

1 **GUAM DEPARTMENT OF EDUCATION**

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**RECEIVED**  
OFFICE OF PUBLIC ACCOUNTABILITY  
PROCUREMENT APPEALS

DATE: 4-19-2013

TIME: 4:20  AM  PM BY: JBAL

FILE NO OPA-PA: 13-003

8 **BEFORE THE OFFICE OF PUBLIC ACCOUNTABILITY**  
9 **PROCUREMENT APPEAL**

10 IN THE APPEAL OF

APPEAL NO. OPA-PA-13-003

11 PHIL-GETS (GUAM)  
12 INTERNATIONAL TRADING CORP.  
13 dba J&B MODERN TECH,

**SUBMISSION OF AGENCY REPORT**

Appellant.

14 The Guam Department of Education ("GDOE"), the purchasing agency in this matter,  
15 hereby submits the following exhibits as the Agency Report required by 2 GAR §12105:

16 a. A copy of the protest(s):

17 ***J&B Modern Tech ("First Protest")***  
*Bates Stamp Nos. GDOE 00536-00681*

**Exhibit 12**

18 ***J&B Modern Tech Second Protest***  
*Bates Stamp Nos. GDOE 00682-00686*

**Exhibit 13**

19 b. A copy of the bid submitted by the Appellant.

20 *A copy of the Appellant's bid is included in the Procurement*  
21 *Record as Exhibit 5, Bates Stamp Nos. GDOE 0022-00247.*

22 c. A copy of the solicitation, including the specifications or portions thereof relevant  
23 to the Appeal:

24 *A copy of IFB008-2013, Amendments and Clarifications are*  
25 *included in the Procurement Record as Exhibit 7, Bates Stamp*  
26 *Nos. GDOE 00249-00350.*

1 d. A copy of the abstract of bids or offers or relevant or portions thereof relevant to  
2 the Appeal:

3 *A copy of Abstract of Bids is included in the Procurement*  
4 *Record as Exhibit 8, Bates Stamp Nos. GDOE 00351-00530.*

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

7  
8 **Notice of Stay of the Procurement**  
9 *Bates Stamp Nos. GDOE 00687*

**Exhibit 14**

10 **Determination and Notice of Suspension**  
11 *Bates Stamp Nos. GDOE 00688-00829*

**Exhibit 15**

12 **Notice of Non-Consideration, GDOE IFB 008-2013**  
13 *Bates Stamp Nos. GDOE 00830-00833*

**Exhibit 16**

14 f. The decision from which the Appeal is taken, if different than the decision  
15 submitted by Appellant:

16 **GDOE's April 3, 2013, Written Response to J&B's Protests**  
17 *Bates Stamp Nos. GDOE 00834-00835*

**Exhibit 17**

18  
19 g. A statement answering the allegation of the Appeal and setting forth findings,  
20 actions, and recommendations in the matter together with any additional evidence or information  
21 deemed necessary in determining the validity of the Appeal. The statement shall be fully  
22 responsive to the allegations of the Appeal:

23 **GDOE's Agency Statement**  
24 *Bates Stamp Nos. GDOE 00836-00840*

**Exhibit 18**

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

28 *Not applicable.*

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

*A copy of Declaration regarding Court Action is included in the Procurement Record as Exhibit 10, Bates Stamp No. GDOE 00531.*

Dated this 19<sup>th</sup> day of April, 2012.

Respectfully submitted,

**GUAM DEPARTMENT OF EDUCATION**

By:   
**ANDREW T. PEREZ, ESQ.**  
*Legal Counsel*