



Jerrick Hernandez <jhernandez@guamopa.com>

Fwd: OPA-PA-20-005: Stipulation & Order for Dismissal

Sandra Miller <smiller@oagguam.org>

Thu, Aug 27, 2020 at 8:35 PM

To: Jerrick Hernandez <jhernandez@guamopa.com>, admin@guamopa.com

Cc: Georgette Bello Concepcion <gbc@guamlaw.net>, Robert Kono <robert.kono@gsa.guam.gov>, gsaprocurment <gsaprocurment@gsadoa.guam.gov>

Hi Jerrick,

For filing and approval by the Public Auditor, attached is the settlement agreement that has been signed by all the parties in counterpart:

Sandra Miller

----- Forwarded message -----

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

Date: Thu, Aug 27, 2020 at 9:07 AM

Subject: Re: OPA-PA-20-005 (Santa Fe v. GSA)

To: Sandra Miller <smiller@oagguam.org>

Cc: Georgette Bello Concepcion <gbc@guamlaw.net>, Robert Kono <robert.kono@gsa.guam.gov>, Marlyn Aguilar <maguilar@oagguam.org>

Thank you for the update. We will be awaiting the settlement agreement.

On Thu, Aug 27, 2020, 8:56 AM Sandra Miller <smiller@oagguam.org> wrote:

Good morning Jerrick,

This is to let the OPA know that the parties have reached an agreement to settle this protest appeal. We are working on obtaining a signed stipulation and order to dismiss, and expect that it will be filed either today or tomorrow.

Thank you,

Sandra Miller

Office of the Attorney General

08/27/2020

 **Stip & Order for Dismissal_OPA-PA-20-005.pdf**
554K



Jerrick Hernandez <jhernandez@guamopa.com>

Fwd: OPA-PA-20-005: Stipulation & Order for Dismissal

Jerrick Hernandez <jhernandez@guamopa.com>

Fri, Aug 28, 2020 at 8:15 AM

To: Sandra Miller <smiller@oagguam.org>

Cc: Office of Public Accountability <admin@guamopa.com>, Georgette Bello Concepcion <gbc@guamlaw.net>, Robert Kono <robert.kono@gsa.guam.gov>, gsaprocurment <gsaprocurment@gsadoa.guam.gov>, Vince Duenas <vduenas@guamopa.com>

Hafa Adai,

Confirming receipt of the Stipulation. We will prepare and issue an Order of Dismissal shortly. The hearing scheduled for Monday will be vacated.

[Quoted text hidden]



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 Attorney General of Guam
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 Attorneys for the Government of Guam

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

IN THE APPEAL OF:)	DOCKET NO. OPA-PA-20-005
)	
BEACH RESORT LLC dba THE HOTEL)	
SANTA FE GUAM.)	
)	STIPULATION AND ORDER
Appellant,)	RE: SETTLEMENT AND
)	DISMISSAL OF APPEAL
and)	
)	
GENERAL SERVICES AGENCY,)	
)	
Purchasing Agency.)	
)	

The General Services Agency, Government of Guam (GSA) and Beach Resorts LLC dba The Hotel Santa Fe Guam (Santa Fe) [collectively “the Parties”], jointly STIPULATE as follows:

1. The Parties agree to compromise and settle in full this procurement protest appeal for and in consideration of the sum of Fifty Thousand and 00/100 Dollars (\$50,000.00) ["Settlement Amount"].

2. GSA will pay Santa Fe the Settlement Amount by no later than September 25, 2020.

3. The Parties intend for this Stipulation and Order to be a final and binding resolution of the disputes between them. The Parties knowingly and voluntarily waive their respective rights to appeal this Stipulation and Order under 5 GCA § 5481(a) or any other applicable statute, and they further waive the provisions of 18 GCA § 82602 governing the release of known and unknown claims.

4. This procurement protest appeal is dismissed with prejudice.

5. This Stipulation and Order may be executed in counterparts, actual or electronic, each of which when so executed and delivered will be an original. The counterparts when joined together shall constitute one and the same instrument.

SO STIPULATED effective the 25th day of August 2020.

**GENERAL SERVICES AGENCY,
Government of Guam**

**BEACH RESORTS, LLC dba
THE HOTEL SANTA FE**

By: *CAfalle 8/26/2020*
CLAUDIA ACFALLE
Chief Procurement Officer

By: _____
BARTLEY A. JACKSON
President

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**GENERAL SERVICES AGENCY,
Government of Guam**


By: _____
CLAUDIA ACFALLE
Chief Procurement Officer

**BEACH RESORTS, LLC dba
THE HOTEL SANTA FE**

By: _____
BARTLEY A. JACKSON
President

OFFICE OF THE ATTORNEY GENERAL
Leevin T. Camacho, Attorney General

BROOKS CONCEPCION LAW, P.C.

By: 
SANDRA CRUZ MILLER
Assistant Attorney General

By: _____
GEORGETTE BELLO CONCEPCION
Attorneys for Beach Resorts LLC

ORDER

Pursuant to 2 GARR § 12104(c)(8) and the forgoing Stipulations made by the Parties it is hereby ORDERED that this matter and the claims made therein are dismissed with prejudice.

It is FURTHER ORDERED that the terms of the above stipulations are incorporated into and made a part of this Order, which is a final administrative decision under 5 GCA § 5481(a).

A copy of this Stipulation and Order shall be provided to the Parties and their respective attorneys in accordance with 5 GCA §5702 and shall be made available for public review.

SO ORDERED this _____ day of August, 2020.

BENJAMIN J.F. CRUZ
PUBLIC AUDITOR

OFFICE OF THE ATTORNEY GENERAL
Leevin T. Camacho, Attorney General

BROOKS CONCEPCION LAW, P.C.

By: _____
SANDRA CRUZ MILLER
Assistant Attorney General

By: _____
GEORGETTE BELLO CONCEPCION
Attorneys for Beach Resorts LLC

ORDER

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SO ORDERED this _____ day of August, 2020.

BENJAMIN J.F. CRUZ
PUBLIC AUDITOR