

OFFICE OF PUBLIC ACCOUNTABILITY
Doris Flores Brooks, CPA, CGFM
Public Auditor

July 9, 2013

Mr. Carl V. Dominguez
Director
Department of Public Works
542 North Marine Corp Drive
Tamuning, Guam 96913
VIA FACSIMILE: 649-6178

Claudia S. Acfalle
Chief Procurement Officer
General Services Agency
P.O. Box 884
Hagatna, Guam 96932
VIA FACSIMILE: 472-4217

Re: Notice of Receipt of Appeal – OPA-PA-13-008

Dear Mr. Dominguez and Ms. Acfalle,

Please be advised that Triple J Enterprises, Inc. (Triple J) filed an appeal with the Office of Public Accountability (OPA) on July 8, 2013 regarding the Department of Public Works (DPW) and General Services Agency (GSA) procurement actions related to GSA 0116-12 for School Bus (84 Passenger). OPA has assigned this appeal case number OPA-PA-13-008.

Immediate action is required of DPW and GSA pursuant to the Rules of Procedure for Procurement Appeals, found in Chapter 12 of the Guam Administrative Regulations (GAR). Copies of the rules, the appeal, and all filing deadlines are available at OPA's office and on its website at www.guamopa.org. The notice of appeal filed with OPA are enclosed for your reference.

Please provide the required notice of this appeal to the relative parties with instructions that they should communicate directly with OPA regarding the appeals. You are also responsible for giving notice to the Attorney General or other legal counsel for your agency. Promptly provide OPA with the identities and addresses of interested parties and a formal entry of appearance by your legal counsel.

Pursuant to 2 GAR, Div. 4, Ch. 12, §12104(3), please submit one complete copy of the procurement record for the procurement solicitation above, as outlined in Title 5, Chapter 5, §5249 of the Guam Code Annotated, to OPA by **Tuesday July 16, 2013** five work days following receipt of this notice of appeal; and one copy of the Agency Report for each of the

procurement solicitations cited above, as outlined in 2 GAR, Div. 4, Chap. 12, §12105, by **Wednesday, July 24, 2013**, ten work days following receipt of this notice of appeal.

When filing all other required documents with our office, please provide one original and two copies to OPA, and serve a copy to Triple J. OPA respectfully asks that DPW and GSA provide one original and two copies of the procurement record as the Guam Procurement Law and Regulations require only one copy. The three procurement record copies requested by OPA are distributed as follows: Copy-1: Master File; Copy-2: Public Auditor; and Copy-3: Hearing Officer.

Thank you for your prompt attention to this matter. Please contact Rachel Field at 475-0390 ext. 206, or rfield@guamopa.org, should you have any questions regarding this notice.

Sincerely,

A handwritten signature in black ink, appearing to read "V. Duenas", written in a cursive style.

Vincent Duenas
Audit Supervisor

Enclosure: Notice of Appeal – OPA-PA-13-008

Cc: Mr. Jeffrey B. Jones, Triple J. Enterprises, Inc.



RECEIVED
OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS

DATE: 7/8/2013

TIME: 4:40 AM PM BY: JB

FILE NO OPA-PA: 13-008

**Appendix A: Notice of Appeal Form
PROCUREMENT APPEAL**

PART I- To be completed by OPA

In the Appeal of _____)
) **NOTICE OF APPEAL**
)
)
(Name of Company), APPELLANT)
) Docket No. OPA-PA _____
)
)
)

PART II- Appellant Information

Name: TRIPLE J ENTERPRISES, INC.
Mailing Address: P.O. Box 6066
Tamuning, Guam 96931
Business Address: 470 North Marine Corps Drive
Tamuning, Guam 96913
Email Address: jeffjones@triplejguam.com
Daytime Contact No: 648-6001
Fax No.: 646-9487

PART III- Appeal Information

- A) Purchasing Agency: Department of Public Works
- B) Identification/Number of Procurement, Solicitation, or Contract: GSA 0116-12
- C) Decision being appealed was made on 6-28-2013 (date) by:
 Chief Procurement Officer Director of Public Works Head of Purchasing Agency

Note: You must serve the Agency checked here with a copy of this Appeal within 24 hours of filing.

- D) Appeal is made from:
(Please select one and attach a copy of the Decision to this form)
- Decision on Protest of Method, Solicitation or Award
 Decision on Debarment or Suspension
 Decision on Contract or Breach of Contract Controversy
(Excluding claims of money owed to or by the government)
 Determination on Award not Stayed Pending Protest or Appeal
(Agency decision that award pending protest or appeal was necessary to protect the substantial interests of the government of Guam)

E) Names of Competing Bidders, Offerors, or Contractors known to Appellant:

Morrice Equipment

Thomas Buses

PART IV- Form and Filing

In addition to this form, the Rules of Procedure for Procurement Appeals require the submission together with this form of additional information, including BUT NOT LIMITED TO:

1. A concise, logically arranged, and direct statement of the grounds for appeal;
2. A statement specifying the ruling requested;
3. Supporting exhibits, evidence, or documents to substantiate any claims and the grounds for appeal unless not available within the filing time in which case the expected availability date shall be indicated.

Note: Please refer to 2 GAR § 12104 for the full text of filing requirements.

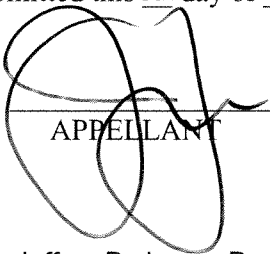
PART V- Declaration Re Court Action

Pursuant to 5 GCA Chapter 5, unless the court requests, expects, or otherwise expresses interest in a decision by the Public Auditor, the Office of Public Accountability will not take action on any appeal where action concerning the protest or appeal has commenced in any court.

The undersigned party does hereby confirm that to the best of his or her knowledge, no case or action concerning the subject of this Appeal has been commenced in court. All parties are required to and the undersigned party agrees to notify the Office of Public Accountability within 24 hours if court action commences regarding this Appeal or the underlying procurement action.

Submitted this 8th day of July, 2013.

By:



APPELLANT

or

By: Jeffrey B. Jones, President

Appellant's Duly Authorized Representative

(Address) P.O. Box 6066 Tamuning, Guam 96913

(Phone No.) 648-6001



FAX

To: **Mr. Carl V. Dominguez**
Director
Department of Public Works

Claudia S. Acfalle
Chief Procurement Officer
General Services Agency

From: **Doris Flores Brooks, CPA, CGFM**
Public Auditor
OPA Procurement Appeals
Suite 401 DNA Bldg.
238 Archbishop Flores St.
Hagatna, Guam 96910

Agency: DPW & GSA Pages 5 (including cover page)

CC: Mr. Jeffrey B. Jones, Triple J Enterprises, Inc. Date: July 9, 2013

Fax: DPW : 649-6178 Point of Contact **Tel: 475-0390 x 206**
GSA: 472-4217 **Rachel Field**
Triple J: 646-9487 Nos. **Fax: 472-7951**

Re: **Notice of Receipt of Appeal - OPA-PA-13-008**

Urgent For Review Please Comment Please Reply Please Recycle

Please acknowledge receipt of this transmittal by re-sending this cover page along with your firm or agency's receipt stamp, date, and initials of receiver. Thank you.

Rachel Field – rfield@guamopa.org

This facsimile transmission and accompanying documents may contain confidential or privileged information. If you are not the intended recipient of this fax transmission, please call our office and notify us immediately. Do not distribute or disclose the contents to anyone. Thank you.