

Suite 401 DNA Building  
238 Archbishop Flores St.  
Hagåtña, Guam 96910



# FAX

<b>To:</b>	<b>Mr. Marcus Pido</b> Supply Management Administrator Guam Department of Education  <b>Seth Forma</b> Attorney for Phil-Gets (Guam) International Trading Corporation dba J&B Modern Tech	<b>From:</b>	<b>Doris Flores Brooks</b> Guam Public Auditor Office of Public Accountability
<b>Phone:</b> <b>Fax:</b>	GDOE Phone: 475-0436 Fax: 472-5001  J&B Phone: 646-1222 Fax: 646-1223	<b>Pages:</b>	4 (including cover page)
<b>CC:</b>		<b>Date:</b>	April 30, 2013
		<b>Phone:</b> <b>Fax:</b>	475-0390 x. 203 472-7951

**Re:** ORDER CONSOLIDATING APPEALS and SCHEDULING ORDER:  
OPA-PA-13-002 and OPA-PA-13-003

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Jerrick Hernandez

[jhernandez@guamopa.org](mailto:jhernandez@guamopa.org)

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**BEFORE THE PUBLIC AUDITOR  
PROCUREMENT APPEALS  
TERRITORY OF GUAM**

**IN THE APPEAL OF  
PHIL-GETS (GUAM)  
INTERNATIONAL TRADING CORP.  
dba J&B MODERN TECH,**

**Appellant.**

**Docket OPA PA 13-002**

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**IN THE APPEAL OF  
PHIL-GETS (GUAM)  
INTERNATIONAL TRADING CORP.  
dba J&B MODERN TECH,**

**Appellant.**

**Docket OPA PA 13-003**

**ORDER CONSOLIDATING APPEALS and  
SCHEDULING ORDER**

Public Auditor Doris Flores Brooks and Hearing Officer Peter C. Perez, Esq., convened a pre-hearing conference in the above named appeals on April 29, 2013, on notice duly given to all parties of record. Present for Phil-Gets (Guam) International Trading Corp. dba J&B Modern Tech (J&B) were Generoso M. Bangayan, president of the company, and Seth Forman, Esq., of Dooley Roberts & Fowler LLP, counsel for the company; present for Guam Department of Education (DOE) were Marcus Y. Pido, DOE's Supply Management Administrator, and Andrew T. Perez, Esq., counsel for DOE.

In Docket PA 13-002, J&B appeals the Determination and Notice of Suspension that DOE issued to it March 21, 2013. J&B notes that the suspension is related to DOE Invitation for Bid (IFB) 050-2011. In docket PA 13-003, J&B appeals DOE's the April 3, 2013, denial of J&B's protest relative to DOE IFB 008-2013. Upon the stipulation of the parties and pursuant to the

1 Public Auditor's inherent authority to deal with procurement appeals,<sup>1</sup> it is ordered that the two  
2 appeals be and they are consolidated and all matters pertaining to the appeals shall be heard  
3 concurrently.

4 A single motion, that of DOE for permission to issue purchase orders in order that it may  
5 acquire new air conditioners, pends. Counsel for the parties stated on the record that they have no  
6 intent to file any additional motions.

7 In accordance with 2 G.A.R., Div. 4, § 12108(a), a hearing must be held in these cases  
8 because it involves a matter of suspension or debarment.

9 Upon consideration of the statements of counsel made at the hearing relative to  
10 scheduling, the Public Auditor orders that the following schedule is adopted and ordered:

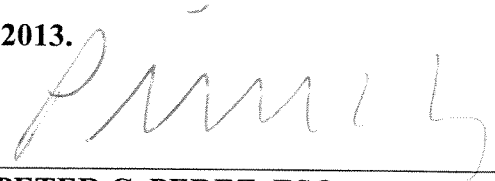
- 11 a. Counsel for J&B shall file its opposition to DOE's motion no later than May 6, 2013;
- 12 b. Counsel for DOE shall file any reply to J&B's opposition no later than May 8, 2013;
- 13 c. No later than May 10, 2013, the parties shall file their hearing briefs, a witness list, an  
14 exhibit list, and a statement of agreed facts or of such facts that are in dispute;
- 15 d. The hearing on the consolidated appeals shall commence at 9:00 a.m., May 14, 2013, at  
16 the Public Auditor's hearing room, Room 907, DNA Building, Hagatna, Guam.

17 Though it was not raised at the pre-hearing conference, the Public Auditor notes that J&B  
18 has identified in its Notice of Appeal in Docket 13-003 the names of three competing bidders,  
19 namely Johnson Control, JMI Edison and Dick Pacific. It is the opinion of the Public Auditor  
20 that the competing bidders should be notified that these appeals are pending and the Public  
21 Auditor orders that counsel for DOE serve copies of this order upon the competing bidders. DOE  
22 is instructed to do this because it is the party to this appeal that is most likely to have the correct  
23 names and addresses for such competing bidders.

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26 <sup>1</sup> See (§12101, Chapter 12, Division 4, Title 2, Guam Administrative Rules and  
Regulations.

1 IT IS SO ORDERED this 30<sup>th</sup> day of April, 2013.



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4 **PETER C. PEREZ, ESQ.**  
5 **HEARING OFFICER**

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002	451	6714725001	07:23:44 p.m. 04-29-2013	00:00:55	4/4	1	EC	HS	CP21600

**Abbreviations:**

HS: Host send  
HR: Host receive  
WS: Waiting send

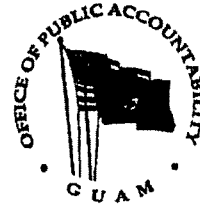
PL: Polled local  
PR: Polled remote  
MS: Mailbox save

MP: Mailbox print  
CP: Completed  
FA: Fail

TU: Terminated by user  
TS: Terminated by system  
RP: Report

G3: Group 3  
EC: Error Correct

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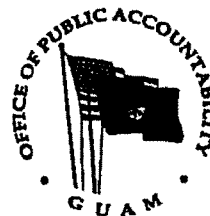
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Dooley Roberts & Fowler LLP  
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