



Jerrick Hernandez &lt;jhernandez@guamopa.com&gt;

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**OPA-PA-22-002**

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**Cynthia Guerrero** <cguerrero@triton.uog.edu>

Mon, Apr 18, 2022 at 4:54 PM

To: Jerrick Hernandez &lt;jhernandez@guamopa.com&gt;, Seth Forman &lt;forman@guamlawoffice.com&gt;

Cc: "Camacho, Anthony" &lt;arcamacho@triton.uog.edu&gt;

Cynthia Guerrero has shared OneDrive for Business files with you. To view them, click the links below.

 [OPA-PA-22-002 UOG Witness List.pdf](#) [OPA-PA-22-002 UOG Admission of Fact.pdf](#) [OPA-PA-22-002 UOG List of Issues\(1\).pdf](#)

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*Hafa Adai:*

Attached please find a copy of the University of Guam's Admission of Fact; Witness List; List of Issues. The UOG Exhibit List is a large file and am sending in a separate email. Kindly acknowledge receipt. Thank you.

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Si Yu'os ma'åse',

**Cynthia T. Guerrero, MPA****Office of the Legal Counsel**

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ANTHONY R. CAMACHO, ESQ.  
UNIVERSITY OF GUAM  
UOG Station  
Mangilao, Guam 96923

*Appearing as Counsel for University of Guam*

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PROCUREMENT APPEALS

DATE: 4/19/2022

TIME: 3:20 CLAIM REP BY: TMB

FILE NO OPA-PA: 22-002

**PROCUREMENT APPEAL**

IN THE MATTER OF	)	DOCKET NO. OPA-PA-22-002
	)	
ALL BUSINESS ENTERPRISES, CORP.,	)	<b>UNIVERSITY OF GUAM'S</b>
	)	<b>ADMISSIONS OF FACT</b>
Appellant.	)	
_____	)	

COMES NOW, Purchasing Agency UNIVERSITY OF GUAM ("UOG), by and through its General Counsel, ANTHONY R. CAMACHO, ESQ., who hereby submits UOG's Admissions of Fact wherein UOG admits the following facts:

1. On or about October 22, 2021, the UOG issued UOG-IFB-B21-17 (Purchasing of HVAC Equipment) ("IFB").
2. The source of funding for the IFB contract is the federal Higher Education Emergency Relief Fund ("HEERF").
3. Three bidders submitted bids in response to the IFB, All Business Enterprises, Corp., JWS, and TONY'S WORKSHOP.
4. UOG conducted a bid opening via Zoom conference at approximately 3:00 p.m. on December 6, 2021 and determined that TONY'S WORKSHOP submitted the lowest bid.
5. On or about December 7, 2021, the University issued a Notice of Award of the IFB contract to TONY'S WORKSHOP.

6. On December 6, 2021, ABE submitted a Freedom of Information Act request on UOG requesting a copy of TONY'S WORKSHOP and JWS' bids submitted in response to the IFB including their ACCU Unit Brochures.

7. UOG made those records available for ABE's inspection on December 13, 2021 and ABE received copies of those document on or about that day.

8. On December 17, 2021 ABE filed a protest regarding the award of the IFB and UOG issued its decision denying the protest on January 25, 2022.

9. On or about February 7, 2022 ABE filed the appeal in this matter.

**SUBMITTED** this 18<sup>th</sup> day of April, 2022 by:



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ANTHONY R. CAMACHO, ESQ.  
Attorney for the University of Guam