



OFFICE OF PUBLIC ACCOUNTABILITY  
Doris Flores Brooks, CPA, CGFM

Public Auditor  
**BEFORE THE PUBLIC AUDITOR**  
**PROCUREMENT APPEALS**  
**TERRITORY OF GUAM**

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6 IN THE PROCUREMENT APPEALS OF  
7  
8 MORRICO EQUIPMENT, LLC,  
9 Appellant.

Docket No. OPA-PA-15-014  
Docket No. OPA-PA-15-017  
Docket No. OPA-PA-16-001

**ORDER CONSOLIDATING APPEALS,  
ORDER RE: EMERGENCY MOTION TO  
CONTINUE PRE-HEARING, and  
SCHEDULING ORDER**

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12 **ORDER CONSOLIDATING APPEALS**

13 On December 7, 2015, Morrigo Equipment, LLC (“Morrigo”) filed a Notice of Procurement  
14 Appeal with the Office of Public Accountability (“OPA”), wherein Morrigo appeals the decision  
15 of purchasing agency Guam Solid Waste Authority (“GSWA”), dated November 22, 2015, denying  
16 Morrigo’s protest of GSWA’s rejection of its bid for the procurement solicitation for rear loader  
17 refuse packer bodies under Invitation for Bid (“IFB”) No. GSWA004-15. That appeal is docketed  
18 as OPA-PA-15-014. Morrigo filed a request for hearing on the appeal. On December 23, 2015,  
19 GSWA filed a motion to dismiss for lack of jurisdiction and for recusal.  
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21 On December 24, 2015, Morrigo filed with the OPA another Notice of Procurement  
22 Appeal, docketed as OPA-PA-15-017. In that appeal, Morrigo is appealing GSWA’s decision dated  
23 December 10, 2015, denying Morrigo’s protest of GSWA’s purported cancellation of IFB No.  
24 GSWA004-15. Morrigo filed a request for hearing on the appeal. A pre-hearing for this matter  
25 and for OPA-PA-15-014 is scheduled for January 7, 2016. At this time, no filing deadlines or  
26 hearing on the appeals have been scheduled.  
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1 On January 4, 2016, Morrico filed with OPA another Notice of Procurement Appeal,  
2 docketed as OPA-PA-16-001. In that appeal, Morrico is appealing GSWA's decision dated  
3 December 23, 2015, denying Morrico's protests of GSWA's issuance of IFB No. GSWA002-16,  
4 another procurement solicitation for rear loader refuse packer bodies, during the automatic stay of  
5 procurement and of the delivery time specification in the new IFB. Morrico filed a request for  
6 hearing on the appeal and an emergency motion to enforce the automatic stay under 5 G.C.A. §  
7 5425(g). No pre-hearing, filing deadlines, or hearing on the appeal have been previously scheduled.  
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9 The Public Auditor has the authority to consolidate appeals for purposes including  
10 efficiency and expediency in resolving appeals. 5 G.C.A. § 5701; 2 G.A.R. §§ 12101, 12108-  
11 12109. As each of the above appeals arise from protests pertaining to GSWA's procurement  
12 solicitations for rear loader refuse packer bodies, first as IFB No. GSWA004-15 and then as  
13 GSWA002-16, and the parties are the same, the Public Auditor finds that consolidating these  
14 appeals will provide for the efficient, expeditious resolution of the appeals.  
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16 Therefore, the Public Auditor ORDERS that these appeals, OPA-PA-15-014, OPA-PA-15-  
17 017, and OPA-PA-16-001, be and are consolidated and all matters pertaining to the appeals shall  
18 be heard concurrently.

19 **ORDER RE: EMERGENCY MOTION TO CONTINUE PRE-HEARING**

20 GSWA moves to continue the Pre-Hearing scheduled in OPA-PA-15-014 and OPA-PA-  
21 15-017, on the basis that GSWA's counsel did not receive notice of the Pre-Hearing and that  
22 GSWA's counsel is on maternity leave and in an early stage of labor during pregnancy. GSWA  
23 requests that the Pre-Hearing be continued to February 12, 2016, or a date thereafter. Based on  
24 the reason that GSWA's counsel is in early labor, the Public Auditor finds good cause to vacate  
25 the Pre-Hearing currently scheduled for January 7, 2016, and therefore GRANTS IN PART  
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1 GSWA's emergency motion. However, the Public Auditor denies GSWA's request to hold the  
2 Pre-Hearing on February 12, 2016, or a date thereafter, and thus DENIES IN PART GSWA'S  
3 emergency motion. Instead, the Public Auditor issues the below Scheduling Order on all three  
4 consolidated appeals.

### 5 SCHEDULING ORDER

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7 The Public Auditor ORDERS the following schedule:

8 1. Motions.

- 9 a. The deadline for parties to file motions (including any motions regarding the Public  
10 Auditor's jurisdiction or authority to hear any of these appeals) is January 19, 2016.  
11 b. Oppositions to the motions shall be filed by January 26, 2016.  
12 c. Replies to oppositions shall be filed by February 2, 2016.  
13 d. The Public Auditor will determine whether or not oral argument will be scheduled  
14 on any motions filed.

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16 2. The parties shall file the following materials for all three appeals by February 15, 2016:


- 17 a. Formal hearing briefs stating the parties' respective positions supported by  
18 applicable authorities;  
19 b. A statement of stipulated facts;  
20 c. Witness lists;  
21 d. Exhibit lists; and  
22 e. Pre-marked hearing exhibits.

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24 3. The Hearing on these consolidated appeals shall commence at 9:00 a.m., on February  
25 22, 2016, at the Public Auditor's Hearing Room, Suite 907, DNA Building, Hagåtña,  
26 Guam.

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- 4. It is further ordered that GSWA shall serve a copy of this Order upon each other person or company who submitted a bid or is a prospective bidder, in order that any of the other bidders or prospective bidders may seek to participate in this appeal as an interested party.
- 5. It is ordered that GSWA file with the Public Auditor proof of service of the Order and that it is served in accordance with the immediately preceding paragraph. The responsibility to serve a copy of the Order on the other bidders or prospective bidders is imposed upon GSWA because it is the entity that is most likely to have the correct names and addresses for such competing bidders or prospective bidders.

SO ORDERED this 7<sup>th</sup> day of January, 2016.

  
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**DORIS FLORES BROOKS**  
Public Auditor of Guam