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**RECEIVED**  
 OFFICE OF PUBLIC ACCOUNTABILITY  
 PROCUREMENT APPEALS  
 DATE: 3/31/2017  
 TIME: 12:06  AM  PM BY: FDJ  
 FILE NO OPA-PA: 17-001

**Attorneys for the Government of Guam**

**IN THE OFFICE OF PUBLIC ACCOUNTABILITY  
 PROCUREMENT APPEAL**

<b>IN THE APPEAL OF:</b>	)	DOCKET NO. OPA-PA-17-001
	)	
	)	
<b>CORE TECH INTERNATIONAL CORP.,</b>	)	<b>DEPARTMENT OF PUBLIC WORKS</b>
	)	<b>MOTION TO DISMISS,</b>
	)	<b>MOTION FOR EXPEDITED DECISION</b>
Appellant.	)	
	)	

**DPW’S MOTION TO DISMISS**

Comes now the Guam Department of Public Works’ (“DPW”) by and through its counsel and files this Motion to Dismiss Core Tech International Corp.’s (“Appellant”) appeal. DPW moves the Office of Public Accountability (“OPA”) as DPW agrees to amend the Request for Proposals for Project No. 730-5-1056-L-YIG (Lease Financing for Design, Renovation, Rehabilitation, Construction and Maintenance for Public Schools (Beginning with Simon Sanchez High School) (“RFP”) to the renovation and/or reconstruction of Simon Sanchez HS and preparation of a Comprehensive Capital Improvement Plan (“CCIP”) only.

**ORIGINAL**

Furthermore, DPW files this Motion for Expedited Decision on that basis that the government cannot move forward with amending the RFP until this matter is resolved by the OPA and the Simon Sanchez HS Project remains in dire need of being rebuilt.

Both Motions are supported by the Memorandum of Points and Authorities below.

**MEMORANDUM OF POINTS AND AUTHORITIES**  
**MOTION TO DISMISS**

Appellant filed a protest with DPW on February 8, 2-017 regarding RFP for Project No. 730-5-1056-L-YIG. DPW responded to that protest on March 3, 2017. Appellant then filed an appeal with the OPA on March 16, 2017. DPW filed its Agency Report on March 31, 2017 in which, in order to avoid any further delays with the procurement of the repair and/or reconstruction of Simon Sanchez HS, it agreed to limit the RFP to the Simon Sanchez HS Project and preparation of the CCIP. Accordingly, there remains no items in dispute with regards to the RFP. For this reason, DPW respectfully requests that the OPA dismiss this appeal on the basis that DPW has agreed to issue an Amended RFP as provided herein.

**MOTION FOR EXPEDITED DECISION**

In addition to its Motion to Dismiss, DPW respectfully submits this Motion for Expedited Decision on the basis that the Simon Sanchez HS remains in dire need of being rebuilt. The solicitations contained in the Protested RFP is a capital improvement project that is discussed in Public Laws 32-120 and 32-121, copies of which are attached herewith as Exhibits 1 and 2. Under P.L. 32-120, which passed into law on February 10, 2013, the Guam Legislature recognized that Simon Sanchez faces the combined challenges of deteriorating conditions, out of date design, and overcrowding. *See*, § 58D102. It is now over four (4) years later and Simon Sanchez HS continues to deteriorate on a daily basis. Upon filing of this Appeal and pursuant to 2 GAR § 9011(e), DPW issued a Stay of Procurement. DPW is unable to proceed with the Simon Sanchez HS Project until this appeal

is resolved. It is in the best interests of the Simon Sanchez HS students and faculty, DPW and the Government of Guam that the repair and/or reconstruction of the school be determined in an expedited manner.

Dated this 31<sup>st</sup> day of March, 2017.

OFFICE OF THE ATTORNEY GENERAL  
**Elizabeth Barrett-Anderson**, Attorney General

By:



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**THOMAS P. KEELER**  
Assistant Attorney General