

RICHARD L. JOHNSON
R. MARSIL JOHNSON
BLAIR STERLING JOHNSON & MARTINEZ
A PROFESSIONAL CORPORATION
238 ARCHBISHOP FLORES ST STE 1008
HAGÁTÑA GU 96910-5205
TELEPHONE: (671) 477-7857

Attorneys for Party in Interest ENGIE Solar

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FILE NO OPA-PA: 19-010

**IN THE OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEAL**

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|--|---|---------------------------------|
| In the Appeal of |) | Docket No. OPA-PA-19-010 |
| |) | |
| GlidePath Marianas Operations, Inc. |) | STIPULATED |
| |) | MOTION TO CONTINUE DATES |
| Appellant. |) | |
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Interested Party ENGIE Solar (“ENGIE”), Agency Guam Power Authority (“GPA”), and Appellant GlidePath Marianas Operations, Inc. (“GlidePath”), hereby move on a stipulated and agreed basis for an order to provide GPA additional time to submit the procurement record in this case as was ordered by the OPA on November 14, 2019.

In support of the Stipulated Motion, ENGIE, GPA and GlidePath jointly state as follows:

1. On November 13, 2019, GlidePath filed a Notice of Appeal with the Office of Public Accountability, appealing GPA’s denial of a procurement protest it filed on October 9, 2019 related to GPA-IFB-007-18, Renewable Energy Resources Phase III (the “IFB”).
2. On November 14, 2019, the Office of Public Accountability (the “OPA”) issued its Notice of Receipt of Appeal – OPA-PA-19-010 wherein it ordered GPA, as proscribed in 5 G.C.A. §5249 and 2 G.A.R. § 12104(3), to submit a complete copy of the procurement record

by November 21, 2019. The OPA also ordered GPA, pursuant to 2 G.A.R. § 12105, to submit a copy of the Agency Report by November 29, 2019.

3. On November 15, 2019, ENGIE filed an Entry of Appearance and Request for Notice asking to be served with all papers and pleadings filed in OPA PA-19-010.

4. On November 15, 2019 ENGIE also filed a Motion for Stay in GPA's Production of the Full Agency Report and to Preserve Confidentiality.

5. On November 18, 2019, counsels for ENGIE and GPA discussed (1) GPA's concern that it would need additional time to provide all necessary copies of the procurement record and (2) ENGIE's Motion for Stay in GPA's Production of the Full Agency Report and to Preserve Confidentiality. ENGIE's counsel relayed the agency's concern to Glidepath's counsel, who discussed the concern with GPA counsel on November 20, 2019.

6. GPA has informed ENGIE that each copy of the procurement record for OPA-PA-19-010 require twenty three-inch binders. GPA will be required to print seven copies of the procurement record. In total, GPA will need to print enough paper to fill one hundred and twenty three-inch binders to produce the procurement record. GPA believes that allowing the agency to submit the procurement record by November 29, 2019 would provide it with enough time to submit the procurement record.

7. The parties also intend to confer in good faith about whether an agreement whereby disclosure of information from ENGIE's submissions to GPA marked as confidential or proprietary can be avoided or limited.

8. The parties agree to enter into this stipulation without prejudice to any position any party may raise in the future regarding the appropriateness, content, or legal conformance of the procurement record kept in GPA-IFB-007-18, Renewable Energy Resources Phase III.

Based on the foregoing, ENGIE, GPA, and GlidePath respectfully request that the OPA enter an order:

- a. Allowing GPA until November 29, 2019 to submit the procurement record in this case as proscribed in 5 G.C.A. §5249 and 2 G.A.R. § 12104(3);
- b. Establishing further dates in this procurement appeal as determined by the OPA to be appropriate given the delayed submission of the procurement record.

SO STIPULATED:

INTERESTED PARTY:

BLAIR STERLING JOHNSON & MARTINEZ
A PROFESSIONAL CORPORATION

DATED: 11/21/2019

BY: 
R. MARSIL JOHNSON
Attorneys for Interested Party ENGIE Solar

APPELLEE:

THE GUAM POWER AUTHORITY
A PUBLIC CORPORATION

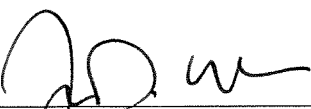
DATED: 9/21/19

BY: 
D. GRAHAM BOTHA
Attorney for Guam Power Authority

APPELLANT:

CIVILLE & TANG
A PROFESSIONAL LIMITED LIABILITY
PARTNERSHIP

DATED: 11/21/19

BY: 
JOSHUA D. WALSH
Attorneys for Appellant GlidePath Marianas Operations, Inc.