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 PROCUREMENT APPEALS

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 FILE No. OPA-PA - 08-007

Attorneys for the Purchasing Agency

**THE OFFICE OF THE PUBLIC AUDITOR**

In the Appeal of:	)	Appeal No.: <u>OPA-PA-08-007</u>
	)	
	)	
Guam Publication, Inc.,	)	<b>APPELLEE GENERAL SERVICES</b>
	)	<b>AGENCY'S SUBMISSION OF</b>
Appellant.	)	<b>ADMITTED FACTS</b>
	)	
	)	

**COMES NOW**, Appellee General Services Agency (GSA), by and through its counsel of record, DONNA E. LAWRENCE, ESQ., and hereby submits its statement of facts which it deems to be uncontroverted in this appeal.

1. General Services Agency (GSA) issued an invitation to bid for the advertisement of election notices on February 5, 2008, in the Marianas Variety newspaper.
2. The solicitation for the advertisement of election notices is known as GSA-012-08.
3. The initial IFB was amended to add Item 8.1, which was a 5 x 14 ad size for the list of precinct officials, previously requested by PDN.

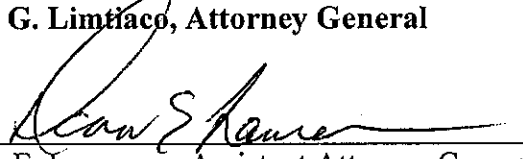
- 1 4. PDN submitted two written inquiries to GSA prior to its bid on the IFB relating to the  
2 issues of the ad size and the distribution/circulation required under the specifications.
- 3 5. PDN submitted a protest relating to the IFB, dated March 7, 2008, prior to its bid on  
4 GSA-012-08, on the issues of the ad size (5 x 15) and the issue of the  
5 distribution/circulation required under the IFB specifications.
- 6 6. PDN's protest letter dated March 7, 2008, was denied by GSA on March 10, 2008.
- 7 7. PDN did not appeal GSA's denial of its protest dated March 10, 2008.
- 8 8. After PDN's protest dated March 7, 2008, was denied, PDN subsequently bid on the  
9 IFB.
- 10 9. Marianas Variety and Guam Publications, Inc. (PDN) were the only two bidders on  
11 the solicitation, GSA-012-08.
- 12 10. PDN made an original and alternate bid on Items 1.1 – 8.1 of the amended IFB.
- 13 11. The bids were opened on March 12, 2008.
- 14 12. On March 12, 2008, Marianas Variety failed to submit a Statement of Qualifications.
- 15 13. On March 12, 2008, PDN became aware the Marianas Variety failed to submit a  
16 Statement of Qualifications at the bid opening.
- 17 14. On March 12, 2008, PDN failed to submit a binding and irrevocable offer with its bid  
18 package.
- 19 15. Marianas Variety was deemed by GSA to be the lowest responsible and responsive  
20 bidder for GSA-012-08.
- 21 16. PDN's second protest relating to GSA-012-08 was made to GSA on April 7, 2008.
- 22 17. PDN's second protest, dated April 7, 2008, protested two issues previously raised in  
23 its March 7, 2008, protest.
- 24 18. GSA denied PDN's second protest, dated April 7, 2008, on May 1, 2008.
- 25 19. PDN filed its appeal on May 14, 2008.
20. PDN's appeal was based on its second protest, dated April 7, 2008.
21. PDN raised one issue on appeal not previously raised in its prior protests.

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- 22. Amendment # 1 to the IFB amended the bid opening date from February 19, 2008, to February 29, 2008.
- 23. Amendment # 2 to the IFB amended the bid opening date from February 28, 2008, to March 4, 2008, and amended the IFB to include Item 8.1, the 5 x 14 List of Precinct Officials.
- 24. Amendment # 3 to the IFB amended the bid opening date from March 4, 2008, to March 7, 2008.
- 25. Amendment # 4 to the IFB amended the bid opening date from March 7, 2008, to March 12, 2008.

**RESPECTFULLY SUBMITTED** this 12th day of August 2008.

OFFICE OF THE ATTORNEY GENERAL  
**Alicia G. Limtiaco, Attorney General**

By:   
Donna E. Lawrence, Assistant Attorney General