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Attorney for Appellant
IP&E Holdings, LLC

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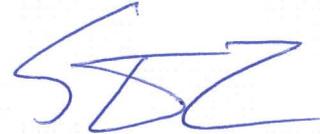
In the Procurement Appeal of)
)
IP&E HOLDINGS, LLC.,)
)
Appellant.)
)
)

It is a matter of Guam procurement law that a government “contract shall be awarded with reasonable promptness by written notice to the lowest responsible bidder whose bid meets the requirements and the criteria set forth in the Invitation for Bids and whose bid amount is sufficient to comply with Article 13 ...” 5 CGA § 5210(g). It is IP&E’s position that under the criteria set forth in the IFB that proof of the required insurance was to be submitted at the time of bid. Whether intentional or not GPA has made the requirement of insurance a “responsiveness” factor than a “responsibility” factor. Having made the insurance a matter of “responsiveness” it was improper to allow Mobil to submit additional documentation after bid opening. Had it truly been an issue of “responsibility” there would have been issue for GPA to ask the others two bidders to confirm compliance as they submitted the requested information in the bid package as instructed.

While the proposed awardee may have submitted a lower price, that in and of itself, does not excuse the failure to adhere to the stated requirements as the integrity of the procurement system must be maintained.

Respectfully submitted this 26th day of September 2015.

By: _____



Steven Carrara
IP&E General Counsel