



OFFICE OF THE PUBLIC AUDITOR  
Doris Flores Brooks, CPA, CGFM  
Public Auditor

**PROCUREMENT APPEALS**

IN THE APPEAL OF,

HARBOR CENTRE GUAM CO. LTD.,  
And HARBOUR CENTRE PORT  
TERMINAL, INC.

Appellant

APPEAL NO: OPA-PA-10-004

ORDER DISMISSING APPELLANT'S  
APPEAL WITH PREJUDICE

**To: Purchasing Agency:**

Jose D. Leon Guerrero Commercial Port, Government of Guam  
C/O Rebecca Perez Santo Tomas, Esq.  
Lujan Aguigui & Perez, LLP  
DNA Building, Ste 300  
238 Archbishop Flores Street  
Hagåtña, Guam, 96910  
Facsimile: (671) 477-5297

**Appellant:**

Harbor Centre Guam Co., Ltd., and Harbor Centre Port Terminal, Inc.  
C/O Rawlen M.T. Mantanona, Esq.  
Cabot Mantanona, LLP  
Edge Bldg., Second Floor  
929 S. Marine Corps Drive  
Tamuning, Guam, 96913  
Facsimile: (671) 646-0777

**Interested Parties:**

Ports America, Inc.  
C/O Sirena Perez Cassidy, Esq.  
Civille & Tang, PLLC  
330 Hernan Cortez Ave., Suite 200  
Hagåtña, Guam, 96910  
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**APM Terminals**

C/O Elyze J. McDonald, Esq.  
Carlsmith Ball LLP  
Bank of Hawaii Bldg., Suite 401

Order Dismissing Matter with Prejudice- 1

1 134 West Soledad Ave.  
2 Hagåtña, Guam, 96910  
3 Facsimile: (671) 477-4375

4 Asian Terminals, Inc.  
5 C/O Kevin J. Fowler, Esq.  
6 Dooley Roberts & Fowler LLP  
7 Suite 201, Orlean Pacific Plaza  
8 865 South Marine Corps Drive  
9 Tamuning, Guam, 96913  
10 Facsimile: (671) 646-1223

11 **THIS MATTER** came before the Public Auditor on October 18, 2010 for a hearing on  
12 the Appellant's Appeal. However, during said hearing, the Appellant served the Office of Public  
13 Accountability with a Petition for Alternate Writ of Mandate in *Harbor Center Guam Co., Ltd.,*  
14 *et.al., v. Claudia Acfalle in her Official Capacity as Chief Procurement Officer, et.al.,* SP0209-  
15 10 (Superior Court of Guam). If an action concerning the procurement under appeal has  
16 commenced in court, the Public Auditor, shall not act on the appeal except to notify the parties  
17 and decline the matter due to judicial involvement. 2 G.A.R., Div. 4, Chap. 12, §12103(b).  
18 Hence the parties are hereby ON NOTICE that the aforementioned judicial proceeding was  
19 commenced on October 18, 2010 and concerns the procurement at issue in this appeal. Further,  
20 the Public Auditor shall not take any further action in this appeal and shall decline this appeal  
21 pursuant to 2 G.A.R., Div. 4, Chap. 12, §12104(c)(8) by dismissing this appeal with prejudice.  
22 All further proceeding scheduled in this matter are hereby VACATED, and all persons  
23 subpoenaed in this matter are hereby RELEASED from said subpoena.

24 **SO ORDERED** this 18<sup>th</sup> day of October, 2010 by:

25 

26 DORIS FLORES BROOKS, CPA, CGFM  
27 Public Auditor  
28



# FAX

**To:** **Rebecca Perez Santo Tomas**  
Legal Counsel for Appellee - Port Authority of  
Guam

**Rawlen M. T. Mantanoa**  
Legal Counsel for Appellant -- Harbor Centre Guam

**Sirena Perez Cassidy**  
Legal Counsel for Ports America,  
Interested Party

**Elyze J. McDonald**  
Legal Counsel for APM Terminals,  
Interested Party

**Kevin J. Fowler**  
Legal Counsel for Asian Terminals,  
Interested Party

**From:** **Doris Flores Brooks, CPA, CGFM**  
**Public Auditor**  
OPA Procurement Appeals  
Suite 401 DNA Bldg.  
238 Archbishop Flores St.  
Hagatna, Guam 96910

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Agency:	Pages	3 (Including cover)
<b>CC:</b>	Date:	Tuesday, Oct. 19, 2010
<b>All Media</b>		

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Fax:	PAG - Lujan Aguiqui & Perez / 477-5297	Point of Contact	Tel: 475-0390 x 219 (Anne Camacho)
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	PA - Cville & Tang / 477-2511		
	APM - Carlsmith Ball / 477-4375		
	AT - Dooley Roberts & Fowler / 646-1223		

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**Re:** **Appeal No. OPA-PA-10-004: Order Dismissing Appellant's Appeal With Prejudice**

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Anne Camacho -- [acamacho@guamopa.org](mailto:acamacho@guamopa.org)

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