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OFFICE OF THE PUBLIC AUDITOR

Fax

To: Mr. Joaquin C. Flores - General Manager **From:** Theresa Gumataotao

OPA Procurement Appeals

Agency: Guam Power Authority

Pages: 5 (Including cover)

CC: Mr. Sedfrey Linsangan

Date: Friday – July 24, 2009

Fax: 648-3290 / 649-6988

Phone: 648-3225 / 649-6994

Re: OPA-PA-09-003: Receipt of Notice of Appeal

Urgent For Review Please Comment Please Reply Please Recycle

● **Comments:**

See attached letter and enclosures. Please acknowledge receipt of this fax by re-sending this cover page along with the Receipt of Notice Appeal Letter, stamped with your agency name, date, and initials. Thank you.

Theresa x.220 tgumataotao@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.



July 24, 2009

OFFICE OF THE PUBLIC AUDITOR

Mr. Joaquin Flores
General Manager
Guam Power Authority
P.O. Box 2977
Hagatna, Guam 96932-2977

VIA FACSIMILE 648-3290

Re: Receipt of Notice of Appeal Regarding GPA PO#'s 13394, 12355, 12132, 12306, 12132, 12414, 12140, 9177, 99177, 5215, 5213 re liquidated damages for purchased supplies.

Dear Mr. Flores:

Please be advised that Guam Pacific Enterprise Inc. has filed an appeal with the Office of the Public Auditor on July 24, 2009, of your protest decision on the above-stated procurement action. The appeal has been assigned Master File No. **OPA-PA-09-003**.

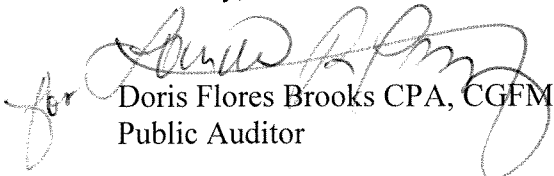
Immediate action is required of your office pursuant to the Rules of Procedure for Procurement Appeals, found in Chapter 12 of Title 2 of the Guam Administrative Regulations. Copies of the rules, the appeal, and all filing deadlines are available at our office and on our website www.guamopa.org. The transmittal letter and the first page of the notice of appeal filed are enclosed for your reference.

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

Please submit one complete copy of the procurement record to OPA by Friday, July 31, 2009, five working days following receipt of this notice of appeal. When filing required documents with our office please provide an original and two copies for OPA and serve a copy to the Appellant (protesting vendor).

Thank you for your prompt attention to this matter. Please contact Theresa Gumataotao ext. 220 or Anne Camacho ext. 201 if you have any questions regarding this notice.

Sincerely,


Doris Flores Brooks CPA, CGFM
Public Auditor

Enclosure: First Page re Notice of Appeal - OPA-PA-09-003

cc: Mr. Sedfrey Linsangan – President, Guam Pacific Enterprise, Inc. (Via Facsimile – 649-6988)



OFFICE OF THE PUBLIC AUDITOR

Appendix A: Notice of Appeal Form
PROCUREMENT APPEAL

RECEIVED
OFFICE OF THE PUBLIC AUDITOR
PROCUREMENT APPEALS

JUL 27 2009

TIME: 4:20 PM
BY: T. Gmatofaw
FILE No. OPA-PA - 09-003

PART I- To be completed by OPA

In the Appeal of

NOTICE OF APPEAL

(Name of Company), APPELLANT

Docket No. OPA-PA-09-003

PART II- Appellant Information

Name: GUAM PACIFIC ENTERPRISE, INC.

Mailing Address: P.O. Box 23128

GMF Guam 96921

Business Address: 202 Corner Pangelinand Blas Lande

Harmon Industrial Park Road Tamuning Guam 96911

Daytime Contact No: (671)649-6997/8

PART III- Appeal Information

A) Purchasing Agency: GUAM POWER AUTHORITY

B) Identification/Number of Procurement, Solicitation, or Contract: SEE ATTACHED

see attached

C) Decision being appealed was made on [blank] (date) by:

Chief Procurement Officer Director of Public Works X 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)

X Decision on Protest of Method, Solicitation or Award

Decision on Debarment or Suspension

X 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:

N/A	
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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 the Public Auditor 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 the Public Auditor within 24 hours if court action commences regarding this Appeal or the underlying procurement action.

Submitted this ___ day of July, 2009.

By: 
APPELLANT

or

By: _____
Appellant's Duly Authorized Representative
(Address)
(Phone No.)

Part 3 Appeal Information:

B) Identification Number Of Procurement Solicitation, Or Contract:

**GUAM POWER AUTHORITY
P.O. Number**

- 1.) **P.O.#13394 OP**
- 2.) **P.O.#12355 OP**
- 3.) **P.O.#12132 OP**
- 4.) **P.O.#12306 OP**
- 5.) **P.O.#12132 OP**
- 6.) **P.O.#12414 OP**
- 7.) **P.O.#12140 OP**
- 8.) **P.O.#9177 OP**
- 9.) **P.O.#99177 OP**
- 10.) **P.O.#5215 OP**
- 11.) **P.O.#5213 OP**