

1 **DEPARTMENT OF EDUCATION**
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RECEIVED
OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS

APR 08 2011
TIME: 4:30 BY: HNW
FILE NO. OPA-PA: 10-007

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

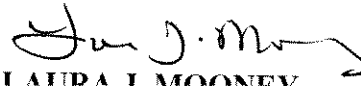
7 In the Appeal of) **APPEAL NO. OPA-PA 10-007**
8)
9 JRN AIR CONDITIONING) **PURCHASING AGENT**
& REFRIGERATION, INC.) **DEPARTMENT OF EDUCATION'S**
10) **REQUEST FOR OPA REVIEW OF**
Appellant.) **"REASONABLE COSTS"**
11)

12 DOE is in receipt of Appellant's Submission of Cost totaling \$2,780.00. (Attached).

13 DOE questions the reasonableness of \$2,000.00 of the submitted costs by Appellant. Item (e).
14 JRN's time to submit protest and prepare for appeal of \$200.00 (8 hours of \$25.00) preparation
of bid protest with the lawyer and Item (f) JRN's time to prepare and attend the January 13, 2011
15 OPA Hearing of \$ 1,800.00 (3 employees for a total of 72 hours @ \$25.00/hour); (\$200.00 +
\$1,800.00 = \$2,000.00). Appellant had no witnesses listed on its witness list, and did not call
16 any witnesses at the OPA Hearing. Item (e) and Item (f) appear to excessive and unreasonable
and should be omitted from reasonable costs to be paid by DOE in this matter.

17 DOE requests the OPA to review the issue the reasonableness of the costs requested by
18 Appellant in this matter.

19 **PURCHASING AGENT**
20 **DEPARTMENT OF EDUCATION**

21 By: 
22 **LAURA J. MOONEY**
Counsel for Department of Education

OFFICE OF PUBLIC ACCOUNTABILITY
GUAM

IN THE APPEAL OF
JRN AIR CONDITIONING &
REFRIGERATION, INC.

Appellant.

APPEAL NO. OPA-PA-10-007

**DECLARATION OF
CESAR CORDERO**

I, CESAR CORDERO, under penalty of law, declare and state as follows:

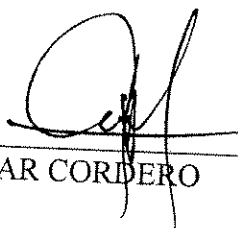
1. I am an officer of the Appellant JRN in the above-captioned matter.
2. I am authorized and competent to testify to the matters set forth herein, and unless otherwise indicated, I make this declaration upon personal knowledge.
3. On October 28, 2010, JRN filed its Procurement Appeal based on the GDOE's denial of its September 10, 2010 protest of the award to J&B Modern Tech for the Preventive Maintenance and Repair of Central Air Conditioning Equipment for all GDOE Public Schools and Support Facilities; for which JRN sought remedies of termination of the award and costs and attorney's fees.
4. On February 11, 2011, the OPA in her Decision awarded JRN its reasonable cost pursuant to 5 G.C.A. 5425 (h)(2), which states that "[i]n addition to any other relief or remedy granted under Subsection (c) or (d) if this Section ..., when a protest is sustained, the protestant shall be entitled to reasonable costs incurred in connection with the solicitation and protest, including bid preparation costs, excluding attorney's fees[.]"
5. Attached hereto as Exhibit A is a detailed schedule of the costs (excluding attorney's fees) incurred by Appellant, showing in total reasonable costs of \$2,780. These costs include:

- a. Bid Bond Fee of \$80.00.
- b. JRN's time to prepare bid bond of \$200.00 (8 hours @ \$25.00/hour).
- c. JRN's time to prepare bid package of \$400.00 (16 hours @ \$25.00/hour).
- d. JRN's attendance at the pre-bid conference and bid opening of \$100.00 (4 hours @ \$25.00/hour).
- e. JRN's time to submit protest and prepare for appeal of \$200.00 (8 hours @ \$25.00/hour).
- f. JRN's time to prepare and attend the January 13, 2011 OPA hearing of \$1,800.00 (3 Employees for a total of 72 hours @ \$25.00/hour).

6. Based on the foregoing, JRN respectfully requests an award of \$2,780 for its reasonable costs incurred in connection with the solicitation and protest, including bid preparation costs, excluding attorney's fees pursuant to 5 G.C.A. § 5425(h)(2).

I hereby declare under penalty of law that the foregoing is true and correct to the best of my knowledge.

DATED: Hagåtña, Guam, February 18, 2011.



CESAR CORDERO

EXHIBIT A

