

OFFICE OF HEALTH ACCREDITABILITY  
PROCEDURAL APPEALS

SEP 19 2011

9/28 by mv  
FILE NO. OPA/PA: 11-016

**MOTION FROM THE APPELLEANT**

OPA: PA :11-016

Monday, September 19, 2011

Peter Alecxis Ada  
President  
APM: Guam Medical Referral Services

Original: OPA  
cc: Atty. Robert Kono  
Atty. Thomas J. Fisher

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Monday, September 19, 2011

To: OPA

Atty. Robert Kono

Atty. Tom Fisher

From: Peter Alecxis Ada,

President, APM: Guam Medical Referral Services

Docket: PA: 11-116

Subject: PAA-11-116 (Motion)

Greetings yan Hafa Adai

Submitted herewith is Peter Alecxis Ada's (APM: Guam Medical Referral Service's motion reference to the above mentioned subject case.

1. Opening of Bid Price Envelope
2. Inconsistencies of Policies, Rules and Regulations

My motion may be found in the following pages.

A handwritten signature in black ink, appearing to read 'Peter Alecxis Ada', written in a cursive style.

Peter Alecxis Ada

President, APM: Guam Medical Referral Services

APM: Guam Medical Referral Services

On Friday, September 16, 2011, a Notice of Joinder file by Attorney Thomas J. Fisher was delivered to my home. In his notice Attorney Fisher request to EXCLUDE my comments filed on Monday, 2011 September 12th, with OPA and I strongly oppose his request for exclusion.

Regarding the Opening of my Bid Price Envelope: I am very concern why that between July 22<sup>nd</sup> and August 2<sup>nd</sup>, 2011, I was never notified that my envelope was opened. It was not until I asked for my envelope and Ms. Marissa Leon Guerrero said “oh, your Bid Price, let me check with the Chief.” Why would she have to check with the chief when in fact, she was already instructed on the July 22<sup>nd</sup> e mailed to her at 6:47 p.m., to return the envelope in its entirety. Was GSA hoping that I wouldn’t ask for my bid price, since I was originally asking for my Bid Bond?

Although all those present during the Pre Bid Conference only those who have been identified as “Acceptable and/or Potentially Acceptable would be invited to proceed on to Phase II. What was the motive of this procedure?

Attorney Fisher takes note that the Attorney General (or his designee) “shall act as legal advisor during ALL PHASES of the solicitation or procurement process. During my meeting with the AG’s investigators at the invitation of the AG’s office on Monday, August 8<sup>th</sup>, 2011, I specifically asked the question “is Mr. Kono an employee or a deputized attorney to represent the Attorney General’s Office and the response was ‘NO’”.

Presuming Attorney Fisher’s information is correct that on June 9<sup>th</sup>, 2011, that there was communication between the Chief Procurement Officer and the AG’s Office, then why weren’t these matters resolved prior to the publication of the Call for Bid?

It is rather very interesting that with my experience of the program since its inception, just how I could not even be considered as Potentially Acceptable. Take close look at the attachment provided in my submission to the OPA (September 12<sup>th</sup>, 2011 the difference in pricing. My technical proposal is much more explicit on related issues to the requirement under this program which were not mention by others in their technical proposal. Does two bidders make it competitive?

Then it is incomprehensible to get a phone call from GSA on Tuesday, August 30<sup>th</sup>, 2011 asking for a month's quotation and just weeks earlier my technical bid was deemed unacceptable. Why would they want someone whose technical proposal has been deemed unacceptable? Where is the logic here?

**Regarding the issue of Assignments/Sub Contracting:**

The Invitational Bid made it very clear that "no part or parts of this contract shall be assigned or sub contracted WITHOUT THE PRIOR WRITTEN APPROVAL OF THE OFFICE. If the AG and Governor has not yet signed the contract, then who approved this because I am aware that one or more site office is in another person's name.

**ON THE ISSUE OF NON COMPLIANCE AND INCONSISTENCY OF GSA'S OWN POLICIES, RULES AND REGULATIONS**

*I am pursuing this appeal in the interest of future bidders so that this would not be repeated again.*

*Since this GSA is a division of the Department of Administration and A LINE AGENCY, their rules, policies, and procedures should be transparent, and standardized for any and all bids.*

1. All bidders shall be afforded an opportunity to be present during the opening of all bids.
2. When an e mail was sent to GSA under the Freedom of Information Act requesting on what basis was my Technical Bid rated, why did they refer me to the Technical Invitation rating procedure rather than answering my question directly. I was only asking for my own evaluation. No one else's. This report is supposed to be in the file provided by GSA to OPA but it isn't there. Please provide me with an answer.

Peter Alecxis Ada  
President  
APM: Guam Medical Referral Services