

Suite 401 Pacific News Building  
238 Archbishop Flores St.  
Hagåtña, Guam 96910

Phone: (671) 475-0390  
FAX: (671) 472-7951



OFFICE OF THE PUBLIC AUDITOR

# Fax

**To:** Nerissa Bretania Underwood

**From:** Franklin Cooper-Nurse

OPA Procurement Appeals

**Agency:** Department of Education

**Pages** 4 (Including cover)

Berman O'Connor & Mann

**CC:**

**Date:** Monday – August 31, 2009

**Fax:** 472-5003 / 477-4366

**Phone:** 300-1547 / 477-2778

**Re:** OPA-PA-09-006: Receipt of Notice of Appeal

Urgent     For Review     Please Comment     Please Reply     Please Recycle

**●Comments:**

**See attached letter and enclosures. Please acknowledge receipt of this fax by re-sending this cover page along with the Receipt of Notice Appeal Letter, stamped with your agency name, date, and initials. Thank you.**

Franklin Cooper-Nurse x. 205 [fcoopernurse@guamopa.org](mailto:fcoopernurse@guamopa.org)

This facsimile transmission and accompanying documents may contain confidential or privileged information. If you are not the intended recipient of this fax transmission, please call our office and notify us immediately. Do not distribute or disclose the contents to anyone. Thank you.



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

August 31, 2009

Nerissa Bretania Underwood, Ph.D.  
Department of Education Superintendent  
312 Aspinall Avenue  
Hagatna, GU 96910

**VIA FACSIMILE 472-5003**

Re: Receipt of Notice of Appeal Regarding GPSS IFB No. 008-5-2009 (Re-Bid), Oceanview Middle School Gymnasium Repairs Contract

Dear Superintendent Underwood:

Please be advised that Eons Enterprises Corporation has filed an appeal with the Office of Public Accountability on August 28, 2009, of your protest decision on the above-stated procurement action. The appeal has been assigned Master File No. **OPA-PA-09-006**.

Immediate action is required of your office pursuant to the Rules of Procedure for Procurement Appeals, found in Chapter 12 of the Guam Administrative Regulations. Copies of the rules, the appeal, and all filing deadlines are available at our office and on our website at [www.guamopa.org](http://www.guamopa.org). The transmittal letter and the first page of the notice of appeal files are enclosed for your reference.

Please provide the required notice of this appeal to the required parties with instruction that they should communicate directly with OPA regarding the appeal. You are also responsible for giving notice to the Attorney General or other counsel for your agency. Promptly provide OPA with the identities and addresses of interested parties and a formal entry of appearance by your counsel.

Please submit one complete copy of the procurement record to OPA by Tuesday, September 8, 2009, five working days following receipt of this notice of appeal. When filing required documents with our office please provide an original and two copies for OPA and serve a copy to the Appellant (protesting vendor).

Thank you for your prompt attention to this matter. Please contact Lourdes Perez ext. 210 or Franklin Cooper-Nurse ext. 205 if you have any questions regarding this notice.

Sincerely,

Doris Flores Brooks, CPA, CGFM  
Public Auditor

Enclosure: First Page of Notice of Appeal- OPA-PA-09-006

Cc: Berman, O'Connor & Mann, Appellant for Eons Enterprises Corporation (Via Facsimile 477-4366)



OFFICE OF THE PUBLIC AUDITOR

**Appendix A: Notice of Appeal Form  
PROCUREMENT APPEAL**

**RECEIVED**  
OFFICE OF THE PUBLIC AUDITOR  
PROCUREMENT APPEALS

AUG 28 2009

TIME: 4:23  
BY: FE  
FILE No. OPA-PA -09-006

**PART I- To be completed by OPA**

In the Appeal of \_\_\_\_\_ )  
 )  
 )  
(Name of Company), APPELLANT )  
 )  
 )

**NOTICE OF APPEAL**

Docket No. OPA-PA -09-006

**PART II- Appellant Information**

Name: Eons Enterprises Corporation  
Mailing Address: 118 E. Marine Corps Drive  
Suite B2, Eons Commercial Bldg.  
Dededo, Guam 96929  
Business Address: \_\_\_\_\_  
Daytime Contact No: 637-6869

**I. PART III- Appeal Information**

- A) Purchasing Agency: Guam Public School System
- B) Identification/Number of Procurement, Solicitation, or Contract: GPSS IFB 008-2009 (Re-Bid)
- C) Decision being appealed was made on 08/19/2009 (date) by:  
 Chief Procurement Officer     Director of Public Works     Head of Purchasing Agency

*Note: You must serve the Agency checked here with a copy of this Appeal within 24 hours of filing.*

- D) Appeal is made from:  
(Please select one and attach a copy of the Decision to this form)  
 Decision on Protest of Method, Solicitation or Award  
 Decision on Debarment or Suspension  
 Decision on Contract or Breach of Contract Controversy  
(Excluding claims of money owed to or by the government)  
 Determination on Award not Stayed Pending Protest or Appeal  
(Agency decision that award pending protest or appeal was necessary to protect the substantial interests of the government of Guam)

E) Names of Competing Bidders, Offerors, or Contractors known to Appellant:

Z-4 Corporation  
Loyal Pacific Corporation  
Hubtec International Corporation  
\_\_\_\_\_  
\_\_\_\_\_

---

**PART IV- Form and Filing**

In addition to this form, the Rules of Procedure for Procurement Appeals require the submission together with this form of additional information, including BUT NOT LIMITED TO:

1. A concise, logically arranged, and direct statement of the grounds for appeal;
2. A statement specifying the ruling requested;
3. Supporting exhibits, evidence, or documents to substantiate any claims and the grounds for appeal unless not available within the filing time in which case the expected availability date shall be indicated.

*Note: Please refer to 2 GAR § 12104 for the full text of filing requirements.*


---

**II. PART V- Declaration Re Court Action**


Pursuant to 5 GCA Chapter 5, unless the court requests, expects, or otherwise expresses interest in a decision by the Public Auditor, the Office of the Public Auditor will not take action on any appeal where action concerning the protest or appeal has commenced in any court.

The undersigned party does hereby confirm that to the best of his or her knowledge, no case or action concerning the subject of this Appeal has been commenced in court. All parties are required to and the undersigned party agrees to notify the Office of the Public Auditor within 24 hours if court action commences regarding this Appeal or the underlying procurement action.

Submitted this 28<sup>th</sup> day of AUG, 20 09.

By:   
APPELLANT Eons Enterprises Corporation

or

By:   
Appellant's Duly Authorized Representative ~~Max Manabat~~  
(Address) FRANK WU, President  
(Phone No.)

APPENDIX A

