

**GUAM DEPARTMENT OF EDUCATION
OFFICE OF SUPPLY MANAGEMENT**

*Manuel F.L. Guerrero / Administration Building
2nd. Floor, Suite B-202
Hagåtña, Guam 96932
Telephone: (671) 300-1581
Fax: (671) 472-5001*



NERISSA BRETANIA UNDERWOOD, Ph.D.
Superintendent of Education

ALBERT G. GARCIA
Supply Management Administrator, Acting

AGENCY REPORT FOR OPA-PA-10-007
November 15, 2010

This is a Procurement Appeal with Exhibits A-R and Verifications that is presented to the Office of the Public Accountability by JRN Air Conditioning and Refrigeration. The Guam Department of Education (GDOE) hereby rejects the Appeal as set forth by JRN Air Conditioning and Refrigeration for the following reasons:

1. Initially GDOE issued a formal bid July 09, 2010 for Preventive Maintenance and repairs of Central Air-Conditioning Equipment for All GDOE Public Schools and Support Facilities. The bid was opened with J & B Modern Tech showing a lower price for Minor Repairs, Major Repairs and Preventive Maintenance.
2. After the bid was opened and the recommended winning bidder issued the Letter of Intent, Bid Status, a protest letter issued by JRN Air Conditioning and Refrigeration in regards to the U.S.D.O.L. Wage Determination.
3. On October 13, 2010 the GDOE had issued a letter to JRN Air Conditioning and Refrigeration rejecting their protest letter on the matter of the U.S.D.O.L. Wage Determination stating that the company honors the pay to their employees even though if it becomes an out of pocket expense to the bidder.
4. On October 28, 2010 a Procurement Appeals with Exhibits and Verifications was issued by JRN Air Conditioning.

Therefore, in keeping with the Procurement Law and the Guam Department of Education Procurement regulations, it is recommended that the award to J & B Modern Tech remain, though the protest is only based on the U.S.D.O.L. Wage Determination and through further verification J & B Modern Tech acknowledges that even though it is an out of pocket expense he is still required to pay employees what they are owed, otherwise employees would inform the Department of Labor of such violations.

RECEIVED
OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS

NOV 15 2010

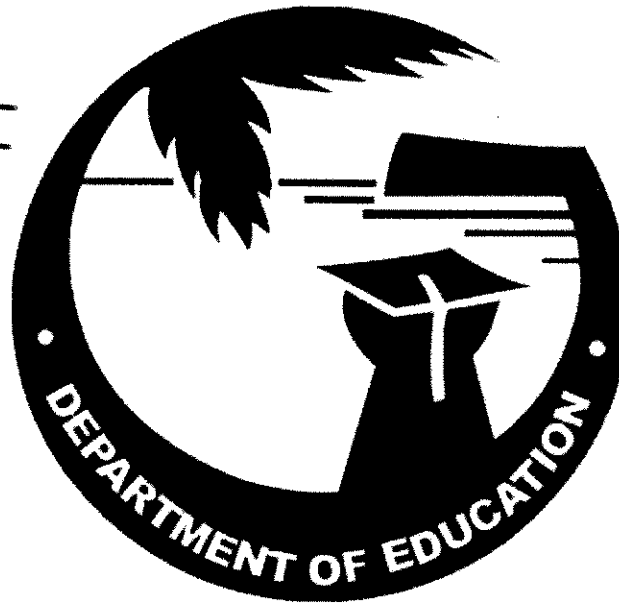
TIME: 2:45pm BY: RA
FILE NO. OPA-PA: 10-007

ALBERT G. GARCIA
Supply Management Administrator, Acting

RECEIVED
OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS

NOV 15 2010

TIME: 2:45 pm BY: JH
FILE NO. OPA-PA: 10-007



**DEPARTMENT OF EDUCATION
RESPONSE TO:**

**OPA CASE #
OPA-PA-10-007**

**PREVENTIVE MAINTENANCE AND
REPAIR OF CENTRAL AIR-
CONDITIONING EQUIPMENT FOR
ALL GDOE PUBLIC SCHOOLS AND
SUPPORT FACILITIES**

NOVEMBER 15, 2010

TABLE OF CONTENTS

GDOE IFB 007-2010

**PREVENTIVE MAINTENANCE AND REPAIR OF CENTRAL AIR-CONDITIONING
EQUIPMENT FOR ALL GDOE PUBLIC SCHOOLS AND SUPPORT FACILITIES**

- a. COPY OF PROTEST
- b. COPY OF BID SUBMITTED BY APPELLANT AND A COPY OF BID
BEING CONSIDERED FOR AWARD
- c. COPY OF SOLICITATION
- d. COPY OF ABSTRACT OF BIDS
- e. DOCUMENTS RELEVANT TO THE PROTEST
- f. DECISION OF WHICH APPEAL IS TAKEN
- g. STATEMENT ANSWERING THE ALLEGATION
- h. AWARD MADE AFTER RECEIPT OF PROTEST
- i. STATEMENT SUBJECT OF A COURT HEARING