

**Office of Public Accountability
Annual Report**

Calendar Year 2011

April 2012



Office of Public Accountability Annual Report

Calendar Year 2011

April 2012

Distribution:

Governor of Guam
Lt. Governor of Guam
Speaker, 31st Guam Legislature
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Guam Media via E-Mail



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Message from the Public Auditor



Hafa Adai to the People of Guam,

This is my 11th annual report of my stewardship of the Office of Public Accountability for the year 2011. This past year we experienced setbacks in rebuilding the staffing levels of OPA. Just as we were beginning to grow again, we lost three senior auditors. We went from a full-time staff of 15 at the beginning of 2011 to just 12 in March 2012. While seeds of accountability and transparency are being transplanted at other government agencies, we must begin the process anew of hiring, training, and developing a new cadre of auditors.

Despite this personnel setback, we issued 12 audit reports that identified \$14.5 million (M) in questioned costs, potential savings, lost revenue opportunities, and other financial impact. These reports collectively made 39 recommendations to improve the accountability, effectiveness, and efficiency of government programs. We also administered 21 procurement appeals, the highest ever since OPA was given this responsibility in 2006.

We reviewed, monitored, and oversaw the timely issuance of 19 financial audits one more than prior years with the addition of the Department of Chamorro Affairs' (DCA) Non Appropriated Funds. These financial audits identified \$854 thousand in questioned costs, 40 audit findings, and 74 management letter comments. All but DCA received unqualified or clean opinions on their financial statements. Improvements can still be made in compliance, as there were five qualified opinions on compliance due to material weaknesses.

Another area needing improvement is the issuance of the Comprehensive Annual Financial Report (CAFR) as nearly all audits have clean opinions. The Organic Act requires GovGuam to submit a CAFR to Congress and the Department of the Interior.

The ever-increasing deficit, which now stands at \$336M, continues its unabated growth. Upon taking office, Governor Calvo suspended the implementation of the updated Hay Study salaries of classified employees at line agencies, froze salary increments, and imposed other cost saving measures. Conversely, rate increases continue to fund salary increments at autonomous entities with their own version of the Hay Study. Despite these cost-saving measures, the 2011 deficit is expected to increase as GovGuam continues to expend more than what it takes in.

Senseramente,

A handwritten signature in black ink, which appears to read "Doris Flores Brooks". The signature is written in a cursive, flowing style.

Doris Flores Brooks, CPA, CGFM
Public Auditor



Pacific Daily News

2011 Guam Publications, Inc. VOL. 43 NO. 270 HAGAÑA, GUAM, OCTOBER 28, 2011 HAGAÑA ADAL, IT'S SATURDAY guampdn.com



OPA assesses GovGuam's liabilities

Posted: Apr 18, 2011 11:04 AM Updated: Apr 18, 2011 11:06 AM

by Sabrina Salas Matanane

Guam - At the request of Governor of Public Accountability...

2 WEDNESDAY, JANUARY 4, 2012

OPA: GSA should consolidate small

By Janala Buhain Carrera janala@mgv.com Variety News Staff

THE government of Guam in 2010 spent \$2 million in office supplies, but not one of those supplies were put up for bid, according to Public Auditor Doris Flores Brooks.



The General Services Agency has been accused of circumventing the competitive sealed bid process by issuing thousands of "small" purchase orders totaling \$15,000 in total for recurring supplies and services, on average \$200 per PO.

Office supplies are just one piece of the procurement puzzle that was part of the Office of Public Accountability's latest report on the General Services Agency (GSA) small purchase procurement audit released yesterday.

OPA says the government of Guam is not taking full advantage of its bargaining potential to purchase goods such as office supplies, medications and other services.

Audit questions leave payouts

By Gaynor Dumot-el Daleno Pacific Daily News gaynor@guampdn.com

The Office of Public Accountability conducted the audit after Public Law 27-106 in October 2004 lowered the limit on the number of hours GovGuam employees and officials can accumulate in annual leave — from 480 to 320 hours.

For some who didn't want to lose leave credits, the way to cash out was to artificially resign, according to the

sum payments totaling \$302,280, the audit stated. "Rather than having to practice resigning on paper only and to avoid leave forfeiture, we urge agency heads to encourage personnel to take annual leave on a regular ba-

res could transfer up to 100 hours to sick leave, but would either have to use or lose any remaining excess leave.

Don't forget to vote in today's Pacific Daily News poll. Today's question:

Grade the performance of interim superintendent Taling Taitano.

Results from yesterday's PDN poll are in. Taitano got 70 percent of the vote in isolation. One example is where one agency ordered three computers one day and three computers the next day. So they're looking at it in isolation as opposed to looking at it holistically," Brooks said.

ASIAN SHARES WOBBLY DUE TO EUROPE CONCERNS Page 12

Marianas Variety

The Local & Regional Newspaper

Former GFD chief under fire

By Zita Y. Taitano zita@mgv.com Variety News Staff

FORMER Guam Fire Department chief "inappropriately" earned \$53,909 between January 2003 and December 2005, the Office of Public Accountability stated in its latest report.

The audit also discovered 19 special payments totaling \$19,000. The former GFD chief, which the Variety learned was Mike Uncangco, currently serving as GFD's assistant chief.

Former Guam Fire Department Chief payroll records between January 2003 and December 2005	
Unauthorized Unexplained Distribution	\$48,692
Unexplained (1 month differential) and special payments	\$4,973
Questionable regular benefits payments	\$2,244
Total appropriate payments	\$53,909

\$6.3M for no work

Audit says GFD pay is excessive

By Brett Kelman Pacific Daily News bkelman@guampdn.com

In the government of Guam, nobody gets paid like firefighters get paid.

TOP FIVE 'NON-PRODUCTIVE PAY' RECIPIENTS

Position	Hours	Pay

According to an internal government audit report, Guam Fire Department firefighters have received excessive extra pay, estimated at \$6.3 million.

An audit of the Guam Fire Department states that these five employees received the most "non-productive" pay between fiscal year 2007 and fiscal year 2010.

OPA: Rush to spend Fed funds raises risk of fraud

By Amriha Alladi Pacific Daily News alladi@guampdn.com

Guam's government agencies have used only 35 percent of the economic stimulus money granted by the federal government since September last year.

LOCAL 7

TO THE POINT

An audit of Guam Fire Department finances shows a former chief gave himself additional pay.



Uncangco



OPA critical of PEALS Board's finances

Posted: Oct 05, 2011 4:18 PM Updated: Oct 05, 2011 4:18 PM by Ken Quintanilla

Fluctuating bank account balances, a secret bank account and an unexplained wire transfer to the Philippines have been uncovered in an audit of a local government board, prompting the Office of Public Accountability audit report on the initiative PEALS board led to approximately \$12,000 missing or unaccounted for.

Pacific Daily News

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Guam Guam News OPA: Guam's ARRA Funds at Risk for Errors, Fraud; More Oversight Needed

OPA: Guam's ARRA Funds at Risk for Errors, Fraud; More Oversight Needed

Last Updated on Friday, 01 April 2011 13:54 Written by Kevin Kempan Friday, 01 April 2011 11:02



Patrol car bid questioned

Report: Cost shifted to avoid AG's review

By Laura Matthews Pacific Daily News lmatthews@guampdn.com

The purchase of 14 police vehicles last December bypassed the attorney general's bid review process, according to the Office of Public Accountability.

Public law requires the local AG's office to review and approve local government purchases worth more than \$500,000.

The Public Accountability report yesterday stated that the Guam Police Department lowered the total cost to purchase the patrol cars from \$15,940 to \$490,000 to avoid a bid review by the Office of the Attorney General.

The bid also was amended five times.

Don't forget to vote in today's Pacific Daily News poll. Today's question:

Do you agree with President Obama's decision to release photos of bin Laden's corpse?

PNC
PACIFIC NEWS CENTER

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Guam Guam News OPA: PBS Guam's Revenue & Net Assets Fall

OPA: PBS Guam's Revenue & Net Assets Fall

HAPPY INDEPENDENCE DAY!
Marianas Variety
Monday - July 4, 2011

53% oppose reunification

A SURVEY conducted by Northern Marianas College last week showed that 53 percent of the respondents "were opposed to the CNMI's reunification with Guam," according to the survey results.

Chamorro Affairs agency audited

Posted: Jun 24, 2011 3:30 PM
Updated: Jun 24, 2011 3:30 PM
by Sabrina Salas Matanane

Deficit is up to \$336.4M

The government of Guam's general fund ending fiscal year 2010 is in deficit at \$317.1 million, bringing Guam's cumulative deficit to \$336.4 million, according to an audit released by the Office of Public Accountability.

War reparations



Chamorro Affairs agency audited

Posted: Jun 24, 2011 3:30 PM
Updated: Jun 24, 2011 3:30 PM
by Sabrina Salas Matanane

Guam - An audit's been released taking a look at how the Department of Chamorro Affairs has been spending its money. The audit spans Fiscal Years 2009 and 2010.

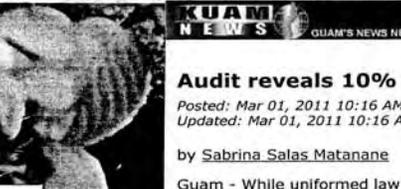
WEDNESDAY, MARCH 2, 2011 - MARIANAS VARIETY GUAM EDITION

5

GWA continues to face challenges, OPA says

ALTHOUGH the Guam Waterworks Authority saw an increase in its net assets and operating revenues, the Office of Public Accountability says the water agency continues to face challenges as substantial amounts of water continue to be unaccounted for.

seeks revision in law



GEDA net assets up, revenues down

GEDA and TSA closed the year with a net increase of \$138,000, of which \$118,000 is from GEDA and \$20,000 is from TSA.

OPA: Gov Guam's over spending chronic

Gov. Eusebio has been accused of chronic over spending, according to the fiscal 2010 General Fund audit released yesterday, and it compensated for that shortfall by once again withholding tax refund payments.

Chamorro Affairs used funding inappropriately

The OPA recommended that to avoid direct conflict of interest with DCA and public law, related party transactions should be reviewed.

Audit reveals 10% raises at GEDA

Guam - While uniformed law enforcement officers aren't getting their raises and the rest of the Government of Guam, the Guam Economic Development Authority in the last administration gave themselves 10% raises, that's just one of the findings of an audit released today by Guam Office of Public Accountability.

'Year of recovery' for Guam airport

Guam's commercial airport saw 11 percent more passenger and employment last year than the previous year, making 2010 the "year of recovery" for the airport and its airline partners.

Audit: Thousands spent on Flores' book

Thousands of dollars were spent on a book by photographer Steven Flores, which was purchased for the governor's office for gifts. There was also a substantial amount of money spent on a book by Flores, which was purchased for the governor's office for gifts.

Public television revenues experience dip

Guam - Revenues at PBS Guam have declined significantly, one of the latest findings in an audit of the public television station released today by the Office of Public Accountability.



The Office of Public Accountability

The Office of Public Accountability (OPA) was established by Public Law (P.L.) 21-122 on July 20, 1992. The OPA is an instrumentality of the Government of Guam (GovGuam), independent of the executive, legislative, and judicial branches.

OPA seeks to: (1) achieve independent and nonpartisan assessments that promote accountability and efficient, effective management throughout GovGuam; and (2) serve the public interest by providing the Governor of Guam, the Guam Legislature, and the People of Guam with dependable and reliable information, unbiased analysis, and objective recommendations on how best to use government resources in support of the well being of our island and its constituents.

Our Motto

“Auditing for Better Government”

Our Mission

To improve the public trust, we audit, assess, analyze, and make recommendations for accountability, transparency, effectiveness, efficiency, and economy of GovGuam, independently, impartially, and with integrity.

Our Vision

“Guam is the model for good governance in the Pacific.”



The OPA Staff. First row, from L-R: Jerrick Hernandez, Vincent Duenas, Public Auditor Doris Flores Brooks, Franklin Cooper-Nurse and Travis Carbon. Second row, from L-R: Jocelyn Untalan, Clariza Roque, Rodalyn Marquez, Llewelyn Terlaje, Rachel Field and Joy Bulatao.



Year in Review

In 2011, OPA continued its commitment and dedication to “Auditing for Better Government” by:

- Issuing 12 performance audits that identified over \$14.5M in financial impacts;
- Making 39 recommendations to improve government accountability, effectiveness, and efficiency;
- Providing oversight for the issuance of 19 financial audits;
- Issuing nine Requests for Proposals (RFP) for financial audit services;
- Administering 21 procurement appeals (highest number of appeals in six years); and
- Undergoing a quality control review.

Performance Audits

Performance audits are audits that improve the effectiveness and efficiency of government operations. Of the 12 performance audits we completed in 2011, we provided:

Six Oversight Reviews

1. GovGuam Oversight of American Recovery and Reinvestment Act (ARRA) Funds;
2. GovGuam Liabilities Assessment;
3. GovGuam Annual Leave Lump Sum Payments;
4. Government-Wide Submission of Citizen-Centric Reports (CCR) Pursuant to P.L. 31-77;
5. GovGuam Income Tax Refund Efficient Payment Trust Fund Pursuant to P.L. 31-74; and
6. GovGuam Health Benefit Costs Account Pursuant to P.L. 31-74.

Four Insight Reviews

1. Guam Police Department (GPD) Review of Bid No. GSA-081-10 Police Patrol Vehicles;

2. Department of Public Works’ (DPW) Building Permits and Inspection Section;
3. Guam Professional Engineers, Architects and Land Surveyors (PEALS) Board’s Funds and Financial Practices; and
4. General Services Agency (GSA) Small Purchase Procurement.

Two Foresight Reviews

1. OPA Austerity Plan and GovGuam Cost Reduction and Revenue Enhancement Recommendations; and
2. Guam Fire Department (GFD) Non-Productive Pay on Leave and Other Compensation.

Who Audits the Auditor?

Government Auditing Standards require an audit organization to undergo a quality control review every three years. OPA was audited for the fifth time by the Association of Pacific Islands Public Auditors (APIPA) in October 2011. The Peer Review team was comprised of Haser Hainrick, the Federated States of Micronesia National Public Auditor; Junior Patrick, the Republic of the Marshall Islands Auditor General; and Charles Hester, the Peer Review team’s Technical Consultant. Refer to Appendix 1 for more details.

Additionally, independent auditors Deloitte & Touche audit OPA’s financial statements as part of the annual Government-Wide financial audit.



2011 Peer Review. Guam OPA received a “Full Compliance” rating and it was the first time no management letter was issued.



Financial Audits

Financial audits are a key element in assessing the overall performance and financial health of government entities to determine the accuracy, completeness, and fair representation of the entity's operations.

We have seen continuous improvements in the area of financial reporting. Of the FY 2010 financial audits issued in 2011, 14 agencies issued their reports within six months after year end and only two component units had questioned costs. However, improvements are still needed as five agencies received qualified opinions and 23 audit findings on compliance.

Performer and A.F.T.E.R. Analysis

The Performer and A.F.T.E.R. Analysis is a tool commissioned by the Department of the Interior, Office of Insular Affairs (DOI-OIA) to gauge the financial performance of 11 insular areas to include: American Samoa, Commonwealth of the Northern Mariana Islands, Federated States of Micronesia, Guam, Marshall Islands, Palau and the Virgin Islands. For FY 2010, Guam received a score of 1.27, the lowest in nine years and the lowest among the insular areas analyzed.

Procurement Appeals

Twenty-one procurement appeals were brought before the Public Auditor in 2011. Of the 21 appeals, seven received decisions, eight were dismissed, and six were pending decisions as of December 31, 2011. Subsequently, the six received decisions in 2012.

OPA Website

In June 2011, OPA won its second Association of Local Government Auditors' (ALGA) prestigious Silver Award for Best Website.



Silver Award. Judges found the website to be exceptional by providing current and easily accessible information, demonstrating an excellent use of graphics, and its sections were among other areas that caused it to stand out. As one judge commented, "It's slick."

OPA Hotline

The OPA Hotline (47AUDIT or 472-8348) continues to be an effective confidential avenue for citizens to communicate questions and/or concerns about possible government waste, abuse, or fraud. We assure the public that all hotline information provided to OPA is held in the strictest confidence. Of the 30 tips in 2011, the OPA staff addressed 25 tips.

Staff and Time Composition

As of December 31, 2011, OPA had 14 full-time staff and one part-time staff. The OPA staff spent most of the 31,400 available hours in 2011 on audits, reviews, legislative mandates, and procurement appeals.

Staff Development

Working with DOI OIA, the OPA received approval for Grant No. TA-Guam-OPA-2011-1 in December 2010. The \$76,000 training grant was utilized to send OPA auditors to Department of Interior, Office of Inspector General (DOI-OIG) internships, local training seminars, and certain off-island conferences.



2011 DOI-OIG Internships. Top: Auditors Clariza Roque and Rachel Field pose with Congresswoman Madeleine Bordallo. Bottom: Auditors Jerrick Hernandez and Joy Bulatao pose with DOI-OIG Regional Manager Michael Colombo.

1. Low pay compensation package; and
2. Bureaucratic and lengthy hiring process.



Loss of Staff. (Left) Auditor III Maripaz N. Perez left OPA to become GPA's Internal Auditor. (Right) Audit Supervisor Lourdes Perez left OPA to become DOE's Chief Auditor.

Staff Recruitment and Retention

OPA faces difficulty in recruiting new staff. In April 2011 and through Department of Administration (DOA) Human Resources (HR), OPA announced its search for Auditor I, II, and III's. One was hired six months later in October 2011.

Retention of qualified individuals also remains an ongoing challenge. From November to December 2011, OPA lost its only Administrative Officer and a seasoned Auditor III to other GovGuam agencies. Subsequently in 2012, OPA lost another Auditor III and an Audit Supervisor.

Under the purview of DOA HR, OPA is unable to compete with autonomous entities, the federal government, and the private sector which have greater personnel flexibility. OPA's main challenges to recruitment and retention are:

FY 2011 Budget Execution

For FY 2011, OPA's total appropriation was \$1,263,866 and expenditures was \$1,172,416. OPA's expenditures primarily consisted of salaries and benefits (76%), rent (9%) and contractual services (7%). See table below and Appendix 2 for more details.

OPA Expenditures	FY 2011	% of Total
Salaries & Benefits	\$ 888,121	76%
Rent	\$ 102,594	9%
Contractual	\$ 79,024	7%
Equipment & Furniture	\$ 28,949	2%
Vehicle	\$ 24,929	2%
Training	\$ 15,088	1%
Depreciation	\$ 9,285	1%
Travel	\$ 7,727	1%
Supplies	\$ 7,214	1%
Utilities & Telephone	\$ 5,333	0%
Other	\$ 4,152	0%
Total	\$ 1,172,416	100%



Performance Audits Overview

Since 2001, OPA issued 120 performance audit reports, made 581 recommendations, and identified \$146.6 million (M) in financial impacts. Refer to the table below for a summary.

Calendar Year	Reports Issued	Recommendations Issued	Financial Impact
2011	12	39	\$14.5M
2010	9	37	\$22.6M
2009	7	6	\$ 1.4M
2008	10	28	\$ 9.7M
2007	18	51	\$24.3M
2006	19	76	\$20.9M
2005	9	49	\$ 6.2M
2004	14	91	\$16.4M
2003	10	77	\$26.8M
2002 & 2001	12	127	\$ 3.8M
Totals	120	581	\$146.6M

In 2011, OPA issued 12 performance audits that collectively identified over \$14.5M in questioned costs and other financial impacts. The following is a synopsis of our completed audits. Refer to Appendix 3 for our performance audits statistics.

Report No. 11-01: OPA Austerity Plan and GovGuam Cost Reduction and Revenue Enhancement Recommendations

OPA identified 17 external cost containment measures that could lead to potential cost savings of \$2.7M. For example:

- Eliminate GFD’s Non-Productive Pay (\$1.6M annually);
- Reduce Overtime by 10% (\$660 thousand (K) annually);
- Reassess the Costs for the Wellness Benefits (\$658K); and
- Eliminate Lifetime Annuity for the Governor and Lt. Governor (\$88K annually).

OPA also identified revenue enhancement initiatives that could lead to enhanced General Fund revenue collections of \$513K, if implemented. For example:

- Collection of Bounced Checks (\$513K);
- Repayment of Debt Forgiveness by GHC (unknown);
- Moratorium on Tax Credits (unknown); and
- Reassess the rate of Property Tax (unknown).

Report No. 11-02: GovGuam Oversight of ARRA Funds

The Bureau of Budget and Management Research (BBMR) limits its role to ensuring compliance with reporting deadlines and reporting requirements in §1512 of the ARRA, and not necessarily with overseeing the appropriate use of ARRA funds. As a result, recipient entities continue to be internally responsible for monitoring their respective ARRA-funded programs and activities without additional external oversight.

BBMR’s consolidated quarterly reports do not reconcile to the Federal Recovery Website. We found variances of \$663K and \$1.9M in the total amounts awarded and expended.

We also found that the Guam Recovery Website lacked adequate information to track or review the status of projects and activities of the primary recipients, sub-recipients, vendors, and contractors.

We recommended for BBMR to:

- Increase oversight responsibilities by performing risk assessments and developing appropriate responses to assessed risks; and
- Work with the Bureau of Information Technology to restructure the Guam Recovery Website and coordinate with

agencies to ensure their respective websites comply with ARRA website requirements.

Report No. 11-03: GovGuam Liabilities Assessment

Consistent with prior years, GovGuam continues to spend more than it takes in. The preliminary over expenditure for FY 2010 was \$83.6M, bringing the estimated deficit to \$349M. Among the factors contributing to the deficit are the over estimation of revenues by \$40.4M and unbudgeted recurring items totaling \$13.7M. (The actual deficit in FY 2010 was \$71.1M).

The deficit was expected to increase due to the permanent injunction against the Department of Mental Health and Substance Abuse (DMHSA) to pay \$14M and the unbudgeted increases in health insurance premiums ranging from \$9.7M to \$20.1M.

P.L. 28-38 provided for the GovGuam Retirement Fund (GGRF) to collect lost opportunity income on the outstanding \$34M owed by DOE and Guam Memorial Hospital Authority (GMHA). Using three different methodologies, we determined the lost opportunity income to range between \$6.1M to \$9.4M, resulting in an unintended windfall of \$14.8M to \$18.1M that instead should be applied to the outstanding balances owed by DOE and GMHA.

We made several recommendations, such as:

1. The enactment of legislation to apply GGRF's unintended windfall of \$14.8M to \$18.1M to the remaining retirement liability balances of DOE and GMHA; and
2. For the Department of Revenue and Taxation (DRT) to seek technical assistance funding to fully automate and efficiently process tax returns, refunds, and

collections.

Report No. 11-04: GPD Review of Bid No. GSA-081-10 Police Patrol Vehicles

Bid No. GSA-081-10 bypassed the AG's required review when the initial requisition of \$515,940 was subsequently lowered to \$490,000. The bid was amended five times to change the bid opening date; and one amendment changed 10 bid specifications to make the requisition less restrictive as the initial bid was brand-specific.

GSA awarded the bid to a vendor whose Certificate of Authority was expired at bid opening and as such was non-responsive. However, GSA did not determine this bidder to be an unqualified bidder and awarded the bid to this vendor.



GPD Police Patrol Vehicle. The 14 police patrol vehicles which met the bid requirements were received on December 30, 2010.



Report No. 11-05: DPW Building Permits and Inspection (BP&I) Section

DPW BP&I Section continues to process and issue building permits manually, and does not effectively supervise, monitor or collect building permit and plan checking fees.

We found:

- Inconsistencies in the assessment and application of fees, resulting in lost revenues of \$200K;
- Over assessment of \$56K in construction project fees due to the utilization of the wrong fee schedule;
- Instances in which fees were partially or entirely waived without explanation or acknowledgment from management resulting in lost revenues of \$71K;
- A lack of independent verification on the value of the construction projects submitted by the contractors;
- A significant decline of \$903K in building permit and plan checking fees in FY 2010;
- No link to DRT to ensure the update of real property tax values; and
- No fees or other benefits from military-related construction activities due to DPW’s lack of oversight jurisdiction.

Lack of supervisory review and ineffective monitoring resulted in \$271K in lost revenues and \$548K in lost opportunity due to lack of independent verification of the value submitted used to determine the fee.

Report No. 11-06: GFD Non-Productive Pay on Leave and Other Compensation

By law, GFD uniformed personnel receive pay and leave benefits surpassing those of all other GovGuam employees and which appear inequitable. Firefighters work five 24-hour shifts or 120 hours over a two-week pay period. Since firefighters are only assessed

106 hours per pay period, firefighters receive 14 hours of automatic overtime.

Also by law, GFD uniformed personnel are assessed only 45 leave hours when on leave for two weeks, and still get paid for 106 hours out of the General Fund. The difference of 61 hours is known as “non-productive pay” and given to fire personnel for free.

GFD Uniformed Employees			
Total 2-Week Compensation	Assessed Leave Hours	“Bonus” Non-productive Hours	
106 Hours	45 Hours	=	61 Hours

Other GovGuam Employees			
Total 2-Week Compensation	Assessed Leave Hours	“Bonus” Non-productive Hours	
80 Hours	80 Hours	=	0 Hours

GFD Non-Productive Pay on Leave. Non-productive pay on leave cost GovGuam \$6.3M over the last four fiscal years, an average of \$1.6M annually, and the top 10 recipients received amounts ranging from \$63K to \$125K.

The automatic 14 hours of overtime, mandated 106-hour pay period, non-productive pay on leave, and nine-hour-a-day/five-day cap on leave provide firefighters with an average of 71% over base salaries:

- In 2010, the top 25 GFD firefighter’s W-2 earnings ranged from a low of \$95K to a high of \$114K; and
- In 2009, the top 25 GFD firefighter’s W-2 earnings ranged from a low of \$87K to a high of \$143K.

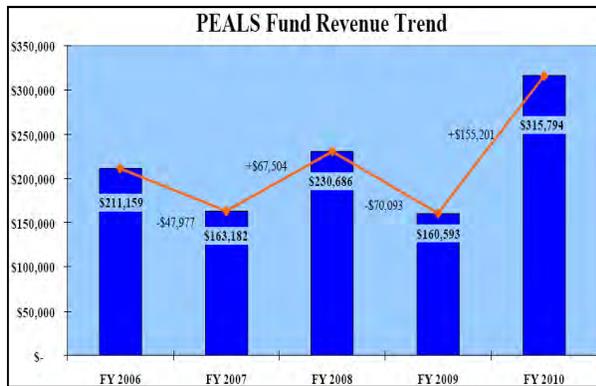
The audit identified \$347K in questioned costs and \$6.3M in potential savings.



Report No. 11-07: Guam PEALS Board’s Funds and Financial Practices

The PEALS Board did not provide oversight or adequately monitor its finances, operations or the actions of its employees, relying instead on its former Chairperson and former Administrator, whose actions were questionable.

Board members were unaware of the rollercoaster fluctuations in PEALS Fund revenues from FY 2006 to 2010 and did not investigate the causes. The PEALS Fund revenue trend is as follows: \$211K in FY 2006, \$163K in FY 2007, \$231K in FY 2008, \$161K in FY 2009, and \$316K in FY 2010.



PEALS Fund Revenue Trend. Our analysis of revenues showed shortages from October 2008 through November 2009 in the amount of \$13K.

A separate checking account was opened in March 2008, with only the former Chairperson and former Administrator as signatories. Other Board members were not aware of the account and did not establish governing procedures for it. Our audit revealed unauthorized Revolving Fund disbursements totaling \$13K that were not reported to the Board until September 2010.

Without full Board knowledge and approval,

a “private organization” was granted a \$300 loan from the Revolving Fund and opened a checking account under the name “PEALS Board”.

The audit identified questioned costs of \$22K and \$69K in other financial impact associated with the findings.

Report No. 11-08: GovGuam Annual Leave Lump Sum Payments

P.L. 27-106 imposed a 320-hour cap on the lump sum payment of annual leave that forced many employees to use existing policy to salvage their excess leave hours by “resigning artificially.”

We found that 51 employees drew 65 lump sum payments totaling \$302K under questionable circumstances:

- 29 classified employees drew 41 lump sum payments totaling \$166K from 12 agencies; and
- 22 unclassified employees drew 24 lump sum payments totaling \$136K from seven agencies.

The 29 classified employees resigned temporarily. However, since the merit process applies to classified positions, those employees should not have been able to do so without higher endorsement.

The 22 unclassified employees were cabinet level employees whose entitlement to, requests for, and amount of lump sum payments were issued beyond the changes in administration and mayors.

Rather than having to practice resigning on paper only and to avoid leave forfeiture, we urged agency heads to encourage personnel to take annual leave on a regular basis to prevent exceeding the 320 threshold.



Report No. 11-09: Government-Wide Submission of CCR

A total of 58 entities were required to submit and post a CCR on their website based on P.L. 31-77. As of October 31, 2011, 54 agencies or 93% submitted a CCR and posted on their entity website.

Subsequently, three of the four remaining agencies submitted their CCRs:

- Guam Election Commission and Office of the Chief Medical Examiner on November 28, 2011; and
- Public Utilities Commission on December 9, 2011.
- The Guam Board of Accountancy did not submit a CCR.

Report No. 11-10: GovGuam Income Tax Refund Efficient Payment Trust Fund

The Income Tax Refund Efficient Payment Trust Fund (Trust Fund) was established to hold separately the mandated set-aside portion of income tax revenues to pay tax refunds in a timelier manner. We calculated that, from October 1, 2010 to September 30, 2011, \$93.1M should have been deposited in the Trust Fund. Of the total, \$50.3M was paid out in prior year refunds; and \$41M was used to fund government operations. At year end, a balance of \$1.8M remained in the Trust Fund.

Income tax collections were comingled in the General Fund. DOA did not procedurally comply with directly depositing the set-aside amounts into the Trust Fund to pay tax refunds. We noted that transfers from the Trust Fund were made to fund GovGuam operations.

Without the \$41M diverted from income tax, government operations would have been negatively impacted. So long as GovGuam

continues to spend more than it makes and overestimate what it thinks it will collect, operations will continue to need subsidies and tax refund liabilities will continue to grow.



Interview with the Pacific News Center. Audit Supervisor Rodalyn Marquez, Auditor in Charge Llewelyn Terlaje and Audit Staff Jocelyn Untalan were interviewed regarding the GovGuam Income Tax Trust Fund Audit.

Report No. 11-11: GovGuam Health Benefit Costs Account

GovGuam's health insurance contribution during FY 2011 totaled \$55.1M for approximately 11,174 enrollees.

Of this amount, \$31.9M was paid for 3,253 retirees and \$23.2M for 7,921 active employees. On average, the contribution per retiree was \$9,797 compared to active employees of \$2,932. GovGuam pays disproportionately more (334%) for retirees than for active employees.

Since current law prohibits active and retired employees from contributing different amounts for the same health insurance coverage, GovGuam shoulders the carrier's substantially higher costs for retiree insurance.



Report No. 11-12: GSA Small Purchase Procurement

Small purchase procurement is continually increasing:

- 2,812 POs (\$4.9M) in FY 2008;
- 3,770 (\$6.9M) in FY 2009; and
- 4,247 (\$8.3M) in FY 2010.

This equates to 10,829 POs worth \$20.1M in the three fiscal years, purchased without advertisement.

GSA’s failure to plan purchasing for line agencies and consolidate procurement of recurring items led to artificially dividing and/or not consolidating purchases totaling \$3.1M that should have been procured through competitive sealed bids.

The top three recurring procurements were for (amounts in FY 2010):

- Office supplies and equipment (\$2M);
- Medication, medical supplies, and services (\$1.1M); and
- Computers and associated equipment (\$975K).

The audit identified \$3.4M in questioned costs, including \$73K for small purchases in excess of \$15K and \$81K for IFBs in Lieu of Fleet Vehicle Purchase.

2012 Audit Work Plan

OPA annually develops an Audit Work Plan to determine government entities and programs to review. We anticipate completing seven audits in progress and at least four new audits in 2012. Our 2012 plan includes:

1. GGRF Effect of Non-base Pay on Retirement Contributions;
2. GMHA Control over Overtime of Salaries below \$100K;
3. DRT and DOA Qualifying Certificates and Tax Credit; and
4. DRT Comparison of Real Property Tax

Rates.

Our Work Plan is a guide and not necessarily limited to the aforementioned audits. We have allowed for flexibility and may initiate other audits based on priority, requests from elected officials, and staff availability.

Financial Audits Overview

Since 2001, OPA provided oversight to 200 financial audit reports which identified 1,770 findings; and \$63.2M in questioned costs. Refer to the table below for a summary.

Calendar Year	# of Reports	# of Findings	Questioned Costs
2011	19	40	\$853.8K
2010	18	47	\$204.0K
2009	18	70	\$3.1M
2008	18	88	\$3.3M
2007	18	136	\$4.1M
2006	18	188	\$4.4M
2005	26	236	\$2.2M
2004	25	485	\$13.1M
2003	15	260	\$22M
2002	14	181	\$10.1M
2001	11	39	\$15K
Totals	200	1,770	\$63.2M

Title 1 G.C.A. §1908 provides the Public Auditor the authority to acquire the services of an independent audit firm to conduct financial audits. OPA procures financial audits through a Request for Proposal (RFP). OPA encourages all Certified Public Accounting (CPA) firms willing and capable of conducting government financial audits to respond to our RFPs by submitting proposals.

In 2011, OPA issued RFPs for the FY 2010 financial audits of the:

1. Guam Memorial Hospital Authority (GMHA);
2. Guam Visitors Bureau (GVB);
3. Mayors’ Council of Guam (MCOG);
4. Guam Community College (GCC);



5. Guam Waterworks Authority (GWA);
6. Department of Education (DOE);
7. A.B. Won Pat International Airport Authority (GIAA);
8. Guam Housing and Urban Renewal Authority (GHURA); and
9. Guam Power Authority (GPA).

Title 1 G.C.A. §1909(a) requires all departments, agencies, and instrumentalities to issue an annual financial audit no later than nine months after the end of the fiscal year (i.e., June 30th). The OPA staff oversees the work of the contracted audit firms to ensure the timely completion of financial audits. All 19 financial audits for FY 2010 were issued timely.

We have seen improvements in all government agencies for their FY 2010 audits. The audits were issued with less audit findings and management comments. All entities have unqualified or “clean” opinions on the financial statements, except for the DCA NAF audit. Refer to the table below for a summary and Appendix 4 for more details.

Auditee	Financial Statements Opinion	# of Findings	Questioned Costs	Compliance Opinion	
1	GMHA	Unqualified	4	\$729K	Qualified
2	GIAA	Unqualified	2	\$0	Unqualified
3	PAG	Unqualified	0	\$0	Unqualified
4	GVB	Unqualified	0	\$0	No Opinion
5	KGTF (PBS Guam)	Unqualified	0	\$0	No Opinion
6	TAF	Unqualified	0	\$0	No Opinion
7	GPT	Unqualified	1	\$0	No Opinion
8	UOG	Unqualified	2	\$0	Unqualified
9	GGRF	Unqualified	0	\$0	No Opinion
10	GEDA	Unqualified	0	\$0	No Opinion
11	GPA	Unqualified	1	\$0	No Opinion
12	GHC	Unqualified	5	\$0	No Opinion
13	GWA	Unqualified	1	\$0	Qualified
14	GCC	Unqualified	0	\$0	Unqualified
15	THF	Unqualified	0	\$0	No Opinion
16	GDOE	Unqualified	7	\$0	Qualified
17	GHURA	Unqualified	2	\$0	Qualified
18	DCA	Qualified	6	\$125K	No Opinion
19	GovGuam	Unqualified	9	\$0	Qualified
TOTAL			40	\$854K	

In an “unqualified or clean” opinion, the independent auditor states that the financial statements are fairly presented in all material respects in conformity with generally accepted accounting principles (GAAP). Meanwhile, in a “qualified” opinion, the auditor expresses reservations about the fair presentation of the financial statements in conformity with GAAP.

For FY 2010, five entities have qualified opinions in their compliance report due to material weaknesses and/or significant deficiencies. The entities were:

1. Government-Wide;
2. GHURA;
3. GMHA;
4. DOE; and
5. GWA.

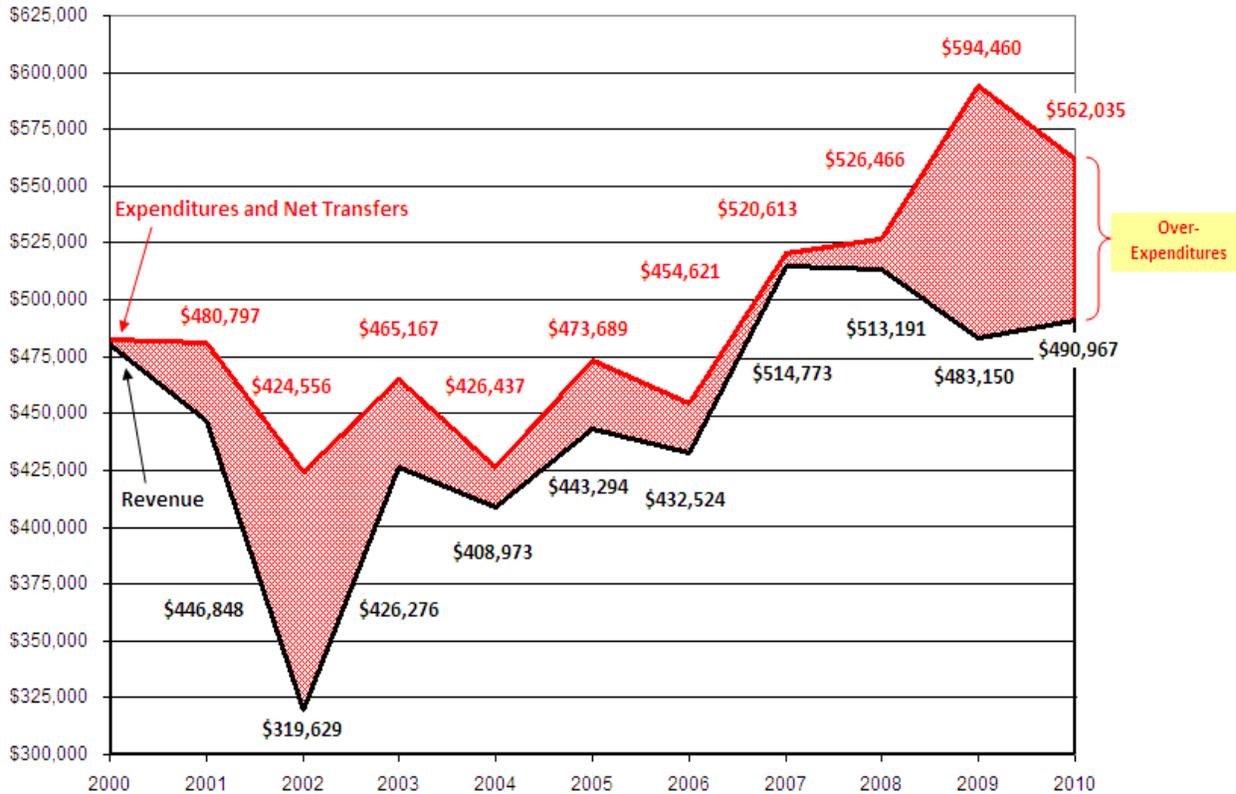
A finding can either be a material weakness or a significant deficiency. A “material weakness” is an internal control deficiency, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A “significant deficiency” is an internal control deficiency, less severe than a material weakness yet important enough to merit attention by those charged with governance.

Of the 19 financial audits, only two had questioned costs: GMHA (\$729K) and DCA (\$125K). The questioned cost for GMHA was due to procurement under the Compact Impact Grants (\$700K) and under the Bioterrorism Grants (\$29K). The questioned cost for DCA was due to noncompliance with procurement policies to obtain bids for services or products and to document reasons for vendor selection (\$53K in 2009 and \$72K in 2010).

OPA works with DOA and the autonomous



General Fund Revenues v. Expenditures (in '000s)



GovGuam Deficit. The FY 2010 deficit of \$71M is the second highest deficit in the past five years. The cumulative deficit now stands at \$336M.

agencies to resolve questioned costs. In FY 2010, DOA resolved \$2.3M in questioned costs, leaving \$2.3M in unresolved costs for the General Fund.

GovGuam FY 2010 Financial Audit

GovGuam ended FY 2010 with an operating deficit of \$71M: revenues were \$491M while expenditures totaled \$562M. The \$71M shortfall was financed by the non-payment of income tax refunds and originated from the over estimation of revenues of \$35M. Over expenditures have gone from a low of \$5.8M in FY 2007 to a record high deficit of \$111.3M in FY 2009. See graph above.

Procurement Appeals Overview

Sixty-nine appeals have been filed with the OPA since our office was mandated with this responsibility in October 2006. Of the 69 appeals, 37 were issued a decision and 32 were dismissed.

Of the 37 decisions issued, 16 favored the appellant, 15 favored the government, and six were split. Of the 32 dismissals, 10 resulted from mutual agreement between the appellant and purchasing agency, six from the Public Auditor's recusal, and four lacked the purchasing agency's decision on the appellant's protest. For OPA to review an appeal, the agency must first deny the protest of the appealing vendor. Refer to the following



table for a summary and Appendix 5 for more details.

APPEALS	Totals
DECISIONS	
Upheld	16
Denied	15
Upheld and Denied In Part	6
Subtotal:	37
DISMISSALS	
Stipulation Agreement	10
Public Auditor Recusal	6
No Protest Decision	5
Appeal withdrawn	3
Cancel/Re-issue Bid	3
Moved to Superior Court	3
Untimely Notice of Appeal	1
Protest Decision Released	1
Subtotal:	32
TOTAL APPEALS FILED:	69

Based on the issues raised from procurement appeals, the Public Auditor concluded that understanding of the government procurement process is fragmented and that more training is needed to ensure compliance with procurement laws, rules, and regulations.

2011 Procurement Appeals

Twenty-one procurement appeals were brought before the Public Auditor in 2011. Of the 21 appeals, seven received decisions, eight were dismissed, and six were pending decisions as of December 31, 2011. Subsequently, the six received decisions in 2012. Please refer Appendix 5 for more details.

OPA-PA-11-001 (JMI Edison/GSA). JMI claimed that Medpharm’s bid was non-responsive. However, Medpharm’s bid was determined to be responsive. Medpharm’s submission of certificates of compliance with various standards and codes with its bid are irrelevant because the IFB did not require submission of such documents. Accordingly, JMI’s appeal is DENIED.

GSA and DPHSS should conduct an independent analysis to determine specific laws, codes and regulations applicable to Radiology Imaging System equipment and its installation. This analysis is necessary to protect the health and safety of the DPHSS staff and patients who will use the equipment.

OPA-PA-11-002 (Island Business Systems & Supplies (IBSS)/DOE). IBSS after initially filing with OPA subsequently sought a civil action in Superior Court (CV1536). Pursuant to 2 Guam Administrative Rules and Regulations (GAR) §12103(b), the Public Auditor is required to cease all further action on an appeal when either party files in Court. No further action can be taken by OPA on the appeal.

OPA-PA-11-003 (Data Management Resources [DMR] /DOE). DOE violated its own Procurement Regulations when it waived, as a minor formality, Micros Fidelio Micronesia (MFM)’s failure to bid an Internal English Keyboard with Anti-Microbial Protection (Item No. 1), as required by the IFB’s specifications. DOE was ordered to cancel its proposed award of Item No. 1 to MFM and award it to the next lowest responsive and responsible bidder. Accordingly, DMR’s appeal was GRANTED.

OPA-PA-11-004 (DMR/DOE). DMR claimed that MFM’s bid was non-responsive. However, MFM was found to be an authorized manufacturer and seller of computers. DOE violated its own Procurement Regulations when it waived, as a minor formality, the issue of whether MFM complied with the IFB’s requirement that vendors must be manufacturer-authorized resellers. DMR’s appeal is DENIED.

OPA-PA-11-005 (JC Tenorio/GIAA) & OPA-PA-11-006 (JC Tenorio/DPW). Both GIAA & DPW did not render a decision on



Tenorio's protest. A copy of the purchasing agency's protest decision is a required part of the Notice of Appeal (2 GAR §12104(b)(6) and (8)).

However, the Public Auditor has the authority to compel GIAA & DPW to produce the decision on Tenorio's protest. Both GIAA & DPW were required to render a decision no later than March 31, 2011. OPA did not receive a copy of GIAA's response and the appellant took no action within the 14 day judicial review period. DPW issued a written response on March 29, 2011. No other action was filed by any party within the 14 day judicial review period.



GIAA-RFP-FY98-08-02. Juan C. Tenorio, P.E.'s appeal was regarding the Guam International Airport Authority's RFP for Construction Management Services for Construction of Parallel Taxiway.

OPA-PA-11-007 (IBSS/GSA). Stipulation Agreement was reached and the appeal was resolved between parties in the interest of cost-savings to the taxpayers of Guam. GSA was to cancel the procurement and issue a new IFB for a multi-function print/scan/copier/fax device.

OPA-PA-11-008 (Sanford Technology Group [STG]/DOE). DOE violated 5 GCA §5212(g) by requiring the awarded bidder to furnish a 100% performance bond. STG and DOE's proposed mutual agreement is unacceptable because it removes the IFB's requirement for a bid security in violation of 5

GCA §5212(b). DOE must amend the IFB to comply with Guam Procurement Law. STG's protest is GRANTED, and STG and DOE's proposed mutual agreement is DENIED.

OPA-PA-11-009 (Hubtec International/DPW). DPW's termination of Hubtec's contract was justified due to Hubtec's substantial contract violations. Hubtec failed to (1) use American made rebar at the Cetti Bay Slide and attempted to conceal the fact; and (2) have erosion control measures at the Cetti Bay and Umatac Baseball Culvert project sites. Hubtec's appeal was DENIED.

OPA-PA-11-010 (DMR/GSA). DMR's Notice of Appeal was untimely because it was filed prior to GSA's decision on protest. DMR's appeal was not properly before the Public Auditor and was dismissed without prejudice.

OPA-PA-11-011 (Pacific Data Systems/GCC). GCC's rejection of the bids violates 5 GCA §5225. The rejection was not made by GCC's Chief Procurement Officer as required by the IFB, and GCC's President did not make the written determination required by 2 GAR §3115(d)(2)(A)(iv). However, GCC has a cogent and compelling reason to justify rejecting the PDS bid because it exceeds the available funding for the VoIP Telephone System. Accordingly, PDS' appeal is DENIED in part and GRANTED in part.

OPA-PA-11-012 (Joeten Development Inc. [JDI]/GSA). GSA violated 5 GCA §5225 by cancelling the IFB due to JDI being the only bidder. JDI's bid price was lower than the monthly rent DRT was currently paying. The Chief Procurement Officer did not make the written determination finding that cancelling the IFB was in the best interest of GovGuam as required by 2 GAR §3115(d)(1)(B). Accordingly, JDI's appeal is GRANTED.



OPA-PA-11-013 (J&B Modern Tech [J&B]/UOG). Stipulation Agreement was reached and the appeal was resolved between the parties. UOG issued a second corrected bid status letter showing J&B was the lowest bidder in part and UOG issued an intent to award to J&B; UOG also awarded J&B certain site locations as per the bid in the amount of \$664K; and appellant provided warranties as stipulated in the agreement.

OPA-PA-11-014 (G-Crew/GHURA). GHURA granted the relief G-Crew sought in the appeal, namely re-bidding of the janitorial services solicitation.

OPA-PA-11-015 (DMR/GCC). The appeal was resolved between parties through a stipulation agreement. GCC agreed to award items No. 1 and 4 to Sanford Technology Group. GCC agreed to re-evaluate the no award of Bid Item No. 3 and issue a decision on item No. 3 within 30 days.

OPA-PA-11-016 (APM Guam Medical Referral Services/GSA). GSA correctly found APM's bid unacceptable. The opening of APM's Sealed Price Proposal was an inadvertent mistake having no effect on the procurement process. APM's appeal is DENIED.

OPA-PA-11-017 (Kim Bros./DOE). It was determined that Kim Bros. filed a formal complaint rather than a formal protest. Since Kim Bros. did not file a protest with DOE, DOE had no protest decision for the Public Auditor to review. However, DOE should have been more proactive in advising Kim Bros., who was not represented by legal counsel at that time, of Kim Bros.' right to file a protest and the deadline to submit such protest. Kim Bros.' appeal is DENIED.

OPA-PA-11-018 (J&B Modern Tech/DOE). J&B claimed that the awarded bidder JRN

submitted a non-responsive bid. JRN's modification of its bid was deemed late and should not have been considered by DOE. Additionally, JRN did not have the required two references. J&B's bid, however, was also found to be non-responsive due to the erroneous submission of the incorrect hourly rate for general helpers. DOE was to either cancel the IFB or revise its solicitation to comply with procurement Law and Regulation.



Multi-Step Bid IFB No. 024-2011. Kim Bros.' appeal was regarding DOE's IFB for the renovation of Southern High School Gymnasium.

OPA-PA-11-019, 11-020, 11-021 (Infratech International/DOE). Appeals OPA-PA-11-019, 11-020, and 11-021 were consolidated on February 03, 2012, since all appeals concerned the structural repairs and roof coating of Central A, Central B, and Southern school districts.

There was no merit to Infratech's arguments that the IFB's drawing and plans were erroneous or confusing. There was no merit to Infratech's allegations that verifying ceiling spalls, ceiling cracks and beam cracks is impractical. Further, prospective bidders had the opportunity to schedule additional site visits to verify site conditions and prepare their bids. Infratech's appeal is DENIED.



Decisions Taken to Superior Court

Following the issuance of the Public Auditor's decision, parties have 14 days to appeal the decision to the Superior Court. To date, seven decisions have been appealed.

OPA-PA-07-002. A judgment was issued for OPA-PA-07-002 in January 2009. In SP 160-07, the Superior Court ruled that OPA's decision for OPA-PA-07-002 was invalid; the appeal was filed after the deadline. Further, the court ruled that a business license did not have to be submitted since negotiations and acceptance of a price proposal were not finalized.

OPA-PA-09-005. OPA-PA-09-005 was appealed in court in December 2009. The Public Auditor submitted arguments at hearings in February and March 2010. The presiding judge upheld the Public Auditor's decision in April 2010.

OPA-PA-09-008. On December 31, 2009, Appellee GPA notified OPA that a civil case (CV 1896-09) regarding the appeal was filed in Superior Court. The case was filed before the Public Auditor reached a decision.

Other decisions. The Superior Court cases related to OPA-PA-06-003, 08-11, 10-004, and 10-010 remain in progress.

Procurement Appeals Cost Savings

From FY 2006 to FY 2009, Procurement Appeals was a separate division within OPA and had a separate appropriation. Since FY 2010, the budget for Procurement Appeals became part of OPA's total budget. The cost savings and other benefits of this budget arrangement include:

- OPA staff provides administrative support, including back-up personnel when on leave, becoming knowledgeable of the

appeals process;

- Common use of OPA equipment, telephone and fax numbers, fax and copy machines, and the website;
- OPA audits provide historical perspective of procurement; and
- Use of contracted attorneys on an as-needed basis, with Attorney Anthony R. Camacho serving as OPA's primary Hearing Officer.

Procurement Appeals Hearing Room

OPA's Procurement Appeals Hearing Room provides adequate space for OPA to conduct procurement appeal hearings. The Procurement Appeals Hearing Room has also been made available to all government agencies for their official use. OPA, DOE, GFD, Office of Senator Chris Duenas, Education Financial Supervisory Commission (EFSC), and the Parole Board have used the space to conduct training classes or other government-related planning events, or to hold meetings.



OPA Audit Training Session. This training was held at the Procurement Appeals Hearing Room.

Procurement Advisory Council

In September 2011, P.L. 31-93 established the Guam Procurement Advisory Council (Council) to research, evaluate, analyze, review, and make recommendations to improve, address, and modernize government



contracting.

Council membership consists of:

- a senior member of the Governor's staff;
- the AG or his designee;
- the Public Auditor or her designee;
- the Compiler of Laws;
- the Chief Procurement Officer;
- the Director of Administration;
- the Director of Public Works;
- an attorney in private practice;
- two Guam residents experienced in procurement;
- the Chairman of the Board of Accountancy; and
- the Dean of UOG School of Business and Public Administration.

Legislative Mandates

In addition to financial oversight responsibilities and audit activities, the Public Auditor and the OPA received several requests and legislative mandates to partake in or review other government-related activities.

As of December 2011, 70 legislative mandates have expanded the Public Auditor and OPA's duties and responsibilities. Of the 68 mandates, we have addressed 37 and 33 remain open as recurring mandates. Refer to Appendix 6 for Legislative Mandates.

OPA Website

Since January 2002, the OPA website (www.guamopa.org) continues to be an important source of reliable transparent information about the financial condition of our government. All OPA audit reports, financial audits, procurement appeals, ARRA guidance, and CCR reporting requirements are posted along with other information about OPA. Refer to Appendix 7 for this year's OPA Website in Review.

In December 2010, OPA transitioned to a new website contractor and encountered challenges during the transition. OPA's website activity statistics for 2010 is not available and 2011 is incomplete.

In June 2011, OPA won its second ALGA's prestigious Silver Award for Best Website. OPA received its first Silver Award in 2009.



Silver Award for Best Website. Public Auditor Doris Flores Brooks accepted the award during ALGA's annual training conference.

OPA Hotline (47AUDIT; 472-8348)

The OPA Hotline continues to be an effective confidential avenue for citizens to communicate questions and/or concerns about possible government waste, abuse, or fraud. Hotline tips help OPA assess areas of risks in the government and determine where to focus resources. We assure the public that all information provided to us is held in the strictest confidence.

OPA received a total of 1,205 hotline tips since the establishment of the OPA Hotline in 2001. The number of hotline tips received ranged from a high of 177 tips in 2004 to a low of 30 tips in 2011. Refer to Appendix 8 for more details.

The OPA staff addressed 25 out of the 30 hotline tips received in 2011. OPA will con-



tinue to address hotline tips as a collateral duty and provide timely responses.

Anyone who wishes to submit a hotline tip or express a concern may do so by:

- Calling the OPA Hotline at 47AUDIT (472-8348);
- Faxing sufficient and relevant information to 472-7951;
- Visiting the OPA website at www.guamopa.org; or
- Contacting any of the OPA staff by phone at 475-0390 or in person.

Staff & Time Composition

As of December 31, 2011, OPA had 14 full-time staff and one part-time staff. The staff consists of:

- Public Auditor;
- Two Audit Supervisors;
- Four Auditor III's;
- Six Auditor I's;
- One Management Analyst for Procurement Appeals; and
- One Part-time Editor.

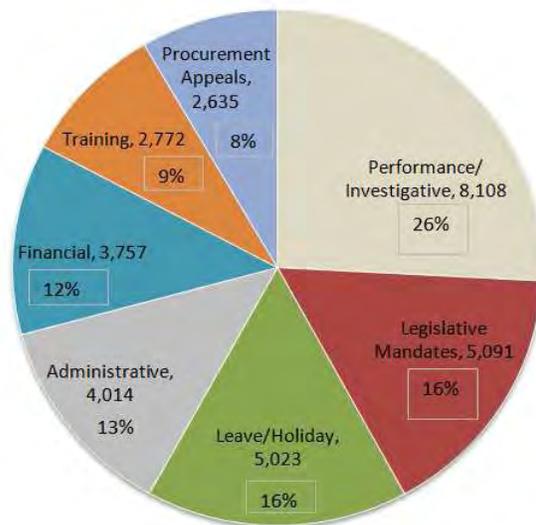
Refer to Appendix 9 for OPA's Organizational Chart.

OPA's audit staff held the following certifications and degrees, some with two or more:

- Two CPAs;
- One Certified Internal Auditor (CIA);
- Two Certified Government Financial Managers (CGFM);
- Two Certified Government Auditing Professionals (CGAP);
- Two Master's in Business Administration
- One Master of Public Administration; and
- All staff have a Bachelor's Degree.

In 2011, the OPA staff spent 11,865 hours or 38% on performance, financial, other audits and reviews. The staff also spent 5,091 hours

or 16% attending to legislative mandates and 2,635 hours or 8% on procurement appeals. The remaining hours were spent on staff training, administration, government holidays and leave.



OPA Staff Hours. In 2011, the OPA staff had 31,400 available hours.

Staff Development

The U.S. Government Accountability Office's 2011 "Government Auditing Standards" require auditors to complete 80 hours of CPE every two years, of which 24 CPE hours must be related to government auditing or the government environment. CPE hours are mandatory for the maintenance of professional competence. Title 5 G.C.A. §20304 also requires CPE hours for all government auditors and accountants.

Since taking office, the Public Auditor has been a strong proponent for continuing professional development and compliance with the highest standards of the auditing profession. To this end, she has made every effort to secure training opportunities for all staff.



DOI-OIA Training Grant. Working with DOI-OIA, the OPA received Grant No. TA-Guam-OPA-2011-1 in December 2010, which provided \$76K in financial assistance for the professional development of the OPA auditors. The grant expired on December 31, 2011.

The training grant's primary purpose has been to send auditors to the DOI OIG internships, and fund local training seminars and certain off-island conferences. In 2011, four auditors completed a 40-day internship with the DOI-OIG in Washington D.C., Virginia from February to April 2011 and Sacramento, California from September to November 2011.

We thank DOI-OIA for the continued funding and support of the PITI-VITI. We would also like to thank Mr. Rob Knox, Mr. Dean Tsukada, and Mr. Michael Colombo for coordinating the DOI-OIG internships.

Conferences and Trainings Attended. In 2011, the OPA staff attended several trainings sponsored by: the Association of Government Accountants, PASAI, APIPA, Graduate School, ALGA, GFOA, NSAA, and other relevant trainings.



Graduate School Training. Mr. Steve Morgan from the Graduate School provided audit trainings on September & October 2011.

Professional Achievements

On May 6, 2011, Auditor III Vincent Duenas graduated from the Executive Leadership Development Program (ELDP) at the East West Center in Honolulu, Hawaii. Mr. Duenas was among 19 other graduates from throughout Micronesia, including Guam, American Samoa, Commonwealth of the Northern Mariana Islands, Federated States of Micronesia National Government, Chuuk State, Kosrae State, Pohnpei State, Marshall Islands, and Palau.



ELDP Graduation. L-R. DOI OIA Nikolau Pula; Hawaii State Auditor Marion Higa; Vince Duenas; and Graduate School Sharon Barcellos.

In August 2011, the Public Auditor and OPA staff held an appreciation luncheon to recognize Catherine Sablan Gault, for five years of dedicated service as OPA's editor.



Five Years of Service. Editor Catherine Sablan Gault takes a picture with the Public Auditor to her left and her sister Anne Camacho to her right.



Difficulty in Recruitment and Retention

OPA’s highest staff complement was 18 full-time staff in 2006. As of December 31, 2011, OPA had 14 full-time staff composed of 12 auditors, one Management Analyst, and the Public Auditor. Of the 12 auditors, 7 are recently hired with an average of less than 2 years audit experience. The remaining five are senior auditors with an average of seven years audit experience. There is a gap of audit experience between the junior and senior auditors.

From November to December 2011, OPA lost 2 full-time staff consisting of one Administrative Officer and one Auditor III. Overall, OPA faced a 22% reduction in staff from 18 full-time staff in 2006 to 14 full-time staff in 2011.

OPA faces difficulty in recruiting new staff due to the bureaucratic and lengthy hiring process. In April 2011 and through DOA Human Resources (HR), OPA announced its search for Auditor I, II, and III’s. One was hired six months later in October.

OPA faces difficulty in retaining senior staff due to the low pay compensation package. OPA competes with other government agencies, the federal government, and the private sector. However, OPA is unable to offer attractive salaries to retain senior level audit staff.

OPA staff participated in various community and outreach efforts such as: making presentations for the National Teach Children to Save Day; participating in the John F. Kennedy High School Career Day; and sponsoring a company tour for the University of Guam’s Junior Accountants Society.



Save Day. (Top) Public Auditor Doris Flores Brooks pictured with Academy of Our Lady of Guam Catholic School students. (Bottom) Audit Supervisor Lourdes Perez and Auditor III Vincent Duenas pictured with Bishop Baumgartner Memorial Catholic School students.

Public Outreach & Others

Increasing public awareness, improving government efficiency and effectiveness, and promoting better understanding of OPA’s mission, work, and impact are important aspects of our Strategic Plan. We strive to build good relations with those charged with governance.



JFK Career Day. Auditors Rachel Field and Joy Bulatao pictured with John F. Kennedy High School students.



JAS Company Tour. Public Auditor Doris Flores Brooks speaks with the Junior Accountants Society members.

Appreciation Luncheon for CPA Volunteers.
 OPA held an appreciation luncheon to recognize the services of five local CPAs who have served on the RFP selection committees for audit services of autonomous entities during the past ten years.

Recognized for their distinguished professional contributions to our government and our community were:

- Ms. Bobbie Howard, CPA
- Ms. Francis Quinto Baba, CPA
- Mr. Mike Sablan, CPA
- Mr. Tim San Nicolas, CPA
- Ms. Taling Taitano, CPA, CGFM



Independent CPAs. Front Row: Bobbie Howard, and Taling Taitano. Back Row: Public Auditor Doris Flores Brooks, and Francis Quinto Baba.

Public Testimonials

OPA thanks all those who took the initiative to contact our office, share information and compliment us.

“Thanks Ms. Brooks. I voted for you in the last election. I think you are doing an outstanding job, and an asset of the community. Keep up the good work. Keep everybody honest.”

“On behalf of the peer review team, I would like to thank Doris and her staff for helping and facilitating the work of the peer review team. Your assistance helped us tremendously in carrying out our assigned duties.”

“I join the Peer Review Team Leader in conveying the Peer Review Team’s most appreciation to you, Doris and Lou, and the entire Guam OPA Team, for all your assistance throughout the review process. Thank you once again for your warm hospitality.”

“Thank you and the rest of the staff for all your help and hope to see you soon.”

“On behalf of the Junior Accountants Society [JAS] officers and members, I would like to thank you ... for organizing the company tour and addressing the topics requested. We thought it was well organized and structured and provided the JAS members with good and relevant information. Overall, the members enjoyed the tour and walked away better informed about Guam OPA. JAS hopes to continue to work with Guam OPA in the near future. Thank you again!”

“During the [Comprehensive Annual Financial Report or CAFR] project, I was delegated the task of creating financial and demographic trends for the Government of Guam’s last ten fiscal years. At first, I did not have any idea on how to create statistical trends but fortunately, we found several CAFR samples on the Internet and our instructor also provided additional resources. Through the help of Guam’s Office of Public Accountability’s website, I was able to acquire the financial statements with ease.”



ASSOCIATION OF PACIFIC ISLANDS PUBLIC AUDITORS

October 20, 2011

The Honorable Edward J. B. Calvo, Governor
Governor of Guam, Office of the Governor
Richard J. Bordallo Governor's Complex
P. O. Box 2950
Adelup, Guam 96932

Dear Governor Calvo:

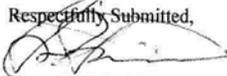
Attached for your reference is the final report on the Government of Guam's Office of Public Accountability pursuant to a Peer (Quality Control) Review done by our team of auditors from the Association of Pacific Islands Public Auditors (APIPA). External quality control reviews of all audit offices issuing audit reports guided by government auditing standards (GAS) are required at least every three years. Because of this requirement, your Public Auditor initiated and contracted with APIPA.

Your Public Auditor's office was determined to be in full compliance with government auditing standards for the period reviewed. Full compliance is the highest of three possible ratings issued in an external quality control review. The report now becomes public information and may be made accessible to any interested person(s). The working papers and other supporting documentation accumulated during our review will be maintained by the Public Auditor's office.

For your information, the expenses of the Peer (Quality Control) Review were borne by the U.S. Department of Interior's Office of Insular Affairs.

It was a privilege working with the staff of the Public Auditor's office, most especially Mrs. Brooks, the Public Auditor. Each member of Mrs. Brooks' office was most cooperative and helpful to the team and exemplifies the highest standards of the auditing profession.

Respectfully Submitted,

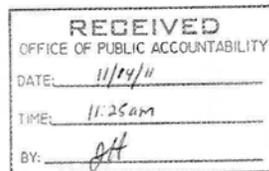

Haser H. Hainrick,
National Public Auditor
Office of the National Public Auditor
Federated States of Micronesia
Team Leader
APIPA Peer Review Team


Junior Patrick, Auditor General
Office of the Auditor General
Republic of the Marshall
Islands
APIPA Peer Review Team


Charles W. Hester,
Technical Consultant
APIPA Peer Review Team

Attachment

Cc: Mrs. Doris Flores Brooks
Guam Public Auditor



ASSOCIATION OF PACIFIC ISLANDS PUBLIC AUDITORS

October 14, 2011

Mrs. Doris Flores Brooks
Guam Public Auditor
Office of Public Accountability
238 Archbishop Flores Street
Suite 401, DNA Building
Hagatna, GU 96910

Dear Mrs. Brooks:

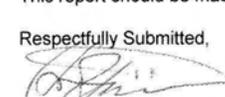
A peer review of the Government of Guam's Office of Public Accountability has been completed for the period from January 2008 through December 2010. In conducting the review, the standards and guidelines contained in the *Peer Review Guide* published by the Association of Pacific Islands Public Auditors (APIPA) were followed.

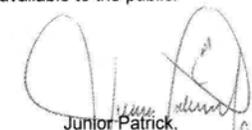
The internal quality control system of your audit organization was reviewed and tests were conducted in order to determine if the system operated to provide reasonable assurance of compliance with *Government Auditing Standards* issued by the Comptroller General of the United States. Due to variances in individual performance and judgment, compliance does not imply adherence to standards in every case, but does imply adherence in most situations.

Based on the results of the review, it is our opinion that the Office of Public Accountability's internal quality control system is suitably designed and operating effectively to provide reasonable assurance of compliance with *Government Auditing Standards* for audits and attestation engagements during the period from January 2008 through December 2010.

This report should be made available to the public.

Respectfully Submitted,


Haser H. Hainrick,
National Public Auditor
Office of the National Public
Auditor
Federated States of Micronesia
Team Leader
APIPA Peer Review Team


Junior Patrick,
Auditor General
Office of the Auditor General
Republic of the Marshall
Islands
APIPA Peer Review Team


Charles W. Hester,
Technical Consultant
APIPA Peer Review
Team



Office of Public Accountability
Government of Guam
Governmental Funds Balance Sheet / Statement of Net Assets
Years Ended September 30, 2011 and 2010

	2011 (Unaudited)			2010		
	General Fund	Adjustments	Statement of Net Assets	General Fund	Adjustments	Statement of Net Assets
ASSETS						
Cash and cash equivalent	\$ 395,345	\$ -	\$ 395,345	\$ 431,160	\$ -	\$ 431,160
Receivables, net:						
Federal agencies	3,844	-	3,844	3,545	-	3,545
Travel Due from OPA Staff	24,520	-	24,520	-	-	-
Other - Personnel Appropriation from DOA	305,414	-	305,414	-	-	-
Other - Operations Appropriation from DOA	20,653	-	20,653	-	-	-
Capital Assets, net of accumulated depreciation	-	25,348	25,348	-	34,633	34,633
Total assets	<u>\$ 749,776</u>	<u>\$ 25,348</u>	<u>\$ 775,124</u>	<u>\$ 434,705</u>	<u>\$ 34,633</u>	<u>\$ 469,338</u>
LIABILITIES						
Accounts payable	1,924	-	1,924	20,469	-	20,469
Accrued annual and sick leave	-	73,162	73,162	-	69,008	69,008
Deferred Revenue - Appropriation	305,414	-	305,414	-	-	-
Total liabilities	<u>307,338</u>	<u>73,162</u>	<u>380,500</u>	<u>20,469</u>	<u>69,008</u>	<u>89,477</u>
FUND BALANCES/ NET ASSETS						
Fund balances:						
Reserved	-	-	-	-	-	-
Unreserved	442,438	(442,438)	-	414,236	(414,236)	-
Total fund balances	<u>442,438</u>	<u>(442,438)</u>	<u>-</u>	<u>414,236</u>	<u>(414,236)</u>	<u>-</u>
Total liabilities and fund balances	<u>\$ 749,776</u>			<u>\$ 434,705</u>		
Net assets:						
Invested in capital assets		25,348	25,348		34,633	34,633
Unrestricted		369,276	369,276		345,228	345,228
Total net assets		<u>\$ 394,624</u>	<u>\$ 394,624</u>		<u>\$ 379,861</u>	<u>\$ 379,861</u>



Office of Public Accountability
Government of Guam
Statements of Revenues, Expenses, and Changes in Fund Balance / Statement of Activities
Years Ended September 30, 2011 and 2010

	2011 (Unaudited)			2010		
	General Fund	Adjustments	Statement of Activities	General Fund	Adjustments	Statement of Activities
Revenues:						
Use of money and property	\$ 5,496	\$ -	\$ 5,496	\$ 3,528	\$ -	\$ 3,528
Federal contributions	\$ 42,789	\$ -	\$ 42,789	\$ 41,211	\$ -	\$ 41,211
Other	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total revenues	\$ 48,285	\$ -	\$ 48,285	\$ 44,739	\$ -	\$ 44,739
Expenditures by Object:						
Salaries	\$ 658,527	\$ -	\$ 658,527	\$ 601,784	\$ -	\$ 601,784
Benefits	\$ 225,441	\$ -	\$ 225,441	\$ 170,574	\$ -	\$ 170,574
Leave Accrued	\$ -	\$ 4,154	\$ 4,154	\$ -	\$ 19,830	\$ 19,830
Travel	\$ 7,727	\$ -	\$ 7,727	\$ 14,175	\$ -	\$ 14,175
Contractual Services	\$ 121,813	\$ -	\$ 121,813	\$ 136,307	\$ -	\$ 136,307
Rent	\$ 102,594	\$ -	\$ 102,594	\$ 94,856	\$ -	\$ 94,856
Supplies	\$ 7,214	\$ -	\$ 7,214	\$ 11,964	\$ -	\$ 11,964
Equipment and Furniture	\$ 53,878	\$ -	\$ 53,878	\$ 17,140	\$ -	\$ 17,140
Utilities and Telephone	\$ 5,333	\$ -	\$ 5,333	\$ 6,304	\$ -	\$ 6,304
Depreciation	\$ -	\$ 9,285	\$ 9,285	\$ -	\$ 10,143	\$ 10,143
Training	\$ 15,088	\$ -	\$ 15,088	\$ 9,877	\$ -	\$ 9,877
Other	\$ 4,152	\$ -	\$ 4,152	\$ 3,662	\$ -	\$ 3,662
Total expenditures	\$ 1,201,766	\$ 13,438	\$ 1,215,204	\$ 1,066,643	\$ 29,973	\$ 1,096,616
Other financing sources (uses):						
Transfers in from other funds	\$ 1,182,070	\$ -	\$ 1,182,070	\$ 1,046,342	\$ -	\$ 1,046,342
Transfers out to other funds	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total other financing sources (uses), net	\$ 1,182,070	\$ -	\$ 1,182,070	\$ 1,046,342	\$ -	\$ 1,046,342
Excess (deficiency) of revenues and appropriations over (under) expenditures	\$ 28,589	\$ (28,589)	\$ -	\$ 24,438	\$ (24,438)	\$ -
Change in net assets			\$ 15,151			\$ (5,535)
Fund balance/ net assets:						
Beginning of the year, as restated	\$ 413,849	\$ -	\$ 379,473	\$ 389,798	\$ -	\$ 385,396
End of the year	\$ 442,438	\$ -	\$ 394,624	\$ 414,236	\$ -	\$ 379,861



Report No.	Report Title	Date Issued	Questioned Costs	Financial Impact		Recommendations Issued
				Other	Total	
11-01	OPA Austerity Plan and GovGuam Cost Reduction and Revenue Enhancement Recommendations	02/03/11	\$ -	\$ 3,255,700	\$ 3,255,700	0
11-02	GovGuam Oversight of ARRA Funds	04/01/11	\$ -	\$ -	\$ -	2
11-03	GovGuam Liabilities Assessment	04/18/11	\$ -	\$ -	\$ -	10
11-04	GPD Review of Bid No.GSA-081-10 Police Patrol Vehicles	05/05/11	\$ -	\$ -	\$ -	1
11-05	DPW Building Permits and Inspection Section	08/01/11	\$ -	\$ 875,126	\$ 875,126	7
11-06	GFD Non-Productive Pay on Leave and Other Compensation	08/17/11	\$ 347,164	\$ 6,321,331	\$ 6,668,495	4
11-07	Guam PEALS Board's Funds and Financial Practices	10/05/11	\$ 22,045	\$ 69,316	\$ 91,361	6
11-08	GovGuam Annual Leave Lump Sum Payments	10/28/11	\$ 302,280	\$ -	\$ 302,280	0
11-09	Government-Wide Submission of CCR (PL 31-77)	10/31/11	\$ -	\$ -	\$ -	0
11-10	GovGuam Income Tax Refund Efficient Payment Trust Fund	12/19/11	\$ -	\$ -	\$ -	2
11-11	GovGuam Health Benefit Costs Account	12/29/11	\$ -	\$ -	\$ -	1
11-12	GSA Small Purchase Procurement	12/30/11	\$ 3,350,278	\$ -	\$ 3,350,278	6
Totals			\$ 4,021,767	\$ 10,521,473	\$ 14,543,240	39



Auditee	Issue Date	Financial Statements Opinion	# of Finding(s)	# of Material Weaknesses	# of Significant Deficiencies	Questioned Costs	Procurement Findings	Procurement Questioned Costs	Management Comment(s)	Compliance Opinion	# of Employees	Salaries and Wages	Auditing Firm	Audit Costs	Legal Costs	
1	GMHA	01/12/11	Unqualified	4	3	1	\$ 729,013	2	\$ 729,013	7	Qualified	1,063	\$ 67,868,412	Deloitte	\$ 75,000	\$ 283,588
2	GIAA	01/20/11	Unqualified	2	0	2	\$ -	0	\$ -	4	Unqualified	200	\$ 12,755,098	Ernst & Young	\$ 115,000	\$ 328,783
3	PAG	01/21/11	Unqualified	0	0	0	\$ -	0	\$ -	4	Unqualified	347	\$ 17,630,692	Ernst & Young	\$ 40,992	\$ 731,995
4	GVB	01/28/11	Unqualified	0	0	0	\$ -	0	\$ -	0	No Opinion	28	\$ 1,134,247	Deloitte	\$ 14,583	\$ 56,669
5	KGTF (PBS Guam)	01/31/11	Unqualified	0	0	0	\$ -	0	\$ -	2	No Opinion	25	\$ 772,313	Deloitte	\$ 11,000	\$ 1,266
6	TAF	02/11/11	Unqualified	0	0	0	\$ -	0	\$ -	0	No Opinion	0	\$ -	Deloitte	\$ 18,000	\$ -
7	GPT	02/16/11	Unqualified	1	0	1	\$ -	0	\$ -	1	No Opinion	4	\$ 268,958	Ernst & Young	\$ 20,745	\$ 5,667
8	UOG	02/25/11	Unqualified	2	0	2	\$ -	0	\$ -	3	Unqualified	788	\$ 41,999,395	EideBailly	\$ 46,150	\$ 240,169
9	GGRF	02/28/11	Unqualified	0	0	0	\$ -	0	\$ -	3	No Opinion	42	\$ 1,568,827	Burger & Comer	\$ 28,500	\$ 278,092
10	GEDA	03/01/11	Unqualified	0	0	0	\$ -	0	\$ -	0	No Opinion	26	\$ 1,993,230	Deloitte	\$ 30,209	\$ 151,063
11	GPA	03/08/11	Unqualified	1	0	1	\$ -	0	\$ -	11	No Opinion	522	\$ 31,376,430	Deloitte	\$ 90,000	\$ 6,919
12	GHC	03/22/11	Unqualified	5	2	3	\$ -	0	\$ -	5	No Opinion	23	\$ 1,525,561	Ernst & Young	\$ 27,573	\$ 34,779
13	GWA	03/22/11	Unqualified	1	0	1	\$ -	0	\$ -	3	Qualified	327	\$ 18,085,703	Deloitte	\$ 57,500	\$ 84,840
14	GCC	03/30/11	Unqualified	0	0	0	\$ -	0	\$ -	3	Unqualified	240	\$ 16,411,229	Deloitte	\$ 26,500	\$ 49,381
15	THF	04/19/11	Unqualified	0	0	0	\$ -	0	\$ -	2	No Opinion	234	\$ 6,631,476	Deloitte	\$ 18,000	\$ -
16	GDOE	04/22/11	Unqualified	7	5	2	\$ -	2	\$ -	6	Qualified	3,702	\$ 192,878,168	Deloitte	\$ 47,803	\$ 107,501
17	GHURA	05/04/11	Unqualified	2	2	0	\$ -	0	\$ -	3	Qualified	115	\$ 5,359,213	J. Scott Magliari	\$ 34,500	\$ 103,158
18	DCA	06/24/11	Qualified	6	6	0	\$ 124,811	1	\$ 124,811	5	No Opinion	0	\$ -	EideBailly	\$ 53,000	\$ 11,674
19	GovGuam	07/01/11; 07/05/11	Unqualified	9	7	2	\$ -	1	\$ -	12	Qualified	8,056	\$ 128,274,548	Deloitte	\$ 380,000	\$ -
FY 2010 TOTAL				40	25	15	\$ 853,824	6	\$ 853,824	74		15,742	\$ 546,533,500		\$ 1,135,055	\$ 2,475,543
TOTAL since 2001				1,770			\$ 63,182,252	16	\$ 1,042,080	465		85,947	\$ 3,875,502,842		\$ 4,455,334	\$ 10,247,309

Note: Only entities that receive substantial federal awards undergo a Single Audit and are rendered an opinion by the independent financial auditors (as required by OMB A-133).

Appendix 5: Procurement Appeals Synopsis

<p>APPEAL NO: OPA-PA-11-001</p>	<p>Purchasing Agency: GSA for DPHSS</p>	<p>Appellant: JMI Edison</p>
<p>Procurement Issue: Whether Bid was Responsive.</p> <ul style="list-style-type: none"> JMI claims the successful bidder's, MedPharm, bid was not responsive to IFB requirements because it did not meet (1) optional stretcher specification; (2) the certification by a regulatory agency requirement; and (3) did not include 2 color monitors as required by the IFB. 	<p>Decision: APPEAL DENIED.</p> <ul style="list-style-type: none"> MedPharm's bid was found to be responsive to IFB requirements. GSA & DPHSS was asked to conduct an analysis re: equipment testing and compliance with all federal regulations for radiology equipment, before the final award was issue. 	
<p>Appeal Filed: January 4, 2011</p>		<p>Appeal Closed: April 21, 2011</p>
<p>Appeal Duration: 107 days</p>		
<p>APPEAL NO: OPA-PA-11-002</p>	<p>Purchasing Agency: DOE</p>	<p>Appellant: Island Business Systems & Supplies (IBSS)</p>
<p>Procurement Issue: Continued Use of Emergency Procurement by DOE for Copy Services.</p> <ul style="list-style-type: none"> IBSS incorporated OPA-PA-10-010 and 10-006 as DOE did not announce an IFB for copy services. IBSS claims that DOE's numerous requests for emergency declarations to continue its existing relationship with Xerox are acts of bad faith. 	<p>Dismissal MOVED TO SUPERIOR COURT</p> <ul style="list-style-type: none"> IBSS after initially filing with OPA subsequently sought a civil action in Superior Court (CV1536) on May 2011. Pursuant to 2 Guam Administrative Rules and Regulations (GAR) §12103(f), the Public Auditor is required to cease all further action on an appeal when either party files in Superior Court. No further action can be taken by OPA on the appeal. 	
<p>Appeal Filed: January 27, 2011</p>		<p>Appeal In Stay: May 13, 2011</p>
<p>Appeal Duration: 106 days</p>		
<p>APPEAL NO: OPA-PA-11-003</p>	<p>Purchasing Agency: DOE</p>	<p>Appellant: Data Management Resources (DMR)</p>
<p>Procurement Issue: Waiver of Specifications as Minor Informality.</p> <ul style="list-style-type: none"> DMR claims that bid awarded to Micros-Fidelio (MFM) should be overturned because their bid did not meet the Anti-Microbial specification in the IFB. DMR ask the Public Auditor to ratify and affirm the protest issues initially raised by the appellant. 	<p>Decision: APPEAL UPHHELD.</p> <ul style="list-style-type: none"> DOE violated its own Procurement Regulations § 3.9.13.4.1 by determining that it could waive MFM's failure to bid an Internal English Keyboard with Anti-Microbial Protection, as required by Item No. 1 of the IFB, as a minor informality. The IFB's specifications are a matter of substance and not form that cannot be waived. 	
<p>Appeal Filed: February 25, 2011</p>		<p>Appeal Closed: May 19, 2011</p>
<p>Appeal Duration: 83 days</p>		
<p>APPEAL NO: OPA-PA-11-004</p>	<p>Purchasing Agency: DOE</p>	<p>Appellant: DMR</p>
<p>Procurement Issue: Responsive Bidder.</p> <ul style="list-style-type: none"> DMR claims that the awarded bidder, MFM, is not an authorized "Manufacturer-Authorized Reseller". 	<p>Decision: APPEAL DENIED.</p> <ul style="list-style-type: none"> MFM was found to be a "Manufacturer-Authorized Reseller". The appeal was decided on pleadings submitted and no formal hearing was held. 	
<p>Appeal Filed: February 25, 2011</p>		<p>Appeal Closed: May 19, 2011</p>
<p>Appeal Duration: 83 days</p>		



Appendix 5: Procurement Appeals Synopsis

APPEAL NO: OPA-PA-11-005		Purchasing Agency: GIAA		Appellant: Juan C. Tenorio, P.E.	
Procurement Issue: No Protest Decision Issued by GIAA. <ul style="list-style-type: none"> GIAA failed to respond to J. C. Tenorio's protest letter dated Feb. 18, 2011. Under a previous administration GIAA issued a Notice of Intent to Award the contract to J. C. Tenorio. The current administration issued an RFP for the same services. 			Dismissal: NO PROTEST DECISION. <ul style="list-style-type: none"> GIAA's Motion to Dismiss Appeal was issued on March 15, 2011 with order to GIAA to respond to appellant's protest by March 31, 2011. OPA did not receive a copy of GIAA's response and appellant took no action within 14 day judicial review period. 		
Appeal Filed: March 4, 2011		Appeal Closed: March 15, 2011		Appeal Duration: 11 days	
APPEAL NO: OPA-PA-11-006		Purchasing Agency: DPW		Appellant: Juan C. Tenorio, P.E.	
Procurement Issue: No protest decision issued by DPW. <ul style="list-style-type: none"> DPW failed to respond to J. C. Tenorio's protest letter dated Feb. 17, 2011. J. C. Tenorio was provided a selection letter by DPW on Mar. 14, 2007. DPW rescinded J. C. Tenorio's selection for the project due to J. C. Tenorio's debarment. DPW issued an RFP for the same services. 			Dismissal: NO PROTEST DECISION. <ul style="list-style-type: none"> Dismissal Order issued on March 15, 2011 with order to DPW to respond to appellant's protest by March 31, 2011. DPW issued written response on March 29, 2011. No other action was filed by any party within 14 day judicial review period. 		
Appeal Filed: March 9, 2011		Appeal Closed: March 15, 2011		Appeal Duration: 6 days	
APPEAL NO: OPA-PA-11-007		Purchasing Agency: GSA		Appellant: IBSS	
Procurement Area at Issue: Bid Specification. <ul style="list-style-type: none"> GSA's IFB was issued with brand-restrictive specifications and compared the specifications to the Xerox equipment. 			Dismissal: STIPULATION AGREEMENT. <ul style="list-style-type: none"> GSA took action to cancel the existing bid and re-issue per the remedy requested by IBSS. 		
Appeal Filed: March 21, 2011		Appeal Closed: April 15, 2011		Appeal Duration: 25 days	
APPEAL NO: OPA-PA-11-008		Purchasing Agency: DOE		Appellant: Sanford Technology Group, LLC (STG)	
Procurement Issue: 100% Performance Bond requirement. <ul style="list-style-type: none"> This Protest was filed directly with OPA pursuant to the mandates of P. L. 31-12, enacted 3/9/11, which adds 5 GCA §5425(A). This law authorizes the Public Auditor to decide DOE Protests of solicitations that are 100% ARRA funded through December 31, 2011 STG protests DOE IFB-006-2011's bid requirement that the successful bidder post a 100% Performance Bond. 			Decision: APPEAL UPHELD IN PART AND DENIED IN PART. <ul style="list-style-type: none"> The parties' proposed stipulation agreement was not approved by the Public Auditor because it removed the 15% surety bid requirement, which violates 5 GCA §5212 (g). The Public Auditor ordered DOE to amend the IFB and recommended DOE change their Procurement Regulations to ensure consistency with law. 		
Appeal Filed: May 27, 2011		Appeal Closed: June 10, 2011		Appeal Duration: 14 days	



Appendix 5: Procurement Appeals Synopsis

<p>APPEAL NO: OPA-PA-11-009 Purchasing Agency: DPW Appellant: Hubtee International Corp.</p>	
<p>Procurement Issue: Termination of Contract.</p> <ul style="list-style-type: none"> Hubtec claims DPW wrongfully terminated the project's contract and failed to give Hubtec an opportunity to successfully complete the project. Hubtec claims severe weather and delayed off-island equipment delivery kept the contractor from meeting the time frame to complete the project. DPW claims that Hubtec completed only 17% of the work on December 31, 2010, the expiration date of the contract. DPW terminated the contract in February 2011 and re-awarded the project to IMCO for almost double the cost of Hubtec's bid (\$1.8M vs. \$3.8M). 	<p>Decision: APPEAL DENIED.</p> <ul style="list-style-type: none"> DPW had the right to terminate Hubtec's contract because Hubtec failed to complete the project by Dec. 31, 2010 in a workmanlike manner; that Hubtec committed substantial violations by failing to use US made steel rebar and attempting to conceal this fact; by failing to provide proper erosion control measures and falsifying invoices presented to DPW for payment. As of September 2011, only 63% of the project had been completed.
<p>Appeal Filed: June 24, 2011 Appeal Closed: December 23, 2011 Appeal Duration: 182 days</p>	
<p>APPEAL NO: OPA-PA-11-010 Purchasing Agency: GSA for BIT Appellant: DMR</p>	
<p>Procurement Issue: Termination of Negotiations.</p> <ul style="list-style-type: none"> DMR claims BIT wrongfully terminated the negotiations after DMR submitted its best and final offer. BIT claims DMR's best and final offer was unreasonable and exceeded the amount initially budgeted for this project. DMR also claims that BIT failed to respond to their protest within 60 days. BIT subsequently issued the decision on July 19, 2011. 	<p>Dismissal: UNTIMELY NOTICE OF APPEAL.</p> <ul style="list-style-type: none"> DMR did not meet the Notice of Appeal standards as required by the Guam Procurement Law and Regulations. DMR did not timely file their appeal within 15 days of receiving the Purchasing Agency's decision on DMR's protest and made no attempt to cure it by amending the appeal. The appeal was dismissed due to lack of jurisdiction.
<p>Appeal Filed: June 28, 2011 Appeal Closed: August 29, 2011 Appeal Duration: 62 days</p>	
<p>APPEAL NO: OPA-PA-11-011 Purchasing Agency: GCC Appellant: Pacific Data Systems (PDS)</p>	
<p>Procurement Issue: Rejection of Remaining Bids After Opening.</p> <ul style="list-style-type: none"> PDS claims GCC failed to follow the Public Auditor's order to evaluate the two remaining bids after OPA terminated the invalid contract with GTA. (See Decision from 10-005). GCC rejected the two remaining bids stating the ARRA funding had been re-programmed to other GCC priority projects and funding was no longer available. PDS asserts the contract should have been awarded to PDS as they were the lowest responsive and responsible bidder and PDS is willing to adjust their prices to be within the initial ARRA funding. 	<p>Decision: APPEAL DENIED IN PART AND UPHELD IN PART.</p> <ul style="list-style-type: none"> GCC's April 7, 2011 rejection of the remaining bids violated 5 GCA §5225 because it was not made by GCC's Chief Procurement Officer as required by the IFB. GCC failed to make a written determination as required by 2 GAR §3115(d). GCC has a cogent and compelling reason to reject the remaining bids as they exceed the ARRA funding allocated to the VoIP Telephone System Project and it would not be appropriate for PDS to adjust its pricing to come within the available ARRA funding.
<p>Appeal Filed: June 30, 2011 Appeal Closed: September 26, 2011 Appeal Duration: 88 days</p>	



Appendix 5: Procurement Appeals Synopsis

<p>APPEAL NO: OPA-PA-11-012 Purchasing Agency: GSA for DRT Appellant: Joeten Development Inc.</p>	
<p>Procurement Issue: Cancellation of Bid.</p> <ul style="list-style-type: none"> • Joeten claims they were the only bidder and their bid is the lowest responsive and responsible bid. • GSA-RevTax claims the initial IFB is being cancelled because only one bid was received and there is no funding to proceed with the award. • Appellant claims their bid offer is almost \$22,000 per month less than what is now being paid by RevTax. 	<p>Decision: APPEAL UPHELD.</p> <ul style="list-style-type: none"> • GSA's cancellation of the IFB on May 11, 2011 violated 5 GCA §5225 because it was not in the government's best interests to do so because Joeten's offer is lower the amount DRT is now paying.
<p>Appeal Filed: July 6, 2011 Appeal Closed: September 27, 2011 Appeal Duration: 83 days</p>	
<p>APPEAL NO: OPA-PA-11-013 Purchasing Agency: UOG Appellant: J & B Modern Tech, Inc.</p>	
<p>Procurement Issue: Justification of Decision on Protest.</p> <ul style="list-style-type: none"> • Appellant claims they submitted the lowest responsive and responsible bidder. • Appellant's bid was initially rejected due to high price, and then a Corrected-Bid Status was issued stating the bid was rejected due to non-compliance with bid specifications. 	<p>Dismissal. STIPULATION AGREEMENT.</p> <ul style="list-style-type: none"> • UOG and the appellant resolved the protest through a stipulation agreement. Whereby, UOG agreed to issue multiple awards to the lowest bidder.
<p>Appeal Filed: July 7, 2011 Appeal Closed: August 15, 2011 Appeal Duration: 39 days</p>	
<p>APPEAL NO: OPA-PA-11-014 Purchasing Agency: GHURA Appellant: G-Crew Maintenance</p>	
<p>Procurement Issue: Bid Specification.</p> <ul style="list-style-type: none"> • G-Crew claims the procurement process was flawed because a 15% surety bid was not required. • G-Crew seeks the cancellation of the existing IFB and re-issuance of the solicitation. 	<p>Dismissal. STIPULATION AGREEMENT.</p> <ul style="list-style-type: none"> • GHURA took action to cancel the existing bid and re-issue per the remedy requested by G-Crew Maintenance.
<p>Appeal Filed: July 14, 2011 Appeal Closed: August 24, 2011 Appeal Duration: 41 days</p>	
<p>APPEAL NO: OPA-PA-11-015 Purchasing Agency: GCC Appellant: DMR</p>	
<p>Procurement Issue: Responsive and Responsible Bidder.</p> <ul style="list-style-type: none"> • DMR claims it was the lowest responsive and responsible bidder for Item Nos. 1 & 4, which GCC awarded to STG. • DMR claims that STG did not meet all the IFB's specifications. 	<p>Dismissal. STIPULATION AGREEMENT.</p> <ul style="list-style-type: none"> • The parties agreed that STG would retain its award of Items 1 and 4 of the IFB and GCC would re-evaluate its no-award of Item 3 and issue a decision within 30 days.
<p>Appeal Filed: July 28, 2011 Appeal Closed: September 12, 2011 Appeal Duration: 46 days</p>	



Appendix 5: Procurement Appeals Synopsis

<p>APPEAL NO: OPA-PA-11-016</p> <p>Purchasing Agency: GSA for the Office of the Governor</p> <p>Appellant: APMF, Guam Medical Referral Services</p>	
<p>Procurement Issue: Opening of Sealed Price Envelope.</p> <ul style="list-style-type: none"> APMf claims the procurement process was breached when GSA opened their sealed price proposal, after GSA rejected the appellant in Phase 1 of this multi-step bid. GSA recorded to the procurement file the inadvertent error of a GSA staff member who opened the envelope by mistake when she was looking for the bid bond to return to the appellant. The appellant claims the integrity of the process was compromised and submitted a protest to GSA. GSA denied the protest stating it was without merit because GSA admitted its error and recorded the incident to file. 	<p>Decision: APPEAL DENIED.</p> <ul style="list-style-type: none"> GSA correctly found APMF's bid unacceptable. The opening of APMF's Sealed Price Proposal was an inadvertent mistake having no effect on the procurement process.
<p>Appeal Filed: August 19, 2011</p> <p>Appeal Closed: January 6, 2012</p> <p>Appel Duration: 140 days</p>	
<p>APPEAL NO: OPA-PA-11-017</p> <p>Purchasing Agency: DOE</p> <p>Appellant: Kim Brothers Construction</p>	
<p>Procurement Issue: Complaint versus Protest.</p> <ul style="list-style-type: none"> Kim Brothers claims they filed a protest which GDOE denied on 10/20/11. 	<p>Decision: APPEAL DENIED.</p> <ul style="list-style-type: none"> Kim Brothers filed a formal complaint with DOE rather than a formal protest. Since Kim Brothers did not file a protest with DOE, DOE has no protest decision for the Public Auditor to review. However, DOE should have been more proactive in advising the appellant, who was not represented by legal counsel at that time, of the appellant's right to file a protest and the deadline to submit such protest.
<p>Appeal Filed: November 14, 2011</p> <p>Appeal Closed: February 22, 2012</p> <p>Appel Duration: 100 days</p>	
<p>APPEAL NO: OPA-PA-11-018</p> <p>Purchasing Agency: DOE</p> <p>Appellant: J & B Modern Tech</p>	
<p>Procurement Issue: Bid not Responsive.</p> <ul style="list-style-type: none"> J & B Modern Tech claims the awarded vendor (JRN) was not responsive because it did not provide a cost breakdown as required by the IFB and was not responsible due to insufficient manpower required by the IFB. J & B Modern Tech seeks cancellation of the award to JRN and claims GDOE should have awarded the bid to J & B Modern Tech as they were the lowest responsive and responsible bidder. 	<p>Decision: APPEAL UPHELD IN PART AND DENIED IN PART.</p> <ul style="list-style-type: none"> JRN's modification of its bid was deemed late and should not have been considered by DOE. Additionally, JRN did not have the required two references. J&B's bid, however, was also found to be non-responsive due to the erroneous submission of the incorrect hourly rate for general helpers. DOE may either cancel the IFB or may revise its solicitation to comply with procurement Law and Regulation.
<p>Appeal Filed: December 13, 2011</p> <p>Appeal Closed: 04/13/2012</p> <p>Appel Duration: 122 days</p>	
<p>APPEAL NOs: OPA-PA-11-019, 020, and 021</p> <p>Purchasing Agency: DOE</p> <p>Appellant: InfracTech International</p>	
<p>Procurement Issue: Bid Specifications Vague.</p> <ul style="list-style-type: none"> InfracTech argued that verifying ceiling spalls, ceiling cracks, and beam cracks is not practical because the bidder would incur unreasonable expenses doing so. InfracTech argued that the site visits only offered prospective bidders a minimal opportunity to view building roofs and the site inspections did not include the classroom areas that needed repair. InfracTech alleged that the IFB's drawings contained errors. 	<p>Decision: APPEAL DENIED.</p> <ul style="list-style-type: none"> Appeals OPA-PA-11-019, 11-020, and 11-021 were consolidated on 02/03/12, since all appeals concerned the structural repairs and roof coating of Central A, Central B, and Southern school districts. There is no merit in InfracTech's allegations that verifying spalls and cracks is impractical. Scheduled site visits and the opportunity for the prospective bidders to schedule additional site visits gave the prospective bidders an adequate opportunity to verify site conditions to prepare their bids. In addition, there is no merit to InfracTech's arguments that the IFB's drawing and plans were erroneous or confusing.
<p>Appeal Filed: December 14, 2011</p> <p>Appeal Closed: March 29, 2012</p> <p>Appel Duration: 106 days</p>	





Appeal No.	Parties	Procurement	Status	Action	Date Filed	Date End	Days
2006							
OPA-PA-06-001	Rex International/GWA	Design & Construction Svcs.	Dismissed	Appellant Withdrew	10/30/06	11/29/06	30
OPA-PA-06-002	Far East Equipment/PAG	Installation of Gantry Cranes	Dismissed	PAG Cancelled & Re-issued Bid	01/24/06	02/27/06	34
OPA-PA-06-003	L.P. Ganacias/GSA & OHS	Early Warning System	Decision	Upheld	02/19/06	03/12/07	386
2007							
OPA-PA-07-001	IBSS/UOG	Copier Equipment	Dismissed	UOG Cancelled & Re-issued Bid	02/19/07	02/26/07	7
OPA-PA-07-002	Emissions Tech/GPA	Emission Monitoring System	Decision	Upheld	04/20/07	08/01/07	103
OPA-PA-07-003	Maeda Pacific Corp/GIAA	Demolition & Remediation	Dismissed	Appellant Withdrew	05/31/07	06/26/07	26
OPA-PA-07-004	Teal Pacific/GMH	Portable X-ray Machine	Dismissed	Public Auditor's Recusal	06/07/07	01/17/08	224
OPA-PA-07-005	J & G Const./GMH	Warehouse Expansion	Decision	Upheld in part and Denied in part	06/21/07	02/12/08	236
OPA-PA-07-006	Great West/GGRF	Investment Mgmt. & Plan Admin	Decision	Upheld	06/22/07	03/13/08	265
OPA-PA-07-007	Dick Pacific/GIAA	Utilities Improvement	Decision	Denied	08/02/07	01/18/08	169
OPA-PA-07-008	Advanced Mgmt/DOE	Aircon Maintenance & Repair	Dismissed	Stipulation Agreement	09/10/07	11/16/07	67
OPA-PA-07-009	Pacific Security Alarm/GMH	Removal of Fire Alarm System	Decision	Upheld	11/16/07	04/11/08	147
OPA-PA-07-010	Far East Equipment/PAG	Forklift	Decision	Denied	11/20/07	08/01/08	255
OPA-PA-07-011	JMI Medical Systems/GMH	Automated Microbiology Analyzer	Decision	Upheld in part and Denied in part	12/12/07	01/16/09	401
2008							
OPA-PA-08-001	Far East Equipment/PAG	Dockside Container Gantry Crane	Dismissed	Public Auditor's Recusal	01/14/08	01/30/08	16
OPA-PA-08-002	Far East Equipment/PAG	Unsolicited Offer - Gantry Cranes	Dismissed	Public Auditor's Recusal	01/22/08	02/07/08	16
OPA-PA-08-003	J & G Inc./DOE	Copier Equipment	Dismissed	No Protest Decision	02/07/08	07/14/08	158
OPA-PA-08-004	O & M Energy/GPA	Performance Mgmt. Contracts	Decision	Upheld in part and Denied in part	03/07/08	09/30/08	207
OPA-PA-08-005	GU Cleaning Masters/UOG	Student Housing Custodial Svcs.	Dismissed	Stipulation Agreement	04/15/08	06/26/08	72
OPA-PA-08-006	Ocenia Collection/DCA	Bad Debt Collection Svcs.	Decision	Upheld	05/05/08	11/07/08	186
OPA-PA-08-007	PDN/GSA & GEC	Ad of Election Public Notices	Decision	Upheld	05/15/08	09/05/08	113
OPA-PA-08-008	Latte Treatment/DMHSA	Therapeutic Svcs.	Decision	Upheld	05/30/08	02/26/09	272
OPA-PA-08-009	Hutapea Asso./GHURA	Comprehensive Housing Study	Decision	Denied	06/05/08	10/24/08	141
OPA-PA-08-010	Teal Pacific/GMH	VCT X-ray Tube for CT Scan	Dismissed	Public Auditor's Recusal	07/01/08	07/28/08	27
OPA-PA-08-011	J & G Inc./DOE	Document Services Agreement	Decision	Upheld	07/24/08	11/28/08	127
OPA-PA-08-012	J & G Inc./GSA	Requests for Price Quotes	Decision	Upheld	09/12/08	02/10/09	151
2009							
OPA-PA-09-001	Mega United/GIAA	Toilet Ventilation Renovation	Dismissed	No Protest Decision	01/22/09	01/26/09	4
OPA-PA-09-002	Teal Pacific/DOE	Delay of Notice	Dismissed	Public Auditor's Recusal	04/28/09	05/21/09	23
OPA-PA-09-003	GPE Inc./GPA	Liquidated Damages	Decision	Upheld	07/23/09	11/13/09	113
OPA-PA-09-004	Loyal Pacific/DOE	Fire Alarm System and Repair	Dismissed	DOE Cancelled & Re-issued IFB	07/29/09	08/14/09	16
OPA-PA-09-005	GCIF/DPW	JFK Construction	Decision	Denied	08/26/09	11/27/09	93
OPA-PA-09-006	Eons Ent./DOE	Oceanview Gym Repairs	Dismissed	Stipulation Agreement	08/28/09	09/16/09	19
OPA-PA-09-007	GEFF/DPW	JFK Construction	Decision	Denied	09/18/09	01/06/10	110
OPA-PA-09-008	O & M/GPA	Performance Mgmt. Contracts	Dismissed	Moved to Superior Court	10/28/09	02/05/10	100
OPA-PA-09-009	GU Cleaning Masters/DCA	Janitorial and Maintenance Svcs.	Dismissed	Stipulation Agreement	10/27/09	01/26/10	91
OPA-PA-09-010	ASC/GGRF	Investment Mgmt. & Plan Admin	Decision	Denied	10/29/09	03/01/10	123
OPA-PA-09-011	IBSS/GSA	Digital Multi-functional Systems	Dismissed	GSA Issued Protest Decision	11/05/09	12/01/09	26
OPA-PA-09-012	Z4 Corp/GSA & DOE	Oceanview Gym Repairs	Decision	Denied	11/12/09	05/05/10	174



Appeal No.	Parties	Procurement	Status	Action	Date Filed	Date End	Days
2010							
OPA-PA-10-001	Fleet Svcs./GSA	Diesel Deliveries	Dismissed	Appellant Withdrew	01/20/10	01/27/10	7
OPA-PA-10-002	GTA/GSA	Telephone Equipment	Dismissed	Public Auditor's Recusal	02/01/10	03/01/10	28
OPA-PA-10-003	Eons/GSA	Typhoon Shutters	Dismissed	Stipulation Agreement	05/26/10	07/30/10	65
OPA-PA-10-004	Harbor Centre/PAG	Cabras Terminal Operations	Dismissed	Moved to Superior Court	08/31/10	10/18/10	48
OPA-PA-10-005	PDS/GCC	Telephone Equipment	Decision	Upheld	10/12/10	01/12/11	92
OPA-PA-10-006	IBSS/DOE	Small Copiers and Software	Dismissed	No Protest Decision	10/18/10	11/08/10	21
OPA-PA-10-007	JRN/DOE	Aircon Maintenance & Repair	Decision	Upheld	10/28/10	02/11/11	106
OPA-PA-10-008	JRN/DOE	Aircon Maintenance & Repair	Decision	Upheld	10/28/10	02/17/11	112
OPA-PA-10-009	IBSS/UOG	Multi-function Copiers	Dismissed	Stipulation Agreement	11/05/10	11/22/10	17
OPA-PA-10-010	IBSS/DOE	Small Copiers	Decision	Upheld	11/26/10	03/07/11	101
2011							
OPA-PA-11-001	JMI Edison/GSA	Radiology Imaging System	Decision	Denied	01/04/11	04/21/11	107
OPA-PA-11-002	IBSS/DOE	Document Management Systems	Dismissed	Civil Action at Superior Court	01/27/11	05/13/11	106
OPA-PA-11-003	DMR/DOE	Computer Systems and Multimedia	Decision	Upheld	02/25/11	05/19/11	83
OPA-PA-11-004	DMR/DOE	Computer Systems	Decision	Denied	02/25/11	05/19/11	83
OPA-PA-11-005	JC Tenorio/GIAA	Construction Management Svcs.	Dismissed	No Protest Decision	03/04/11	03/15/11	11
OPA-PA-11-006	JC Tenorio/DPW	Professional Engineering Svcs.	Dismissed	No Protest Decision	03/09/11	03/15/11	6
OPA-PA-11-007	IBSS/GSA	Color Multi-function Copier	Dismissed	Stipulated Agreement	03/21/11	04/15/11	25
OPA-PA-11-008	STG/DOE	Laptops and Mobile Computer Labs	Decision	Upheld in part and Denied in part	05/27/11	06/10/11	14
OPA-PA-11-009	Hubtec/DPW	Route 2 Culverts and Slide Repair	Decision	Denied	06/24/11	12/23/11	182
OPA-PA-11-010	DMR/GSA	Guam Enterprise Email System	Dismissed	Untimely Notice of Appeal	06/28/11	08/29/11	62
OPA-PA-11-011	PDS/GCC	VoIP Telephone System	Decision	Upheld in part and Denied in part	06/30/11	09/26/11	88
OPA-PA-11-012	Joeten/GSA	Lease of Office Space	Decision	Upheld	07/06/11	09/27/11	83
OPA-PA-11-013	J&B Modern Tech/UOG	Roof Repairs & New Coating	Dismissed	Stipulated Agreement	07/07/11	08/15/11	39
OPA-PA-11-014	G-Crew/GHURA	Janitorial Services	Dismissed	Stipulated Agreement	07/14/11	08/24/11	41
OPA-PA-11-015	DMR/GCC	Information Technology Equipment	Dismissed	Stipulated Agreement	07/28/11	09/12/11	46
OPA-PA-11-016	APM/GSA	Medical Referral Svcs.	Decision	Denied	08/19/11	01/06/12	140
OPA-PA-11-017	KBCC/DOE	Southern High Gymnasium Repairs	Decision	Denied	11/14/11	02/22/12	100
OPA-PA-11-018	J&B Modern Tech/DOE	Aircon maintenance & repair	Decision	Upheld in part and Denied in part	12/13/11	4/13/2012	122
OPA-PA-11-019	InfraTech/DOE	Structural Repairs and Roof Coating	Decision	Denied	12/14/11	03/29/12	106
OPA-PA-11-020							
OPA-PA-11-021							



Closed OPA Mandates

1. P.L. 31-77 required the OPA to conduct a quarterly audit of all reports submitted by insurance carriers by obtaining supporting documents from all agencies and departments, autonomous or otherwise, of the government of Guam to confirm and substantiate reported premium payments.
2. P.L. 31-74 required the OPA to perform a monthly audit on the Income Tax Refund Efficient Payment Trust Fund and compliance of DOA Director with §51102 of Chapter 51 of Title 11, Guam Code Annotated. In addition it required the OPA to conduct a quarterly audit of all reports submitted by insurance carriers.
3. P.L. 30-196 required the OPA to submit the drawdown schedule to the DOA Director no later than October 31, 2010.
4. P.L. 30-126 clarified the restrictions established on the recruitment or compensation of Government of Guam personnel above Step 10 of the compensation schedule, which affected 2 employees of the OPA.
5. P.L. 30-55 required DPR to submit a quarterly report of the expenditures for the maintenance and repair of restroom facilities in public parks island-wide for FY 2010 to the Public Auditor and the Speaker of I Liheslaturan Guahan.
6. P.L. 29-123. Section 20 required OPA to deliver notices to the Legislature of authorized payment of prior years' obligations.
7. P.L. 29-113 required OPA to conduct an audit of the Meals Reimbursement Program and required the Public Auditor to conduct an audit of the commercial leases of the Chamorro Land Trust Commission.
8. P.L. 29-106 required the Public Auditor to conduct an audit of textbooks.
9. P.L. 29-19 required OPA to: report on the compliance of government entities' quarterly reporting requirements; oversee the GPSS annual audit; and audit the Recycling Revolving Fund.
10. P.L. 29-02 required: (1) OPA to provide notice to all directors of their responsibility of submitting financial reports three days before the end of each quarter; (2) the Public Auditor be an ex officio member of the Commission on Modernization of the Government of Guam for the 21st Century and Beyond (COM-21); (3) the Public Auditor to be a member of the Special Economic Service work group to discuss and develop recommendations on economic policy, and (4) OPA to track quarterly reports from the Administrator of the Guam Medical Referral Office pertaining to gifts received from donors.
11. P.L. 28-171 required the Director of DPW to transfer from the Recycling Revolving Fund 3% of the total amount collected during that fiscal year (no later than 10 days after the end of each fiscal year), to fund one FTE at Guam Environmental Protection Agency (GEPA). The fund shall be subject to audits by the Public Auditor.
12. P.L. 28-150 required that: (1) Each Mayor shall submit a report to the Public Auditor regarding the receipts, expenditures, and applications of funds; (2) each Guam Medical Referral Office shall provide monthly reports on its activities and expenditures; (3) 56 entities submit at least two types of general reports: the quarterly financial report and monthly staffing pattern reports; (4) the OPA shall examine the appropriate records; and (5) OPA administer the \$304,110 appropriated from the General Fund to DOA for the FY 2006 Government of Guam General Purpose Financial Statements and Single Audit Report and to oversee the annual audit.



13. P.L. 28-149 required the Public Auditor to approve the GPSS projected schedules of monthly cash disbursements for each school, division, and program, by expenditure category for the fiscal year and other reviews.
14. P.L. 28-76 required the Public Auditor to develop standards for the “ethics in government program” until the Guam Ethics Commission is appointed and functioning.
15. P.L. 28-68 required the Public Auditor to: (1) conduct the FY 2005 annual audit; (2) receive quarterly financial reports of non-appropriated funds handled by each Mayor; (3) audit the Chamorro Land Trust Operations Fund; (4) receive quarterly reports of the Guam Medical Referral Offices; (5) hear and decide all procurement appeals; and (6) report compliance with the quarterly reporting requirements.
16. P.L. 27-119 required the Public Auditor to be a member of the Government of Guam Procurement Review Commission.
17. P.L. 27-106 required each Mayor to submit a report of receipts, expenditures, and applications of funds to the Public Auditor on the fifth day of the first month of every fiscal quarter.
18. P.L. 27-99 required the Public Auditor to be an observer throughout the procurement of any services, parts, and equipment specified in P.L. 27-99 which discusses the emergency purchase of fire trucks and equipment and the repair of fire trucks and ambulances.
19. P.L. 27-86 required the Public Auditor to receive a detailed report of the authorized expenditures from the Sports Tourism Committee of GVB.
20. P.L. 27-47 required the Public Auditor to receive an expenditure and progress report of all funds appropriated to the Guam System of Care Council (GSOCC) by P.L. 27-47. The GSOCC is mandated to submit reports biannually.
21. P.L. 27-45 required the Public Auditor to receive a detailed report of all transfers, expenditures, and reimbursement directly related to Super typhoon Pongsona.
22. P.L. 27-37 required the Municipal Recycling Program Fund to be annually audited by the Public Auditor.
23. P.L. 27-35 required the Public Auditor to certify \$3,323,763, which is to be paid to DOC, DPW, GEPA, and GFD for past due employment compensation. The funding for compensation shall be taken from the Community Advancement Fund.
24. P.L. 27-27 required the Public Auditor to receive an annual financial audit of the “exempted funds” (authorized to be retained by the Guam Baseball Federation, to include stadium sponsorship revenues, and the Municipal Stadium Operations Fund).
25. P.L. 27-22 required expense reports of the \$9M appropriation related to Super typhoon Pongsona be submitted to the OPA.
26. P.L. 27-10 appointed the Public Auditor (or designee) as a member of the newly created Cost Reduction Task Force, whose purpose is to determine the most effective means by which to consolidate the purchasing power of the entire government of Guam.
27. P.L. 27-01 authorized the OPA to assess transactions of Typhoon Pongsona-related expenditures incurred by the government of Guam.
28. P.L. 26-170 required the Public Auditor to annually audit Child Mental Health Initiative Grant Fund to meet the requirements



of OMB Circular A-133.

29. P.L. 26-169 required the Public Auditor to be a member of the Advance Federal Funding Work Group.
30. P.L. 26-144 required GWA to outsource the maintenance and operation of water wells, booster pump stations, meters, etc., and the Public Auditor to observe the outsourcing process.
31. P.L. 26-135 required the OPA to be a member of the Advance Federal Funding Work Group. The Work Group dissolved on December 31, 2002.
32. P.L. 26-116 opened all records relative to the recovery from Typhoon Chata'an and Typhoon Halong to the Public Auditor for auditing.
33. P.L. 26-85 created a Line of Credit Repayment Fund under the Public Auditor's purview.
34. P.L. 26-83 required GVB to allow the Public Auditor to audit all the Bureau's funds and matching cash, and the in-kind contributions of its membership.
35. P.L. 25-164 required an audit of the Village Streets Fund administered by the Mayor's Council of Guam.
36. P.L. 25-143 required OPA to audit the Guam Educational Radio Foundation (KPRG-FM 89.3). In the absence of audited financial statements, KPRG is to provide a full accounting of the funds appropriated by P.L. 25-143.
37. P.L. 25-119 required the Public Auditor to conduct an annual audit of each municipality's Municipal Litter and Defacement Fund.

Open OPA Mandates

1. P.L. 31-166 requires an annual audit of the Guam Housing Corporation's First-time Homeowner Assistance Program to be conducted or cause to be conducted by the OPA and submitted to Maga'lahaen Guahan and the Speaker of I Liheslaturan Guahan within ninety (90) days after the end of each fiscal year.
2. P.L. 31-159 established the Guam Film Office and required the Guam Field Office Fund to be subject to audit by the OPA.
3. P.L. 31-135 requires the director of DRT to submit a regular quarterly report to I Maga'lahaen Guahan, the Speaker of I Liheslaturan Guahan, and the OPA of additional revenues less additional expenses raised thereof.
4. P.L. 31-131 requires Funds directed from the GPLS, as a result of revenue received from the contract for lease of frontage property, shall be subject to an annual audit by the OPA.
5. P.L. 31-117 requires all government agencies, including the OPA to donate all mileage accrued to the Ayuda Foundation. In addition, it required the OPA to conduct an annual audit of the Medical Referral Mileage Bank Account.
6. P.L. 31-93 establishes the Guam Procurement Advisory Council and requires the Public Auditor or his designee to be a member of the council. In addition, it authorizes the OPA to transfer resources to support the Guam Procurement Advisory Council operations.
7. P.L. 31-85 requires Department of Public Works to submit a report to the Speaker of I Liheslaturan, I Maga'lahaen, the Office of Public Accountability, the Office of Finance and Budget, and the Public Utilities Commission of all utility relocation costs that are



authorized or allowed by the grantor of federal funds and allocated by DPW for mitigation and relocation expenses related to highway/road projects.

8. P.L. 31-77 requires the OPA to submit by October 31st of each year to the Speaker of I Liheslaturan Guahan and I Maga'lahaen Guahan a complete list of current and outdated CITIZEN-CENTRIC REPORTS submitted by line agencies, autonomous and semi-autonomous agencies, public corporations, the Mayor's Council of Guam, the Judiciary of Guam, and I Liheslaturan Guahan. In addition, it gave OPA oversight of the annual audits of the Government of Guam, Tourist attraction Fund, and Guam Highway Fund. Lastly, it required DPR to submit a report of expenditures for the maintenance and repair of restroom facilities in public parks.

9. P.L. 31-74 requires the OPA to perform an annual audit of the SAR Fund and the compliance of the Director of DOA with the expenditure of such funds within the SAR fund in accordance with the administration and exclusive purpose of this article.

10. P.L. 31-25 authorizes MCOG to appoint and maintain oversight of the Guam Island Fair Committee, which a representative from the OPA should be a member of and states the MCOG shall be subjected to an audit by the Public Auditor in calculating net proceeds from the Liberation Day Festivities.

11. P.L. 31-20 gives the Public Auditor supervision of audits in autonomous agencies and grantees. It also established the Municipal Recycling Proceeds Fund, which is subject to audits by the Public Auditor.

12. P.L. 31-12 establishes Protest Procedure for Procurement Funded with 2009 American Recovery and Reinvestment Act Moneys Allotted to the Guam Department of Education. The protest shall be submitted directly to the Public Auditor who may settle and resolve the protest.

13. P.L. 30-221 established the Guam Beverage Recycling Act and required OPA to audit the program beginning in FY 2012, and for each fiscal year thereafter ending in an even number. The OPA may contract the audit services and costs incurred shall be reimbursed by the Fund.

14. P.L. 30-196 required: (1) the Superintendent of GDOE to submit a report to I Liheslaturan Guahan, I Maga'lahaen Guahan and OPA of all local funds expended in FY 2011 for federally-funded programs; and (2) the Department of Parks and Recreation to submit quarterly reports of the expenditures for the maintenance and repair of public restrooms in the sum of \$520,166 to the Public Auditor and the Speaker of the Legislature, and post the same on the department's website.

15. P.L. 30-176 established the Guam Academy Charter Schools Appeals Board, which included the Public Auditor.

16. P.L. 30-165 established the villages of Inarajan and Ordot as the host communities for accommodating the solid waste operations of the Leyon Landfill and Ordot Dump and required OPA to periodically audit the Host Community Fund.

17. P.L. 30-164 established the Guam Department of Education Financial Supervisory Commission composed of five members, which included the Public Auditor. Among the commission's responsibilities include the review of DOE financial reports for conformity with annual budget objectives and provide recommendations.

18. P. L. 30-127 required all government entities to submit to OPA and the Speaker a Citizen-Centric Report via electronic format and post same on their website no later than 60 calendar days after the independent audit report has been released.

19. P.L. 30-118 required the DPW Director to comply with all ex-



isting reporting requirements by issuing a quarterly accounting of the Building and Design Fee Account to the Legislature, Governor, and OPA.

20. P.L. 30-74 required the OPA perform an annual audit of the SAR Fund.

21. P.L. 30-68 Each mayor's municipal activities is subject to audit by the Office of Public Accountability.

22. P.L. 30-08 The DOE Superintendent is authorized to establish a public, not-for-profit corporation to accept gifts, donations, endowments, etc. "The Foundation" is subject to audit by the OPA.

23. P.L. 30-05 (b) The Guam Regional Transit Authority Fund shall be audited annually by an independent certified public accountant or by the Office of the Public Auditor.

24. P.L. 29-116 requires the Recycling Revolving Fund to be audited by the Public Auditor.

25. P.L. 28-78 requires the Public Auditor to receive a quarterly report from the Office of Veteran's Affairs describing the solicitation, acceptance, utilization, and administration of gift, bequests, and donations.

26. P.L. 28-68 requires the Public Auditor to audit the Liberation Day carnival and the Public Market Fund.

27. P.L. 28-44 requires the Public Auditor to receive an annual report detailing receipts, collections, and amounts of the Commercial Mobile Radio Service accounts and the Enhanced 911 Emergency System surcharges.

28. Executive Order 2003-19 requires the OPA to inspect documentation related to the procurement of legal representation pursu-

ant to the designation of 8,000 acres of federal land.

29. P.L. 27-148 authorizes OPA to audit the Guam Recycling Fund. This fund is administered by the Guam Environmental Protection Agency.

30. P.L. 27-85 requires the Public Auditor to receive an annual copy of the financial statements issued by the Guam Football (Soccer) Association.

31. P.L. 27-58 requires the Public Auditor to receive an annual report of the activities of the Guam Board of Accountancy. This report shall include a listing of all current licensees.

32. P.L. 27-06 requires the Executive Branch to furnish OPA with a written report of General Fund emergency appropriation expenditures.

33. P.L. 26-120 requires the Guam Police Department to furnish the OPA with detailed financial reports of its Asset Forfeiture Fund.



January 12, 2011

The Office of Public Accountability has released the Guam Memorial Hospital Authority's FY 2010 Financial Statements, Report on Compliance and Internal Controls, Management Letter, and Letter to Those Charged with Governance.



- Highlights
- 2010 Financial Statements
- 2010 Report on Compliance and Internal Controls
- 2010 Management Letter
- 2010 Letter to Those Charged with Governance

January 12, 2011

The Office of Public Accountability has released the decision on procurement appeal OPA-PA-10-005, GCC-FB-10-015 Voice-Over Internet Protocol (VoIP) Telephone System Project.

- [Click here for Decision](#)

January 19, 2011

The Public Auditor has requested the Attorney General of Guam to reconsider Legal Opinion No. 10-0950

- [Click here for letter](#)

January 20, 2011

The Office of Public Accountability has released the Guam International Airport Authority's FY2010 Financial Statements, Report on Compliance and Internal Controls, Management Letter, and Letter to Those Charged with Governance



- Highlights
- 2010 Financial Statements
- 2010 Report on Compliance and Internal Controls
- 2010 Management Letter
- 2010 Letter to Those Charged with Governance

January 21, 2011

The Office of Public Accountability has released the Port Authority of Guam's FY2010 Financial Statements, Report on Compliance and Internal Controls, Management Letter, and Letter to Those Charged with Governance



- Highlights
- 2010 Financial Statements
- 2010 Report on Compliance and Internal Controls
- 2010 Management Letter
- 2010 Letter to Those Charged with Governance

January 28, 2011

The Office of Public Accountability has released the Guam Visitors Bureau's FY2010 Financial Statements, Report on Compliance and Internal Controls, and Letter to Those Charged with Governance



- Highlights
- Financial Statements & Report on Compliance and Internal Controls
- Letter to Those Charged with Governance

January 31, 2011

The Public Auditor has submitted testimony on Bill 3-31, an act to create a Guam Commission on fiscal responsibility and reform.



- [Click here for testimony](#)
- [Click here for Bill 3-31](#)

January 31, 2011

The Office of Public Accountability has released the Guam Educational Telecommunications Corporation (PBS Guam) FY 2010 Financial Statements, Report on Compliance and Internal Controls, and Letter to Those Charged With Governance



- Highlights
- 2010 Financial Statements
- 2010 Report on Compliance and Internal Controls
- 2010 Letter to Those Charged With Governance

February 1, 2011

The Office of Public Accountability is soliciting bids from qualified persons or businesses to purchase and installation of a computer server and technical support. You may click the following links to download the IFB or pick up an IFB Package at:



Suite 401, DNA Building
238 Archbishop Flores Street
Hagatna, Guam 96910

- [Amendment #1 and Responses to Questions](#)
- [OPA IFB 11-01 Announcement](#)
- [OPA IFB 11-01](#)

February 3, 2011

The Office of Public Accountability issued OPA Report No. 11-01 OPA Austerity Plan and Government of Guam Cost Reduction and Revenue Enhancement recommendations in accordance with Executive Order 2011-01.



- [Click here for letter to Governor Calvo](#)

February 11, 2011

The Office of Public Accountability has released the decision on procurement appeal OPA-PA-10-007, GDOE IFB-007-2010 Preventive Maintenance & Repair of Central AC Equip for All GDOE Schools & Support Facilities.

- [Click here for Decision](#)

February 11, 2011

The Office of Public Accountability has released the Tourist Attraction Fund (TAF) FY 2010 Financial Statements, Report on Compliance and Internal Controls, and Letter to Those Charged with Governance.



- Highlights
- 2010 Financial Statements & Compliance
- 2010 Letter to those Charged with Governance

February 14, 2011

The Office of the Attorney General responds to the Public Auditor's request to reconsider Legal Opinion No. 10-0950.

- [Click here for the Response Letter](#)

February 16, 2011

The Office of Public Accountability has released the Guam Preservation Trust FY 2010 Financial Statements, Report on Compliance and Internal Controls, Management Letter, and Letter to Those Charged with Governance



- Highlights
- 2010 Financial Statements
- 2010 Report on Compliance and Internal Controls
- 2010 Management Letter
- 2010 Letter to Those Charged with Governance



February 17, 2011

The Public Auditor has submitted testimony on Bill 48-31, an act to provide temporary expedited procurement procedures to assist with the disbursement of stimulus funds under the "2009 American Recovery and Reinvest Act".

- [Click here for testimony](#)
- [Click here for Bill 48-31](#)



February 17, 2011

The Office of Public Accountability has released the decision on procurement appeal OPA-PA-10-008, GDOE IFB-008-2010 Preventive Maintenance & Repair of Split Type AC Equip for All DOE Schools & Support Facilities

- [Click here for Decision](#)

February 25, 2011

The Office of Public Accountability has released the University of Guam's FY 2010 Financial Statements, Report on Compliance and Internal Controls, Management Letter, and Letter to Those Charged with Governance.



- [FY 2010 Highlights](#)
- [2010 Financial Statements](#)
- [2010 Report on Compliance and Internal Controls](#)
- [2010 Management Letter](#)
- [2010 Letter to Those Charged With Governance](#)

February 28, 2011

The Office of Public Accountability has released the Government of Guam Retirement Fund's FY 2010 Financial Statements, Report on Compliance and Internal Controls, Management Letter, and Letter to Those Charged with Governance.



- [FY 2010 Highlights](#)
- [2010 Financial Statements, Compliance & Internal Controls](#)
- [FY 2010 Management Letter](#)
- [FY 2010 Letter to Those Charged with Governance](#)

March 1, 2011

The Office of Public Accountability has released the Guam Economic Development Authority's FY 2010 Financial Statements, Report on Compliance and Internal Controls, and Letter to Those Charged with Governance



- [Highlights](#)
- [2010 Financial Statements and Report on Compliance and Internal Controls](#)
- [2010 Letter to Those Charged With Governance](#)

March 2, 2011

The Office of Public Accountability is soliciting proposals on behalf of the Guam Memorial Hospital Authority for audit services. You may click the following links to download the Request for Proposal (RFP) or pick-up an RFP package at:



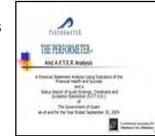
Guam Memorial Hospital Authority
850 Governor Carlos Camacho Road
Oka, Tamuning, Guam 96913

- [GMH-RFP-003-2011 Announcement](#)
- [GMH-RFP-003-2011 \(Audit Services\)](#)
- [Amendment #1](#)
- [Amendment #2](#)

March 4, 2011

The Office of Public Accountability is pleased to release the Performer and A.F.T.E.R. Analysis, a synopsis of the Government of Guam's financial condition as of September 30, 2009.

- [Summary of the Performer](#)
- [Performer and AFTER Analysis](#)



March 4, 2011

The Office of Public Accountability is soliciting proposals on behalf of the Guam Visitors Bureau for audit services. You may click the following links to download the Request for Proposal (RFP) or pick-up an RFP package at:

Guam Visitors Bureau
401 Pale San Vitores Road
Tumon, Guam 96913



- [GVB-RFP-2011-006 \(Announcement\)](#)
- [GVB-RFP-2011-006 \(Audit Services\)](#)

March 8, 2011

The Office of Public Accountability has released the Guam Power Authority's FY 2010 Financial Statements, Report on Compliance and Internal Controls, Management Letter, and Letter to Those Charged With Governance



- [Highlights](#)
- [2010 Financial Statements](#)
- [2010 Report on Compliance and Internal Controls](#)
- [2010 Management Letter](#)
- [2010 Letter to Those Charged With Governance](#)

March 15, 2011

The Office of Public Accountability is soliciting proposals from qualified persons or businesses for CPA consulting services for FY 2012 through FY 2014. You may click the following links to download the RFP or pick up an RFP Package at:

Suite 401, DNA Building
238 Archbishop Flores Street
Hagatna, Guam 96910



- [OPA - RFP - 11 - 01 \(Announcement\)](#)
- [OPA - RFP - 11 - 01 \(CPA Consulting Services\)](#)
- [OPA - RFP - 11 - 01 \(OPA Responses to Questions\)](#)

March 15, 2011

The Public Auditor has submitted testimony on Bill 57-31, an act to amend §1013 of Chapter 10 of Title 1 of the Guam Code Annotated



- [Click here for testimony](#)
- [Click here for Bill 57-31](#)



March 21, 2011

The Office of Public Accountability is soliciting proposals for an examination of internal controls over the financial reporting of the Mayors' Council of Guam's (MCOG) Non-Appropriated Funds for FY 2010, 2011, and 2012. You may click the following links to download the RFP or pick up an RFP Package at:

Suite 401, DNA Building
238 Archbishop Flores Street
Hagatna, Guam 96910

- [OPA – RFP – 11 – 02 \(Announcement\)](#)
- [OPA – RFP – 11 – 02](#)
- [OPA-RFP-11-02 \(OPA Responses to Questions\)](#)



April 19, 2011

The Office of Public Accountability has released the Territorial Highway Fund FY 2010 Financial Statements, Management Letter, and Letter to Those Charged with Governance.

- [Highlights](#)
- [2010 Financial Statements](#)
- [2010 Management Letter](#)
- [2010 Letter to Those Charged with Governance](#)



March 22, 2011

The Office of Public Accountability has released the Guam Housing Corporation's FY 2010 Financial Statements, Report on Compliance and Internal Control, Management Letter, Letter to Those Charged with Governance.

- [Highlights](#)
- [2010 Financial Statements](#)
- [2010 Report on Compliance and Internal Controls](#)
- [2010 Management Letter](#)
- [2010 Letter to Those Charged With Governance](#)



April 19, 2011

The Office of Public Accountability is seeking applications from qualified persons for the positions of:

- [Auditor I](#)
- [Auditor II](#)
- [Auditor III](#)

April 21, 2011

The Office of Public Accountability has released the decision on procurement appeal OPA-PA-11-001, IFB GSA-105-10 Radiology Imaging System Marked for DPSS.

- [Decision](#)



March 23, 2011

The Office of Public Accountability has released the Guam Waterworks Authority's FY 2010 Financial Statements, Report on Compliance and Internal Control, Management Letter, Letter to Those Charged with Governance.

- [Highlights](#)
- [2010 Financial Statements](#)
- [2010 Report on Compliance and Internal Controls](#)
- [2010 Management Letter](#)
- [2010 Letter to Those Charged With Governance](#)



April 22, 2011

The Office of Public Accountability has released the Guam Department of Education's FY 2010 Financial Statements, Report on Compliance and Internal Controls, Management Letter, Letter to Those Charged with Governance.

- [Highlights](#)
- [2010 Financial Statements](#)
- [2010 Report on Compliance and Internal Controls](#)
- [2010 Management Letter](#)
- [2010 Letter to Those Charged with Governance](#)



March 30, 2011

The Office of Public Accountability has released the Guam Community College's FY 2010 Financial Statements, Report on Compliance and Internal Control, Management Letter, and Letter to Those Charge with Governance.

- [Highlights](#)
- [2010 Financial Statements](#)
- [2010 Report on Compliance and Internal Controls](#)
- [2010 Management Letter](#)
- [2010 Letter to Those Charged with Governance](#)



April 27, 2011

The Office of Public Accountability has released a notification to all elected and appointed officials, and members of boards or commissions with respect to their responsibility to attend an ethics in government program required by Public Law 28-76.

- [Click here for the notification](#)

April 28, 2011

The Public Auditor has submitted testimony on Bills 159-31 and 160-31, acts to establish the Guam Procurement Advisory Council and amend sections of the Guam Code Annotated relative to Government of Guam Procurement.

- [Click here for testimony](#)
- [Click here for Bill 159-31](#)
- [Click here for Bill 160-31](#)

April 1, 2011

The Office of Public Accountability has released OPA Report No. 11-02, Government of Guam Oversight of American Recovery and Reinvestment Act Funds

- [Executive Summary](#)
- [Full Report](#)



April 18, 2011

The Office of Public Accountability has released OPA Report 11-03, Government of Guam Liabilities Assessment

- [Executive Summary](#)
- [Full Report](#)



May 4, 2011

The Office of Public Accountability has released the Guam Housing and Urban Renewal Authority's FY 2010 Financial Statements, Report on Compliance and Internal Controls, Management Letter, Letter to Those Charged with Governance.

- [Financial Highlights](#)
- [2010 Financial Statements](#)
- [2010 Report on Compliance and Internal Controls](#)
- [2010 Management Letter](#)
- [2010 Letter to Those Charged With Governance](#)





May 5, 2011

The Office of Public Accountability has released OPA Report 11-04, Guam Police Department Review of Bid No. GSA-081-10 Police Patrol Vehicles.

- [\(ExecSummary\)](#)
- [\(Full Report\)](#)



May 11, 2011

Auditor III, Vincent Duenas completes Executive Leadership Development Program.

- [Press Release](#)



May 16, 2011

The Office of Public Accountability has released a Decision and Order re: the Department of Education's Motion to Dismiss on Procurement Appeal Case No. OPA-PA-11-002.



May 19, 2011

The Office of Public Accountability has released the decision on procurement appeal OPA-PA-11-003, Invitation for Bid No. DOE IFB-023-2010 for Outright Purchase of Computer Systems and Multimedia Equipment.

- [Click for Decision](#)
- [Click for Case Files](#)



May 19, 2011

The Office of Public Accountability has released the decision on procurement appeal OPA-PA-11-004, Invitation for Bid No. DOE IFB-025-2010 for Outright Purchase of Computer Systems.

- [Click for Decision](#)
- [Click for Case Files](#)



June 2, 2011

The Office of Public Accountability is soliciting proposals on behalf of the Guam Community College for audit services. You may click the following links to download the Request for Proposal (RFP) or pick-up an RFP package at:

Guam Community College
Material Management Office (Room 2105)
1 Sesame Street
Mangilao, Guam 96923

- [GCC-RFP-11-001](#)
- [Amendment #1](#)



June 6, 2011

The Office of Public Accountability is soliciting proposals on behalf of the Guam Waterworks Authority for audit services. You may click the following links to download the Request for Proposal (RFP) or pick-up an RFP package at:

Guam Waterworks Authority's
Procurement and Supply Office
Tamuning, Guam

- [GWA RFP No. 2011-01](#)
- [Amendment #1](#)
- [Amendment #2](#)
- [Amendment #3](#)



June 10, 2011

The Office of Public Accountability has released the decision on procurement protest OPA-PP-11-008, Invitation for Bid No. DOE IFB-006-2011 for Laptops and Mobile Computer Labs.

- [Click for Decision 11-008](#)



June 10, 2011

The Office of Public Accountability has issued a Memo to all government of Guam entities relative to Public Law 30-127, Citizen Centric Report.

- [Citizen Centric Reporting](#)



June 15, 2011

The Office of Public Accountability is soliciting proposals on behalf of the Guam Department of Education (GDOE) for audit services. You may click the following links to download the Request for Proposal (RFP) or pick-up an RFP package at:

Guam Department of Education
Office of Supply Management, Suite B-220
Manuel F. L. Guerrero Building
312 Aspinall Avenue,
Hagatna, Guam 96910

- [GDOE RFP-016-2011](#)
- [Amendment #1](#)
- [Amendment #2](#)



June 16, 2011

The Office of Public Accountability is soliciting proposals on behalf of the A.B. Won Pat International Airport Authority for audit services. You may click the following links to download the Request for Proposal (RFP) or pick-up an RFP package at:

A.B. Won Pat International Airport Authority's
Executive Offices, Main Terminal, 3rd Floor
Tamuning, Guam 96931

- [GIAA RFP - 006 - FY11](#)
- [Amendment #1](#)



June 17, 2011

The Office of Public Accountability is soliciting proposals on behalf of the Guam Housing and Urban Renewal Authority (GHURA) for audit services. You may click the following links to download the Request for Proposal (RFP) or pick-up an RFP package at:

Guam Housing and Urban Renewal Authority
Main Office Front Desk
117 Bien Venida Ave
Sinajana, Guam 96910

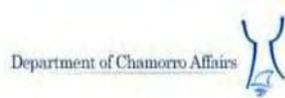
- [RFP-GHURA-COCC-011-002](#)
- [Questions and Responses](#)





June 24, 2011

The Office of Public Accountability has released the Guam Department of Chamorro Affairs Non-Appropriated Funds for FY 2009 and FY 2010 Financial Statements, Report on Compliance and Internal Controls, Management Letter, Letter to Those Charged with Governance, Management Representation Letter.



- Highlights
- Financial Statements
- Internal Control and Compliance Report
- Management Letter
- Letter to Those Charged with Governance

June 28, 2011

The Guam Office of Public Accountability is proud to announce that its website, www.guamopa.org, has won the Association of Local Government Auditors' (ALGA) prestigious Silver Award for Best Website.



➤ [Click here for press release](#)

June 29, 2011

The Office of Public Accountability has released its CY 2010 Annual Report.



➤ [Annual Report](#)

July 1, 2011

The Office of Public Accountability has released the Government of Guam's FY 2010 Financial Statements and Letter to Those Charged with Governance



- Financial Highlights
- Financial Statements
- Letter to Those Charged with Governance

July 5, 2011

The Office of Public Accountability has released the Government of Guam's FY 2010 Single Audit Reports and Management Letter.



- Compliance Highlights
- 2010 Single Audit Reports
- 2010 Management Letter

July 15, 2011

The Office of Public Accountability is soliciting proposals on behalf of the Guam Power Authority for audit services for fiscal years 2011, 2012, 2013. You may view the RFP at our website, www.guamopa.org or pick up an RFP Package at:



Guam Power Authority
1911 Army Dr.
GPA Procurement Office – 1st Floor
Tamuning, Guam 96913-1255

- [GPA-RFP-11-007](#)
- [Questions and Responses](#)

August 1, 2011

The Office of Public Accountability has released OPA Report 11-05, Department of Public Works' Building Permits and Inspection Section.



- [Exec-Summary](#)
- [Full Report](#)

August 4, 2011

The Office of Public Accountability has released its FY2010 Citizen Centric Report pursuant to Public Law 30-127.



➤ [FY 2010 Citizen Centric Report](#)

August 17, 2011

The Office of Public Accountability has released OPA Report 11-06, Guam Fire Department Non-Productive Pay on Leave and Other Compensation.



- [Executive Summary](#)
- [Full Report](#)

August 31, 2011

The Office of Public Accountability has issued a news release on the recognition for Independent Certified Public Accountant Volunteers.



➤ [Click here for press release](#)

August 31, 2011

The Office of Public Accountability has issued a news release on the recognition for OPA's editor, Catherine Sablan Gault for Five Years of Service.



➤ [Click here for press release](#)

September 7, 2011

Pursuant to Section 6205 of Title 4, Guam Code Annotated, the Office of Public Accountability is petitioning to recruit above the minimum step for an Auditor I position.



➤ [Click here for petition](#)

September 20, 2011

The Office of Public Accountability has issued a news release announcing OPA Auditors selected for on-the-job training with U.S. Department of Interior, Office of Inspector General.



➤ [Press Release](#)



September 26, 2011

The Office of Public Accountability has released the decision for appeal OPA-PA-11-011 regarding the Guam Community College, Government of Guam's denial of Pacific Data Systems' protest concerning Invitation for Bid No. GCC-FB-10-015 (Voice Over-Internet Protocol).

[Decision for appeal](#)



November 4, 2011

The Public Auditor provided remarks as the Key Speaker for the Department of Education's "Transparency and Accountability of Federal Funds" training at the Hotel Nikko Guam

[Click here to view her remarks](#)



September 27, 2011

The Office of Public Accountability has released the decision for appeal OPA-PA-11-012 regarding the General Services Agency, Government of Guam's denial of protest by Joeten Development, Inc. concerning Invitation for Bid No. GSA-047-11 (Lease of Office Space).

[OPA-PA-11-012](#)



November 16, 2011

The Office of Public Accountability has received a full compliance rating for its 2011 Quality Control Review.

- [Click here for Press Release](#)
- [Peer Review Report](#)
- [Transmittal to the Governor of Guam](#)
- [Transmittal to the Speaker of the Guam Legislature](#)



September 29, 2011

The Office of Public Accountability (OPA) is soliciting written proposals for Certified Public Accountant (CPA) Consulting Services. You may click the following link to download the Request for Proposal (RFP) or pick-up an RFP package at:

Office of Public Accountability
Suite 401, DNA Building
238 Archbishop Flores Street
Hagatna, Guam 96910

- [OPA-RFP-11-03](#)
- [OPA-RFP-11-03 Responses to Questions](#)
- [OPA-RFP-11-03 Announcement](#)



November 17, 2011

The Office of Public Accountability has released OPA Report 10-08, Guam Fire Department Payroll & Special Payments Analysis.

- [Executive Summary](#)
- [Full Report](#)



October 5, 2011

The Office of Public Accountability has released OPA Report 11-07, Guam Professional Engineers, Architects and Land Surveyors Board's Funds and Financial Practices.

- [Executive Summary](#)
- [Full Report](#)



December 19, 2011

The Office of Public Accountability has released OPA Report 11-10, Government of Guam Income Tax Refund Efficient Payment Trust Fund.

- [Executive Summary](#)
- [Full Report](#)



October 28, 2011

The Office of Public Accountability has released OPA Report 11-08, Government of Guam Annual Leave Lump Sum Payments.

- [Executive Summary](#)
- [Full Report](#)



December 23, 2011

The Office of Public Accountability released the Decision for Appeal OPA-PA-11-009 regarding the Department of Public Works' decision to terminate Hubtec International Corporation's contract concerning GU-NH-0002(104) re-construction of Route 2 Culverts and Slide Repair.

[OPA-PA-11-009](#)



October 31, 2011

The Office of Public Accountability has released OPA Report 11-09, Government Wide Submission of Citizen-Centric Reports Pursuant to Public Law 31-77.

[Final Report](#)



December 29, 2011

The Office of Public Accountability released OPA Report 11-11, Government of Guam Health Benefit Costs Account.

- [Executive Summary](#)
- [Full Report](#)



December 30, 2011

The Office of Public Accountability released OPA Report 11-12, General Services Agency Small Purchase Procurement.

- [Executive Summary](#)
- [Full Report](#)

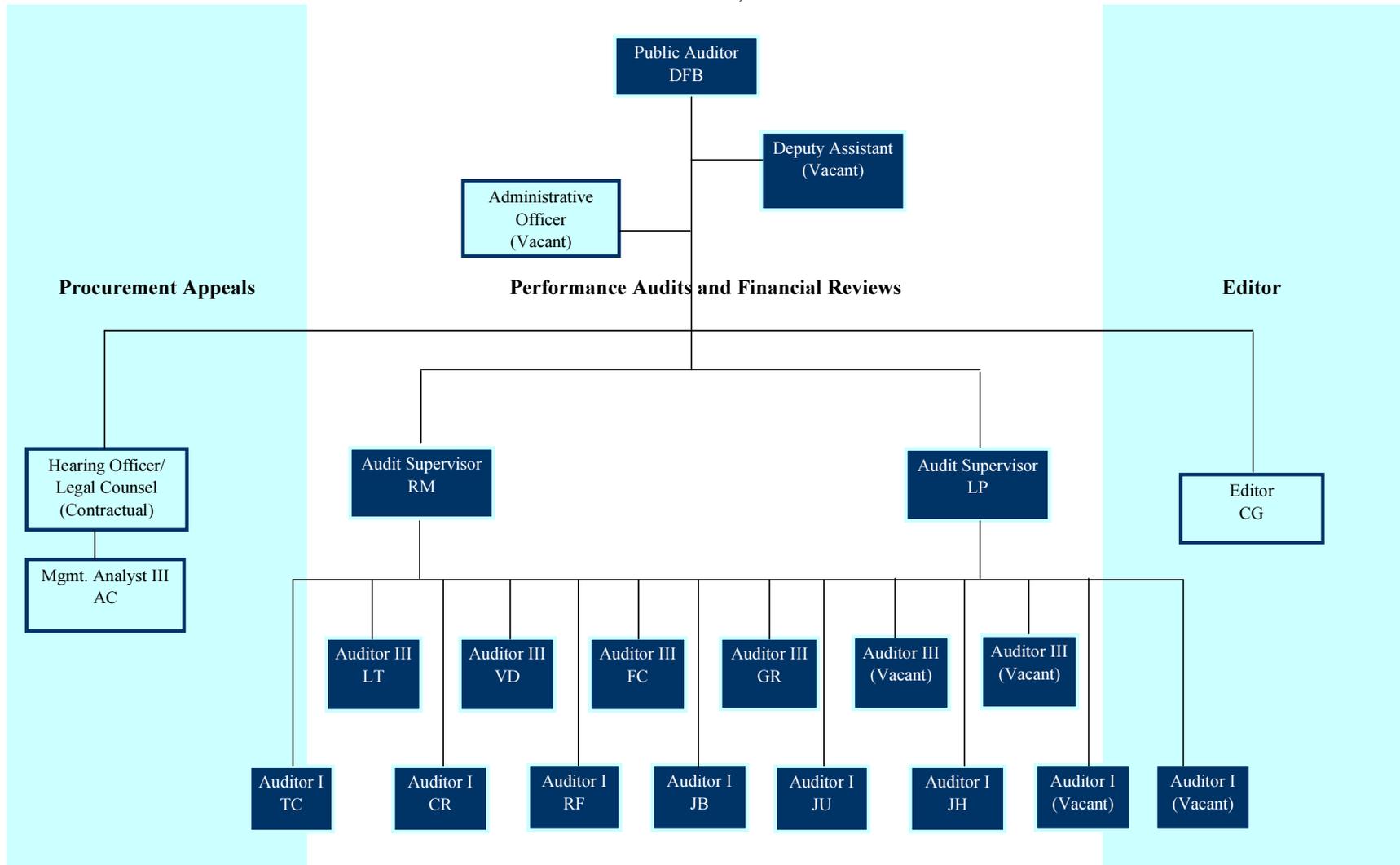




Agencies or Programs	2011	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001	TOTAL
Guam International Airport Authority	0	2	0	0	3	5	2	10	13	12	22	69
Department of Education	3	1	18	9	46	17	14	9	11	13	13	154
Department of Public Works	2	1	0	6	15	9	3	3	10	11	14	74
Guam Power Authority	1	0	1	2	7	6	4	5	6	12	4	48
Department of Corrections	2	3	2	5	1	1	2	2	2	11	10	41
Guam Memorial Hospital Authority	1	4	2	2	2	1	7	4	1	11	8	43
Government of Guam Retirement Fund	0	1	0	0	3	3	1	15	1	6	0	30
Department of Administration	2	5	0	0	3	1	2	4	5	6	5	33
Mayors Council of Guam	1	2	0	5	11	8	9	4	6	2	7	55
Guam Housing and Urban Renewal Authority	0	0	0	0	2	1	6	10	3	2	3	27
Guam Waterworks Authority	0	0	1	0	7	5	12	4	7	4	3	43
Guam Fire Department	0	2	0	3	1	2	1	6	4	3	4	26
Guam Mass Transit Authority	0	0	0	0	0	0	1	3	5	5	4	18
Department of Public Health and Social Services	1	1	2	2	0	1	4	5	0	4	8	28
Guam Telephone Authority	0	0	0	0	0	0	1	9	3	3	1	17
Office of the Attorney General	1	2	0	1	1	3	3	4	9	1	0	25
Guam Police Department	1	0	1	0	2	1	0	2	3	3	5	18
Guam Visitors Bureau	0	0	0	1	2	0	3	5	1	1	5	18
Superior Court of Guam	0	0	3	0	3	2	4	4	2	4	2	24
University of Guam	0	1	1	2	2	1	0	4	3	3	2	19
Port Authority of Guam	1	0	0	0	0	1	3	3	4	1	3	16
Department of Land Management	0	0	0	0	0	0	1	3	0	1	4	9
Office of the Governor	0	2	2	5	0	1	0	4	3	1	0	18
Department of Parks & Recreation	0	1	0	1	7	4	1	1	1	1	5	22
Department of Labor	0	0	1	0	0	0	0	2	3	2	1	9
Guam Economic Development and Commerce Authority	1	0	1	0	0	0	0	2	4	0	1	9
General Services Agency	1	1	0	0	2	2	3	3	3	0	1	16
Other Agencies and Programs	12	13	19	18	40	37	29	47	31	22	28	296
Total	30	42	54	62	160	112	116	177	144	145	163	1205



**Office of Public Accountability
December 31, 2011**



Note: Auditor III GR and Audit Supervisor LP subsequently resigned in 2012.

