



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

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

IN THE APPEAL OF

PURESTONE, LLC,

Appellant,

GUAM ECONOMIC DEVELOPMENT
AUTHORITY / CHAMORRO LAND
TRUST COMMISSION,

Purchasing Agency.

DOCKET OPA-PA-15-016

ORDER OF DISMISSAL

The Public Auditor, having reviewed the records submitted for this appeal, orders that this appeal be dismissed for lack of jurisdiction.¹

The procurement and appeal record establishes that on November 21, 2013, the Guam Economic Development Authority (“GEDA”) issued RFP-14-002. Purestone, LLC submitted its proposal in response to the RFP. In a letter dated March 21, 2014, GEDA advised Purestone, LLC that its proposal has been evaluated and has ranked the highest to the services solicited in the RFP and that it would like to commence negotiation of compensation and other contract terms and conditions. Subsequently, in a letter dated December 4, 2015, the Chamorro Land Trust Commission (“CLTC”) advised Purestone, LLC that the RFP is canceled due to the passage of Bill 175-33 which was signed into Public Law 33-95.


¹ The Public Auditor shall have the right at any time and on her own motion to raise the issue of jurisdiction to proceed with an appeal and shall do so by appropriate order. 2 GAR 12104(c)(9).

1 Issuing purchasing agency, GEDA did not file but is now directed to issue a notice of
2 cancellation to Purestone, LLC which would trigger the time by which Purestone LLC would be
3 required to file any protest. Consequently, Purestone, LLC did not file a protest in accordance
4 with 5 GCA § 5425(a). Consequently, GEDA did not issue a protest decision in accordance with
5 5 GCA § 5425(c). On December 18, 2015, Purestone, LLC filed the instant appeal.
6

7 No protest having been filed by appellant, and no protest decision having been issued by
8 GEDA, the Public Auditor finds that the instant appeal is not ripe and that the Public Auditor
9 lacks jurisdiction over this appeal. Accordingly, this appeal is DISMISSED WITHOUT
10 PREJUDICE.

11 This is a Final Administrative Decision. The Parties are hereby informed of their right to
12 appeal from a Decision of the Public Auditor to the Superior Court of Guam in accordance with
13 Part D of Article 9 of 5 G.C.A. §5481(a) within fourteen (14) days after receipt of a Final
14 Administrative Decision. A copy of this Decision shall be provided to the Parties and their
15 respective attorneys, in accordance with 5 G.C.A. §5702, and shall be made available for review
16 on the OPA website at www.opaguam.org.
17

18 **DATED** this 19th day of January 2016.

19
20 
21 **DORIS FLORES BROOKS, CPA, CGFM**
22 **Public Auditor of Guam**

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FAX

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Phone: Fax:	(671) 648-9001 (671) 648-9002	Pages:	3 (including cover page)
CC:	Thomas J. Fisher Attorney Legal Counsel for GEDA	Date:	January 19, 2016
Phone: Fax:	(671) 472-1131 (671) 472-2886	Phone: Fax:	475-0390 x. 206 472-7951

Re: OPA-PA-15-016 Decision

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Please acknowledge receipt of this transmittal by resending this cover page along with your firm or agency's receipt stamp, date, and initials of receiver.

Thank you,
Ashley Gaerlan
Auditor
agaerlan@guamopa.org

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