

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



# FAX

<b>To:</b>	<b>Mr. John M. Benavente, P.E.</b> <b>General Manager</b> Guam Power Authority P.O. Box 2977 Hagåtña, Guam 96932 Fax: (671) 648-3165	<b>From:</b>	<b>Benjamin J.F. Cruz</b> <b>Guam Public Auditor</b> Office of Public Accountability
	<b>Mr. D. Graham Botha, Esq.</b> <b>General Counsel</b> Guam Power Authority 688 Route 15, Suite 302 Mangilao, Guam, 96913 Phone: (671) 648-3203/3002 Fax: (671) 648-3290	<b>Pages:</b>	3 (including cover page)
<b>CC:</b>	<b>Mr. Joshua D. Walsh, Esq.</b> <b>Mr. Joseph C. Razzano, Esq.</b> Razzano Walsh & Torres, P.C. Phone: (671) 989-3009 Email: <a href="mailto:jdwalsh@rwtguam.com">jdwalsh@rwtguam.com</a>	<b>Date:</b>	July 22, 2020
	<b>Mr. R. Marsil Johnson, Esq.</b> Blair Sterling Johnson & Martinez Attorneys for Interested Party ENGIE Solar 238 Archbishop Flores Steet Suite 1008 Hagatna, Guam Phone: (671) 477-7857 Email: <a href="mailto:r.marsjohnson@bsjmlaw.com">r.marsjohnson@bsjmlaw.com</a>	<b>Phone:</b>	(671) 475-0390 x. 208
	<b>Ms. Anita P. Arriola, Esq.</b> Arriola Law Firm 259 Martyr Street, Suite 201 Hagatna, Guam 96910 Phone: 477-9730/33 Fax: 477-9734	<b>Fax:</b>	(671) 472-7951

**Re:** OPA-PA-19-010, OPA-PA-20-001, and OPA-PA-20-007 Order Consolidating Appeals

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Thank you,  
 Jerrick Hernandez, Auditor  
[jhernandez@guamopa.com](mailto:jhernandez@guamopa.com)

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**BEFORE THE PUBLIC AUDITOR  
PROCUREMENT APPEALS  
TERRITORY OF GUAM**

1  
2  
3  
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5  
6  
7 In the Appeal of )  
8 GlidePath Marianas Operations Inc., )  
9 Appellant. )  
\_\_\_\_\_ )

**Appeal No: OPA-PA-19-010  
Appeal No: OPA-PA-20-001  
Appeal No: OPA-PA-20-007**

**ORDER CONSOLIDATING APPEALS**

10  
11 On November 13, 2019, GlidePath Marianas Operations Inc. (“GlidePath”) filed a Notice  
12 of Procurement with the Office of Public Accountability (“OPA”), wherein GlidePath appeals the  
13 decision of purchasing agency Guam Power Authority (“GPA”), dated October 31, 2019, related  
14 to the procurement for Phase III of its Renewable Energy Resource project under Invitation for  
15 Bid No. GPA-IFB-007-18 (“the IFB”)  
16

17 On January 21, 2020, GlidePath filed a second Notice of Procurement Appeal, docketed as  
18 OPA-PA-20-001, appealing GPA’s decision dated January 10, 2020, denying GlidePath’s second  
19 protest related to the IFB.

20 On January 30, 2020, the Public Auditor issued the Order Consolidated Appeals and  
21 Scheduling Order for OPA-PA-19-010 and OPA-PA-20-001.  
22

23 The Formal Hearing for OPA-PA-19-010 and OPA-PA-20-001 started on July 6, 2020,  
24 and continued on July 7, 8, 9, and 14, 2020.

25 On July 9, 2020, GlidePath filed a third procurement protest with GPA and filed a Motion  
26 for Order Staying Proceedings Pending Completion of Procurement Record. On the same day,  
27 GPA submitted a Supplemental Procurement Record.  
28

1 On July 14, 2020, GPA issued a decision denying GlidePath's third protest related to the  
2 IFB, and filed a Motion to Consolidate Third Agency Appeal. Interested Party Engie Solar also  
3 filed a Joinder in GPA's Motion to Consolidate Third Procurement Appeal on the same day.  
4 During the July 14, 2020 Formal Hearing continuation, GlidePath acknowledged they were open  
5 to the consolidation of the third procurement appeal should they file one.  
6

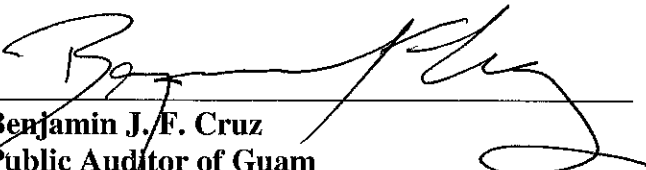
7 On July 15, 2020, GPA submitted another Supplemental Procurement Record with  
8 additional attachments that were inadvertently not included in the July 9, 2020 Supplemental  
9 Procurement Record.

10 On July 20, 2020, GlidePath filed a third Notice of Appeal, docketed as OPA-PA-20-007,  
11 appealing GPA's decision dated July 14, 2020, denying GlidePath's third protest related to the  
12 IFB.  
13

14 The Public Auditor has the authority to consolidate appeals for purposes including  
15 efficiency and expediency in resolving appeals. 5 G.C.A. § 5701; 2 G.A.R. §§ 12101, 12108-  
16 12109. As these three appeals arise from protests by GlidePath pertaining to the same IFB by GPA,  
17 the Public Auditor finds that consolidating these appeals will provide for efficient, expeditious  
18 resolution of the appeals. Therefore, the Public Auditor ORDERS that these appeals, OPA-PA-19-  
19 010, OPA-PA-20-001, and OPA-PA-20-007, be and are consolidated and all matters pertaining to  
20 the appeals shall be heard concurrently.  
21

22 The Formal Hearing is expected to continue on Thursday, July 30, 2020 at 10:00 a.m.

23  
24 **SO ORDERED** this 22<sup>nd</sup> day of July 2020 by:

25  
26   
27 **Benjamin J. F. Cruz**  
28 **Public Auditor of Guam**

## TRANSACTION REPORT

JUL/22/2020/WED 01:32 PM

## BROADCAST

DATE	START T.	RECEIVER	COM.TIME	PAGE	TYPE/NOTE	FILE
JUL/22	01:27PM	6483165	0:01:21	3	MEMORY OK	ECM 0881001
	01:29PM	6483290	0:01:20	3	MEMORY OK	ECM 0881002
	01:31PM	4779734	0:00:42	3	MEMORY OK	SG3 0881003
TOTAL			0:03:23	9		

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## FAX

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	Mr. D. Graham Botha, Esq. General Counsel Guam Power Authority 688 Route 15, Suite 302 Mangilao, Guam, 96913 Phone: (671) 648-3203/3002 Fax: (671) 648-3290	Pages:	3 (including cover page)
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	Ms. Anita P. Arriola, Esq. Arriola Law Firm 259 Martyr Street, Suite 201 Hagatna, Guam 96910 Phone: 477-9730/33 Fax: 477-9734		

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Thank you.

Jerrick Hernandez, Auditor

[jhernandez@guamopa.com](mailto:jhernandez@guamopa.com)



Jerrick Hernandez &lt;jhernandez@guamopa.com&gt;

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**OPA-PA-19-010, 20-001, and 20-007 Order Consolidating Appeals**

1 message

**Jerrick Hernandez** <jhernandez@guamopa.com>

Wed, Jul 22, 2020 at 1:38 PM

To: "Joshua D. Walsh" &lt;jdwalsh@rwtguam.com&gt;, "Joseph C. Razzano" &lt;jrazzano@civilletang.com&gt;, Graham Botha &lt;gbotha@gpagwa.com&gt;, "R. Marsil Johnson" &lt;rmarsjohnson@bsjmlaw.com&gt;, Anita Arriola &lt;anitaarriola@arriolacowan.com&gt;

Hafa Adai!

Please see attached Order Consolidating Appeals for OPA-PA-19-010, 20-001, and 20-007, which was also faxed to the parties.

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Regards,

Jerrick J.J.G. Hernandez, MA, CGAP, CICA  
Auditor  
Office of Public Accountability – Guam  
[www.opaguam.org](http://www.opaguam.org)  
Tel. (671) 475-0390 ext. 208  
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