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OPA-PA-20-004 - Appellant's Hearing Materials, Batch 1

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Tue, Sep 1, 2020 at 1:17 PM

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Good afternoon:

Attached are Appellant's

1. Statement of Issues
2. Exhibit List
3. Exhibits 1-8
4. Exhibits 9-17
5. Witness List
6. Notice to Lillian Perez-Posadas to Appear at Hearing
7. Notice to Dolores Pangelinan to Appear at Hearing
8. Notice to Zaldy Tugade to Appear at Hearing

Please confirm receipt.

Thank you for your time,
Julienne

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7 attachments **OPA-PA-20-004 - Appellant's Statement of Issues.pdf**
199K **OPA-PA-20-004 - Appellant's Exhibit List.pdf**
260K



OPA-PA-20-004 - Appellant's Exhibits 1-8.pdf

15539K



OPA-PA-20-004 - Appellant's Witness List.pdf

125K



OPA-PA-20-004 - Appellant's Notice to Lillian Perez-Posadas to Appear at Hearing.pdf

100K



OPA-PA-20-004 - Appellant's Notice to Dolores Pangelinan to Appear at Hearing.pdf

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OPA-PA-20-004 - Appellant's Notice to Zaldy Tugade to Appear at Hearing.pdf

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9
10 **BEFORE THE OFFICE OF PUBLIC ACCOUNTABILITY**

11 In the Appeal of

12 JRN AIR CONDITIONING &
13 REFRIGERATION, INC.,

14 Appellant

Docket No. OPA-PA-20-004

APPELLANT'S STATEMENT OF ISSUES

Hearing: September 14, 2020 at 10:00AM
Before: Public Auditor of Guam Benjamin J.F.
Cruz (via Zoom)

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16 Appellant JRN Air Conditioning & Refrigeration, Inc. hereby submits its Statement of Issues
17 to be determined at the hearing in the above-entitled venue on September 1, 2020 at 10:00AM via
18 Zoom as facilitated by the Office of Public Accountability.

- 19 1. Whether the Guam Memorial Hospital Authority (GMHA), in procuring IFB 002-2020
20 for the removal and replacement of one (1) boiler unit and piping system, conducted an
21 arbitrary bid evaluation/selection process not in compliance with the general procurement
22 law (pursuant to 5 GCA § 5001 et seq.)
- 23 2. Whether GMHA, in procuring IFB 002-2020, (a) possessed any official or intelligible
24 criteria for the items in the Special Reminder to Prospective Bidders included in the bid
25 documents, specifically with regard to qualification and performance data, (b) uniformly
26 evaluated the three bids submitted in response to IFB 002-2020 in accordance with that
27 criteria, (c) subsequently provided any specific or active guidance to bidders regarding


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said criteria, and (d) uniformly enforced said criteria throughout communications with bidders

3. Whether GMHA, in procuring IFB 002-2020, lacked or failed to administer the procurement process with any such official or intelligible criteria and acted capriciously in the intended use of public funds without justifiable basis to make an award to a second lowest bidder
4. If there was such criteria, whether GMHA fairly and uniformly applied it to all bidders
5. Whether GMHA unfairly advantaged any one particular bidder in any way
6. Whether GMHA's determinations of responsiveness or responsibility was erroneous
7. Whether GMHA, in an exercise of discretion, subjectivity, or preference, produced an erroneous procurement result
8. Whether GMHA's conduct warrants any of the rulings requested by Appellant, including a substantiated finding that GMHA should have acted differently in the procurement of IFB 002-2020, that GMHA should immediately implement policies to avoid such misconduct in the future (specifically with regard to verified statements, signed declarations, and notarized affidavits), and that Appellant was the lowest responsive bidder to IFB 002-2020

Dated September 1, 2020

By



JULIENNE NUCUM, ESQ.
Attorney for Appellant