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PROCUREMENT
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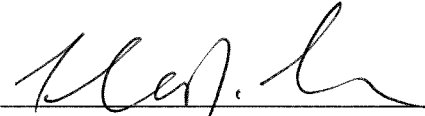
5 **BEFORE THE OFFICE OF THE PUBLIC AUDITOR**
6 **PROCUREMENT APPEAL**

7 IN THE APPEAL OF LATTE TREATMENT) Docket No. OPA-PA-08-008
8)
9 CENTER, INC.)
10 Procurement Appeal No. OPA-AP-06-003) **APPELLANT'S**
11 OPA-PA-08-008) **HEARING BRIEF**
12)
13)

13 The Office of the Public Auditor cannot sustain the award of a contract to present
14 Awardee where there is widespread non-compliance with procurement laws. Facts relevant to
15 this determination include, but are not limited to, the following

- 16
- 17 1. An employee of the Department of Mental Health and Substance Abuse accepted a
18 gratuity from Awardee prior to the award,
 - 19 2. The Request for Proposal in this matter was fashioned to give advantage to the
20 Awardee and disadvantage Appellant;
 - 21 3. The Request for Proposal was withdrawn and reissued on multiple occasions
22 without justification, explanation, sufficient notice or compliance with the procurement laws
23
 - 24 4. The Agency utterly failed to create and preserve a procurement record;
 - 25 5. The Agency failed to certify that the procurement record was preserved and
available for inspection prior to the award as required by 5 Guam code Ann. §5250.

1 The Office of the Public Auditor cannot sustain the award of a contract to present
2 Awardee where the Awardee is not responsible. Facts relevant to this determination include,
3 but are not limited to, the following; 1.) the Federal Bureau of Investigation and the United
4 States Attorney executed a search warrant on Awardee's premises in an investigation, it is
5 believed, concerning health care fraud
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8 By:  _____
9 Mr. Thomas J. Fisher, Esq.
10 Attorney for Latte Treatment Center, Inc.

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