



OFFICE OF PUBLIC ACCOUNTABILITY  
Doris Flores Brooks, CPA, CGFM  
Public Auditor

**PROCUREMENT APPEALS**

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6 IN THE APPEAL OF,

7 IP&E HOLDINGS, L.L.C.,

8 Appellant  
9

) **APPEAL NO: OPA-PA-14-008**

) **DECISION & ORDER RE INTERESTED  
PARTY'S MOTION TO STRIKE  
APPELLANT'S CLOSING BRIEF**

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11 To: **Purchasing Agency:**  
12 Guam Power Authority  
13 C/O Joaquin C. Flores, General Manager  
14 P.O. Box 2977  
Hagåtña, Guam, 96932  
Facsimile: (671) 648-3290

15 **Appellant:**  
16 IP&E Holdings, L.L.C.  
17 C/O Steven Carrara, Esq.  
18 P.O. Box 2881  
Barrigada, Guam, 96921  
E-Mail: [Steven.Carrara@itehq.net](mailto:Steven.Carrara@itehq.net)

19 **Interested Party:**  
20 Mobil Oil Guam, Inc.  
21 C/O R. Marsil Johnson, Esq.  
22 Blair Sterling Johnson Martinez, P.C.  
23 238 Archbishop Flores St., Ste 1008  
Hagåtña, Guam, 96910  
Facsimile: (671) 472-4290

24 **THIS MATTER** came before the Hearing Officer on November 4, 2014 pursuant to  
25 Interested Party MOBIL OIL GUAM, INC.'s (MOBIL) October 31, 2014 Motion to Strike  
26 Appellant's Closing Brief. After considering the arguments in said motion, the Hearing Officer  
27 hereby DENIES MOBIL's Motion to Strike:

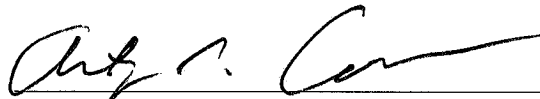
28 1. The Appellant's Closing Brief is Timely. At the end of the Hearing Re Appellant's  
Appeal held on October 28, 2014, the Hearing Office advised the parties that they had until 5:00

1 p.m. on October 30, 2014 to file their Remedies Briefs. The Appellant filed their closing brief  
2 on October 30, 2014 prior to 5:00 p.m. Therefore, the Hearing Officer finds that it was timely.

3 2. The Appellant's Closing Brief requests primary and alternative remedies. Although  
4 titled a "Closing Brief" the Appellant requests that the OPA find that the solicitation at issue in  
5 this matter required that the contract be awarded to the lowest overall bidder, and, in the  
6 alternative, that if the OPA does not make this finding, that the OPA order the Purchasing  
7 Agency to permit the Appellant to amend its submitted price on the Tenjo Vista plant to .07 cents  
8 per gallon. Thus, albeit the Appellant explains what facts adduced at the hearing in this matter  
9 justify its requested remedies, the Appellant did in fact comply with the Hearing Officer's  
10 October 28, 2014 order by filing a brief that stated the remedies it was seeking.

11 3. Based on the foregoing, MOBIL's Motion to Strike is hereby DENIED.

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13 **SO ORDERED** this 3<sup>rd</sup> day of November, 2014 by:

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16 ANTHONY R. CAMACHO, ESQ.  
17 Hearing Officer

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20 **Acknowledgement Receipt:**

21  
22 \_\_\_\_\_  
Receiver's Signature

23  
24 \_\_\_\_\_  
Print Name

25  
26 \_\_\_\_\_  
Date