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 OFFICE OF PUBLIC ACCOUNTABILITY  
 PROCUREMENT APPEALS

DATE: 08/09/13

TIME: 1:21  AM  PM BY: C. Roque

FILE NO OPA-PA: 13-004

Attorneys for: Appellant

**BEFORE THE OFFICE OF PUBLIC ACCOUNTABILITY  
 HAGATNA, GUAM**

IN THE APPEAL OF K CLEANING	)	OPA-PA-13-004
SERVICES,	)	
	)	
APPELLANT	)	<b>APPELLANT'S REPLY TO AGENCY</b>
	)	<b>GUAM INTERNATIONAL AIRPORT</b>
	)	<b>AUTHORITY'S BRIEF IN RE</b>
	)	<b>JURISDICTION</b>
_____	)	

Appellant K Cleaning Services, ("Appellant") through counsel, Jeffrey A. Cook, Esq., replies to Agency Guam International Airport Authority's ("Agency") Brief Re Jurisdiction filed August 2, 2013 as follows.

Both Appellant and Agency agree that the Office of Public Accountability is not deprived of jurisdiction because of Agency's failure to comply with 5 GCA §5425(c)(2).

Agency, however, continues to argue that Appellant's Appeal was untimely. Appellant again points to Judge Bordallo's decision in Sumitomo Construction vs. Government of Guam Department of Public Works, SP0274-98 to challenge this argument. As already pointed out the Court ruled that where an Agency fails to inform the Protestant of its right to review, the Protestant should be allowed a reasonable amount of time to file an appeal. Thus, the law is clear that Appellant should have a reasonable amount of time to file its appeal and is not restricted to the specific time limits in 5 GCA §5425(e).

**APPELLANT'S REPLY TO AGENCY GUAM INTERNATIONAL AIRPORT AUTHORITY'S BRIEF IN RE JURISDICTION**

In The Appeal of K Cleaning Services,  
OPA-PA-13-004

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Appellant received the rejection letter April 22, 2013, which did not inform Appellant of its right of review. Appellant filed its appeal on May 8, 2013 with the OPA. Appellant contends that an appeal filed one day later than the fifteen day statutory period is clearly reasonable and the appeal has been timely filed. This is based on the decision in *Sumitomo* that the Appellant should have a reasonable time where not given notice of its right to review.

Respectfully submitted this 9<sup>th</sup> day of August, 2013.

**CUNLIFFE & COOK**  
A Professional Corporation  
Attorneys for Appellant

By

  
\_\_\_\_\_  
JEFFREY A. COOK, ESQ.