

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: Dr. Helen J.D. Whippy – Interim President **From:** Theresa Gumataotao

OPA Procurement Appeals

Agency: University of Guam

Pages: 5 (Including cover)

+ 1 pg. (fax cover sheet in error)

CC: Douglas B. Moylan – Attorney for Appellant

Date: Wednesday – April 16, 2008

Karen C. Caballero – Appellant

Fax: 734-2296 / 475-9293 / 646-4707

Phone: 735-2990 / 475-9292 / 646-2002

Re: OPA-PA-08-005: Receipt of Notice of Appeal re UOG Bid No. P11-08 relative to the procurement of Student Housing Custodial Services

Urgent For Review Please Comment Please Reply Please Recycle

●Comments:

See attached letter and enclosures. Further, please acknowledge receipt 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

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OFFICE OF THE PUBLIC AUDITOR

April 16, 2008

Helen J.D. Whippy PhD
Interim President
University of Guam
UOG Station
Mangilao, Guam 96923

VIA FACSIMILE 734-2296

Re: Receipt of Notice of Appeal: **UOG Bid No. P11-08 relative to the procurement of Student Housing Custodial Services**

Dear Dr. Whippy:

Please be advised that Guam Cleaning Masters filed an appeal with the Office of the Public Auditor on April 15, 2008, of your protest decision on the above-stated procurement action. The appeal has been assigned Master File No. **OPA-PA-08-005**.

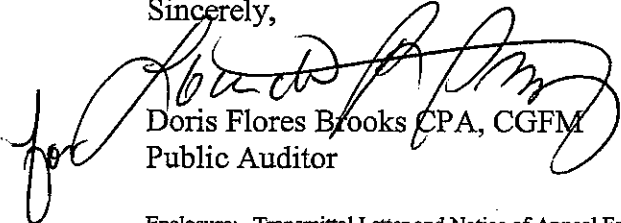
Immediate action is required of your office pursuant to the Rules of Procedure for Procurement Appeals, found in Chapter 12 of Title 2 of the Guam Administrative Regulations. Copies of the rules, the appeal, and all filing deadlines are available at our office and on our website www.guamopa.org. The 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 April 23, 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 the Law Offices of Douglas B. Moylan the Appellant's attorney.

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-08-005

cc: Mr. Douglas B. Moylan – Attorney for Appellant (Via Facsimile 475-9293)
Ms. Karen C. Caballero – GMC Operations & Finance Manager / Appellant (Via Facsimile 646-4707)
Suite 401, DNA Building
238 Archbishop Flores Street, Hagåtña, Guam 96910
Tel (671) 475-0390 • Fax (671) 472-7951
www.guamopa.org • Hotline: 47AUDIT (472-8348)



April 15, 2008

RECEIVED
OFFICE OF THE PUBLIC AUDITOR
PROCUREMENT APPEALS

APR 15 2008

TIME: 4:20PM
BY: AC
FILE No. OPA-PA 08-005

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

Subject: Procurement Appeal

Dear Public Auditor:

Please find the attached Procurement Appeal (Form Appendix A) submitted this date on behalf of Guam Cleaning Masters ("GCM") pertaining to the cancellation of University of Guam's ("UOG's") Bid Number P11-08 (for "Student Housing Custodial Services") on February 29, 2008 for "Insufficient Funds." Bids for this procurement were received by UOG and opened on February 7, 2008.

On March 12, 2008 GCM submitted its bid protest letter. On March 31, 2008 UOG issued its letter rejecting the bid protest and indicating that the bid would be re-bid. On April 2, 2008 GCM sent a request for reconsideration based upon erroneous information contained in UOG's bid protest rejection letter. No response was received.

Please also find the attached completed Hearing Request (Form Appendix D) submitted on behalf of our client, GCM.

Your kind attention to this procurement appeal is appreciated. Thank you.

Respectfully,

Douglas B. Moylan

Enclosures

Suite 201 Skinner Plaza Building • 138 West Seaton Boulevard • Hagåtña
Mailing Address: Law Offices of Douglas B. Moylan • P.O. Box 7822 • Tamuning, Guam 96931 • USA
(671) 475-9292 • (671) 483-9292 (cellular) • (671) 475-9293 (fax) • dbmoylan@gmail.com

1st Elected Attorney General of Guam • 3 term Legislative Counsel

COPY

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

ITI - Power Savers

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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 Attachment)

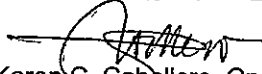
Note: Please refer to 2 GAR § 12104 for the full text of filing requirements.

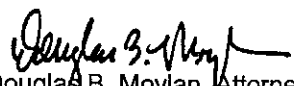
PART V- Declaration Re Court Action

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 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 15th day of April, 2008.


 By: Karen C. Caballero, Operations & Finance Manager
 APPELLANT

or

 By: Douglas B. Moylan, Attorney for Appellant
 Appellant's Duly Authorized Representative
 (Address) Law Offices of Douglas B. Moylan, P.O. Box 7822, Tamuning, GU 96931
 (Phone No.) 475-9292 / fax 475-9293 / dbmoylan@gmail.com

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1	8810	6717342296	4-16; 3:17PM	47s	6/ 6	SG3 BC		CP
2	8810	671 475 9293	3:18PM	45s	6/ 6	SG3 BC		CP
3	8810	6464707	3:19PM	52s	6/ 6	SG3 BC		CP

Note:
 RE: Resend MB: Send to Mailbox BC: Broadcast MP: Multi Polling RV: Remote Service
 PG: Polling RB: Relay Broadcast RS: Relay Send BF: Box Fax Forward CP: Completed
 SA: Send Again EN: Engaged AS: Auto Send TM: Terminated