



OFFICE OF THE PUBLIC AUDITOR

PROCUREMENT APPEALS

1
2
3
4
5
6 IN THE APPEAL OF,

) APPEAL NO: OPA-PA-10-004

7 HARBOR CENTRE GUAM CO. LTD.,
8 And HARBOUR CENTRE PORT
9 TERMINAL , INC.

) ORDER GRANTING APPELLANT'S
) REQUEST FOR SPECIAL
) ACCOMMODATION FOR ROBERT H.
) KONO, ESQ.

) Appellant
10

11 To: **Purchasing Agency:**

12 Jose D. Leon Guerrero Commercial Port, Government of Guam
13 C/O Rebecca Perez Santo Tomas, Esq.
14 Lujan Aguigui & Perez, LLP
15 DNA Building, Ste 300
16 238 Archbishop Flores Street
17 Hagåtña, Guam, 96910
18 Facsimile: (671) 477-5297

19 **Appellant:**

20 Harbor Centre Guam Co., Ltd., and Harbor Centre Port Terminal, Inc.
21 C/O Rawlen M.T. Mantanona, Esq.
22 Cabot Mantanona, LLP
23 Edge Bldg., Second Floor
24 929 S. Marine Corps Drive
25 Tamuning, Guam, 96913
26 Facsimile: (671) 646-0777

27 **Interested Parties:**

28 Ports America, Inc.
C/O Sirena Perez Cassidy, Esq.
Civille & Tang, PLLC
330 Hernan Cortez Ave., Suite 200
Hagåtña, Guam, 96910
Facsimile: (671) 477-2511

APM Terminals

C/O Elyze J. McDonald, Esq.
Carlsmith Ball LLP
Bank of Hawaii Bldg., Suite 401

1 134 West Soledad Ave.
2 Hagåtña, Guam, 96910
3 Facsimile: (671) 477-4375

4 Asian Terminals, Inc.
5 C/O Kevin J. Fowler, Esq.
6 Dooley Roberts & Fowler LLP
7 Suite 201, Orlean Pacific Plaza
8 865 South Marine Corps Drive
9 Tamuning, Guam, 96913
10 Facsimile: (671) 646-1223

11 **THIS MATTER** came before the Hearing Officer on October 12, 2010, pursuant to the
12 Appellant's Request for Special Accommodations for Robert H. Kono, Esq. Pursuant to 2
13 G.A.R., Div. 4, Chap. 12, §12108(h), the Hearing Officer hereby takes judicial notice of Mr.
14 Kono's serious medical condition and the limitations it may pose on his appearance as a witness
15 at the October 18, 2010 hearing in this matter. Therefore, for good cause shown, the Hearing
16 Officer hereby **ORDERS** the following:

17 1. Appellant's October 12, 2010 Request for Special Accommodation is hereby
18 GRANTED.

19 2. Appellant may preserve Mr. Robert H. Kono, Esq., testimony by conducting a video
20 deposition of Mr. Kono prior to the October 18, 2010 hearing in this matter. Prior to giving his
21 testimony, a court reporter, certified pursuant to the laws of Guam, shall administer the oath to
22 Mr. Kono wherein he swears that his testimony is truthful. The parties present at such
23 deposition may conduct cross-examination of Mr. Kono. All objections to testimony or any
24 questions asked during the deposition shall be made during the deposition by the objecting party.

25 3. Appellant shall serve prior notice to the other parties in this matter of the deposition
26 of Robert H. Kono indicating the time and place of said deposition.

27 **SO ORDERED** this 13th day of October, 2010 by:

28 
ANTHONY R. CAMACHO, ESQ.
Hearing Officer