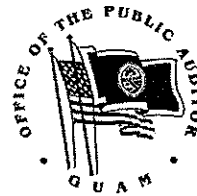


Suite 401 Pacific News Building
238 Archbishop Flores St.
Hagåtña, Guam 96910

Phone: (671) 475-0390
FAX: (671) 472-7951



OFFICE OF THE PUBLIC AUDITOR

Fax

To: Mr. Joaquin C. Flores - General Manager **From:** Theresa Gumataotao

OPA Procurement Appeals

Agency: Guam Power Authority

Pages 5 (Including cover)

CC: Mr. Danny Leon Guerrero - O&M Energy

Date: Friday - March 7, 2008

Authorized Representative

Fax: 648-3290


Phone: 648-3225

Re: OPA-PA-08-004: Receipt of Notice of Appeal on Multi-Step Bid #GPA-013-07 for
Performance Management Contract Cabras 1 & 2 Steam Power Plant

Urgent For Review Please Comment Please Reply Please Recycle

● **Comments:**

See attached letter and enclosures. Please acknowledge receipt of this fax by re-sending this cover page along with the Receipt of Appeal Letter, stamped with your agency name, date, and initials. Thank you.

 Theresa x.207 tgumataotao@guamopa.org

This facsimile transmission and accompanying documents may contain confidential or privileged information. If you are not the intended recipient of this fax transmission, please call our office and notify us immediately. Do not distribute or disclose the contents to anyone. Thank you.



OFFICE OF THE PUBLIC AUDITOR

March 7, 2007

Mr. Joaquin Flores
General Manager
Guam Power Authority
P.O. Box 2977
Hagatna, Guam 96932-2977

VIA FACSIMILE 648-3290

Re: Receipt of Notice of Appeal Regarding Multi-Step Bid #GPA-013-07 for Performance Management Contract Cabras 1 & 2 Steam Power Plant

Dear Mr. Flores:

Please be advised that O&M Energy, S.A. has filed an appeal with the Office of the Public Auditor on March 7, 2008, of your protest decision on the above-stated procurement action. The appeal has been assigned Master File No. **OPA-PA-08-004**.

Immediate action is required of your office pursuant to the Rules of Procedure for Procurement Appeals, found in Chapter 12 of Title 2 of the Guam Administrative Regulations. Copies of the Rules, the appeal, and all filing deadlines are available at our office and on our website www.guamopa.org. The transmittal letter and notice of appeal form filed are enclosed for your reference.

Please provide the required notice of this appeal to the required parties with instructions that they should communicate directly with OPA regarding the appeal. You are also responsible for giving notice to the Attorney General or other counsel for your agency. Promptly provide OPA with the identities and addresses of interested parties and a formal entry of appearance by your counsel.

Please submit one complete copy of the procurement record to OPA by March 14, 2008, five working days following receipt of this notice of appeal. When filing required documents with our office please provide an original and two copies for OPA and serve a copy to Mr. Danny Leon Guerrero the Appellant's authorized representative.

Thank you for your prompt attention to this matter. Please contact Theresa Gumataotao ext. 207 if you have any questions regarding this notice.

Sincerely,

Doris Flores Brooks CPA, CGFM
Public Auditor

Enclosure: Transmittal Letter and Notice of Appeal Form OPA-PA-08-004
cc: Mr. Danny Leon Guerrero (via email at danny.guerrero@yahoo.com)

March 7, 2008

O&M ENERGY
PARQUE EMPRESARIAL LA FINCA
P.O. BOX 1000 DEPORTIVO, 1 EDIFICIO 5
28273 BOZUPELO DE ALARCÓN (MADRID)
ESPAÑA
TEL: (34) 91 210 39 00
FAX: (34) 91 210 39 01

VIA HAND DELIVERY

Doris Flores Brooks
Public Auditor
Office of the Public Auditor
238 Archbishop Flores Street
Suite 401, Pacific News Building
Hagatna, Guam 96910

RE: PROCUREMENT APPEAL ON MULTI-STEP BID #GPA-013-07 IFB FOR PERFORMANCE
MANAGEMENT CONTRACT (PMC) CABRAS 1 & 2 STEAM POWER PLANT

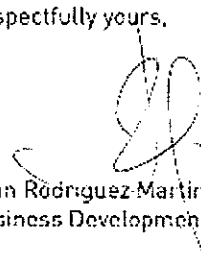
Dear Ms. Brooks,

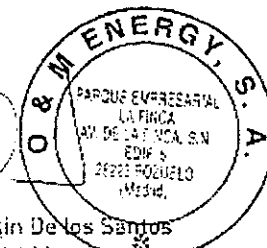
We are submitting herein, in triplicate, a Procurement Appeal on behalf of O&M Energy, S.A., a wholly owned subsidiary of Union Fenosa, regarding the above Guam Power Authority IFB #GPA-013-07 for the Performance Management Contract.

Should you require more information, please do not hesitate to contact me via email: juarr@unionfenosa.es ; Tel# +34 912 103 900. Moreover, our local representative in Guam is Mr. Danny Leon Guerrero, email: danny.guerrero@yahoo.com ; Tel# +671 482 3825 or +671 477 9111.

Thank you.

Respectfully yours,


Juan Rodríguez Martín De los Santos
Business Development Manager



RECEIVED
OFFICE OF THE PUBLIC AUDITOR
PROCUREMENT APPEALS

MAR 07 2008

TIME: 11:52 AM
BY: T. Comacho
FILE No. OPA-PA 08-004





OFFICE OF THE PUBLIC AUDITOR

RECEIVED
OFFICE OF THE PUBLIC AUDITOR
PROCUREMENT APPEALS

MAR 07 2008

PROCUREMENT APPEAL

TIME: 11:52 AM
BY: J. Camacho
FILE No. OPA-PA-08-004

PART I- To be completed by OPA

In the Appeal of)
)
)
O&M Energy, S.A.)
(Name of Company), APPELLANT)
)
)
_____)

NOTICE OF APPEAL

Docket No. OPA-PA-08-004

PART II- Appellant Information

Name: Juan Rodriguez Martin de los Santos, Business Manager
Mailing Address: Parque Empresarial "La Finca", Paseo del Club Dejsportive, 1
28223 Pozuelo de Alarcon, Madrid Spain
Business Address: Same as above
Daytime Contact No: (34) 91 210 39 00

I. PART III- Appeal Information

- A) Purchasing Agency: Guam Power Authority
- B) Identification/Number of Procurement, Solicitation, or Contract: GPA-013-07
- C) Decision being appealed was made on Feb. 21, 2008(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:
Taiwan Electrical and Mechanical Engineering Services 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. See STATEMENT OF GROUNDS FOR APPEAL, which is attached hereto and incorporated herein by reference.

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

II. 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 the Public Auditor 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 the Public Auditor within 24 hours if court action commences regarding this Appeal or the underlying procurement action.

Submitted this 7 day of March 2008.

By: _____
APPELLANT

[Handwritten signature]
or

By: DANNY LEON GUERRERO
Appellant's Duly Authorized Representative

(Address) Suite #225 & 235
(Phone No.) International Trade Center
Tamuning, Guam 96913
(671) 482-3825
(671) 477-9111