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OFFICE OF PUBLIC ACCOUNTABILITY  
PROCUREMENT APPEALS

**CABOT  
MANTANONA LLP**  
929 South Marine Corps Dr., Ste. 200  
Tamuning, Guam 96913  
Telephone (671) 646-2001  
Facsimile (671) 646-0777  
*Attorneys for Purchasing Agency Guam Community College*

DATE: 01/11/18  
TIME: 4:00  AM  PM BY: C. Roque  
FILE NO OPA-PA: 17-011

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

IN THE APPEAL OF	)	APPEAL NO. OPA-PA-17-011
	)	
J&B Modern Tech,	)	
	)	<b>PURCHASING AGENCY'S LIST OF</b>
Appellant,	)	<b>WITNESSES AND EXHIBITS</b>
	)	
and	)	
	)	
Guam Community College	)	
	)	
Purchasing Agency.	)	

On November 16, 2017, Purchasing Agency Guam Community College (“GCC”) filed a Motion to Dismiss for Lack of Jurisdiction or, Alternatively, for Expeditious Disposition (“Motion to Dismiss”) because the undisputed facts in the record clearly establish that Appellant J&B Modern Tech (“J&B”) untimely protested every substantive issue presented in its Notice of Appeal.<sup>1</sup> GCC’s Motion to Dismiss is awaiting decision by the Public Auditor and should be granted. In the interim, pursuant to the Scheduling Order (*see* Order (Dec. 4, 2017)), GCC submits its List of Witnesses and Exhibits for the scheduled January 17, 2018 Hearing on Appellant J&B Modern Tech’s (“J&B”) Appeal.

<sup>1</sup> GCC’s Motion to Dismiss alternatively requested an Expeditious Disposition because there are no undisputed facts regarding the issues presented by J&B’s Appeal, which renders it proper to decide this Appeal solely on the procurement record. GCC maintains its position that a hearing on this Appeal is an unnecessary use of this tribunal’s and the parties’ time and resources. J&B, however, insisted on a formal hearing and, for this reason, the Hearing Officer denied the alternative portion of the Motion to Dismiss.

## **WITNESSES**

Because the undisputed facts already in the Procurement Record are dispositive of the instant Appeal and do not require testimony, GCC does not plan to prolong this Hearing by calling witnesses to reiterate undisputed material facts. GCC, however, will question any witnesses present by J&B. Also, in the event that clarification on the Procurement Record is needed for matters arising from the testimony of J&B's witnesses, GCC plans to have its Procurement & Inventory Administrator, Joleen Evangelista, present at the Hearing to testify about such matters within her personal knowledge.

## **EXHIBITS**

As noted above, GCC does not plan to call any witnesses and therefore is planning to use the exhibits that J&B presents to its witnesses. In the event that GCC does call Ms. Evangelista as a witness, GCC likely will use documents contained in its Agency Report as exhibits. In the interest of conserving resources, GCC will file any potential pre-marked exhibits for Ms. Evangelista's testimony if its Motion to Dismiss is denied.

Respectfully submitted this 11th day of January 2018.

**CABOT MANTANONA LLP**  
Attorneys for Purchasing Agency  
Guam Community College

By: \_\_\_\_\_

  
**REBECCA J. WRIGHTSON**