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



FAX

То:	Ms. Lillian Perez-Posadas, MN, RN Hospital Administrator/CEO General Services Agency Guam Memorial Hospital Authority 850 Gov. Carlos Camacho Road Oka, Tamuning, Guam 96913 Phone: (671) 647-2444/2330 Fax: (671) 649-0145		From:	Benjamin J.F. Cruz Public Auditor Office of Public Accountability
			Pages:	5 (including cover page)
	Julienne Nucum, Esq. (Attorney for Appellant JRN) JRN Air Conditioning & Refrigeration, Inc. 1755 Army Drive Barrigada, Guam 96913 Phone: (671) 649-8120 Fax: (671) 649-5737 Email: julienne@mirandanucum.com		Date:	June 3, 2020
CC:			Phone: Fax:	(671) 475-0390 x. 208 (671) 472-7951
Re:	OPA-PA-20-004 Notice of Receipt of Appeal			
	☐ For Review	☐ Please Comment	✓ Pleas	se Reply Please Recycle
Comn	nents:			
	e acknowledge receipt of and initials of receiver.	this transmittal by re-sending	this cover pa	age along with your firm or agency's receipt stamp,
				Thank you,
				Jerrick Hernandez, Auditor
				jhernandez@guamopa.com

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.



Phone: (671) 475-0390 / FAX: (671) 472-7951

June 3, 2020

Ms. Lillian Perez-Posadas, MN, RN Hospital Administrator/CEO Guam Memorial Hospital Authority 850 Gov. Carlos Camacho Road Oka, Tamuning, Guam 96913

VIA FACSIMILE: (671) 649-0145

Re: Notice of Receipt of Appeal – OPA-PA-20-003

Dear Ms. Perez-Posadas,

Please be advised that JRN Air Conditioning & Refrigeration, Inc. (hereinafter referred to as "JRN" filed an appeal with the Office of Public Accountability (OPA) on June 2, 2020, regarding the Guam Memorial Hospital Authority's ("GMHA") response to JRN's protest of the procurement for Removal and Replacement of One (1) Boiler Unit and Piping System (GMHA IFB 002-2020). OPA has assigned this appeal case number OPA-PA-20-004,

Immediate action is required of GMHA pursuant to the Rules of Procedure for Procurement Appeals, found in Chapter 12 of the Guam Administrative Regulations (GAR). Copies of the rules, the appeal, and all filing deadlines are available at OPA's office and on its website at www.opaguam.org. The first two pages of the notice of appeal filed with OPA is enclosed for your reference.

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

Pursuant to 2 GAR, Div. 4, Ch. 12, §12104(3), the submission of one complete copy of the procurement record for the procurement solicitation above, as outlined in Title 5, Chapter 5, §5249 of the Guam Code Annotated is required no later than Wednesday, June 10, 2020, five work days following this Notice of Receipt of Appeal. We also request one copy of the Agency Report for each of the procurement solicitations cited above, as outlined in 2 GAR, Div. 4, Chap. 12, §12105, by Wednesday, June 17, 2020, ten work days following receipt of this notice.

When filing all other required documents with our office, please provide one original and two copies to OPA (Electronic files of the two copies are acceptable for OPA), and serve a copy to JRN. Although the Guam Procurement Law and Regulations require only one copy of the

procurement record, OPA respectfully asks that GMHA provide one original and two copies of the said record, which will be distributed as follows: Copy-1: Master File; Copy-2: Public Auditor; and Copy-3: Hearing Officer.

Thank you for your prompt attention to this matter. Please contact Jerrick Hernandez at 475-0390 ext. 208 or jhernandez@guamopa.com should you have any questions regarding this notice.

Sincerely,

Benjamin J.F. Cruz
Public Auditor

Enclosure: First Two Pages of the Notice of Appeal - OPA-PA-20-004

Cc: Julienne Nucum, Attorney for JRN



RECEIVED

OFFICE OF PUBLIC ACCIDENTABILITY

FROCURDMENT ASPEALS

Dave Jun 2, 2020

Appendix A: Notice of Appeal Form 1135 TAM VINLEY FW PN PROCUREMENT APPEAL 20-04

PART I- To be completed by OPA

In the Appeal of JRN AIR CONDITION REFRIGERATION, Appellant	INC.,)	NOTICE OF APPEAL Docket No. OPA-PA			
PART II- Appellant	Information					
Name: Mailing Address:	JRN Air Conditionin PO Box 27070 GMF	ng & Refrigeration, Inc, F Barrigada, GU 96913				
Business Address:	1755 Army Dr Barri	gada, Gl	U 96913			
Email Address: info@jrngu.com Daytime Contact No: (671) 649-8120 Fax No.: (671) 649-5737						
PART III- Appeal I	nformatio <u>n</u>	****************	rr maharicatan karidik perendakan dia gapan mendakan dakan dan dari berdan yang dagan baharan dia mendulan mendulan dagan daka			
A) Purchasing Agency: Guam Memorial Hospital Authority						
B) Identification/Number of Procurement, Solicitation, or Contract: GMHA IFB 002-2020						
C) Decision being ap	pealed was made on M	fay 22, 2				
Note: You must serve filing.	the Agency checked l	iere witi	h a copy of this Appeal within 24 hours of			
_x Decision on Pro Decision on Decision on Co (Excluding classical decision on Co Determination of (Agency decision on Co	d attach a copy of the a otest of Method, Solici barment or Suspension intract or Breach of Co tims of money owed to an Award not Stayed P	tation on tation on tract Coor by the dending of the protes	r Award Controversy he government) Protest or Appeal t or appeal was necessary to protect the			

E) Names of Competing Bidders, Offerors, or Contractors known to Appellant:

Ammanabat Corporation PMB 182-535 Pale Ramon Haya

Yigo, GU 96929

J&B Modern Tech 153 Unit B East Harmon Industrial Park

Tamuning, GU 96913

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

Submitted this 2nd day of June 2020

By: JRN Air Conditioning & Refrigeration, Inc.

APPELLANT

Julienne Nucum, Esq. (14015)

Appellant's Duly Authorized Representative 210 N 4th St, Ste 200A San Jose, CA 95112 (650) 892-6207 and [fax] (408) 217-6132

julienne.nucum@gmail.com

TRANSACTION REPORT

JUN/03/2020/WED 10:46 AM

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Re: OPA-PA-20-004 Notice of Receipt of Appeal

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Comments:

Please acknowledge receipt of this transmittal by re-sending this cover page along with your firm or agency's receipt stamp, date, and initials of receiver.

Thank you,

Jerrick Hernandez, Auditor

jhernandez@guamopa.com