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PROCUREMENT APPEALS

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FILE No. OPA-PA 09-002

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5 **PROCUREMENT APPEAL**

6 In the Appeal of) Docket No. OPA-PA-09-002
7)
8 TEAL PACIFIC, LLC,) **AGENCY REPORT**
9)
10 Appellant.)

11 Pursuant to 2 GAR, 12105, the Guam Public School System hereby submits the
12 Agency Report.

13 (a) See GPSS's Procurement Record, No. 12.

14 (b) See GPSS's Procurement Record, No. 4

15 (c) See GPSS's Procurement Record, No. 2.

16 (d) See GPSS's Procurement Record, No. 5.

17 (e) None.

18 (f) Same Protest Response as submitted by Appellant.

19 (g) GPSS denies any allegation that the statutes that govern the Government of Guam
20 procurement process are unconstitutional. 5 GCA §5008 gives preference to local vendors.
21 Appellant does not question GPSS decision to award a local vendor; instead Appellant
22 questions the validity of the statute which authorizes local preference. GPSS cannot grant the
23 remedy that Appellant is suggesting which is to unilaterally decide that a local preference
24 statute is unconstitutional and therefore should not be applied. In fact failure to follow
25 procurement statutes would open GPSS to more protest. The bottom line is that statutes must

1 be followed and in this case GPSS has and therefore the decision of GPSS to award a local
2 vendor should be affirmed.

3 (h) Non-applicable.

4 (i) See attached.

5 Respectfully submitted this 12th day of May, 2009.

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8 FRED NISHIHIRA
9 GPSS Legal Counsel
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