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OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS
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Attorneys for Appellant
All Business Enterprises Corp.

OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEAL

In the Appeal of)	APPELLANT'S ADMISSIONS OF
)	FACT AND LIST OF ISSUES
All Business Enterprises Corp.,)	
)	Docket No. OPA-PA-22-002
Appellant.)	
_____)	

Appellant All Business Enterprises Corporation ("ABE") submits the following Admissions of Fact and List of Issues.

I. ADMISSIONS OF FACT

ABE admits that all documents in the University of Guam's ("UOG") Submission of the Procurement Record are true and accurate copies of documents in the procurement record.

ABE admits that all documents in Tabs 1 through 6 are true and accurate copies of documents in the procurement record.

II. STATEMENT OF ISSUES

Was the bid from Tony's Workshop non-responsive due to (a) failure to include factory phenolic coating, and (b) provision of aluminum fins and/or tubes instead of copper?

Was the bid from JWS non-responsive due to (a) failure to include factory Phenolic coating, and (b) provision of aluminum fins and/or tubes instead of copper?

ORIGINAL

In re Appeal of All Business Enterprises Corp.
Docket No. OPA-PA-22-002
Appellant's Admissions of Fact and List of Issues

When a protest and subsequent appeal based on non-responsiveness focuses on one ground for non-responsiveness (lack of coating) may an additional ground for non-responsiveness (substitution of aluminum for copper) also be raised at the OPA hearing when that the relevant specification and the additional ground were included in exhibits to both the original protest and the notice of appeal?

Can the lowest (or second-lowest) bidder omit an item required by the bid specifications from its bid, and then provide documentation after an award?

Are the omissions or substitutions in the Tony's Workshop and JWS bids material?

Respectfully submitted,

ROBERTS FOWLER & VISOSKY LLP

Date: 4/18/2022

By: Seth Forman
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Attorneys for Appellant All Business
Enterprises Corp.