

RECEIVED
OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS

Appendix A: Notice of Appeal Form
PROCUREMENT APPEAL

DATE: 12/18/2015
TIME: 1:10 AM PM BY: MSB
FILE NO OPA-PA: 15-016

PART I- To be completed by OPA

In the Appeal of _____)
)
)
(Name of Company), APPELLANT)
)
)
)
)
)
)

NOTICE OF APPEAL

Docket No. OPA-PA _____

PART II- Appellant Information

Name: Purestone, LLC
Mailing Address: PMB 1001 535 Chalan Pale Ramon Haya
Yigo, GU 96929
Business Address: 353 Chalan San Antonio, Unit 101
Tamuning, GU 96913
Email Address: sstern@lattestoneholdings.com
Daytime Contact No: (646) 299-3894 / (671) 689-5358
Fax No.: N/A

PART III- Appeal Information

A) Purchasing Agency: Guam Economic Development Authority & Chamorro Land Trust Commission

B) Identification/Number of Procurement, Solicitation, or Contract: RFP-14-002 Lajuna Point Residential Community, Yigo, Guam

C) Decision being appealed was made on 12/18/2015 (date) by:
 Chief Procurement Officer Director of Public Works Head of Purchasing Agency

Note: You must serve the Agency checked here with a copy of this Appeal within 24 hours of filing.

D) Appeal is made from:
(Please select one and attach a copy of the Decision to this form)

- Decision on Protest of Method, Solicitation or Award
- Decision on Debarment or Suspension
- Decision on Contract or Breach of Contract Controversy
(Excluding claims of money owed to or by the government)
- Determination on Award not Stayed Pending Protest or Appeal
(Agency decision that award pending protest or appeal was necessary to protect the substantial interests of the government of Guam)

E) Names of Competing Bidders, Offerors, or Contractors known to Appellant:
Hawaiian Rock Products

Perez Brothers Inc.

Smithbridge Guam Inc.

PART IV- Form and Filing

In addition to this form, the Rules of Procedure for Procurement Appeals require the submission together with this form of additional information, including BUT NOT LIMITED TO:

1. A concise, logically arranged, and direct statement of the grounds for appeal;
2. A statement specifying the ruling requested;
3. Supporting exhibits, evidence, or documents to substantiate any claims and the grounds for appeal unless not available within the filing time in which case the expected availability date shall be indicated.

Note: Please refer to 2 GAR § 12104 for the full text of filing requirements.

PART V- Declaration Re Court Action

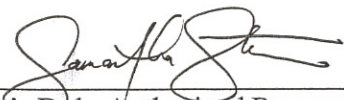
Pursuant to 5 GCA Chapter 5, unless the court requests, expects, or otherwise expresses interest in a decision by the Public Auditor, the Office of Public Accountability will not take action on any appeal where action concerning the protest or appeal has commenced in any court.

The undersigned party does hereby confirm that to the best of his or her knowledge, no case or action concerning the subject of this Appeal has been commenced in court. All parties are required to and the undersigned party agrees to notify the Office of Public Accountability within 24 hours if court action commences regarding this Appeal or the underlying procurement action.

Submitted this 18th day of December, 2015.

By: Purestone, LLC
APPELLANT

or

By: 
Appellant's Duly Authorized Representative
Samantha Stern, President
353 Chalan San Antonio, Unit 101, Tamuning, GU 96913
(646) 299-3894 / (671) 689-5358

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PART IV – FORM AND FILING

Purestone, LLC (Purestone) submitted an offer for RFP-14-002, was ranked the highest offer and negotiated a contract with the Guam Economic Development Authority (GEDA) and Chamorro Land Trust Commission (CLTC). The negotiated contract was completed September 9, 2014 and forwarded to the Attorney General's office for review prior to execution of the contract. During review of the contract, the assistant AG, CLTC, Land Management Director and GEDA with respective attorneys, suggested Purestone postpone moving forward with the project until after CLTC's commercial rules and regulations were passed.

Purestone took the recommended advice of the assistant AG, CLTC, Land Management Director and GEDA with respective attorneys in good faith and postponed any further action.

CLTC's commercial rules and regulations were signed into law by Governor Calvo November 2015 in the form of Bill 175-33. With the passage of Bill 175-33, Purestone then proceeded to contact GEDA and CLTC to execute the contract and begin the development of Lajuna Point Residential Community in Yigo, Guam.

GEDA and CLTC informed Purestone Bill 175-33 cancels RFP-14-002, all documentation (the RFP-14-002, all offers and all other documents) will be destroyed, null and voided and therefore the project will go out to rebid. CLTC emailed a letter December 6, 2015 notifying Purestone RFP-14-002 has been cancelled due to the passage of Bill 175-33 voiding this solicitation.

Purestone, LLC believes Bill 175-33 does not void RFP-14-002 and it has the right to move forward with the contract negotiated in good faith with the Guam Economic Development Authority and Chamorro Land Trust Commission.

The following documents are enclosed with this Notice of Appeal:

- a. RFP-14-002 Lajuna Point Residential Community, Yigo, Guam by Guam Economic Development Authority and Chamorro Land Trust Commission
- b. RFP-14-002 Purestone, LLC Proposal/Offer
- c. Notice of Ranking
- d. Bill No. 175-33
- e. Notice of Cancellation