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### OPA-PA-20-004 - GMHA's Submission

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Wed, Sep 16, 2020 at 11:16 AM

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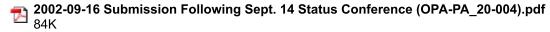
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#### 3 attachments



2020-09-16 Declaration of Hospital Administrator (OPA-PA 20-004).pdf

2020-09-16 Declaration of Assoc Admin of Operations (OPA-PA-20-004).pdf 105K

## LAW OFFICES OF MINAKSHI V. HEMLANI, P.C.

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Counsel for Purchasing Agency Guam Memorial Hospital Authority

# BEFORE THE OFFICE OF PUBLIC ACCOUNTABILITY GOVERNMENT OF GUAM

IN THE APPEAL OF:

JRN Air Conditioning & Refrigeration, Inc.

Appellant.

CASE NO: OPA-PA 20-004

SUBMISSION FOLLOWING SEPTEMBER 14, 2020 STATUS CONFERENCE

At the Status Conference held on September 14, 2020 in lieu of the previously scheduled Hearing, Hospital Administrator/CEO Lillian Perez-Posadas and Associate Administrator of Operations William N. Kando provided information in support of Purchasing Agency Guam Memorial Hospital Authority's ("GMHA") intent to reject all bids and cancel IFB No. 002-2020: *Removal and Replacement of One (1) Boiler Unit and Piping System* at the Guam Memorial Hospital, the procurement being appealed in this matter. Because the statements made were not provided under oath, GMHA hereby submits Declarations of the Hospital Administrator/CEO and Associate Administrator of Operations made under penalty of perjury. Said Declarations are provided in support of the GMHA's position that rejection of all bids and cancellation of the IFB is in the best interest of the Territory of Guam.

The Office of Public Accountability ("OPA") has previously dismissed cases after hearing materials were filed. See OPA-PA-20-002, In re Appeal of Guam Medical Referral Services, Order of Dismissal (Sep. 8. 2020); see also OPA-PA-17-012, In re Appeal of Mid Pac Far East, LLC, Order of Dismissal Without Prejudice (Jan. 25, 2018). The OPA has also previously accepted an agency's decision to cancel a bid or procurement as a proper basis for disposition or dismissal of an appeal. See

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OPA-PA-17-012, *supra*.; *see also* OPA-PA-19-007, *In re Appeal of Pacific Data Systems, Inc.* (PDS), Order of Dismissal With Prejudice (Jun. 25, 2019). The GMHA requests the OPA's favorable consideration and dismissal of this matter.

As requested by the Public Auditor, undersigned counsel submits that from July 10 to September 14, 2020, the Law Offices of Minakshi V. Hemlani, P.C. spent 68.25 hours on this matter, at a rate of \$225.00 per hour, for a total of \$15,356.25.

Respectfully submitted this 16<sup>th</sup> day of September 2020.

LAW OFFICES OF MINAKSHI V. HEMLANI, P.C. Counsel for Purchasing Agency
Guam Memorial Hospital Authority

Minakshi V. Hemlani, Esq.