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ANTHONY R. CAMACHO, ESQ.
 UNIVERSITY OF GUAM
 UOG Station
 Mangilao, Guam 96923

Appearing as Counsel for University of Guam

PROCUREMENT APPEAL

IN THE MATTER OF)	DOCKET NO. OPA-PA-21-011
)	
GUAM PACIFIC ENTERPRISES, INC.,)	UNIVERSITY OF GUAM'S
)	ADMISSIONS OF FACT
Appellant.)	
_____)	

COMES NOW, Purchasing Agency UNIVERSITY OF GUAM (“UOG”), by and through its General Counsel, ANTHONY R. CAMACHO, ESQ., who hereby submits UOG’s Admissions of Fact wherein UOG admits the following facts:

1. That on or about April 26, 2021, the UOG issued UOG-IFB-21-10 (Air Purifier System and Replacement Filters) (“IFB”).
2. That four bidders submitted bids in response to the IFB, appellant GUAM PACIFIC ENTERPRISES, INC. (“GPE”), J&B MODERN TECH, WANG BROS. HOLDING LLC., and DOCOMO.
3. That UOG conducted a bid opening on or about May 20, 2021.
4. That on or about June 7, 2021, UOG determined that DOCOMO submitted the lowest responsive bid and that DOCOMO was awarded the contract for this IFB.
5. That on or about July 1, 2021, the UOG prepared a Bid Status that informed GPE that its bid was rejected due to high price and that said bid status was not sent to GPE until

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September 2, 2021, due an oversight on the part of the UOG officials conducting the procurement for the IFB.

6. That on or about September 7, 2021, GPE sent, via email, its “notice of protest” to the procurement official handling the procurement of the IFB.

7. That GPE filed its appeal, *In the Matter of Guam Pacific Enterprises, Inc.*, OPA-PA-21-006 (Office of Public Accountability), on or about September 15, 2021.

8. That on or about September 23, 2021, UOG filed a Motion to Dismiss GPE’s appeal in OPA-PA-21-006, alleging, in relevant part, that the OPA had no jurisdiction over the appeal due to GPE having filed it prior to UOG issuing a decision on GPE’s protest.

9. That on October 4, 2021, the OPA dismissed OPA-PA-21-006 without prejudice and ordered UOG to respond to GPE’s protest within fourteen (14) days of the OPA’s order.

10. That at the October 4, 2021 Status Hearing in OPA-PA-21-006, it had been agreed that UOG would be using the allegations contained in GPE’s appeal in OPA-PA-21-006 as the basis of GPE’s protest due to said protest merely being an email which stated that GPE was protesting, and which failed to articulate any grounds for a protest that UOG could answer.

11. That on or about October 18, 2021, UOG issued its decision denying GPE’s protest and that this appeal followed.

SUBMITTED this 10th day of January, 2022 by:



ANTHONY R. CAMACHO, ESQ.
Attorney for the University of Guam