued on June 14, 2012; but a decision on the merits of
24 the Appeal has not been provided to this office. Therefore, GDOE renews its request that a
25 decision on the merits of the Appeal be made as soon as possible.

26 GDOE wishes to reemphasize that it worked diligently at resolving this protest as
27 expeditiously as possible. As shown in Exhibit 1, GDOE first responded to Appellant on March 3,

1 2012, stating that “at least one of the issues raised in your protest may be influenced by a case
2 currently before the [OPA]. GDOE intends to issue a response to your protest once it has had an
3 opportunity to review the ruling from the OPA case.” GDOE formally responded to that protest
4 on April 3, 2012, a mere three (3) business days after a Decision was rendered in OPA-PA-11-
5 019/020/021¹. Ten (10) days later, on April 13, 2012, Appellant filed this Appeal with the OPA.

6 On May 10, 2012, Appellant filed its Request for a Formal Hearing. At the May 25, 2012
7 hearing it was indicated that Appellant had the right to waive its right to a formal hearing and a
8 decision would be rendered within thirty (30) days of the waiver. Thereafter, on June 13, 2012
9 Appellant filed the Hearing Request Withdrawal and then on June 14, 2012 Appellant filed
10 Appendix D Hearing Request/Waiver Form. On the basis of statements made at the May 25, 2012
11 hearing and 2 GAR § 12110(a), GDOE respectfully requests that the OPA issue a decision on the
12 merits of the Appeal, as more than thirty (30) days has expired since the hearing was waived and
13 the matter was taken under advisement. *See also* 5 GCA § 5701.

14 Dated this 17th day of July, 2012.

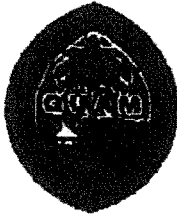
15 Respectfully submitted,

16 **GUAM DEPARTMENT OF EDUCATION**

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18 By: 
19 **CHRISTINA M. PEDERSON, ESQ.**
20 *Legal Counsel*

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25 ¹ At the May 25, 2012 hearing, the OPA indicated that the issues in OPA-PA-11-019/020/021 (“Infratech appeal”)
26 were similar to the issues raised in this Appeal. Further, the OPA encouraged the Appellant to review the March 6,
27 2012 independent review of bid documents (“Infratech review”) that was originally completed for the Infratech
28 appeal. The Infratech review is posted on the OPA website as a document for this Appeal.

Exhibit 1



Taling M. Taitano
Interim Superintendent of Education

**DEPARTMENT OF EDUCATION
OFFICE OF SUPPLY MANAGEMENT**

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Marcus Y. Pido
Supply Management Administrator

March 3, 2012

Mr. Genaro Q. Danila
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DELIVERY VIA FACSIMILE AND E-MAIL TRANSMISSION ONLY

**RE: Response to Letter of Protest dated January 5, 2012
IFB 035-2011 and IFB 036-2011
Structural Repairs and Roof Coating – Northern A and Northern B**

Dear Mr. Danila:

This letter is written in response to your letter of January 5, 2012 regarding Guam Department of Education ("GDOE") Invitations for Bids Numbers 035-2011 and 036-2011 for Structural Repairs and Roof Coating. GDOE is continuing its review of the allegations in your protest. The response to at least one of the issues raised in your protest may be influenced by a case currently before the Office of Public Accountability ("OPA").

GDOE intends to issue a response to your protest once it has had an opportunity to review the ruling from the OPA case. We expect the ruling from the OPA will be issued within thirty (30) days and upon review of the OPA ruling, GDOE will promptly issue a response to your protest.

Response to Allied Pacific Letter of Protest dated January 5, 2012
March 3, 2012
Page 1 of 2

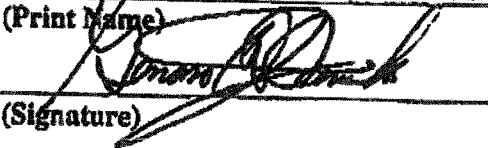
Please acknowledge receipt of this document by signing below and return acknowledgment via fax: (671) 472-5001.

Senseramente


MARCUS Y. PIDO

Acknowledge Receipt:

GENARO Q. DANILA / GEN. MANAGER
(Print Name)


(Signature)

ALLIED PACIFIC BUILDERS, INC.
(Company Name)