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**RECEIVED**  
OFFICE OF PUBLIC ACCOUNTABILITY  
PROCUREMENT APPEALS  
DATE: 8/26/19  
TIME: 4:44  AM  PM BY: [Signature]  
FILE NO OPA-PA: 19-009

6 Attorney for Petitioner,  
7 *Guahan Academy Charter School*

8  
9 **OFFICE OF PUBLIC ACCOUNTABILITY**

10 IN THE MATTER OF THE APPEAL )  
11 )  
12 OF )  
13 )  
14 GUAHAN ACADEMY CHARTER )  
15 SCHOOL, )  
16 Appellant. )

DOCKET NO. OPA-PA-19-009

**PROTEST AND OPPOSITION TO  
DETERMINATION OF SUBSTANTIAL  
INTEREST 5 GCA § 5249(g)(2)**

17  
18 On August 23, 2019 at 2:14 p.m., counsel of record for Appellant, Guahan Academy Charter  
19 School was served with a "Notice to Appellant of Purchasing Agency's Declaration of Substantial Interest  
20 in proceeding 5 GCA § 5249(g)(2)." Guahan Academy Charter School hereby submits this Protest on the  
21 following basis:

- 22 (i) On August 22, 2019, the Government sought an extension of time in which to file its  
23 Agency Report, which contradicts their assertion of the necessity to proceed in the  
24 substantial interest of the Government due to time constraints. Upon information and  
25 belief, an adequate remedy is available to the Government by expedited hearing rather than  
26 delaying further the appeal of the denial of protest and seeking a determination of  
27 substantial interest;  
28

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- 1 (ii) Upon information and belief, the Government was awarded the federal grant on  
2 September 30, 2018, and failed to diligently and timely issue a request for procurement to  
3 account for protest timelines permitted under Guam law. Granting the Government  
4 confirmation of a determination of substantial interest encourages the lack of diligent and  
5 timely procurement, and undermines the protections granted under Guam law to  
6 appellant;
- 7 (iii) Upon information and belief, the Government has failed to substantiate its claim of loss of  
8 current federal grants and loss of future grants, under penalty of perjury of the laws of  
9 Guam.
- 10 (iv) Upon information and belief the Government has failed to substantiate that the federal  
11 grants awarded are not permitted any extensions of time, under penalty of perjury of the  
12 laws of Guam.
- 13 (v) The notice provided on August 23, 2019 to counsel of record is deficient. All notices  
14 required under Guam law require actual notice, and the notice is deficient for failure to  
15 properly notify appellant of the applicability of Guam law. No such right of determination  
16 of substantial interest is available to the Government under 5 GCA § 5249(g)(2) exists  
17 under Guam law.  
18  
19

20 RESPECTFULLY SUBMITTED this 26<sup>th</sup> day of August, 2019.

21 **LAW OFFICE OF**  
22 **JACQUELINE TAITANO TERLAJE, PC**

23 By: 

24 **JACQUELINE TAITANO TERLAJE**  
25 Attorney for Petitioner, *Guahan Academy Charter School*