

*The Law Office of
John Richard Bordallo Bell*
341 S. Marine Corps Drive
RK Plaza Suite 309
Tamuning, Guam 96913
Tel: (671) 646-5722/3
Fax: (671) 646-5721
E-mail: john.r.b.bell@gmail.com
Attorney for Appellant 1-A GuamWEBZ

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PROCUREMENT APPEALS
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FILE NO OPA-PA: 16-002

IN THE OFFICE OF THE PUBLIC AUDITOR

In the Appeal of
1-A GuamWEBZ,

Appellant

DOCKET NO. OPA-PA -16-002

**APPELLANT'S LIST OF ISSUES,
WITNESSES AND EXHIBITS**

Pursuant to the Hearing Officer's May 27, 2016 Order regarding the matter above, Appellant 1-A GuamWEBZ ("GuamWEBZ") submits the following for the Hearing on Appeal ("Hearing") to be convened on June 8, 2016. The parties met and conferred at GCC counsel's office on Tuesday May 31, 2016 but were ultimately unable to agree on compromises.

ISSUES

1. Whether GuamWEBZ timely filed its bid protest regarding IFB, GCC-FB-16-006 (the "IFB").
2. Whether WSI timely submitted its bid, as determined by 2 GARR § 3109(1)(1).
3. Whether WSI was unlicensed from Sept 2013 to March 11, 2016.
4. Whether, as a matter of law, WSI, having done business on Guam for a number of years, but having not renewed its Guam business license for over two years prior to submitting its bid, is entitled to the 'Local Procurement Preference' via 5 GCA

§ 5008.

5. Whether WSI's lack of a business license at the time of its bid submission is an issue of responsibility or responsiveness pursuant to the terms and requirements of the IFB.
6. Whether GCC's evaluation team for the IFB's submissions (the "Web Group") fairly and properly evaluated the bids and GCC properly awarded the contract to WSI.
7. Whether GCC properly handled WSI's designation that certain pages of its bid contained confidential information when GuamWEBZ requested a copy of WSI's bid after GCC evaluated both of the bids and advised GuamWEBZ that WSI would be awarded the contract for the IFB. See 2 GARR § 3109(1)(3).
8. Whether GuamWEBZ's Protest or Appeal was prejudiced by any action or inaction on the part of WSI or GCC with regard to WSI marking each and every page of its Bid "confidential."
9. Whether Joleen Evangelista's incorrect representation to Dr. Okada that WSI was found to be the "lowest, most responsive and responsible vendor" denied GuamWEBZ the bid award.

WITNESSES

GuamWEBZ may call the following witnesses to testify at the Hearing.

1. Carlos Halehale, General Manager of WSI Guam
2. Dr. Mary Okada

Ed.D., President/CEO of GCC

1 Sesame Street, Mangilao, Guam

3. Joleen Evangelista

Proc & Inventory Administrator, Materials Management, GCC

1 Sesame Street, Mangilao, Guam

4. Francisco Camacho

Data Processing Systems Admin, Management Information Systems, GCC

1 Sesame Street, Mangilao, Guam

5. Wesley Gima

Adjunct Level III, Adjunct – TPS, GCC

1 Sesame Street, Mangilao, Guam

6. Jayne Flores

Assistant Director, Communications and Promotions, GCC

1 Sesame Street, Mangilao, Guam

7. Angela Cabrera

Graphic Artist Technician I, Communications and Promotions, GCC

1 Sesame Street, Mangilao, Guam

8. Rhaj Sharma, President, 1-A GuamWEBZ

9. Ashley Benavente

Collection Agent, Department of Revenue and Taxation

1240 16, Barrigada, 96913, Guam

10. Debbie Duenas

Buyer II, Materials Management, GCC

1 Sesame Street, Mangilao, Guam

11. Hillary Toves

Office Administrator, 1-A GuamWEBZ

EXHIBITS

GuamWEBZ submits the following regarding exhibits for the Hearing.

- GCC's Exhibit A – Tab 4 (pages 0001-0005) of the Agency Report
- GCC's Exhibit B – Tab 5 of the Agency Report
- GCC's Exhibit C – Tab 6 of the Agency Report
- GCC's Exhibit D – Tab 7 of the Agency Report
- GCC's Exhibit E – Tab 8* of the Agency Report
 - *GuamWEBZ objects for the record and seeks to strike GCC's untimely June 1, 2016 addition to Tab 8 of a document purporting to show the time WSI submitted its bid. There is no legal basis for GCC to supplement its Agency Report record at this time. Per 2 GARR § 12105(g), GCC was required to fully respond to the Appeal at the time the Agency Report was due. "The failure of an Appellant or any Interested Party to comply with the time limits stated in this section may result in resolution of the Appeal without consideration of the comments untimely filed." 2 GAR § 12104(c)(5).
- GCC's Exhibit F – Tab 9 of the Agency Report
- GCC's Exhibit G – Ex. B to Purch'g Agency's Submission Under Seal
- GCC's Exhibit H – Purch'g Agency's Service on Appellant re Submission Under Seal
- GuamWEBZ Exhibit 1 - Bid Protest

- GuamWEBZ Exhibit 2 – Procurement Appeal (selected pages)
- GuamWEBZ Exhibit 3 – FOIA Request
- GuamWEBZ Exhibit 4 – WSI’s Biz License Renewal Information
- GuamWEBZ Exhibit 5 – Pg 2 of IFB
- GuamWEBZ Exhibit 6 – WSI Proposal (selected pages between 4 and 41)
- GuamWEBZ Exhibit 7 – WSI’s Local Procurement Preference Application
- GuamWEBZ Exhibit 8 – Page 8 of Bid Instructions
- GuamWEBZ Exhibit 9 – Bid Announcement
- GuamWEBZ Exhibit 10 – Memo from Procurement and Inventory Administrator
- GuamWEBZ Exhibit 11 – GCC’s Bid Price Form



John Richard Bordallo Bell
Attorney for Appellant 1-A Guam WEBZ