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RECEIVED
 OFFICE OF PUBLIC ACCOUNTABILITY
 PROCUREMENT APPEALS
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 FILE NO OPA-PA: 17-003

Attorneys for Appellant
 Phil-Gets (Guam) International Trading Corp.
 dba J & B Modern Tech

OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEAL

In the Appeal of)
)
 Phil-Gets (Guam) International Trading Corp.)
 dba J & B Modern Tech,)
)
 Appellant.)
)
 And)
)
 Guam Community College,)
)
 Purchasing Agency.)
 _____)

**DECLARATION OF GENEROSO
 M. BANGAYAN**

Docket No. OPA PA-17-003

I, Generoso M. Bangayan, also known as Gene Bangayan, declare under penalty of perjury under the laws of Guam that the following facts are within my personal knowledge and are true and correct:

1. I am the President of Phil-Gets (Guam) International Trading Corporation dba J&B Modern Tech (“J&B”), and I have been President of J&B since the company was formed in 1990.

2. J&B has been bidding on, receiving, and performing government contracts since

In re Appeal of Phil-Gets (Guam) Int'l Trading Corp.
OPA PA-17-003
Declaration of Generoso M. Bangayan

1997. Attached hereto as "Exhibit A" is a true and accurate excerpt from a Statement of Qualifications that J&B submitted with a recent bid on a government contract which shows J&B's completed contracts from 2005 to the present. This list does not include government projects J&B completed before that time period and government projects on which J&B was an unsuccessful bidder.

3. I have never seen a government invitation for bids or request for proposals which required a bidder or prospective contractor to submit completed shop drawings as part of the bid or proposal on a design-build project. Shop drawings, when required on a design-build project, have always been submitted by the successful bidder after an award of the contract.

4. The descriptive literature for a generator included in J&B's bid package for GCC-FB-17-001 was provided to J&B without charge by the manufacturer.

5. Because the requirements and scope of work for the project at issue require a "design-build generator building", J&B could not get shop drawings or descriptive literature from a manufacturer for the generator building. In any event, there is no manufacturer making prefabricated buildings especially designed for Guam Community College ("GCC"), and thus there is no way to obtain descriptive literature free of charge for such a building to be constructed on the GCC campus.

6. As indicated by the executive summary of construction installation work included in J&B's bid for GCC-FB-17-001, which is found commencing on page GCC-Tab

In re Appeal of Phil-Gets (Guam) Int'l Trading Corp.
OPA PA-17-003
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8~AR0005/GCC PR0200 of the Agency Report filed in the above-captioned appeal on April 4, 2017, before preparing shop drawings for the building to be constructed, J&B would have to secure a building permit and do a survey to determine building orientation and underground excavation clearance. J&B would then designate professional civil/structural and electrical engineers to do the design work, including preparation of shop drawings.

7. I estimate that it would cost approximately \$24,000 to prepare shop drawings certified by master electricians and civil and structural engineers for a design-build generator building for the project at issue.

Executed May __, 2017 at Tamuning, Guam.

Date: 4-7-17

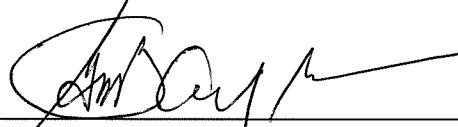
By 
Generoso M. Bangayan

EXHIBIT A



J&B MODERN TECH
ACR EQUIPMENT AND SUPPLIES

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CONTRACTORS QUALIFICATION

B – J & B Modern Tech. Statement of Experience

J & B Modern Tech had been engaged in the contracting business, under the present name for 26 years. Experience in work of a nature similar to that bid extends over a period of 22 years. The company is primarily General Contractor J & B, electrical and mechanical contractor which requirements as stated in the bid. Provides repair, installation and maintenance services to electrical and mechanical equipment to various military, government and commercial establishments. The company's staffs consist of certified electrical and mechanical engineers and manufacturer trained A/C technicians and skilled trade workers. With this vast experience the company having a proven record to ensuring that the quality of work is up to the standard set forth by the management we can assure that we can fulfil all of the requirements as stated in the bid.

All works on its project satisfactory completed no default and non-payment obligation. The company records of past performances are as follows:

Completed Contract: Year - 2017 to 2018

	Client	Description	Amount
1	Guam Dept. of Education	Various School Generator Preventive Maintenance & Repair	\$ 77,520.00
2	UOG - University of Guam	Installation of 2sets 36,000 Btu A/C unit	\$ 6,100.00
3	Guam Homeland Security	Blanket Purchase Order for Repair & Preventive Maintenance of A/C Unit	\$ 10,000.00
4	Guam Dept. of Education	Cafeteria Equipment Repair & Preventive Maintenance	\$ 142,402.80
5	GCC - Guam Community College	A/C to correct humidity levels and to cool the space within Rm# 3127 - Installation of 5Ton A/C unit	\$ 21,769.00
6	GCC - Guam Community College	Installation of 7.5Ton Ppackage A/C unit at MPA Multi Purpose Building	\$ 8,454.00
7	Blessed Diego Church - Tumon	Installation of of 1set 9,000 & 2set 30,000 Btu A/C unit	\$ 4,900.00
8	Blessed Diego Church - Tumon	Installation of Electrical Power Supply	\$ 5,993.35
9	Blessed Diego Church - Tumon	Installation of 3sets 30,000 Btu A/C Unit	\$ 5,760.00
		Total	\$ 282,899.15



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CONTRACTORS QUALIFICATION

Completed Contract: Year - 2015 to 2016

	Client	Description	Amount
1	Magellan Dining Facility B25010 Andersen Air Force Base	Renovation Magellan Facility, Whole Building 25010	\$ 1,116,756.00
2	Watts - Bulltrack	Tumon Maui Wells - Rehabilitation (Beside St. John Sch.)	\$ 1,568,560.00
3	DOE-Dept. of Education-New installation of 2,151 A/C unit & Preventive Maintenance for 36 Schools IFB 008-2013	Installation of 2,151 A/C Unit & Preventive Maintenance for 36 Schools IFB 008-2013	\$ 7,516,374.00
4	Watts - Bulltrack	Ventillation - MSA-1	\$ 228,300.00
5	Watts - Bulltrack	CSMS - Phase 1 Gurang Barrigada	\$ 1,487,100.00
6	Guam Dept. of Education	Outright Purchase AC & Installation	\$ 1,399,568.00
7	Guam Dept. of Education	Northern A - Repair & Roof Coating	\$ 1,376,572.00
8	Guam Dept. of Education	Central A - Repair & Roof Coating	\$ 1,395,687.00
9	Hensel Phelps	Okkodo High School - Building Extension/Mechanical/Plumbing	\$ 1,382,504.00
10	Guam Homeland Security	Repair & Maintenance of Various A/C Unit	\$ 14,999.00
11	Guam Dept. of Education	Various School Generator - Preventive Maintenance & Repair	\$ 77,520.00
12	Guam Dept. of Education	Relocation of 6sets Split Type A/C Unit	\$ 3,600.00
13	Guam Dept. of Education	Various School Cafeteria Equipment - Repair & Preventive Maintenance	\$ 195,000.00
14	Guam Behavioral Health & Wellness Center	Repair of PCU#2 Trane 20Ton Package A/C Roof Top Unit at 3rd floor	\$ 6,964.00
15	UOG - University of Guam	BID: P06-16 Campus Wide Exterior Painting at Class English & Comm. Bldg., Class Lecture Hall, WERI, Traffic Infrastructure, Memorial Library & Gen. House & RFT Marc	\$ 144,828.00
16	GSA-General Services Agency	Installation of 5Ton Package A/C Unit	\$ 4,800.00
17	DYA - Dept. of Youth Affairs	Installation of 7.5Ton Package & 10Ton Package A/C Unit	\$ 19,700.00
18	GPD - Guam Police Department	Installation of 2ea 10Ton Package A/C Unit	\$ 20,700.00
19	Governor's Office	Repair of 7.5Ton Package A/C Unit	\$ 14,955.00
20	DOE-Dept. of Education	Removal & Relocation of 50sets A/C Unit at Various GDOE School	\$ 45,000.00
21	GWA - Guam Waterworks Authority	Installation of 2sets 36,000 Btu A/C Unit	\$ 6,318.00
22	Guam Behavioral Health & Wellness Center	Installation of 1ea. 25Ton Package A/C Unit	\$ 24,760.00
23	Various Buildings - Andersen Air Force Base	Energy Efficiency Light Fixtures 78 Buildings - Project#15005	\$ 120,000.00
24	B17002 Passenger Terminal, AAFB	Upgrade Chiller & Condensing Units	\$ 20,000.00
25	B1623 Chapel II & B1622 Youth Center, AAFB	Upgrade Chiller & Condensing Units	\$ 295,320.00
		Total	\$ 18,485,885.00



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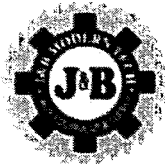
CONTRACTORS QUALIFICATION

Completed Contract: Year - 2013 - 2014

	Client	Description	Amount
1	University of Guam	Roof Repairs and New Roof Coating System at Various Facilities	\$ 950,035.00
2	Department of Education	Various Cafeteria Repairs	\$ 80,000.00
3	Judiciary Court of Guam	Ph. 2 Replacement and Upgrade of Judiciary Center & Old Court Building A/C and Equipment	\$ 1,209,623.00
4	Joe Marchal's Residence	A/C And Ventillation System	\$ 100,000.00
5	Outrigger Hotel And The Plaza	Outrigger Chiller Plant BMS Upgrade	\$ 180,200.00
6	GMHA	Back-Up Chiller - Preventive Maintenance	\$ 12,000.00
7	Burger King Tumon Bay	Various A/C Preventive Maintenance	\$ 5,532.00
8	Guam Radiology Consultants	Various A/C Preventive Maintenance	\$ 9,500.00
9	Calvo's Light House	A/C And Ventillation System	\$ 46,456.00
10	Calvo's Office Renovation	A/C And Ventillation System	\$ 59,942.00
		Total	\$ 2,653,288.00

Completed Contract : Year -2011- 2012

	Client	Description	Amount
1	Mr. & Mrs. Legaspi's Residence	A/C and Ventillation System	\$ 29,978.00
2	Guam Power Authority	PSCC Building Renovation & Repair	\$ 549,991.00
3	Patterson Enterprises Building	Construction and A/C Ventillation System & Fire Sprinkler System	\$ 1,302,130.00
4	Market Wholesale Distributor	Replace Refrigeration Equipments	\$ 258,000.00
5	Wendy's Restaurant (Agana)	Construction and A/C Ventillation System	\$ 65,000.00
6	Department of Education	Split A/C Repair & Preventive Maintenance	\$ 71,475.00
7	Department of Education	Central A/C Repair & Preventive Maintenance	\$ 76,350.00
8	Guam Power Authority	Tenjo Vista Power Plant 20 ton A/C Replacement	\$ 27,925.00
9	Shell Guam	Installation of 7.5 tons PCU at Barrigada Shell Station	\$ 12,602.00
10	Tanota Partners	Various A/C Replacement	\$ 14,550.00
11	Christine Baleto's Residence	Installation of Various A/C Units	\$ 9,800.00
12	Calvo's Enterprises	Installation of Various A/C Units @ Samson Electric	\$ 9,000.00
13	Port Authority of Guam	Various A/C Installation	\$ 31,910.00
14	Department of Education	Various Cafeteria Repairs	\$ 30,000.00
		Total	\$ 2,488,711.00



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CONTRACTORS QUALIFICATION

Completed Contract : Year - 2009-2010

	Client	Description	Amount
1	Serena Bldg. - Tanota Partners	Insulation of Main Chilled Water Piping	\$ 16,000.00
2	Guam Power Authority	Mecheche-Harmon San Vitores Underground Line Conversion	\$ 4,330,365.00
3	Guam Power Authority	Mecheche-GAA 34.5kv Underground Line Conversion	\$ 2,613,660.00
4	Guam Waterworks Authority	Sta Rita 12" Transmission Line Rt. # 5 & 12	\$ 1,256,942.00
5	Burger King - TBCC	Ventilation System	\$ 27,000.00
6	WIC Dededo	A/C and Ventilation Project	\$ 50,000.00
7	Bishop Baumgartner	A/C and Ventilation Project	\$ 163,620.00
8	Lee's Residence	A/C and Ventilation Project	\$ 17,000.00
9	Tumon Bay Commercial Bldg.	Renovation and A/C Ventilation Project	\$ 1,113,052.00
10	Department of Administration	Governor's Office - Conference Rm. - 10 ton PCU	\$ 14,770.00
11	Outrigger Hotel	Controls Valves, sensors, Actuators & Timers Installation	\$ 69,500.00
12	Outrigger Hotel	Freezing / Repair CHW Pipe	\$ 4,570.00
13	Pepsi Cola Bottling Line, Guam	A/C and Exhaust Installation	\$ 29,325.00
14	Pepsi Cola Bottling Line, Guam	Various Plumbing Works	\$ 22,633.16
15	Pepsi Cola Bottling Line, Guam	Plumbing Works	\$ 29,850.00
16	Guam Power Authority	Harmon to Tangulson Underground Line Conversion	\$ 4,082,081.00
		Total	\$ 13,840,368.16

Completed Contract : Year - 2007-2008

	Client	Description	Amount
1	DPW / DOE	Construction of Emergency Generators / Shelters	\$ 1,438,038.00
2	GMHA	Removal & Replacement of Morgue Chiller	\$ 97,065.00
3	Guam Marriott Resort	Supply & Replace of Cooled Chiller 500T Cap	\$ 2,028,528.00
4	Serena Bldg. - Tanota Partners	Replacement of Condenser Coil for 90 tons Chiller	\$ 13,500.00
5	Star Building	Mechanical, Star Building	\$ 220,800.00
6	Palau - US Embassy	A/C Installation & Duct Works	\$ 67,185.00
7	New US Embassy Kolonia, FSM	A/C Installation & Duct Works	\$ 65,185.00
8	GMHA	Upgrade A/C System (NICU)	\$ 79,878.00
9	GIAA - Transfer Facility	Supply, Deliver, Install, Test & Ventillation System	\$ 101,250.00
10	GIAA - Transfer Facility	Wet Sprinkler System	\$ 15,000.00
11	Jude & Dona Baker's Residence	A/C System, Plumbing & Duct Works	\$ 201,323.00
12	GPSS - Tamuning Elem. Sch.	Replacement of Chilled Water System	\$ 268,000.00
13	Jacob's Residence	A/C and Ventillation System	\$ 41,000.00
14	University of Guam - Weri	15 ton ACCU Installation	\$ 10,780.00
15	Guam Paower Authority	Removal & Replacement of 15 ton A/C Unit	\$ 19,500.00
16	Shell Guam - East Agana	Replacement of 12.5 ton PCU	\$ 12,665.00
17	WestIn Hotel	Repair of Duct Insulation	\$ 15,449.00
		Total	\$ 4,695,146.00



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CONTRACTORS QUALIFICATION

Completed Contract : Year - 2006 - 2007

	Client	Description	Amount
1	Ghura Caridad - Mongmong	A/C Installation	\$ 29,739.00
2	Micro Plaza - Old Building	A/C Installation	\$ 60,000.00
3	Villa Carmen Estates	A/C Installation -Phase 3	\$ 42,182.00
4	Villa Carmen Estates	A/C Installation -Phase 2	\$ 38,039.00
5	GIAA	Residential Sound Insulation - Pilot Phase	\$ 1,664,857.00
6	GIAA	General Repair of Int. & Ext. Tnl of PLB # 4	\$ 22,368.00
7	GIAA	Former GFD Roof Repair	\$ 48,580.00
8	GIAA	PLB, GPU, Generators, Macerator & Triturator	\$ 543,457.00
9	Community First Credit Union	Installation of 7.5 ton A/C Unit	\$ 6,080.00
10	Micronesian Press	Replacement of A/C Unit	\$ 4,591.00
11	Villa Carmen Estates	A/C Installation Phase 1	\$ 57,618.00
12	Villa Carmen Estates	A/C Installation Phase 1	\$ 55,978.00
13	GPSS	Oceanview Middle Sch. - Miscellaneous Repairs	\$ 102,743.00
14	Temes-RFQ-05-018	Fule Oil Tank Inspection	\$ 515,323.90
15	Temes-RFQ-05-011	Service Water System	\$ 296,197.80
16	Agana Shopping Center	ASC Theater	\$ 367,958.00
17	Villa Carmen Estates	A/C Installation Phase II	\$ 70,082.45
18	Villa Carmen Estates	A/C Installation Phase II	\$ 61,404.00
19	National Park Service Office	Casa de Espana A/C & Plumbing System	\$ 22,000.00
20	Eusebio's Residence	A/C System Installation	\$ 25,000.00
21	Maanasara	Masuki Inc. - 2 Story House A/C System	\$ 10,920.00
22	Santa Barbara School	A/C System Installation	\$ 58,900.00
23	GPSS	Astumbo, Machananao, Ma. Ulloa - Miscellaneous Repairs	\$ 294,213.00
24	Guam Power Authority	GPA - Bulk Storage Fuel Oil Tank 1934	\$ 1,155,100.00
25	GMHA	Removal & Replacement of 25 tons AHU	\$ 19,950.00
26	GSA (DPHSS - Mangilao)	Major Leak Repair & Elastomeric Paintings	\$ 104,833.00
27	Serena Building-Tanota Partners	Additional A/C Pump at Serena Building	\$ 7,950.00
28	Serena Building-Tanota Partners	Replacement of Condenser Coil fot 50 tons Chiiller	\$ 8,655.00
29	Serena Building-Tanota Partners	Replacement of Condenser Coil fot 90 tons Chiiller	\$ 17,375.00
30	The Plaza - Tanota Partners	Replacement of Condenser Coil	\$ 12,880.00
31	Outrigger Hotel - RCT Corp.	Freezing / Replacement of Chilled Water Pipe	\$ 21,450.00
		Total	\$ 5,746,424.15



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CONTRACTORS QUALIFICATION

Completed Contract : Year - 2005

	Client	Description	Amount
1	GIAA	Cooling Tower Rehab	\$ 1,836,923.00
2	Department of Education	SHS DX Conversion	\$ 436,358.00
3	Guam Power Authority	8" USN Pipe Line Project	\$ 456,880.99
4	GCC	Tech. Building A/C Unit	\$ 176,000.00
5	Department of Public Health	Preventive Maintenance	\$ 59,726.00
6	Department of Education	A/C & Cafeteria Repair	\$ 104,000.00
7	Guam Power Authority	Install Zea 30 ton Chiller Unit	\$ 90,586.00
8	Guam Telephone Authority	Inarajan & Ordot Chiller Installation	\$ 30,800.00
9	GIAA	PLB & Generators	\$ 543,457.00
		Total	\$ 3,734,730.99

	Client	Description	Amount
1	Department of Correction	Mangilao & Agana	\$ 41,167.00
2	Guam Power Authority	Install Perimeter Fence	\$ 6,130.00
3	DPW for Southern High School	Repainting Gym	\$ 42,595.00
4	DPW for Southern High School	Repair of Supply - A/C Unit	\$ 8,900.00
5	Guam Telephone Authority	50 ton AHU / ACCU Installation	\$ 122,728.00
6	Guam Power Authority	Fuel Oil Storage Piping & Pump Upgrade	\$ 602,000.00
7	Guam Power Authority	Cabras 3 & 4 80 ton Packaged Chiller	\$ 178,322.00
8	GIAA - 2004	PLB & Generator	\$ 543,457.00
9	McDonald Corp.	A/C Replacement	\$ 72,532.00
10	Payless Supermarket	A/C Installation	\$ 82,000.00
11	Continental Airlines	VQ1 Gen. Installation	\$ 88,972.00
12	University of Guam	RFK Library A/C Repair , Replacement & Maintenance	\$ 123,701.00
13	Fema	Fema Generators	\$ 29,959.00
14	GIAA - 2003	PLB & Generator	\$ 543,457.00
15	AAFB - Shoppette	Walk-in Freezer Polyurethane Foam Insulation	\$ 20,588.00
16	AAFB - Shoppette	6ea Split A/C Unit Installation	\$ 19,215.00
17	Guam Power Authority	Temes Exhaust	\$ 42,336.00
		Total	\$ 2,568,059.00