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



FAX

To:	Mr. John M. Benavente, P.E. General Manager Guam Power Authority P.O. Box 2977 Hagåtña, Guam 96932 Fax: (671) 648-3165		From:	Benjamin J.F. Cruz Guam Public Auditor Office of Public Accountability		
	Mr. D. Graham Botha, Esq General Counsel Guam Power Authority 688 Route 15, Suite 302 Mangilao, Guam, 96913 Phone: (671) 648-3203/3002 Fax: (671) 648-3290		Pages:	4 (including cover page)		
	Mr. Joshua D. Walsh, E. Mr. Joseph C. Razzano,		Date:	January 3	0, 2020	
CC:	Civille & Tang PLLC Attorneys for Appellant GlidePath Marianas Operations Inc. 330 Hernan Cortez Avenue Ste. 200 Hagatna, Guam 96910 Phone: (671) 472-8868/9 Fax (671) 477-2511 Mr. Richard L. Johnson, Esq. Mr, R. Marsil Johnson, Esq. Blair Sterling Johnson & Martinez Attorneys for Interested Party ENGIE Solar 238 Archbishop Flores Steet Suite 1008 Hagatna, Guam Phone: (671) 477-7857 Email: r.marsjohnson@bsjmlaw.com		Phone: Fax:	(671) 472		
Re:	OPA-PA-19-010 and OPA	A-PA-20-001 Order Consoli		eals and Sc e Reply	heduling Order □ Please Recycle	
	ents:		·		ith your firm or agency's receipt stamp,	
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				•	nandez, Auditor	
			j	jhernandez(@guamopa.com	

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PROCUREMENT APPEALS TERRITORY OF GUAM

In the Appeal of) Appeal No: OPA-PA-19-010 Appeal No: OPA-PA-20-001
GlidePath Marianas Operations Inc., Appellant.	ORDER CONSOLIDATING APPEALS, SCHEDULING ORDER

ORDER CONSOLIDATING APPEALS

On November 13, 2019, GlidePath Marianas Operations Inc. ("GlidePath") filed a Notice of Procurement with the Office of Public Accountability ("OPA"), wherein GlidePath appeals the decision of purchasing agency Guam Power Authority ("GPA"), dated October 31, 2019, related to the procurement for Phase III of its Renewable Energy Resource project under Invitation for Bid No. GPA-IFB-007-18 ("the IFB")

On January 2, 2020, a status hearing was held where the parties requested postponing scheduling dates for OPA-PA-19-010 until the second protest by GlidePath is addressed by GPA, which GlidePath already presumed it would be denied and therefore would file a second appeal.

On January 21, 2020, GlidePath filed another Notice of Procurement Appeal, docketed as OPA-PA-20-001, appealing GPA's decision dated January 10, 2020, denying GlidePath's second protest related to the IFB.

On January 29, 2020, a second status hearing was held, where the parties stipulated to consolidate the two appeals. In addition, the parties stipulated that the procurement record filed for OPA-PA-19-010, along with the supplemental procurement record filed on January 17, 2020, will also be the procurement record for OPA-PA-20-001.

The Public Auditor has the authority to consolidate appeals for purposes including efficiency and expediency in resolving appeals. 5 G.C.A. § 5701; 2 G.A.R. §§ 12101, 12108-12109. As these two appeals arise from protests by GlidePath pertaining to the same IFB by GPA, the Public Auditor finds that consolidating these appeals will provide for efficient, expeditious resolution of the appeals. Therefore, the Public Auditor ORDERS that these appeals, OPA-PA-19-010 and OPA-PA-20-001, be and are consolidated and all matters pertaining to the appeals shall be heard concurrently.

SCHEDULING ORDER

The Public Auditor ORDERS the following expedited schedule, but remains subject to change at the discretion of the Public Auditor:

Motion Filing

Deadline: February 20, 2020 at 5:00 P.M.

Opposition to Motions

Deadline: February 27, 2020 at 5:00 P.M.

Tentative Motion Hearing: March 3, 2020 at 10:00 A.M.

Filing Deadline for Hearing Materials:

March 13, 2020 at 5:00 P.M.

Parties shall file and serve on the other parties, no later than this date and time, their respective Witness Lists, Exhibit Lists with four copies of all exhibits, Admissions of Fact and List of Issues which require evidence or arguments to be presented at the hearing. The Appellant's Exhibits shall be marked with corresponding and sequential numbers. The Purchasing Agency's Exhibits shall be marked with corresponding and sequential capital letters of the alphabet. The Parties may file stipulated joint witness, exhibit, and issues lists, and admissions of fact in lieu of filing such documents separately. The term "Exhibit List" as used in this paragraph refers to exhibits that any party will present to a witness for testimonial purposes during the hearing in this matter.

1	Filing Deadline for	
2	Hearing Briefs:	March 20, 2020 at 5:00 P.M. The Parties shall file and serve on the other parties, their
3		Hearing Briefs summarizing their arguments concerning contested issues no later than this date and time.
4	Hearing Date:	March 25, 2020 at 10:00 A.M.
5	5	The Hearing will proceed in the following order: (1) Opening Statements of the Parties; (2) Appellant's Case in
7		Chief; (3) The Purchasing Agency's Case in Chief; (4) Closing Arguments of the Parties.
8	Filing Deadline for	
9	Brief RE Remedies:	April 3, 2020 at 5:00 P.M. The Portion may but are not required to file and some on the
10		The Parties may, but are not required to, file and serve on the other parties, additional briefs on the issue of Remedies no later than this date and time.
11		
12	SO ORDERED this 30 th day of Jan	nuary 2020 by:
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16		Benjamin J. F. Cruz
17		Public Auditor/of Guam
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TRANSACTION REPORT

JAN/30/2020/THU 10:25 AM

BROADCAST

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JAN/30	10:18AM	6483165	0:02:06	4	MEMORY	ок	ECM	0137001
	10:20AM	6483290	0:01:31	4	MEMORY	ок	ECM	0137002
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	Mr. D. Graham Botha, Esq General Counsel Guam Power Authority 688 Route 15, Suite 302 Mangilao, Guam, 96913 Phone: (671) 648-3203/3002 Fax: (671) 648-3290	Pages:	4 (including cover page)		
	Mr. Joshua D. Walsh, Esq. Mr. Joseph C. Razzano, Esq. Civille & Tang PLLC	Date:	January 30, 2020		
cc:	Attorneys for Appellant GlidePath Matianas Operations Inc. 330 Herman Cortez Avenue Ste. 200 Hagatna, Guam 96910 Phone: (671) 472-8868/9 Fax (671) 477-2511				
	Mr. Richard L. Johnson, Esq. Mr. R. Marsil Johnson, Esq. Blair Sterling Johnson & Martinez Attorneys for Interested Party ENGIE Solar 238 Archbishop Flores Steet Suite 1008 Hagatna, Guam Phone: (671) 477-7857 Email: r.marsjohnson@bsimlaw.com	Phone: Fax:	(671) 475-0390 x. 208 (671) 472-7951		
Re:	OPA-PA-19-010 and OPA-PA-20-001 Order Consolidating Appeals and Scheduling Order				

Comments:

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Thank you,

Jerrick Hernandez, Auditor

jhernandez@guamopa.com

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Jerrick Hernandez < jhernandez@guamopa.com>

OPA-PA-19-001 and 20-001 Order Consolidating Appeals and Scheduling Order

2 messages

Jerrick Hernandez < jhernandez@guamopa.com> To: "R. Marsil Johnson" <rmarsjohnson@bsjmlaw.com> Thu, Jan 30, 2020 at 10:24 AM

Hafa Adai!

Please see Order Consolidating Appeals and Scheduling Order attached. Please confirm receipt of this email and the attached document.

Regards,

Jerrick J.J.G. Hernandez, MA, CGAP, CICA Auditor Office of Public Accountability - Guam www.opaguam.org Tel. (671) 475-0390 ext. 208 Fax (671) 472-7951

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19-001 and 20-001 Order Consolidating Appeals and Scheduling Order.pdf 107K

R. Marsil Johnson <rmarsjohnson@bsjmlaw.com> To: Jerrick Hernandez < jhernandez@guamopa.com> Thu, Jan 30, 2020 at 10:41 AM

Receipt confirmed.

R. Marsil Johnson



BLAIR STERLING JOHNSON &

MARTINEZ

A Professional Corporation

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