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PROCUREMENT & BIDDALS

MAY 1 2007

TIME: 4:55 pm
BY: JR
FILE No. OPA-PA 07-002

OFFICE OF THE PUBLIC AUDITOR

In the Appeal of)
)
EMISSION TECHNOLOGIES, INC.,)
)
Appellant.)
_____)

AMENDED NOTICE OF APPEAL

Appeal No. OPA-PA-07-002

Appellant Information:

Emission Technologies, Inc. ("Emission Technologies")
114 10th Street
Hagatna, Guam 96910

Telephone No. (671) 472-4384

Appeal Information:

- A) Guam Power Authority ("GPA").
- B) GPA-RFP-07-002 Continuous Emission Monitoring Systems.
- C) Decision being appealed was made on April 12, 2007 by Joaquin C. Flores, the head of GPA, denying Emission Technologies' protest of the GPA's January 22, 2007 determination that TRC Environmental Corporation was the best offeror.
- D) Appeal is made from a decision on protest of method, solicitation or award.
- E) Names of competing bidders:
TRC Environmental Corporation
Otte Consulting
CoTech

COPY EXHIBIT " 6 "

Form and Filing:

1. GPA issued a request for proposals under GPA-RFP-07-002 ("RFP") for the Continuous Emission Monitoring System. Responses to the proposals were due on November 2, 2006. On January 22, 2007 GPA issued a letter to Emissions Technologies that it had determined the best offeror to be TRC Environmental Corporation ("TRC"). TRC is not licensed to conduct business on Guam. The RFP required that offerors be licensed under Guam law and that GPA would "not consider for award any offer submitted by an offeror who has not complied with the Guam Licensing Law." Additionally, 5 G.C.A. § 5008 requires that procurements be made from companies licensed to conduct business on Guam.

On January 30, 2007 Emissions Technologies submitted a protest regarding the determination that TRC was the best offeror. On March 26, 2007 GPA issued a letter denying Emission Technologies' protest and advising that it had a right to administrative review of that decision. On April 6, 2007 Emission Technologies wrote to GPA requesting that it provide an administrative review. On April 10, 2007 GPA wrote to Emission Technologies advising that they had executed a stay of procurement as a result of Emission Technologies April 6, 2007 letter, that they were reviewing the Request for Proposals submitted and would formally advise of the outcome. On April 12, 2007 GPA wrote to Emission Technologies and advised that its protest was denied.

2. Emission Technologies requests that the Office of Public Auditor rule that GPA cannot consider TRC for award because it was not licensed to conduct business on Guam.

3. Emission Technologies attaches hereto relevant documents to this appeal.

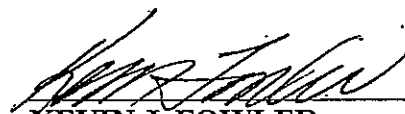
Declaration regarding court action:

Emission Technologies confirms that an action in court has not been commenced.

Dated this 1st day of May, 2007.

DOOLEY ROBERTS & FOWLER LLP

By:



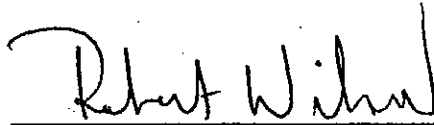
KEVIN J. FOWLER
Attorneys for Appellant
Emission Technologies, Inc.

VERIFICATION

Hagåtña, Guam) ss:

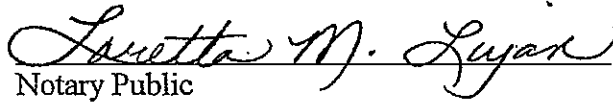
I, Robert Wilson, being first duly sworn, do hereby depose and state that I am the President for Appellant Emission Technologies, Inc. and that I have read the foregoing Amended Notice of Appeal and it is true of my own knowledge except as to those matters alleged upon information and belief and as to those matters, I believe them to be true.

Dated this 1st day of May, 2007.



ROBERT WILSON

SUBSCRIBED AND SWORN to before me this 1st day of May, 2007.



Notary Public

