

**DEPARTMENT OF EDUCATION**  
 Laura J. Mooney, Legal Counsel  
 P.O. BOX DE  
 HAGATNA, GUAM 96932  
 TEL: 300-1537  
 FAX: 472-5003  
 ljmooney@gdoe.net

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 PROCUREMENT APPEALS  
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**IN THE OFFICE OF PUBLIC ACCOUNTABILITY  
 PROCUREMENT APPEAL**

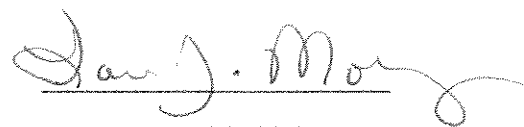
**IN THE APPEAL :** )  
 )  
**JRN AIR CONDITIONING &** )  
**REFRIGERATION, INC.** )  
 )  
 )  
 )  
**Party- In-Interest** )  
**J & B Corporation** )  
 )

**APPEAL NO: OPA-PA-10-007**  
**Purchasing Agent, DOE's**  
**Brief On Remedies**

Appellant's position is that DOE failed to follow the procurement laws and regulation with regard to prevailing wages. Appellant's bid has been shown not to be in compliance with the prevailing wage rate. It is clear from the record and the evidence that the Party In Interest's bid was sufficient to meet the minimum applicable prevailing wage rate with health benefits and other required fringe benefits set forth in the law, and that the a review and determination on the issue was made by DOE prior to award. It is further clear that DOE's procurement process in IFB 007-2010 was in compliance with the applicable laws and regulations.

In this matter which is post award and in performance by the Party In Interest there has not been shown any bad faith, fraud or non-compliance with applicable minimum prevailing wages required by law by the Party in Interest. The contract is for the repair and maintenance services of DOE's air conditioning units. Air Conditioning is required by law in the public schools and is a health and safety issue.

Appellant's appeal should be dismissed or in the alternative if there is violation of procurement laws or regulations is determined by the OPA, DOE request that there be a determination by the OPA pursuant to the authority set forth in 5 GCA Ch5 § 5452 (A) (1) (i) that it is in the best interest of the Territory that the contract be ratified and affirmed.

  
 LAURA J. MOONEY  
 DOE Legal Counsel

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