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 OFFICE OF PUBLIC ACCOUNTABILITY
 PROCUREMENT APPEALS

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**THE OFFICE OF PUBLIC ACCOUNTABILITY
 HAGATNA, GUAM**

IN THE APPEAL OF:)
)
CORE TECH)
INTERNATIONAL CORP.,)
)
 Appellant.)
)
 and)
)
GUAM DEPARTMENT OF PUBLIC)
WORKS,)
)
 Purchasing Agency.)

DOCKET NO. OPA-PA-16-004⁷ ma
OPA-PA-16-011

PURCHASING AGENCY
[ADMISSIONS OF FACT]
LIST OF ISSUES

Purchasing Agency, Department of Public Works ("DPW"), respectfully submits the following list of issues.

List of Issues

- Whether Public Laws 32-120 and 32-121, the Request for Proposals ("RFP"), and Addendum No. 6 of the RFP authorized DPW and the Negotiating Committee to negotiate the

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scope of work and the fee estimate with the most qualified offeror, Guam Educational Facilities Foundation, Inc. ("GEFF").

2. Whether 2 GAR § 3114 was not violated as it also permits the parties to discuss scope and price in negotiations.

3. Whether the Negotiating Team modified the RFP as Exhibit A of the RFP is entitled "SIMON SANCHEZ HIGH SCHOOL CONSIDERATION" and not "Technical Requirements".

a. Whether Public Laws 32-120 and 32-121 and the RFP contemplate minor modification thereby permitting the Negotiating Committee to make minor adjustments at the request of the Department of Education to the number of Simon Sanchez High School rooms and other items in the RFP Ex. A considerations.

b. Whether an Administrative error to the number of schools listed in the RFP is a proper basis for the appeal.

c. Whether the cost savings resulting from the reduction of auditorium seating is also permissible as pricing is not a selection factor. [Public Laws 32-120 and 32-121 and the RFP direct the Negotiating Committee to negotiate with the highest qualified contractor to construct a solid school structure that will benefit Guam and its residents.]

4. Whether Performance and Payment Bond is required until there are plans and specifications and a construction contract in place consistent with Public Laws 32-120 and 32-121 and the RFP.

5. Whether the IDIQ contract, as currently written, is inconsistent with the RFP as it explicitly caps the amount of payment at \$100,000,000.00.

6. Whether DPW maintains the required Procurement Record that clearly demonstrates compliance with Public Laws 32-120 and 32-121, the RFP, and the Guam Procurement Law.

Dated this 26th day of August, 2016.

OFFICE OF THE ATTORNEY GENERAL

Elizabeth Barrett-Anderson, Attorney General

By:



DEBRA LEFING
Assistant Attorney General