



OFFICE OF PUBLIC ACCOUNTABILITY

November 16, 2011

Doris Flores Brooks, CPA, CGFM
Public Auditor

Mr. Marcus Pido
Supply Management Administrator
M. F. L. Guerrero Administration Bldg.
2nd Floor, Suite B-220
Hagatna, Guam 96932

VIA FACSIMILE: 472-5001

Re: Notice of Receipt of Appeal Regarding GDOE-IFB-024-2011 Southern High School Gymnasium Repair.

Dear Mr. Pido,

Please be advised that Mr. Thomas Tarpley, Esq., legal counsel for Kim Brothers Construction Company (KBCC) has filed an appeal with the Office of Public Accountability (hereafter "OPA") on November 14, 2011 of DOE's response to KBCC's correspondence relative to the above-stated procurement solicitation. The appeal has been assigned Master File No. **OPA-PA-11-017**.

Immediate action is required of your office pursuant to the Rules of Procedure for Procurement Appeals, found in Chapter 12 of the Guam Administrative Regulations (GAR). Copies of the rules, the appeal, and all filing deadlines are available at our office and on our website at www.guamopa.org. The transmittal letter and the first page of the notice of appeal filed with OPA are enclosed for your reference.

Please provide the required notice of this appeal to the required parties with instructions that they should communicate directly with OPA regarding the appeal. You are also responsible for giving notice to the Attorney General or other legal counsel for your agency. Promptly provide OPA with the identities and addresses of interested parties and a formal entry of appearance by your legal counsel.

Pursuant to 2 GAR Div 4, Chap 12, §12104(3), please submit one complete copy of the procurement record, as outlined in 5 GCA Chapter 5, §5249, to OPA by **Monday, November 21, 2011**, five work days following receipt of this notice of appeal; and one copy of the Agency Report, as outlined in 2 GAR Div 4, Chap 12, §12105, by **Tuesday, November 29, 2011**, ten work days following receipt of this notice of appeal. When filing all other required documents with our office, please provide one original and two copies to OPA, and serve a copy to the Appellant (protesting vendor).

Thank you for your prompt attention to this matter. Please contact me at 475-0390 ext. 211 or email address acamacho@guamopa.org should you have any questions regarding this notice.

Sincerely,

Anne Camacho
Procurement Appeals Administrator

Enclosure: First Page of Notice of Appeal- OPA-PA-11-017
Cc: Law Office of Thomas Tarpley, Legal Counsel for Appellant - KBCC



OFFICE OF THE PUBLIC AUDITOR

Appendix A: Notice of Appeal Form
PROCUREMENT APPEAL

RECEIVED
OFFICE OF THE PUBLIC AUDITOR
1000 P. TARRANT BLVD. SUITE 200
HAGATNA, GUAM 96910

NOV 14 2011

4:40P
Ae
11-017

PART I- To be completed by OPA

In the Appeal of)	NOTICE OF APPEAL
<u>KIM BROS. CONSTRUCTION CORP.</u>)	
(Name of Company), APPELLANT)	Docket No. OPA-PA <u>11-017</u>
_____)	

PART II- Appellant Information

Name: Kim Bros. Construction Corp.

Mailing Address: c/o Thomas M. Tarpley Law Firm
GCIC Bldg, Suite 904

Business Address: 414 W. Soledad Ave.
Hagatna, Guam 96910

Daytime Contact No: (671) 472-1539
(671) 472-4526 (Fax)

PART III- Appeal Information

- A) Purchasing Agency: Department of Education
- B) Identification/Number of Procurement, Solicitation, or Contract: DOE IFB 24-2011
- C) Decision being appealed was ^{received} made on Oct. 30, 2011 (date) by:
 Chief Procurement Officer Director of Public Works Head of Purchasing Agency

Note: You must serve the Agency checked here with a copy of this Appeal within 24 hours of filing.

- D) Appeal is made from:
 (Please select one and attach a copy of the Decision to this form)
- Decision on Protest of Method, Solicitation or Award
- Decision on Debarment or Suspension
- Decision on Contract or Breach of Contract Controversy
 (Excluding claims of money owed to or by the government)
- Determination on Award not Stayed Pending Protest or Appeal
 (Agency decision that award pending protest or appeal was necessary to protect the substantial interests of the government of Guam)

ORIGINAL



FAX

To: **Mr. Marcus Pido**
GDOE Supply Mgmt. Administrator

Copy to: **Ms. Taling Taitano, CPA**
GDOE Superintendent

Mr. Thomas M. Tarpley, Jr., Esq.
Legal Counsel for Appellant / KBCC

From: **Doris Flores Brooks, CPA, CGFM**
Public Auditor
OPA Procurement Appeals
Suite 401 DNA Bldg.
238 Archbishop Flores St.
Hagatna, Guam 96910

Agency:	Pages	10 (Including cover)
CC:	Date:	November 16, 2011 (NOTE: GDOE was initially informed via email on November 14, 2011)
Fax:	GDOE: 472-5001 LOTMT: 472-4526	Point of Contact Tel: 475-0390 x 211 (Anne Camacho) Fax: 472-7951 Nos.

Re: **Appeal No. OPA-PA-11-017 Notice of Receipt of Appeal**

Urgent For Review Please Comment Please Reply Please Recycle

Please acknowledge receipt of this transmittal by re-sending this cover page along with your firm or agency's receipt stamp, date, and initials of receiver. Thank you.

Anne Camacho -- acamacho@guamopa.org

This facsimile transmission and accompanying documents may contain confidential or privileged information. If you are not the intended recipient of this fax transmission, please call our office and notify us immediately. Do not distribute or disclose the contents to anyone. Thank you.
