

**Public Auditor** 

OFFICE OF PUBLIC ACCOUNTABILITY

Doris Flores Brooks, CPA, CGFM

## **PROCUREMENT APPEALS**

In the Appeal of	) Appeal No: OPA-PA-13-010
JMI Edison ,	ORDER GRANTING MOTION RE AUTOMATIC STAY
Appellant.	)

On August 9, 2013, JMI Edison ("JMI") filed a Motion for Expedited Relief to Declare Automatic Stay in Effect. Phil-Gets (Guam) International Trading Corp, dba J&B Modern Tech ("J&B") and Guam Department of Education ("GDOE") opposed the motion.

JMI's Motion is Granted. JMI filed a timely Procurement Protest and thereafter filed a timely Notice of Appeal to the Office of Public Accountability ("OPA"). By doing so, an automatic stay is triggered and remains in effect until final resolution of JMI's protest. The automatic stay is triggered upon the filing of a timely protest; the filing of a timely appeal to the OPA; and the filing of a timely appeal to the Superior Court of Guam. In the event of a timely protest... the Territory shall not proceed further with the solicitation or with the award of the contract prior to its final resolution. 5 G.C.A.§ 5425(g). Final resolution of a protest includes the time period of an appeal after protest. In the Appeal of IBSS, OPA-PA-08-012, pp.9-10. The status quo is preserved by operation of law and, under 5 G.C.A.§ 5425(g), further action on the procurement under appeal is stayed until resolution of the appeal. Teleguam Holdings LLC and its Wholly Owned Subsidiaries v. Territory of Guam et al., Superior Court of Guam, CV0334-13 (Decision and Order, April 29, 2013, 2:9-3:3).

An automatic stay has been effect since the timely filing of JMI's Procurement Protest on July 3, 2013 continuing through JMI's timely Notice of Appeal to the OPA filed on August 2, 2013, until final resolution. Pursuant to the automatic stay, the GDOE should not have nor shall it proceed further with the solicitation of with the award of the contract until final resolution of JMI's appeal to the OPA and if subsequently timely filed, to the Superior Court of Guam.

SO ORDERED this 20th day of September, 2013 by

**Peter C. Perez Hearing Office**