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RECEIVED
 OFFICE OF PUBLIC ACCOUNTABILITY
 PROCUREMENT APPEALS

DATE: 5/10/13
 TIME: 4:15 AM PM BY: JH
 FILE NO OPA-PA: 13-002/13-003

Attorneys for Appellant
 Phil-gets (Guam) International Trading Corp.
 dba J&B Modern Tech

OFFICE OF PUBLIC ACCOUNTABILITY

PROCUREMENT APPEAL

In the Appeal of)
)
 PHIL-GETS (GUAM) INTERNATIONAL)
 TRADING CORP. dba J&B MODERN TECH,)
)
 Appellant.)
 _____)

Docket No. OPA-PA-13-002
 Docket No. OPA-PA-13-003

APPELLANT'S EXHIBIT LIST

Appellant J&B hereby submits its exhibit list as follows. Insofar as many large documents are already in the record and are already referenced in the Statement of Agreed Facts, this list is limited to (1) documents not already in the record; and (2) short excerpts, from larger documents already in the record, that may be specifically discussed during the testimony of J&B's witnesses.

- Exhibit A 8/27/12 letter from J&B to GDOE (Warranty)
- Exhibit B Excerpt from GDOE IFB 008-2013 (sections concerning Preventive Maintenance Schedule)
- Exhibit C Preventive Maintenance Schedule from J&B's bid on GDOE IFB 008-2013
- Exhibit D Abstract of Bids, GDOE IFB 008-2013
- Exhibit E Summary of Abstract of Bids

ORIGINAL

In the Appeal of J&B Modern Tech
Appellant's Witness List
OPA-PA-13-002 and OPA-PA-13-003

- Exhibit F E-mails to and from Alex Salazar
- Exhibit G Service Order, Southern High, 11/19/12
- Exhibit H Service Order, Benavente Middle School, Nov. 2012, Unit 7931F481102539
- Exhibit I Service Order, Benavente Middle School, Nov. 2012, Unit 7931F471103048
- Exhibit J Service Order, Southern High, December 2012
- Exhibit K Pictures, Southern High
- Exhibit L Service Order, Agueda Johnson Middle School, 2/8/13
- Exhibit M Pictures, Agueda Johnson Middle School
- Exhibit N Service Order, H.S. Price Elementary, 2/8/13
- Exhibit O Pictures, Price Elementary
- Exhibit P Pictures, F.B. Leon Guerrero School
- Exhibit Q Feb. 22, 2013 letter from GSA concerning 17 GCA §7119(c)

Appellant J&B reserves the right to offer additional exhibits for rebuttal purposes.

Respectfully submitted,

DOOLEY ROBERTS & FOWLER LLP

Date:

May 10, 2013

By:

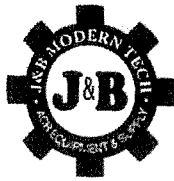
Seth Forman

SETH FORMAN

Attorneys for Appellant Phil-Gets (Guam)
International Trading Corp. dba J&B Modern
Tech

EXHIBIT

A



J&B MODERN TECH
ACR EQUIPMENT AND SUPPLIES

P.O. BOX 9788 TAMUNING, GUAM, U.S.A. 96931
TELEPHONE : (671) 646-0588 / 646-3346 / 646-4435
FAX: (671) 646-0589

AUGUST 27, 2012

BILLY P. CRUZ
CIP, FACILITIES AND MAINTENANCE MANAGER

RE: IFB NO. 050-2011
A/C UNIT SUPPLY AND INSTALLATION.

Dear Mr. Cruz,

In reference on the above subject matter which had been completed the installation since July 5, 2012. We are hereby provide the excel lists to serve as your reference on your Inventory lists and completely summarize the entire A/C unit installed per school.

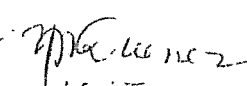
WARRANTY: The equipment shall be guaranteed to be free from defects in materials and workmanship. The "Warranty Period" is five (5) years for Compressor only from initial start up date or when first DOE School used. Under no circumstances shall supplier and dealer, J & B Modern Tech be liable for incidental or consequential damages resulting without the Preventive Maintenance that should prevent further deterioration, breakdown and inefficient operation and cooling condition of the A/C units. Consumable related to accessories are not covered. And further more, the warranty is NULL & VOID if damages is caused by Mother Nature or Force Majeure, Thunder & Lightning, Power Fluctuation, Disturbed, Tampered, Adjusted and/or Repaired by other Entities Technicians,

Thank you.

Sincerely,


Gene M. Baygayan

8/27/12

Rec'd by 
10/15/12

CC: MR. MARCUS Y. PIDO
SUPPLY MANAGEMENT ADMINISTRATOR

EXHIBIT

B

related work not covered in the original Scope of Work and Guam Department of Education reserves the right to solicit other price quotation/cost proposal from other vendors should Guam Department of Education deems that Contractor's proposal is excessive/high.

12. After installation, HVAC units must be completed and ready for operation-ready to use. All electrical requirements shall meet the National Electrical Code (NEC) Article 440 Air Conditioning and Refrigeration Equipment.
13. The Contractor must provide both a hard copy and an electronic copy of a list to Facilities and Maintenance Division Manager indicating where the units are installed and the date the units were installed, including date(s) of anticipated preventative maintenance.
14. Contractor shall provide an installation plan for all new HVAC units that are to be installed.
 - A. Contractor must work with Facilities and Maintenance Division in conjunction with Inventory Management Office for an approved plan.
 - B. If a delay occurs for any HVAC unit to be installed at GDOE, any changes in the installation plan must be approved by Facilities and Maintenance.
15. Transition duct must be included with all new Centralized HVAC unit installations. Contractor must submit separate cost proposal on any request for replacement of supply and return ducts and other related work not covered in the original Scope of Work and Guam Department of Education reserves the right to solicit other price quotation/cost proposal from other vendors should Guam Department of Education deems that Contractor's proposal is excessive/high.
16. After the installation of each HVAC unit, the Facilities and Maintenance Division will inspect the each newly installed HVAC unit and determined if the Contractor conformed to the installation requirements of this IFB. GDOE reserves the right to reject and, at its discretion, require replacement of those items that are determined to be defective in material, construction, workmanship, manufacturing, or performance and/or that do not conform to the specifications described in this IFB. Installation of a HVAC unit will be deemed acceptable upon the GDOE's acceptance of the Five (5) year warranty document for each installed HVAC unit.
17. The Contractor shall provide for all newly installed HVAC units, a five (5) year warranty (Title 17 Guam Code Annotated (GCA) Education; Chapter 7 Physical Plant. 7119).

The Five (5) Year warranty for each HVAC unit will come into upon GDOE's acceptance of the Five (5) year warranty document for each installed HVAC unit.

The Contractor will guarantee the five (5) year warranty, so long as, the preventative maintenance is performed according to the Preventative Maintenance Schedule supplied by the Contractor.

→ The Contractor in submitting their bid acknowledges and agrees that in the event that preventative maintenance is performed on the installed HVAC units by a person(s) other than the Contractor, the Contractor will continue to honor the five (5) year warranty, so

long as, Preventative Maintenance is performed according to the Preventative Maintenance Schedule.

The Contractor in submitting their bid acknowledges and agrees that any communications concerning the interpretation of the Five (5) year warranty is to be directed to GDOE's Supply Management Administrator.

NOTE: Title 17 Guam Code Annotated (GCA) Education; Chapter 7 Physical Plant. 7119. Standards for air conditioning systems funded herein.

18. Any HVAC units (Systems) purchased and used by the Guam Department of Education (GDOE) shall:
 - A. Meet the comfort and air quality standards set forth for heating, ventilation and air conditioning (HVAC) equipment provide in Chapter 5 of the Federal GSA's facilities Standards for Public Buildings Services (Revised November 2000 or Later – PBS-100);
 - B. Repair and replacement parts are readily available within five (5) days, and on Saturdays, Sundays and Government of Guam holidays; and
 - C. Be the subject of a warranty and maintenance agreement that guarantees the system's working life for not less than five (5) years.
19. All new AC Units (with the exception of 9,000 & 12,000 BTU units) are required to have Fresh Air Intakes/Make-Up-Air Units installed as a function and feature of the AC unit or be provided as an external accessory.
20. Contractor shall follow AIR CONDITION TECHNICAL SPECIFICATIONS section here in.

2.1.3 – PURCHASE DESCRIPTION

This Invitation for Bid (IFB) contains detailed specifications for the purchase of Air Conditioning Equipment for Guam Department of Education (GDOE) Public Schools and Support Facilities.

PACKAGE UNITS, SPLIT TYPE UNITS, SPLIT DUCTED TYPE UNITS & CHILL WATER TYPE UNITS:

MINI SPLIT TYPE UNITS	PACKAGE UNITS	SPLIT DUCTED TYPE UNITS	CHILLED WATER TYPE UNIT
12000 BTU-36000 BTU	5 TON-50 TON	5 TON-100 TON	170 TON

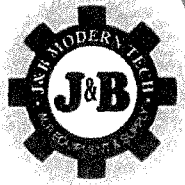
For all new HVAC units, installation must include all electrical requirements from main panel box to disconnect switch and to the new HVAC units i.e. junction boxes, conduits, panels and etc. HVAC units shall conform to the National Electrical Code (NEC) 2008. HVAC units shall be complete and ready for operation-ready to use. All electrical requirements shall meet the National Electrical Code (NEC) Article 440 Air Conditioning and Refrigeration Equipment.

2.1.4 – TERM OF WORK

The initial award under this IFB shall be for a term of approximately one year, or through September 30, 2014. The initial award will be for the purchase and installation of the HVAC units, and will include Preventative Maintenance for the initial term. GDOE, at its discretion, may renew the Contract strictly for Preventative Maintenance services for four (4) additional one year terms. Bidders should submit separate bid prices for air conditioning units, inclusive of installation, and preventative maintenance for the initial award term. In the event GDOE opts to renew the Contract for Preventative Maintenance services

EXHIBIT

C



J&B MODERN TECH

P.O. BOX 9788 TAMUNING, GUAM, U.S.A. 96931

TEL: (671) 646-0588 / 646-3346 / 646-4435

FAX: (671) 646-0589

J & B PREVENTIVE MAINTENANCE SCHEDULE

ITEM #	SCOPE OF WORK	MONTHLY	QUARTERLY	BI-ANNUAL	ANNUAL
1.	Check Voltage Reading		X		
2.	Check Refrigerant and Record Tag		X		
3.	Check Compressor Amperage Reading		X		
4.	Flush Evaporator Coils			X	
5.	Clean Drain Line (Flush)		X		
6.	Clean Blower Wheel		X		
7.	Check for Vibration Noise & Adjust		X		
8.	Check Thermostat Setting and Record		X		
9.	Check Electrical Conductors & Electrical System		X		
10.	Clean Blower Assembly		X		
11.	Flush Air Filters		X		
12.	Check V-Belts		X		
13.	Flush Condenser Coils			X	
14.	Lubricate Motors and Bearings		X		
15.	Check Duct System		X		
16.	Clean Air register Grills		X		
17.	Check Compressor Oil Levels		X		

EXHIBIT

D

Guam Department of Education
Office of Supply Management
Government of Guam

Bid Number

IFB 008-2013

Closing Date:

3/28/2013

Time:

10:00 AM

ABSTRACT OF BIDDERS (continued)

Description of Supplies or Services
Indefinite Quantity Bid for
Purchase of Air Conditioning
Equipment

BIDDER(S)	Item No. 2		Item No. 3		Item No. 4		Item No. 5					
	D	Qty. ea	A	B	C	D	Qty. ea	Qty. ea				
1 JCB Modern Tech	22,126.00		\$2,167.00	\$1,600.00	\$1,698,917.00	\$977,317.00	\$2,740.00	\$1,600.00	\$3,744,080.00	\$2,361,880.00	\$2,882.00	\$1,600.00
2 Johnson Controls	38,939		\$3,051.00	546.00	1,622,007.00	1,375,851.00	3,747.00	695.00	3,829,118.00	3,229,718.00	3,795.00	695.00
3 JMI Edison	17,914		1,541 -	383 -	867,724.00	694,991.00	2,350 -	383.00	2,355,846.00	2,025,700.00	2,465	383.00
									(new installation)	9 ea	17,765	383

Guam Department of Education
Office of Supply Management
Government of Guam

Bid Number
IFB 008-2013
Closing Date:
3/28/2013
Time:
10:00 AM

ABSTRACT OF BIDDERS (continued)

Description of Supplies or Services
Indefinite Quantity Bid for
Purchase of Air Conditioning
Equipment

BIDDER(S)	Item No. 5				Item No. 6				Item No. 7				Item No. 8			
	C	D	A	B	C	D	A	B	C	D	A	B	C	D	A	
1 J & B Modern Tech	1,564,218	1,905,818	5,149	1,600	209,219	159,619	5,187	1,600	1,601,732	1,224,132					7,288	
2 Johnson Control	1,567,205	1,324,522	10,667	819	356,048	380,662	9,612	819	2,461,707	2,268,447					12,746	
3 JMI Edison	968,320	838,100	10,367	383	10,750	10,367	7,172	383	1,571,440	1,491,776					10,977	
	163,332	159,885	10,522	383	327,150	35,660	7,816	383	147,582	140,638					11,105	
							23,472	383	238,750	234,920						

**Guam Department of Education
Office of Supply Management
Government of Guam**

Bid Number: IFB 008-2013
Closing Date: 3/29/2013
Time: 10:00 AM

ABSTRACT OF BIDDERS (continued)

Description of Supplies or Services Indefinite Quantity Bid for Purchase of Air Conditioning Equipment	Item No. 8				Item No. 9				Item No. 10				Item No. 11				
	B	C	D	Qty. 2 ea.	A	B	C	D	A	B	C	D	A	B	C	D	Item No. 11 Qty. 11 ea
1. JCB Modern Tech	\$1,600	79,992	65,592		\$7,211.00	\$1,600.00	17,622	14,422	\$9,376	\$1,600.00	109,760	93,760					
2. Johnson Control	966 -	123,440 -	114,717 -		14,716 -	966 -	31,364 -	29,432 -	15,256 -	966 -	162,222	152,584					
3. JMI Edison	383	11,354	10,971		10,029	383.00	20,824	20,058	13,619	612 -	28,462	27,238					
	383	91,904	88,840						(8) 13,753	612 -	114,920	110,024					

Guam Department of Education
Office of Supply Management
Government of Guam

Bid Number
IFB 008-2013
Closing Date: 3/28/2013
Time: 10:00 AM

ABSTRACT OF BIDDERS (continued)

Description of Supplies or Services
Indefinite Quantity Bid for
Purchase of Air Conditioning
Equipment

BIDDER(S)

Item No. 11	Item No. 12				Item No. 13							
	A	B	C	D	A	B	C	D				
1	12,551 -	1,600 -	155,661 -	138,061	13,066	1,600	87,996	78,396	17,694	1,600	135,058	123,858
2	24,092	966 -	275,635	265,011	21,500 -	966 -	134,797	129,002	30,761	966 -	222,091	215,330
3	20,557	867	235,664	226,127	(1) 18,872	867	10,739	18,872	24,243	1,117	177,520	169,701
					(5) 18,924	867	98,955	94,620				

**Guam Department of Education
Office of Supply Management
Government of Guam**

Bid Number: IFB 008-2013
Closing Date: 3/28/2013
Time: 10:00 AM

ABSTRACT OF BIDDERS (continued)

Description of Supplies or Services
Indefinite Quantity Bid for
Purchase of Air Conditioning
Equipment

BIDDER(S)	Item No. 14		Item No. 15		Item No. 16		Item No. 17				
	Qty. 5 ea.	ea.	Qty. 9 ea.	ea.	Qty. 1 ea.	ea.	Qty. 2 ea.	ea.			
1 J & B Modern Tech	16,785	1,600	91,975	83,925	30,557	1,600	289,359	274,959	52,310	1,600	80,305
									52,310.00		
									52,310.00		
2 Johnson Contro	25,825	966	133,954	129,125	27,378	966	255,093	246,400	67,926	1,170	104,438
									67,926		
									67,926		
3 JMI Edison	22,984	1,117	120,505	114,920	35,038	1,372	327,610	315,342	83,747	2,672	142,427
									83,747		
									83,747		

Guam Department of Education
Office of Supply Management
Government of Guam

Bid Number

IFB 008-2013

Closing Date:

3/28/2013

Time:

10:00 AM

ABSTRACT OF BIDDERS (continued)

Description of Supplies or Services
Indefinite Quantity Bid for
Purchase of Air Conditioning
Equipment

BIDDER(S)

Item No. 17 Qty. 2 ea.	B	C	D	Item No. 18 Qty. 1 ea.				Item No. 19 Qty. 2 ea.	A	B	C	D
				A	B	C	D					
1	1600	163,810	160,610	125,313	1,600	126,973	125,313	154,338	1,600	311,876	308,676	
2	1,170	211,216	208,876	122,857	1,170	124,021	122,857	146,361	2,575	297,872	292,723	
3	2,091	289,036	284,854	176,360	3,137	179,497	176,360	170,586	10,149	361,470	341,172	

**Guam Department of Education
Office of Supply Management
Government of Guam
ABSTRACT OF BIDDERS**

Bid Number

IFB 008-2013

Closing Date:

28-Apr-13

Time:

10:00 AM

Description of Supplies or Services

Indefinite Quantity Bid for Purchase of Air Conditioning Equipment

BIDDER(S)

ack pacific

Original () Copy () CD ()

Proprietary ()

Attachment B

C13, C40, C51

Acceptance Time

9:57am

Delivery Acceptance

Item No. 1 Qty. 144 ea.	A	B	C	D	E	F	G	H
	✓	✓	✓	✓	✓	✓	✓	✓

Item No. 2 Qty. 13 ea.

2,244.74

1,679.06

564,494.91

322,810.92

2,707.69

1,678.92

57,025

I hereby certify that all BIDS received in response to this BID were opened under my personal supervision and that the same as of all bidders have been entered hereon

Paula Bagay *Paula Bagay* (Signature) Carmen Taitano

TABULATED BY *Paula Bagay* (Signature) Carmen Taitano

DATE: 28-Mar-13

4 Amendments issued / 3 Clarifications issued

LEGEND(S)

- (A) Bid Bond Form (15%)
- (B) Affidavit Disclosing Ownership and Commissions
- (C) Non Collusion Affidavit
- (D) U.S. DOL Wage Determination
- **Attachment B "Certification Form" (), C13 (), C40 (), C51 ()

- (E) Sex Offenders Compliance Affidavit
- (F) No Gratuities or Kickbacks Affidavit
- (G) Ethical Standards Affidavit
- (H) Contingent Fees Affidavit

Guam Department of Education
Office of Supply Management
Government of Guam

Bid Number IFB 008-2013
Closing Date: 3/28/2013
Time: 10:00 AM

ABSTRACT OF BIDDERS (continued)

Description of Supplies or Services
Indefinite Quantity Bid for
Purchase of Air Conditioning
Equipment

BIDDER(S)

Item No. 5	C	D	Item No. 6				Item No. 7	A	B	C	D	Item No. 8	Qty. 9 ea
			Qty. 31 ea	A	B	C							
1	1,866,240.32	1,300,248.26	9,394.71	1,679.05	343,286.26	291,236.91	9190-07	1,679.12	2,565,728.20	2,168,816.52			12,819.89
2													
3													

Guam Department of Education
Office of Supply Management
Government of Guam

Bid Number
IFB 008-2013

Closing Date:
3/28/2013

Time:
10:00 AM

ABSTRACT OF BIDDERS (continued)

Description of Supplies or Services Indefinite Quantity Bid for Purchase of Air Conditioning Equipment	Item No. 8	Item No. 9				Item No. 10				Item No. 11					
		B	C	D	Qty. 2 ea.	A	B	C	D	Qty. 10 ea.	A	B	C	D	Qty. 11 ea.
1 DCK		1,679.03	130,490.27	115,379.01	14,332	1,679.13	32,023.48	28,664.1	14,029.60	1,678.87	157,084.70	140,296.00			
2															
3															

Guam Department of Education
Office of Supply Management
Government of Guam

Bid Number
IFB 008-2013
Closing Date:
3/28/2013
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10:00 AM

ABSTRACT OF BIDDERS (continued)

Description of Supplies or Services
Indefinite Quantity Bid for
Purchase of Air Conditioning
Equipment

BIDDER(S)	Item No. 11				Item No. 12				Item No. 13			
	A	B	C	D	A	B	C	D	A	B	C	D
1 DCR	22,676.82	1,679.16	2,779,957.74	249,445.02	21,490.17	1,679.03	139,015.14	128,944.02	24,329.14	1,678.88	182,053.77	170,808.14
2												
3												

Guam Department of Education
Office of Supply Management
Government of Guam

Bid Number
IFB 008-2013
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ABSTRACT OF BIDDERS (continued)

Description of Supplies or Services
Indefinite Quantity Bid for
Purchase of Air Conditioning
Equipment

BIDDER(S)

Item
No. 14
Qty. 5
ea.

Item
No. 15
Qty. 9
ea.

Item
No. 16
Qty. 1
ea.

Item
No. 17
Qty. 2
ea.

1 DCK

A 25,439.40

B 1679.31

C 135,978.59

D 127,197.00

A 28,305.79

B 1,679.09

C 269,883.23

D 254,752.00

A 102,340

B 1,677.63

C 104,017

D 102,340

A 173,587

B

C

D

2

3

Guam Department of Education
Office of Supply Management
Government of Guam

Bid Number
IFB 008-2013
Closing Date:
3/28/2013
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10:00 AM

ABSTRACT OF BIDDERS (continued)

Description of Supplies or Services
Indefinite Quantity Bid for
Purchase of Air Conditioning
Equipment

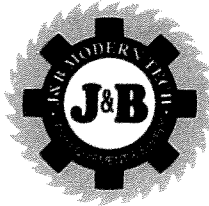
BIDDER(S)

Item No. 17 Qty. 2 ea.	B	C	D	Item No. 18 Qty. 1 ea.	A	B	C	D	Item No. 19 Qty. 2 ea.	A	B	C	D
1	1679.73	250.534	347.175	240.941	1677.63	242.618	242.944	300.477	8271.03	671,496.00	600.954	-	-
2													
3													

1 DCK

EXHIBIT

E



J&B MODERN TECH

P.O. BOX 9788 TAMUNING, GUAM, U.S.A. 96931

TEL: (671) 646-0588 / 646-3346 / 646-4435

FAX: (671) 646-0589

SUMMARY

IFB-008-2013

3/28/2013

ITEM	J & B	J M I	JOHNSON CONTROL	DCK
1	\$ 213,480.00	\$ 162,576.00	\$ 351,047.00	\$ 322,810.56
2	\$ 22,126.00	\$ 17,914.00	\$ 38,939.00	\$ 35,199.97
3	\$ 977,317.00	\$ 694,991.00	\$ 1,375,851.00	\$ 1,284,687.03
4	\$ 2,361,880.00	\$ 2,025,700.00	\$ 3,229,718.00	\$ 3,004,268.26
5	\$ 1,005,818.00	\$ 838,100.00 \$ 159,885.00	\$ 1,324,522.00	\$ 1,300,248.36
6	\$ 159,619.00	\$ 10,367.00 \$ 315,660.00	\$ 330,662.00	\$ 291,236.01
7	\$ 1,224,132.00	\$ 1,491,776.00 \$ 140,688.00 \$ 234,920.00	\$ 2,268,447.00	\$ 2,168,856.52
8	\$ 65,592.00	\$ 10,971.00 \$ 88,840.00	\$ 114,717.00	\$ 115,379.01
9	\$ 14,422.00	\$ 20,058.00	\$ 29,432.00	\$ 26,664.00
10	\$ 93,760.00	\$ 27,238.00 \$ 110,024.00	\$ 152,564.00	\$ 140,296.00
11	\$ 138,061.00	\$ 226,127.00	\$ 265,011.00	\$ 249,445.02
12	\$ 78,396.00	\$ 18,872.00 \$ 94,620.00	\$ 129,002.00	\$ 128,941.02
13	\$ 123,858.00	\$ 169,701.00	\$ 215,330.00	\$ 170,303.98
14	\$ 83,925.00	\$ 114,920.00	\$ 129,125.00	\$ 127,197.00
15	\$ 274,959.00	\$ 315,347.00	\$ 246,400.00	\$ 254,752.02
16	\$ 52,310.00	\$ 83,747.00	\$ 67,926.00	\$ 102,340.00
17	\$ 160,610.00	\$ 284,854.00	\$ 208,876.00	\$ 347,175.00
18	\$ 125,373.00	\$ 176,360.00	\$ 122,857.00	\$ 240,941.00
19	\$ 308,676.00	\$ 341,172.00	\$ 292,723.00	\$ 600,954.00
TOTAL	\$ 7,484,314.00	\$ 8,175,428.00	\$ 10,893,149.00	\$ 10,911,694.76
TOTAL DIFF.		\$ 691,114.00	\$ 3,408,835.00	\$ 3,427,380.76

EXHIBIT

F

Recie Camposano

From: John V. Leon Guerrero (Facilities & Maintenance) [jvleonguerrero@gdoe.net]
Sent: Monday, January 07, 2013 9:13 AM
To: Alex Salazar
Cc: Recie Camposano; Andrew S. Leon Guerrero; Billy P. Cruz; Eunice Aflague; Jacinto R. "Jay-R" Estella
Subject: Re: Southern High School

On Wed, Dec 26, 2012 at 11:25 AM, John V. Leon Guerrero (Facilities & Maintenance) <jvleonguerrero@gdoe.net> wrote:

Good Morning Alex, This is regarding your findings at Southern High School. Our Technicians made their assessment and found that the disconnect switches at bldg. 3000 are non-fusible. Also, according to your first Tech. (Johnny) He informed me that there is a freon leak on the condenser coil, but in order for him to locate the leak, we would need to flush coils so that detection would be more visible. He also mentioned that the type of coil is an aluminum coil, and are really hard and almost impossible to repair. So please help us in resolving this issue. Please also give us the findings of what the second Tech. discovered.

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

From: John V. Leon Guerrero (Facilities & Maintenance) <jvleonguerrero@gdoe.net>
Date: Wed, Dec 26, 2012 at 8:26 AM
Subject: Fwd: Southern High School
To: "Andrew S. Leon Guerrero" <aleonguerrero@gdoe.net>

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

From: Alex Salazar <ASalazar@jbmoderntech.com>
Date: Thu, Dec 20, 2012 at 5:17 PM
Subject: RE: Southern High School
To: Recie Camposano <RCamposano@jbmoderntech.com>, "John V. Leon Guerrero (Facilities & Maintenance)" <jvleonguerrero@gdoe.net>
Cc: "Billy P. Cruz" <bpcruz@gdoe.net>, Gene Bangayan <GeneBangayan@jbmoderntech.com>

Greetings John

This is in response to your call for the A/C unit at bldg. 3000 Southern High.

As we got your first service call dated November 29, 2012, we sent our technician to verify the problem of the unit if it was a warranty issue. J & B technician found the condenser coils were dirty and made notation on his report of a suspicious system leak, left the site not doing any type of repair.

On December 10 we sent another technician to verify if the unit really have a leak, no leak was found. This technician requested our office to perform cleaning of the unit in order to identify the real problem, he was prohibited due to J & B Modern Tech do not have maintenance contract with DOE on this unit. In lieu, he was sent back the next day to do the best he can to make the unit run, that he did.

It was noticed during the December 11 visit that the fuse at disconnect switch were missing and somebody, not from J & B Modern Tech, installed wire jumpers, which is a clear indication somebody, other than J & B personnel were performing work on this particular A/C unit, which is in violation to the warranty clause.

Please to inform you that J & B Modern tech voided the warranty of this A/C unit at bldg. 3000, Southern High due to unauthorized repair by other personnel.

Very Truly

Alexander Salazar

From: Recie Camposano
Sent: Thursday, December 20, 2012 1:33 PM
To: Alex Salazar
Subject: FW: Southern High School

Following up on the warranty.

From: John V. Leon Guerrero (Facilities & Maintenance) [jvleonguerrero@gdoe.net]
Sent: Thursday, December 20, 2012 10:53 AM
To: Recie Camposano
Cc: Andrew S. Leon Guerrero
Subject: Southern High School

Hi Resi, I am just following up on the warranty issue with the A/C unit in bldg.3000. Your Technicians came out last week to do repairs, but until now, the unit is not working properly. Please get back with me on this issue so that i can give the school a progress report.

--

John V. Leon Guerrero Tel. 475-0616 E-Mail: jvleonguerrero@gdoe.net

Building Maintenance Supervisor

162 North Marine Corps Drive Piti, Guam 96915

--

John V. Leon Guerrero Tel. 475-0616 E-Mail: jvleonguerrero@gdoe.net

Building Maintenance Supervisor

162 North Marine Corps Drive Piti, Guam 96915

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John V. Leon Guerrero Tel. 475-0616 E-Mail: jvleonguerrero@gdoe.net

Building Maintenance Supervisor

162 North Marine Corps Drive Piti, Guam 96915

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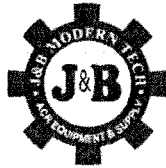
John V. Leon Guerrero Tel. 475-0616 E-Mail: jvleonguerrero@gdoe.net

Building Maintenance Supervisor

162 North Marine Corps Drive Piti, Guam 96915

EXHIBIT

G



J&B MODERN TECH

ACR EQUIPMENT AND SUPPLIES

P.O. BOX 9788 TAMUNING, GUAM, U.S.A. 96931
 TELEPHONE : (671) 646-0588 / 646-4435 / 646-3346
 FAX : (671) 646-0589

020575

SERVICE ORDER

PREVENTIVE MAINTENANCE
 REPAIR
 INSTALLATION

CUSTOMER : <u>Southern High School</u>	BRAND MAKE : <u>York</u>
LOCATION : <u>Bldg. 3000 (Lower 3000)</u>	MODEL NO. : <u>4C300C00A4AAA1A</u>
CALLED BY : _____	SERIAL NO. : <u>MC2620245</u>
DATE CALLED : _____	PROBLEM : <u>Not cooling</u>

WORKS PERFORMED: Troubleshoot unit & found low charge in system refrigerant.
POSSIBLE REFRIGERANT LEAK AT CONDENSER coil. Needs preventive
maintenance.

MATERIALS USED:

ITEM	DESCRIPTION	QTY.	UNIT PRICE	EXT. AMT.	MARK-UP	TOTAL AMT.

LABOR:

REMARKS:

DATE	SERVICE TECHNICIANS	NO. OF HOUR	
<u>11-29-12</u>	<u>Johnson / BR...</u>	<u>2.5 / 2.5</u>	

ACCEPTED/NOTED BY

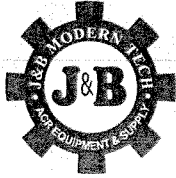
NAME IN PRINT: T. San Miguel

SIGNATURE: [Signature]
AUTHORIZED REPRESENTATIVE

DATE: 11/29/12

EXHIBIT

H



J&B MODERN TECH

ACR EQUIPMENT AND SUPPLIES

P.O. BOX 9788 TAMUNING, GUAM, U.S.A. 96931
TELEPHONE : (671) 646-0588 / 646-4435 / 646-3346
FAX : (671) 646-0589

020581

SERVICE ORDER

PREVENTIVE MAINTENANCE REPAIR INSTALLATION

CUSTOMER : Benevento miod slt BRAND MAKE : RIFOM
LOCATION : Cafeteria MODEL NO. : PAWL-240~~0~~-CAZ
CALLED BY : _____ SERIAL NO. : 7931F471103048
DATE CALLED : _____ PROBLEM : _____

WORKS PERFORMED: Checked unit found out transformer trip off
troubleshoot, start up unit & reset transformer, checked
refrigerant pressures ok, checked compressor amps Reading
ok, checked evaporator found out air filter dirty.
Observed unit for normal coding and running condition

MATERIALS USED:

ITEM	DESCRIPTION	QTY.	UNIT PRICE	EXT. AMT.	MARK-UP	TOTAL AMT.

LABOR:

REMARKS:

DATE	SERVICE TECHNICIANS	NO. OF HOUR	
<u>11-01-12</u>	<u>Alister V.</u>	<u>3.0</u>	
	<u>PEY C.</u>	<u>3.0</u>	
	TOTAL HOURS:		
	@ \$	\$	

ACCEPTED/NOTED BY

SIGNATURE: _____

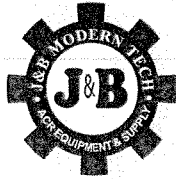
NAME IN PRINT: Al Guerrero

DATE: _____

11/01/12

EXHIBIT

I



J&B MODERN TECH
 ACR EQUIPMENT AND SUPPLIES
 P.O. BOX 9788 TAMUNING, GUAM, U.S.A. 96931
 TELEPHONE : (671) 646-0588 / 646-4435 / 646-3346
 FAX : (671) 646-0589

020580

SERVICE ORDER

PREVENTIVE MAINTENANCE REPAIR INSTALLATION

CUSTOMER : Beravente middle Sch. BRAND MAKE : Pittom
 LOCATION : Cateturia. MODEL NO. : RAW-24-OCAZ
 CALLED BY : _____ SERIAL NO. : 7931F481102539
 DATE CALLED : _____ PROBLEM : _____

WORKS PERFORMED: Evaporator coil was Dirty Filty. that Causes air Restriction
Passing thru the coil, Unit is Equipped with Thermal expansion Valve
as Heat absorption at the coil decrease, TXV will close, Compressor
Continuously running created a Super high Pressure that Resulted
Break-out on Weld, Evacuated the System Repair broken connection, Cleaned
Evaporator coil unit, Pressure Leak test to 200 PSI w/ nitrogen, Vacuumed
System, charge new refrigerant and put back the unit in Operation
 MATERIALS USED:

ITEM	DESCRIPTION	QTY.	UNIT PRICE	EXT. AMT.	MARK-UP	TOTAL AMT.
①	4/10 FRON	50 BS				
②	Nitrogen					
③	Silver Rod	1 EA				
④	Oxy/Acetyln					

LABOR: _____ REMARKS: _____

DATE	SERVICE TECHNICIANS	NO. OF HOUR
11-20-12	ALBERT V.	3.0
	PEY E.	3.0
11-21-12	ALBERT V.	5.0
	PEY E.	5.0
11-26-12	ALBERT V.	2.0
	MIKE E.	2.0
	TOTAL HOURS:	
	@ \$	\$

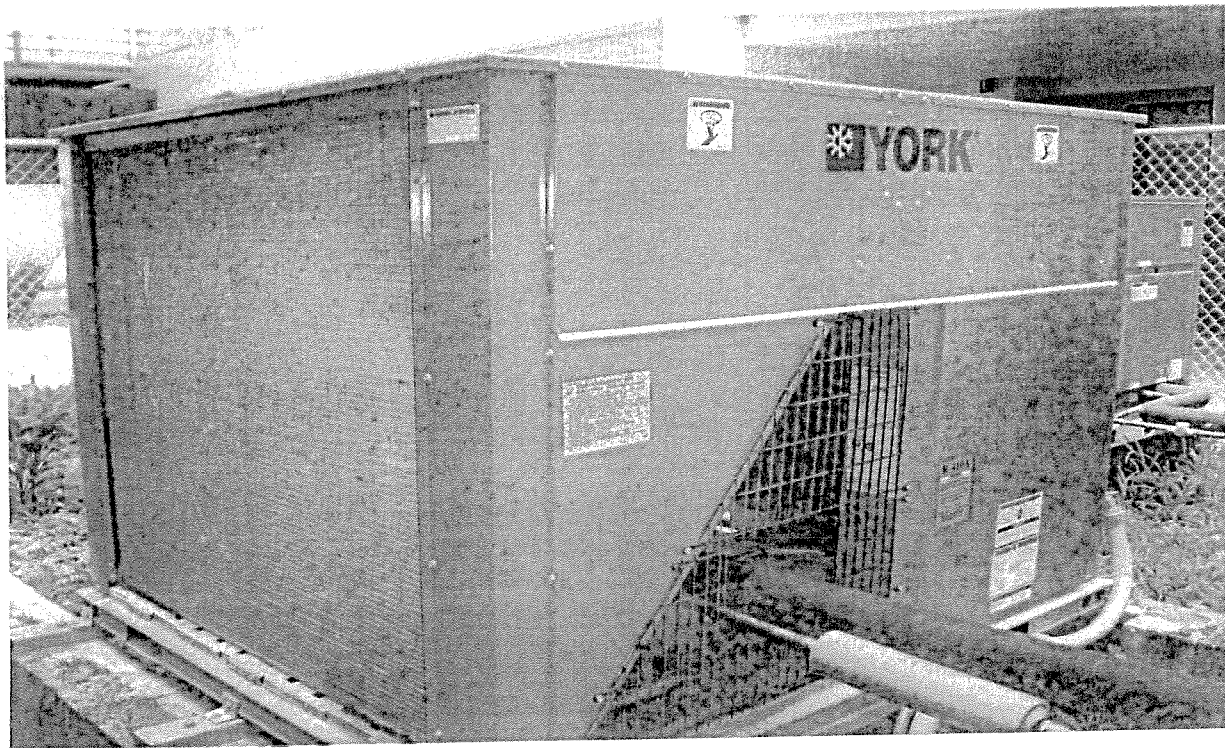
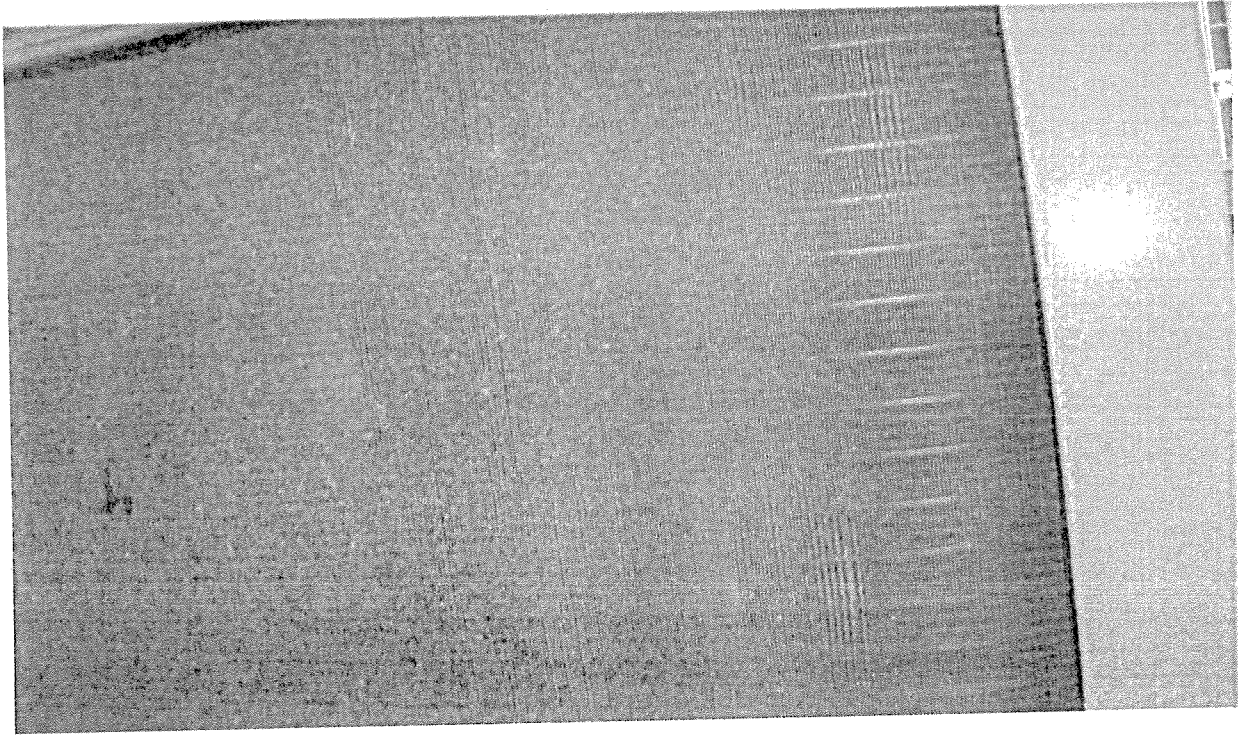
ACCEPTED/NOTED BY: _____ NAME IN PRINT: Al Guerrero
 SIGNATURE: [Signature] DATE: 11/26/12

EXHIBIT

J

EXHIBIT

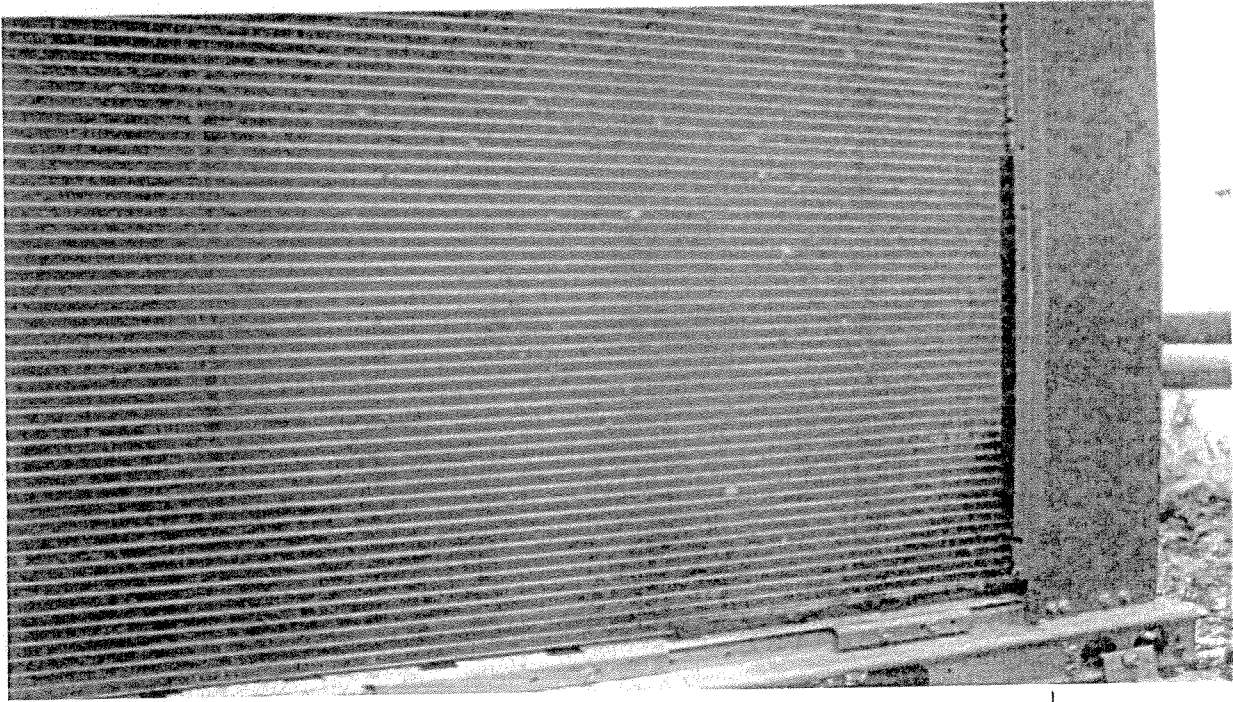
K



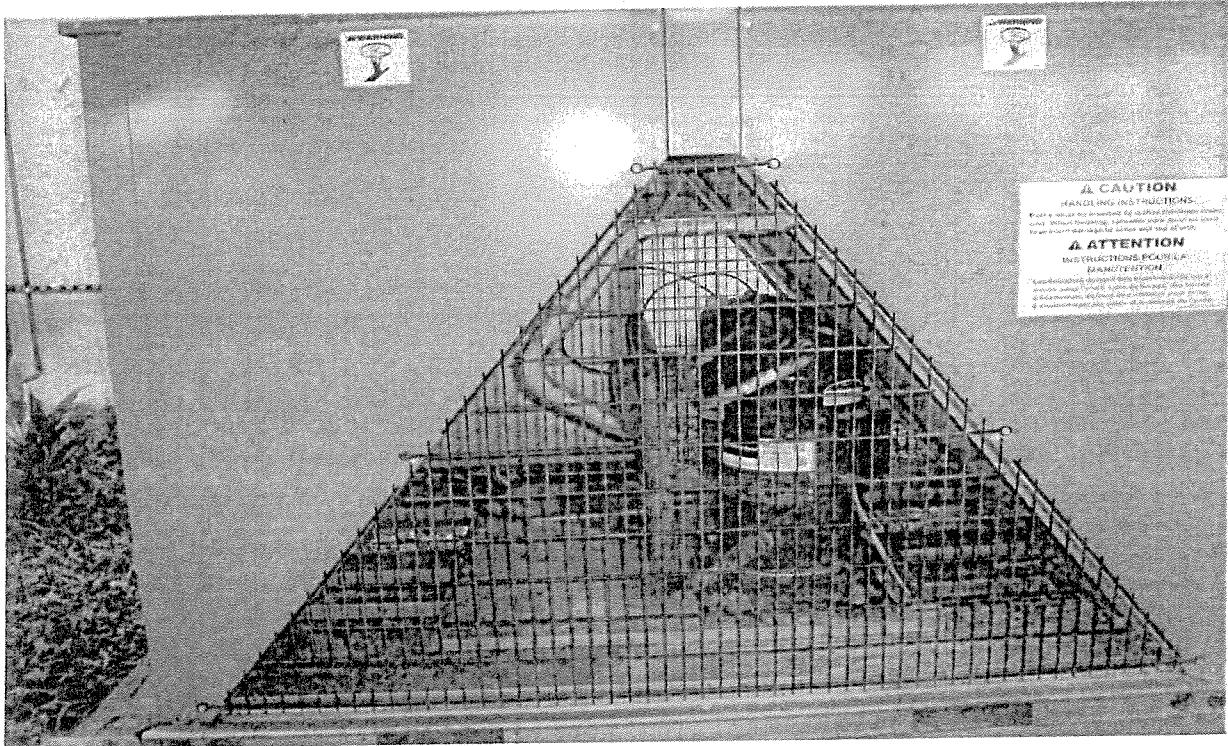
BLDG 7010

-757

SAS



↓
25T = BLDG 3000
↑



CAUTION
HANDLING INSTRUCTIONS:
This device is designed for use in a controlled environment. It is not to be used in a normal laboratory setting and should not be used for any other purpose.
ATTENTION
INDICATORS FOR THE
BANK/TESTING

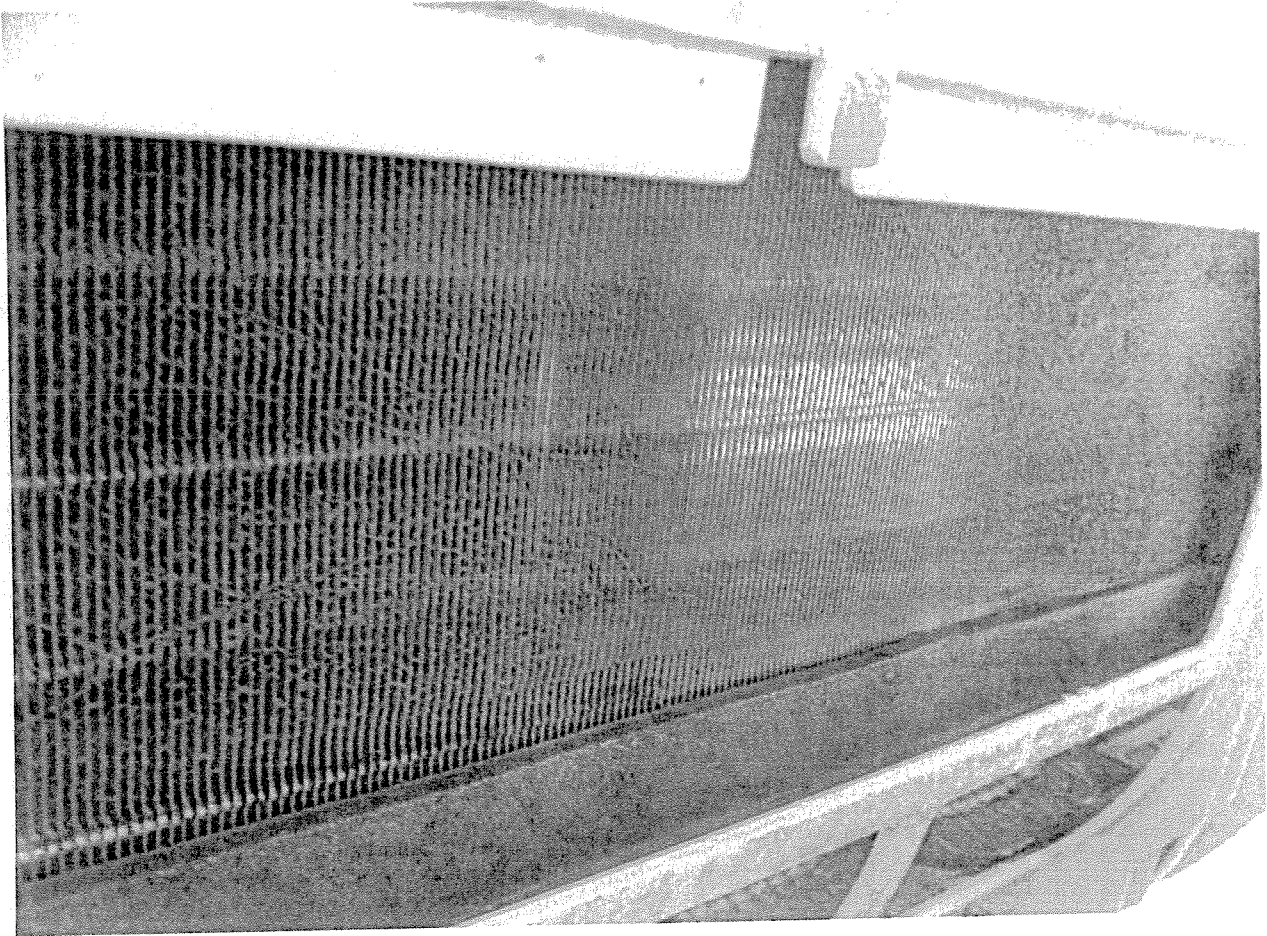
S H S

EXHIBIT

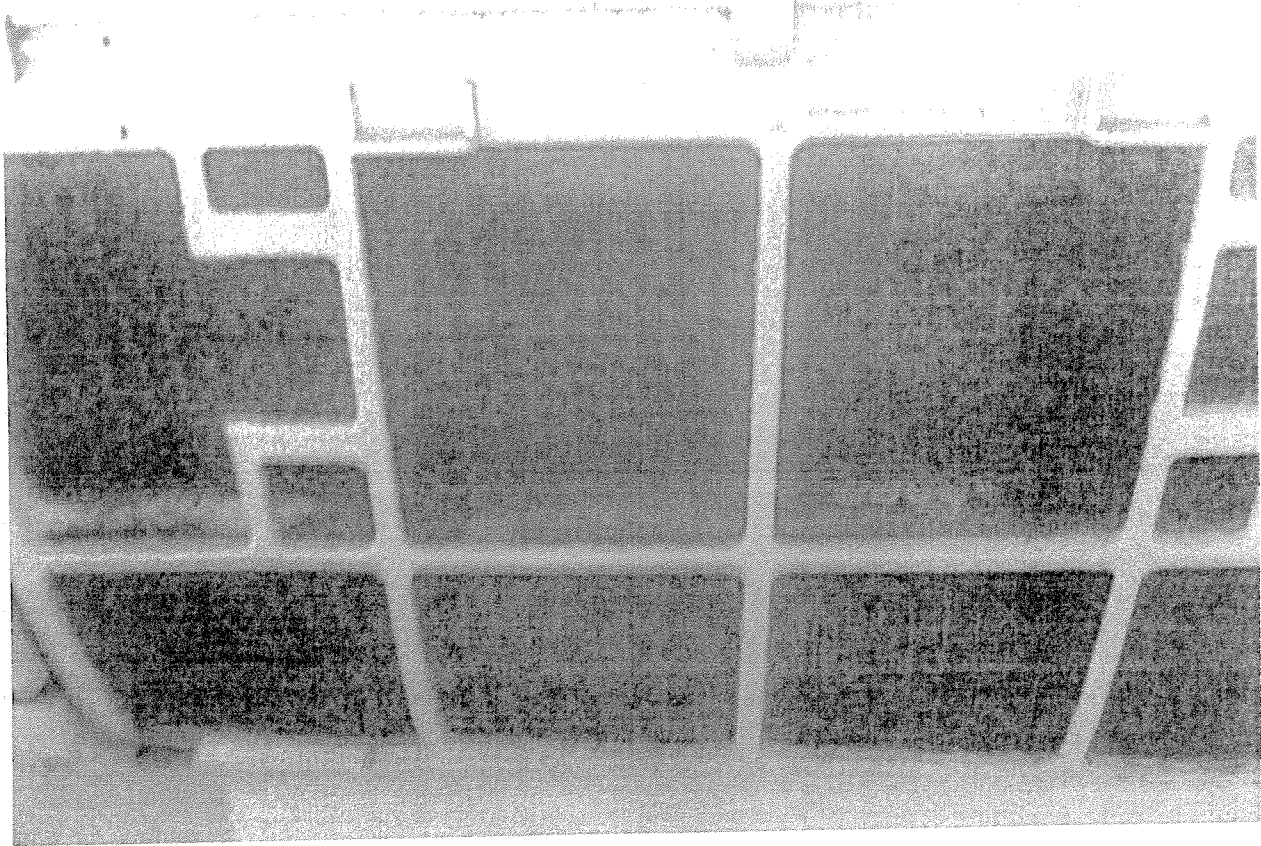
L

EXHIBIT

M



AGUEDD JOHNSON MID. SCH
ROOM # MAIN OFFICE
36000 BTU
EVAPORATOR COIL



AGUEDA JOHNSON MID SEN.
ROOM - MAIN OFFICE
3600 BTU
AHU - FILTER

EXHIBIT

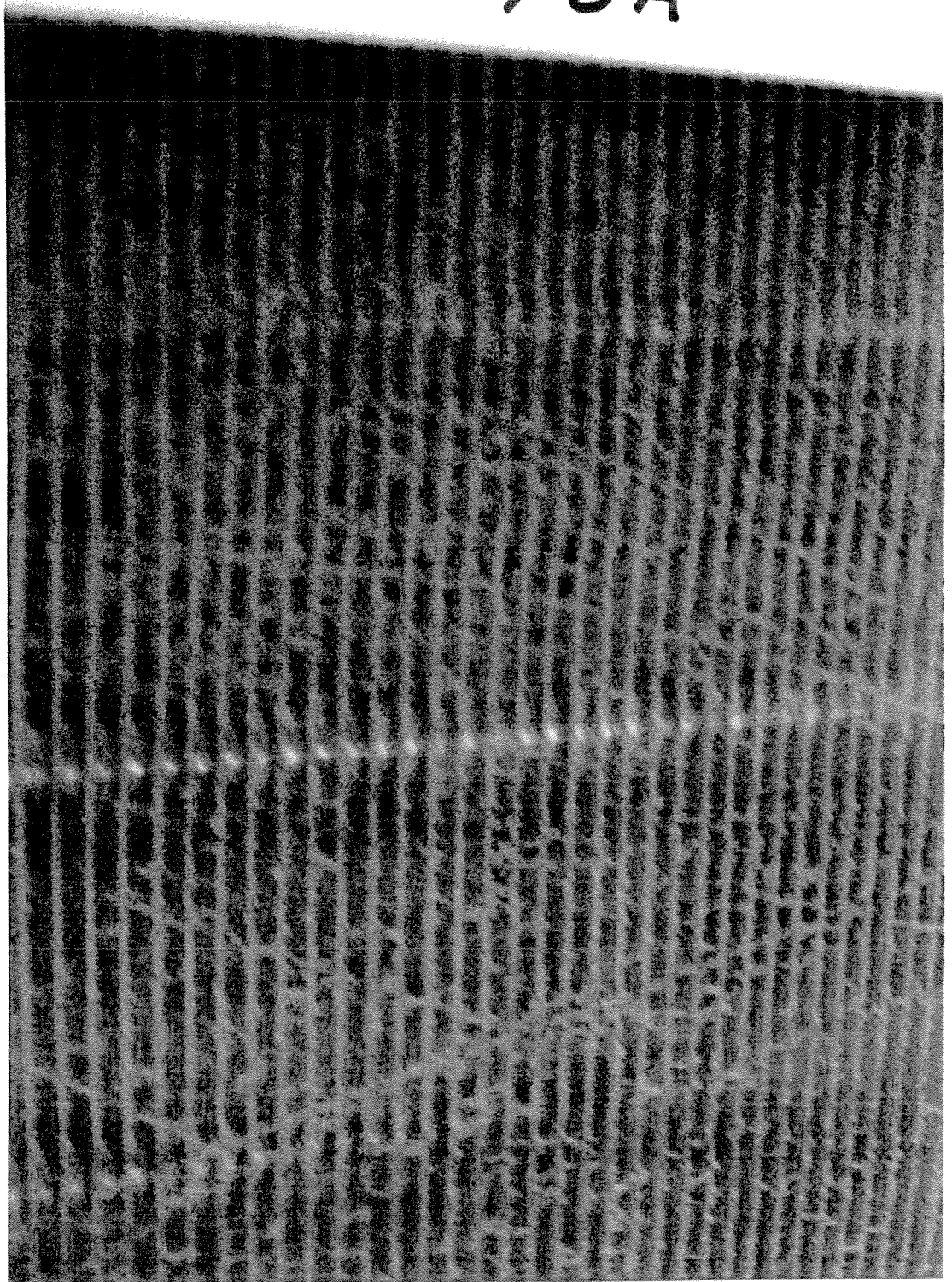
N

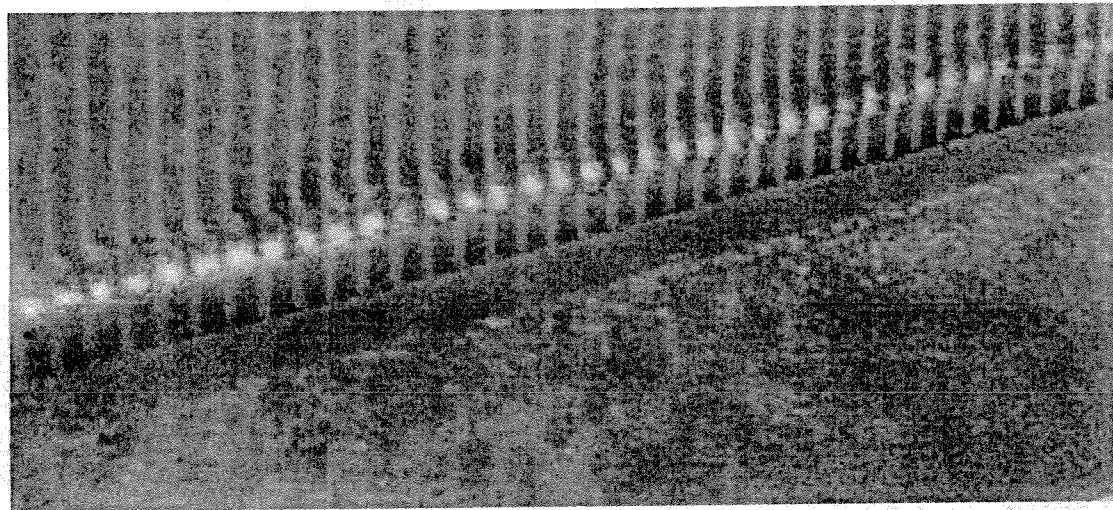
EXHIBIT

O

PRICE ELEM. SCH.
3000 BTU
ROOM - G-8A

CONDENSER 2011

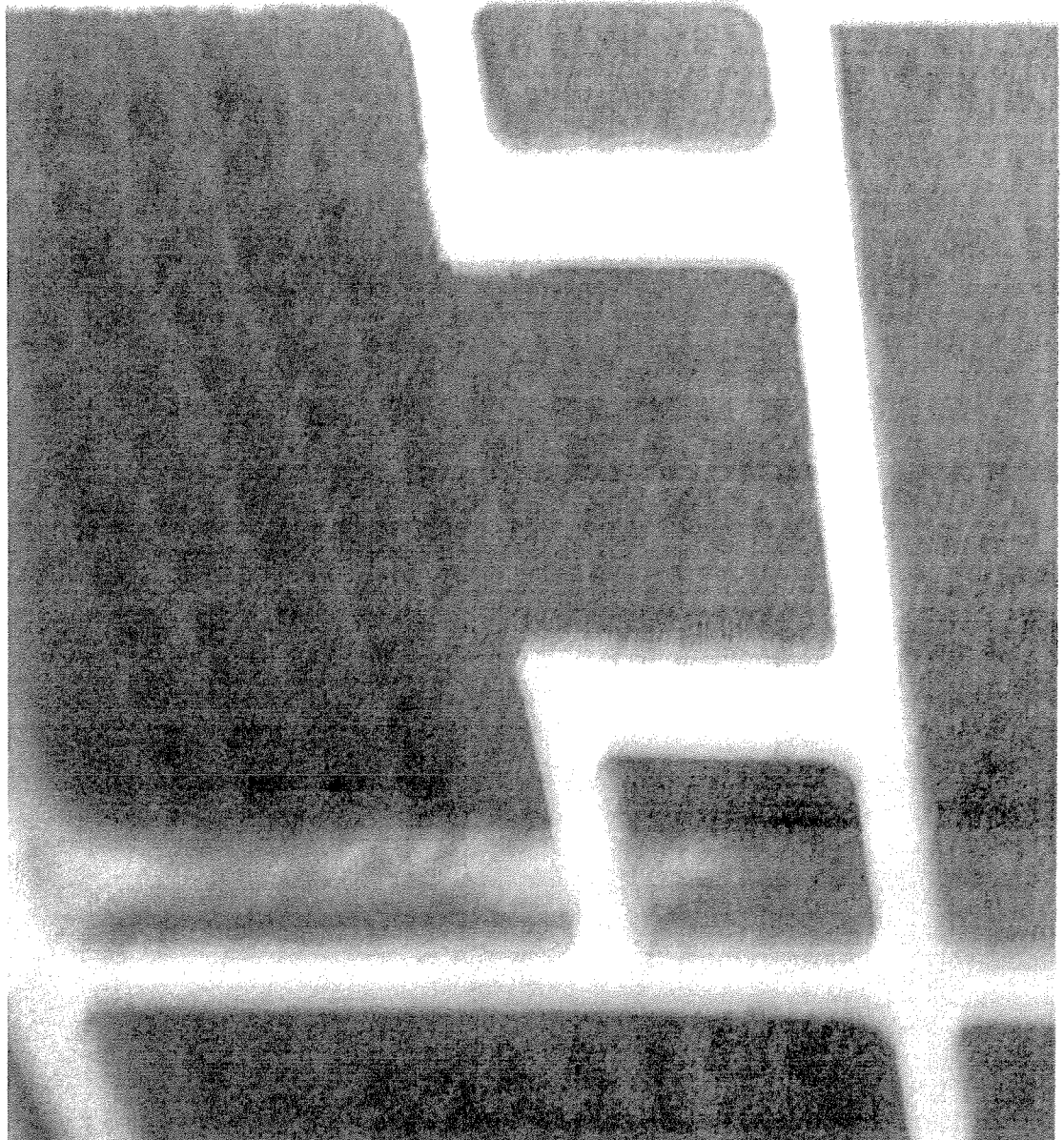




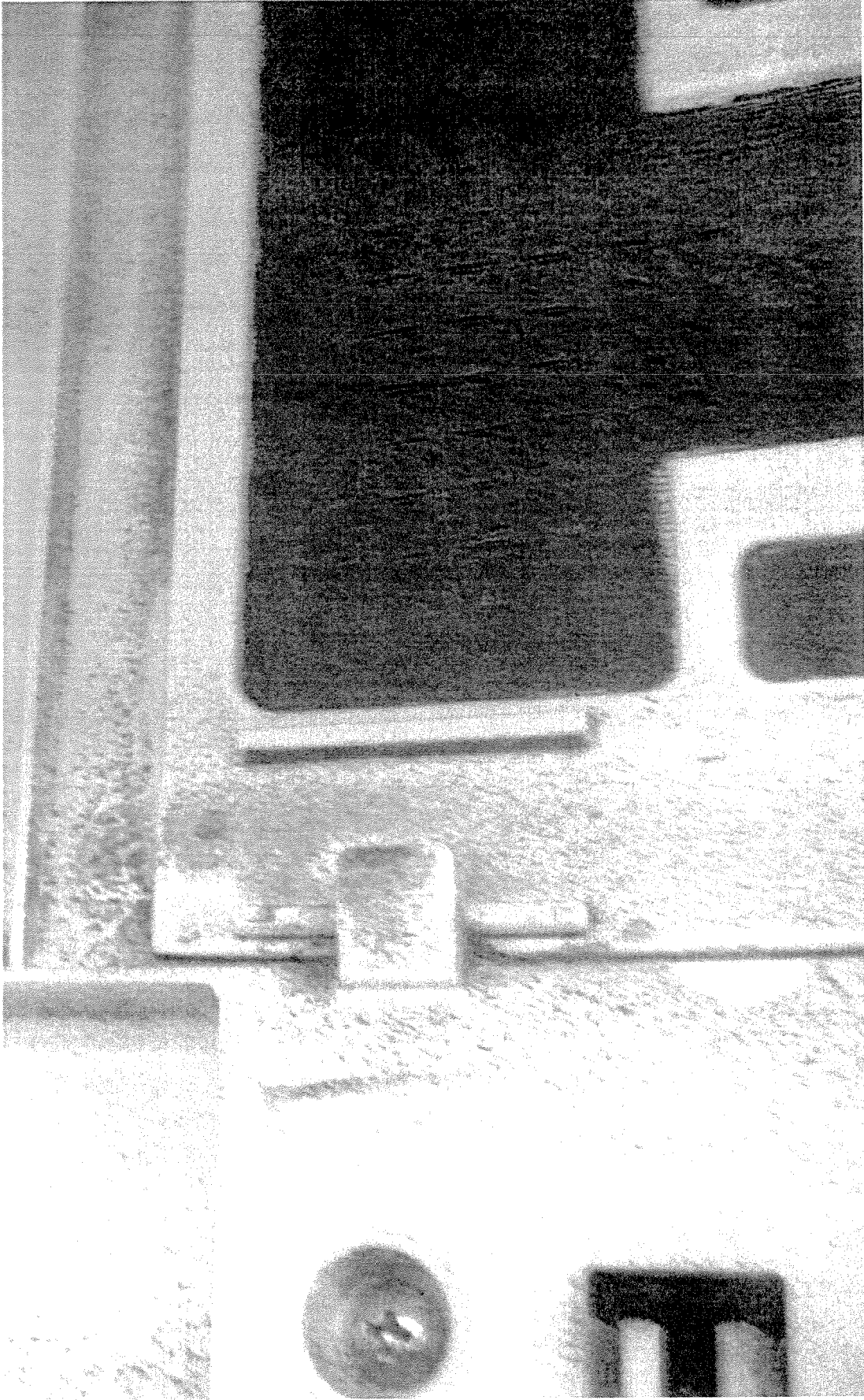
PRICE ELEM SCH
30000 BTU
RM # G-8-D

EVAPORATOR COIL

PRICE ELEM. SCH.
30000 BTU - AHU -
RM # G-8A FILTER



PRICE ELEM AHU - FILTER
RM - G-8-A





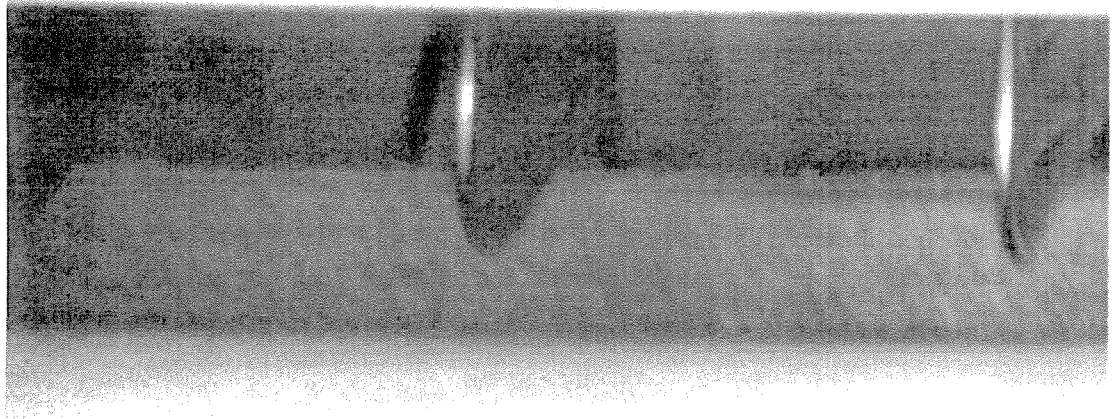
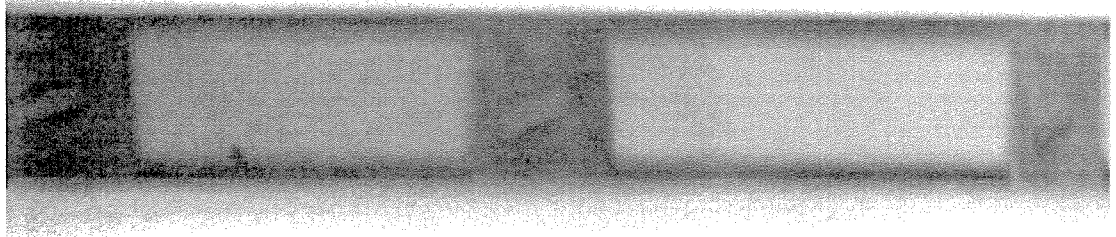
AHU - FILTER

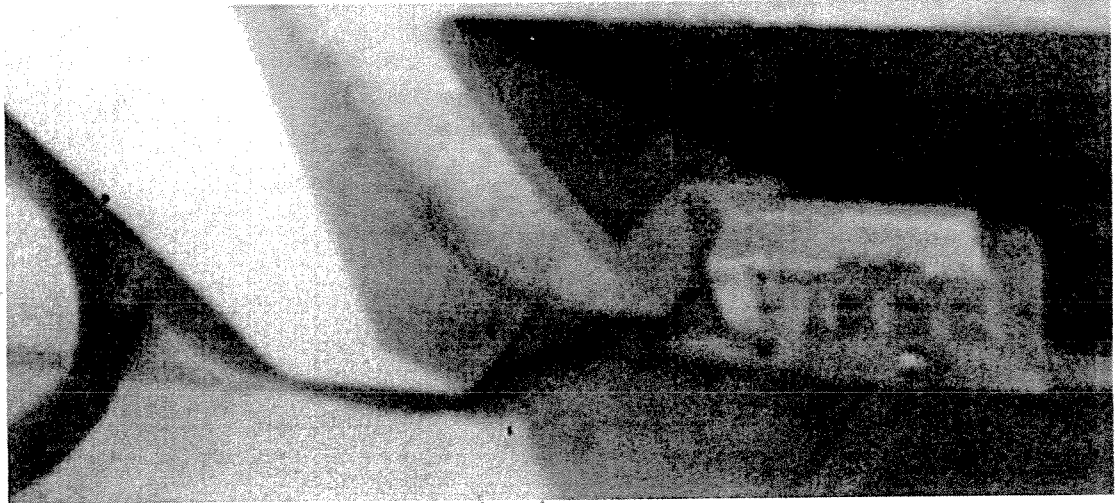
PRICE ELEM

3000 BTU

RM-#G8-A

PRICE ELEM SCH
30000 BTU
AHU - BLOWER
RM# G-8A



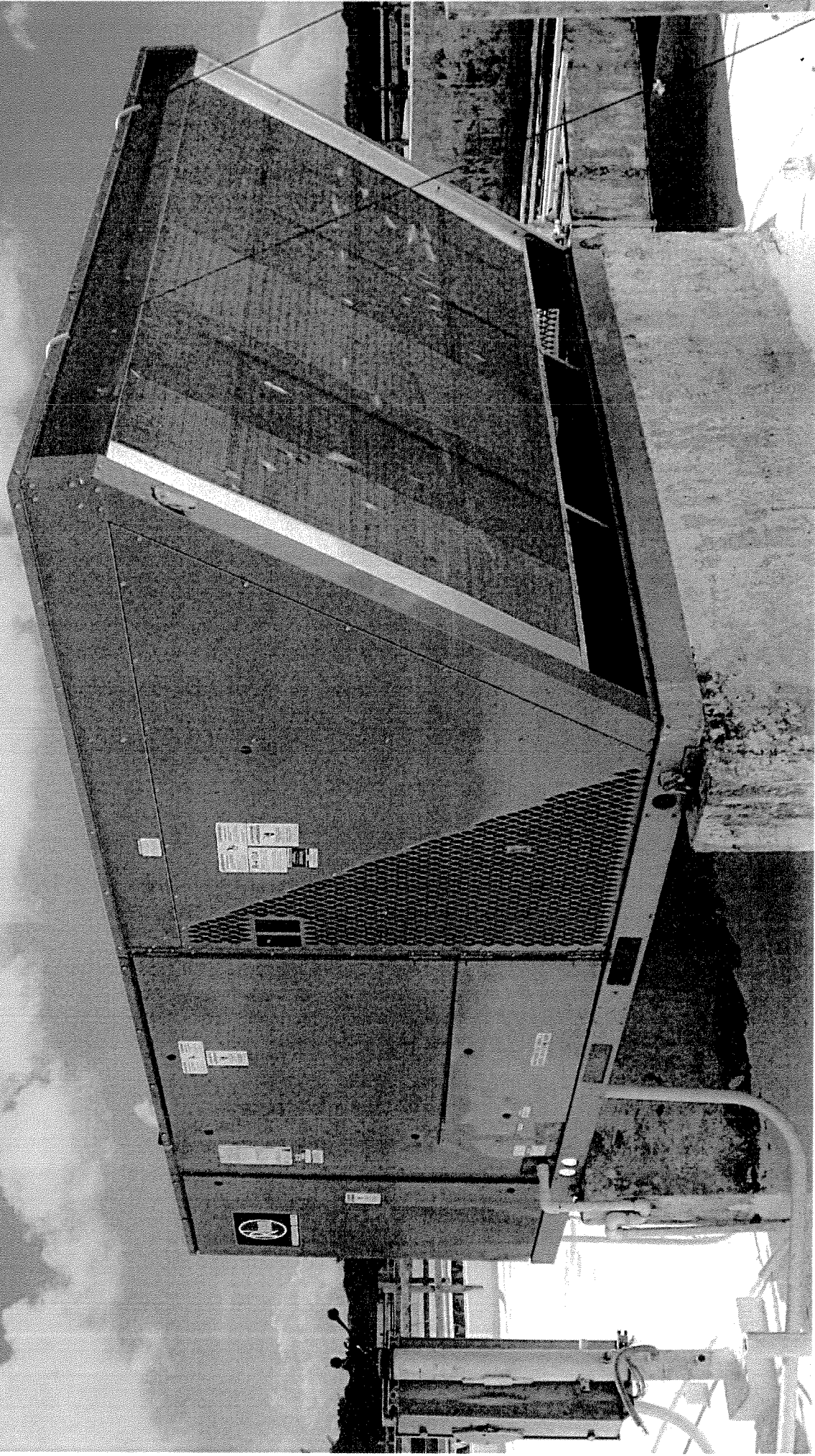


PRICE EVEN
RM # G-8 Δ
30000 BTU
ΔHU- BLOWER

EXHIBIT

P

F B LEON SHERREDD SOL.
3-13-13



FBI 3-13-13

FBLG 3-13-13

#BLC 3-13-13

3-13-25 FBI

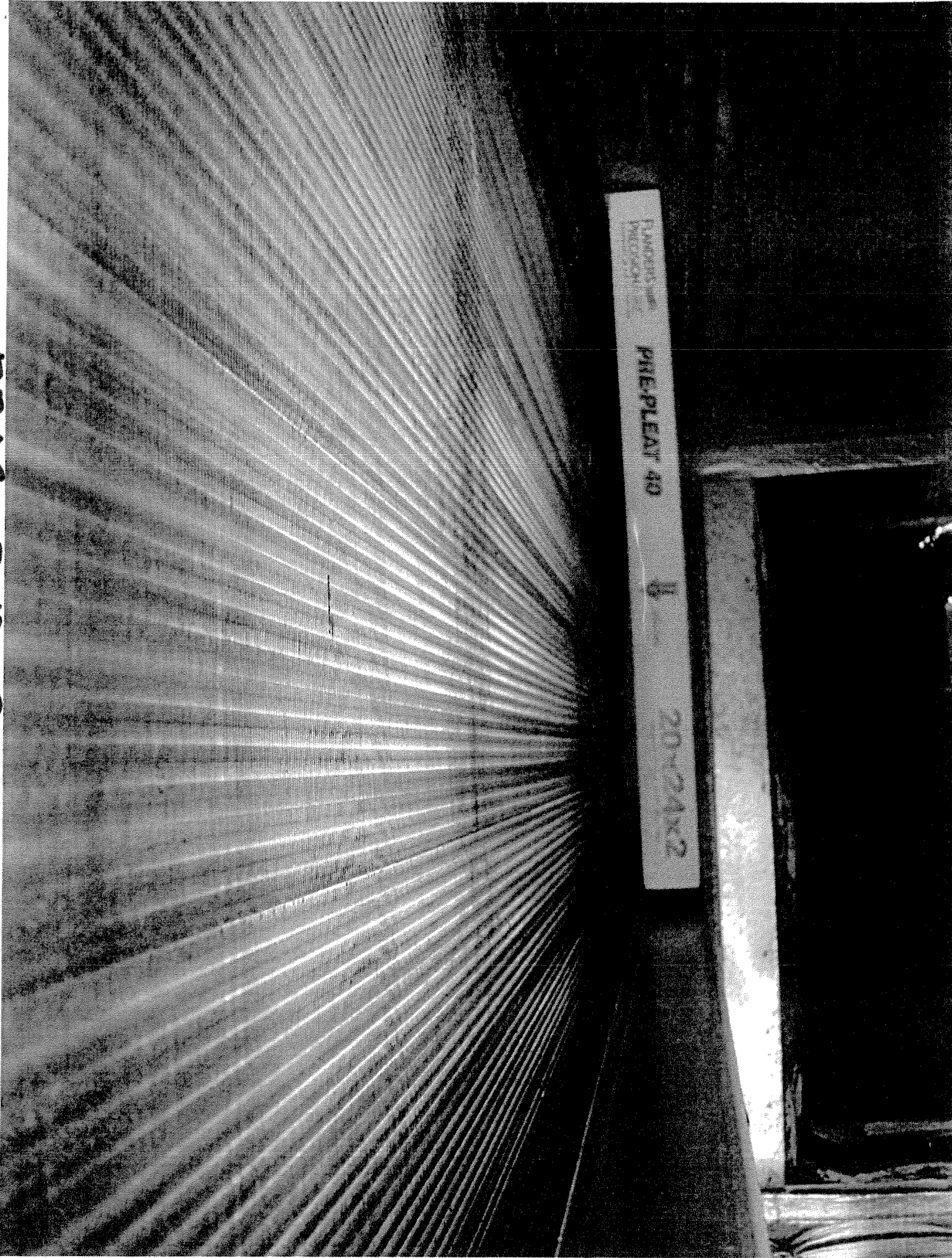
FN 26-2-17-12

Random
Insulation

PREPLEAT 40

4

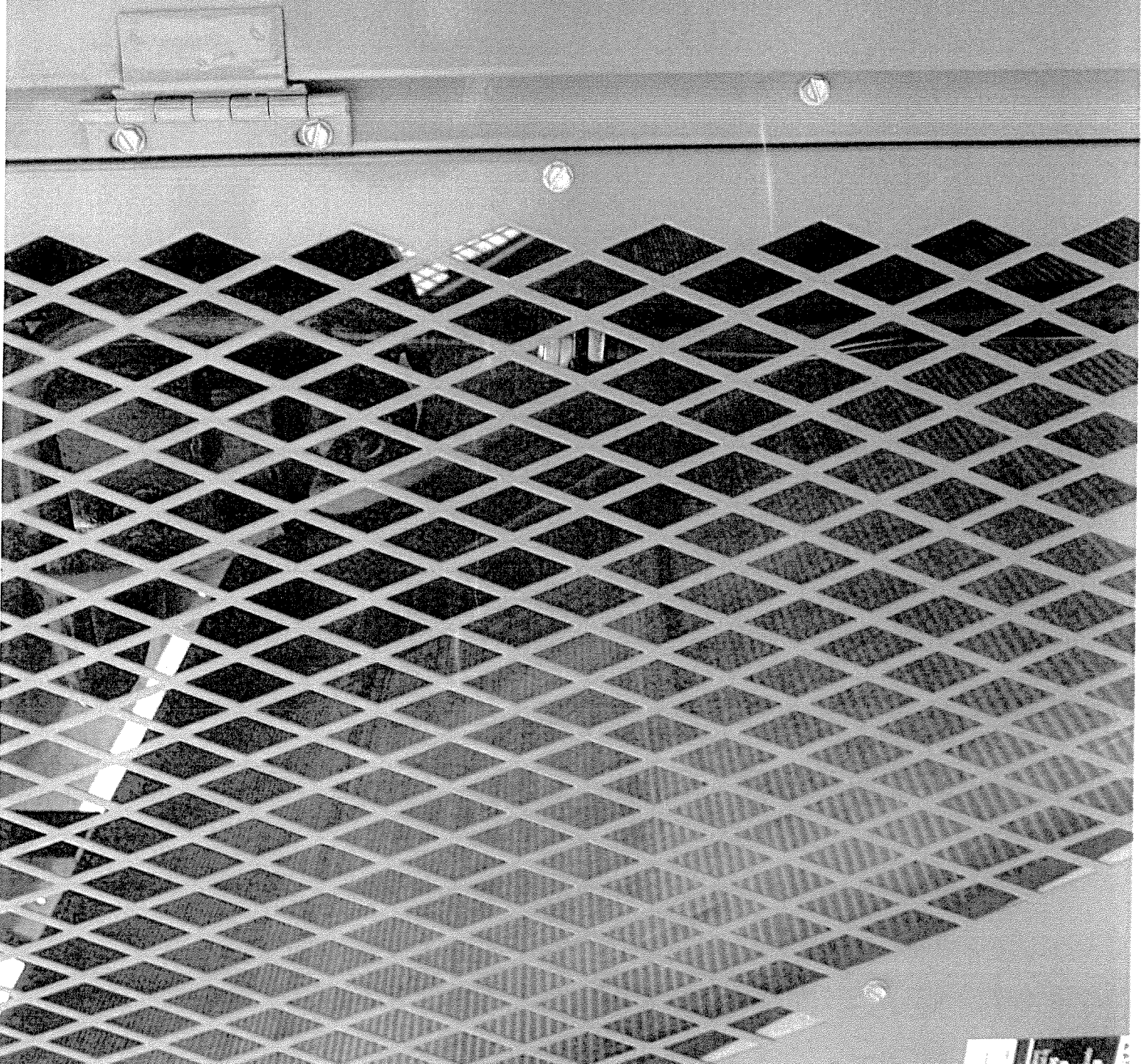
20-24x2



7-13
9/13/13



F1325
3-13-13



F1324
3-13-13



EXHIBIT

Q

Eddie Baza Calvo
Governor



GENERAL SERVICES AGENCY

(Ahensian Setblision Hinirat)
Department of Administration

148 Route 1 Marine Drive, Piti, Guam 96915
Tel: (671) 475-1707 Fax Nos: (671) 475-1727 / 475-1716

Ray Tenorio
Lieutenant Governor

Benita A. Mangiona
Director

Anthony C. Blaz
Deputy Director

February 22, 2013

Memorandum

Speaker Judy WonPat
32nd Guam Legislature
155 Hesler Place
Hagatna, Guam 96910

Re: Memorandum from Superintendent of GDOE dated February 19, 2013

Dear Speaker:

I am in receipt of the memorandum from the Superintendent of Guam Department of Education dated February 19, 2013, in which he attempts to explain the Department's reasoning for issuing out an invitation for bid for air conditioning maintenance for the Southern High School. This is my thoughts regarding this memorandum.

This memorandum points out the history of the bid. While J&B Modern Tech did win the bid, and that they were requested to honor the warranty, there was no indication submitted or stated that J&B did not honor the warranty or did not provide the services required when requested. Further, there was no indication provided that in the initial bid, that there would be a possible different vendor that would provide prevention and maintenance services. As previously indicated to you, J & B's attorney has indicated that any other person attempting to provide maintenance other than J& B, would void the warranty. The fact that GDOE's attorney is looking into this matter, does not change that fact. It is very similar to buying a car with a warranty. Any other person touching the car, other than the authorized buyer, voids the warranty. A simple concept that GDOE does not seem to understand or ignore.

GDOE also stated that the OPA issued a decision on November 2012, resulting in the award of the bid to JRN Air Conditioning. A review of the decision does not go into the issue of whether it was appropriate for a bid to be given for prevention and maintenance if there was a warranty also involved.

GDOE attempts to state that the prevention and maintenance bid, excludes those air conditioning units under warranty. If you review the attached listing of air conditioning units listed in the attachment, you will note that Southern High air conditioning is listed, there is nothing indicating that it is not a part of the bid requirement.

COMMITTED TO EXCELLENCE

Further, as indicated by the letter, GDOE acknowledges the requirement of 17 GCA Section 7119(c), it states that it does not practice that requirement. It states quite clearly that they recognize that under this law, the prevention and maintenance would go to the vendor that wins the award of providing the equipment.

I would suggest that GDOE follows the requirement of 17 GCA Section 7119(c), rather than suggest that the Guam Legislature revisit it. Further, I would strongly suggest that based upon comments made by J&B, that the Speaker call both J&B and GDOE into a meeting to ask the following questions: 1) Can J&B do preventive maintenance on its units, or, is it being prevented from doing so by GDOE? 2) Has GDOE done work or authorize another to work on the J&B air conditioning units without J&B's authorization, thereby voiding the warranty?

Finally, we note that GDOE has six (6) refrigeration specialists who respond to the air conditioning repair requests. If they have so many specialists, why are do they need a bid for this type of service?

We have attached further documentation regarding GDOE's position on this matter.

Thank you for allowing us to provide input to their memorandum


CLAUDIA S. ACFALLE