



Exhibit 10



Kathrina O. Bayson <kobayson@gdoe.net>

GDOE IFB 024-2011 Amendment No. 1

Kathrina O. Bayson <kobayson@gdoe.net>

Tue, Apr 5, 2011 at 11:03 AM

Bcc: Randy Romero <rromero@gdoe.net>, wgallega@teleguam.net, nlopez@jbmodernntech.com, csstore@teleguam.net, agyc@guam.net, scunanan@teleguam.net, scaceres@rimarchitects.com, jc@sei-ak.com, modernkonstrak@yahoo.com, engrs@orionguam.com, icabral@gckincguam.com, ufconstructionsupply@hotmail.com, eonscons@gmail.com, boleeguam@yahoo.com, sdf@ad.com, islapaint@islander.guam.net, alon.elamparo@coretechintl.com, main@coretechintl.com, z4corporation@yahoo.com, lmacosta@dckww.com, rrosario@dckww.com, wonkim.kbc@gmail.com

To Prospective Bidders:


Attached please find Amendment No.1 for GDOE IFB 024-2011. Please confirm receipt and return via fax to (671) 472-5001 or via email to kobayson@gdoe.net.

Regards,

Kat

--

Kathrina Bayson
Buyer I
Guam Department of Education
Office of Supply Management
Tel: 1 (671) 300-1378
Fax: 1 (671) 472-5001
Email: kobayson@gdoe.net

 IFB_024-2011_AMENDMENT_1.pdf
45K



Kathrina O. Bayson <kobayson@gdoe.net>

IFB 024-2011 Amendment No. 2

Kathrina O. Bayson <kobayson@gdoe.net>

Thu, Apr 7, 2011 at 11:48 AM

Bcc: wgallega@teleguam.net, nlopez@jbmoderntech.com, csstore@teleguam.net, agyc@guam.net, scunanan@teleguam.net, scaceres@rimarchitects.com, jc@sei-ak.com, modernkonstrak@yahoo.com, engrs@orionguam.com, icabral@gckincguam.com, ufconstructionsupply@hotmail.com, eonscons@gmail.com, boleeguam@yahoo.com, sdf@ad.com, islapaint@islanders.guam.net, alon.elamparo@coretechintl.com, main@coretechintl.com, z4corporation@yahoo.com, lmacosta@dckww.com, rjrosario@dckww.com, wonkim.kbc@gmail.com, fdumanal@galaideguam.com, oikawa-yasuhiro@asanuma.co.jp, jamie@dabuildingservices.com, heather@dabuildingservices.com

To Prospective Bidders,

Please find attached Amendment No. 2 for IFB 024-2011. Please acknowledge receipt via fax or email.

Regards,

Kat

Kathrina Bayson
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3 attachments

 IFB_024-2011_AMENDMENT_2.pdf
38K

 C1-GYM-REVISED.pdf
392K

 C2-GYM-REVISED.pdf
283K



Kathrina O. Bayson <kobayson@gdoe.net>

IFB 024-2011 Amendment No. 3

Kathrina O. Bayson <kobayson@gdoe.net>

Tue, Apr 12, 2011 at 9:32 AM

Bcc: tarmour@rimarchitects.com, scaeres@rimarchitects.com, jc@sei-ak.com, modernkonstrak@yahoo.com, engrs@orionguam.com, eonscons@gmail.com, main@coretechintl.com, rhealyn.cuadra@coretechintl.com, ramir.javelosa@coretechintl.com, z4corporation@yahoo.com, nbdegala@dckww.com, rcarlos2@dckww.com, rjosario@dckww.com, vicscbls@yahoo.com, wonkim.kbc@gmail.com, oikawa-yasuhiro@asanuma.co.jp, richard@asiatiger.us, calilungramon@yahoo.com, rpiiper@henselphelps.com, agyc@guam.net, rgyc@guam.net, sundancewenzel@yahoo.com, gmconstn@gmail.com, rexx2@teleguam.net, j_gozum@yahoo.com, reygozum@gcgozum.com, emb@guam.net, islapaint@islanders.guam.net, ufccoconstructionsupply@hotmail.com

To Prospective Bidders:

Attached please find Amendment no. 3 for IFB 024-2011. Please acknowledge receipt via fax at 472-5001 or email at kobayson@gdoe.net.

Thank you,

Kat

--

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 IFB_024-2011_AMENDMENT_3.pdf
51K



Kathrina O. Bayson <kobayson@gdoe.net>

IFB 024-2011 Amendment No. 4

Kathrina O. Bayson <kobayson@gdoe.net>

Thu, Apr 21, 2011 at 4:17 PM

Bcc: larmour@rimarchitects.com, scaceres@rimarchitects.com, jc@sei-ak.com, modernkonstrak@yahoo.com, engr@orionguam.com, eonscons@gmail.com, main@coretechintl.com, rhealyn.cuadra@coretechintl.com, ramir.javelosa@coretechintl.com, z4corporation@yahoo.com, nbdegala@dckww.com, rcarlos2@dckww.com, rjrosario@dckww.com, vicscbls@yahoo.com, wonkim.kbc@gmail.com, oikawa-yasuhiro@asanuma.co.jp, richard@asiatiger.us, calilungramon@yahoo.com, rpiiper@henselphelps.com, agyc@guam.net, rgyc@guam.net, sundancewenzel@yahoo.com, gmconstn@gmail.com, rexx2@teleguam.net, j_gozum@yahoo.com, reygozum@gcgozum.com, emb@guam.net, islapaint@islanders.guam.net, ufconstructionsupply@hotmail.com, Randy Romero <rromero@gdoe.net>, Fred Moser <femoser@gdoe.net>

To Prospective Bidders,

Attached is Amendment No. 4 for IFB 024-2011. Please acknowledge receipt via fax at 472-5001 or email at kobayson@gdoe.net.

Regards,

Kat

--

Kathrina Bayson
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 IFB_024-2011_AMENDMENT_4.pdf
468K



Kathrina O. Bayson <kobayson@gdoe.net>

IFB 024-2011 Amendment No. 5

Kathrina O. Bayson <kobayson@gdoe.net>

Wed, Apr 27, 2011 at 4:13 PM

Bcc: tarmour@rimarchitects.com, scaceres@rimarchitects.com, jc@sei-ak.com, modernkonstrak@yahoo.com, engs@orionguam.com, eonscons@gmail.com, main@coretechintl.com, rhealyn.cuadra@coretechintl.com, ramir.javelosa@coretechintl.com, z4corporation@yahoo.com, nbdegala@dckww.com, rcarlos2@dckww.com, rjrosario@dckww.com, wonkim.kbc@gmail.com, oikawa-yasuhiro@asanuma.co.jp, richard@asiatiger.us, calilungramon@yahoo.com, rpiper@henselphelps.com, agyc@guam.net, rgyc@guam.net, sundancewenzel@yahoo.com, gmconstn@gmail.com, rexx2@teleguam.net, j_gozum@yahoo.com, reygozum@gcgozum.com, emb@guam.net, islapaint@islanders.guam.net, ufconstructionsupply@hotmail.com, Randy Romero <rpromero@gdoe.net>, Fred Moser <femoser@gdoe.net>

To Prospective Bidders,

Please see attached Amendment No. 5 for IFB 024-2011. Please acknowledge receipt via email or fax.

Regards,

Kat

--

Kathrina Bayson
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Tel: 1 (671) 300-1378
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 IFB_024-2011_AMENDMENT_5.pdf
296K



Kathrina O. Bayson <kobayson@gdoe.net>

IFB 024-2011 Amendment No. 6

Kathrina O. Bayson <kobayson@gdoe.net>

Thu, Apr 28, 2011 at 11:37 AM

Bcc: tarmour@rimarchitects.com, scaceres@rimarchitects.com, jc@sei-ak.com, modernkonstrak@yahoo.com, engrs@orionguam.com, eonscons@gmail.com, main@coretechintl.com, rhealyn.cuadra@coretechintl.com, ramir.javelosa@coretechintl.com, z4corporation@yahoo.com, nbdegala@dckww.com, rcarlos2@dckww.com, rjrosario@dckww.com, wonkim.kbc@gmail.com, oikawa-yasuhiro@asanuma.co.jp, richard@asiatiger.us, calilungramon@yahoo.com, rpipe@tenselphelps.com, agyc@guam.net, rgyc@guam.net, sundancewenzel@yahoo.com, gmcoistrn@gmail.com, rexx2@teleguam.net, j_gozum@yahoo.com, reygozum@gcgozum.com, emb@guam.net, islapaint@islanders.guam.net, ufccoconstructionsupply@hotmail.com

To Prospective Bidders:

Attached is Amendment No. 6 for IFB 024-2011. Please acknowledge receipt.

Regards,

Kat

--

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 IFB_024-2011_AMENDMENT_6.pdf
37K



Kathrina O. Bayson <kobayson@gdoe.net>

IFB 024-2011 Amendment No. 7

Kathrina O. Bayson <kobayson@gdoe.net>

Fri, Apr 29, 2011 at 3:35 PM

Bcc: tarmour@rimarchitects.com, scaceres@rimarchitects.com, jc@sei-ak.com, modernkonstrak@yahoo.com, engr@orionguam.com, eonscons@gmail.com, main@coretechintl.com, rhealyn.cuadra@coretechintl.com, ramir.javelosa@coretechintl.com, z4corporation@yahoo.com, nbdegala@dckww.com, rcarlos2@dckww.com, rjrosario@dckww.com, wonkim.kbc@gmail.com, oikawa-yasuhiro@asanuma.co.jp, richard@asiatiger.us, calilungramon@yahoo.com, rpiiper@henselphelps.com, agyc@guam.net, rgyc@guam.net, sundancewenzel@yahoo.com, gmconstn@gmail.com, rexx2@teleguam.net, j_gozum@yahoo.com, reygozum@gcgozum.com, emb@guam.net, islapaint@islanders.guam.net, ufcconstructionsupply@hotmail.com

To Prospective Bidders:

Please see attached Amendment No. 7 for IFB 024-2011. Please confirm receipt.

Regards,

Kat

--

Kathrina Bayson
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 IFB_024-2011_AMENDMENT_7.pdf
146K



Kathrina O. Bayson <kobayson@gdoe.net>

IFB 024-2011 Amendment No. 8

Kathrina O. Bayson <kobayson@gdoe.net>

Mon, May 2, 2011 at 8:45 AM

Bcc: tarmour@rimarchitects.com, scaceres@rimarchitects.com, jc@sei-ak.com, modernkonstrak@yahoo.com, engr@orionguam.com, eonscons@gmail.com, main@coretechintl.com, rhealyn.cuadra@coretechintl.com, ramir.javelosa@coretechintl.com, z4corporation@yahoo.com, nbdegala@dckww.com, rcarlos2@dckww.com, rjosario@dckww.com, wonkim.kbc@gmail.com, oikawa-yasuhiro@asanuma.co.jp, richard@asiatiger.us, calilungramon@yahoo.com, rpiper@henselhelps.com, agyc@guam.net, rgyc@guam.net, sundancewenzel@yahoo.com, gmconstn@gmail.com, rexx2@teleguam.net, j_gozum@yahoo.com, reygozum@gcgozum.com, emb@guam.net, islapaint@islanders.guam.net, ufcconstructionsupply@hotmail.com

To Prospective Bidders:

Please see attached Amendment No. 8 for IFB 024-2011. Please acknowledge receipt.

Regards,

Kat

--
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IFB_024-2011_AMENDMENT_8.pdf
43K



Kathrina O. Bayson <kobayson@gdoe.net>

IFB 024-2011 Amendment No. 9

Kathrina O. Bayson <kobayson@gdoe.net>

Wed, May 4, 2011 at 10:11 AM

Bcc: tarmour@rimarchitects.com, saceres@rimarchitects.com, jc@sei-ak.com, modernkonstrak@yahoo.com, engr@orionguam.com, eonscons@gmail.com, main@coretechintl.com, rhealyn.cuadra@coretechintl.com, ramir.javelosa@coretechintl.com, zcorporation@yahoo.com, nbdegala@dckww.com, rcarlos2@dckww.com, rjrosario@dckww.com, wonkim.kb@gmail.com, oikawa-yasuhiro@asanuma.co.jp, richard@asiatiger.us, calilungramon@yahoo.com, rpipe@henselphelps.com, agyc@guam.net, rgyc@guam.net, sundancewenzel@yahoo.com, gmonstn@gmail.com, rexx2@teleguam.net, j_gozum@yahoo.com, reygozum@gcgozum.com, emb@guam.net, islapaint@islanders.guam.net, ufccoconstructionsupply@hotmail.com

To Prospective Bidders:

Attached is Amendment No. 9 for IFB 024-2011. Please acknowledge receipt via fax or email.

Thanks,

Kat

Kathrina Bayson
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Email: kobayson@gdoe.net

 IFB_024-2011_AMENDMENT9.pdf
39K



Kathrina O. Bayson <kobayson@gdoe.net>

IFB 024-2011 Amendment No. 10

Wed, May 18, 2011 at 1:22 PM

Kathrina O. Bayson <kobayson@gdoe.net>

Bcc: tarmour@rimarchitects.com, scaceres@rimarchitects.com, jc@sei-ak.com, modernkonstrak@yahoo.com, engrs@orionguam.com, eonscons@gmail.com, main@coretechintl.com, rhealyn.cuadra@coretechintl.com, ramir.javelosa@coretechintl.com, z4corporation@yahoo.com, nbdegala@dckww.com, rcarlos2@dckww.com, rjrosario@dckww.com, wonkim.kbc@gmail.com, oikawa-yasuhiro@asanuma.co.jp, richard@asiatiger.us, calilungramon@yahoo.com, rpiiper@henselphelps.com, agyc@guam.net, rgycc@guam.net, sundancewenzel@yahoo.com, gmconstn@gmail.com, rexx2@teleguam.net, j_gozum@yahoo.com, reygozum@gcgozum.com, emb@guam.net, islapaint@islanders.guam.net, ufconstructionsupply@hotmail.com

To Prospective Bidders:

Attached is Amendment No. 10 for IFB 024-2011. Please acknowledge receipt via fax or email.

Thank you,

Kat

Kathrina Bayson

Buyer I

Office of Supply Management
Guam Department of Education

Tel: 671-300-1378

Fax: 671-472-5001

Email: kobayson@gdoe.net

IFB_024-2011_AMENDMENT_10.pdf

40K



Kathrina O. Bayson <kobayson@gdoe.net>

024-2011 Amendment No. 11

sages

ina O. Bayson <kobayson@gdoe.net> Thu, Jun 9, 2011 at 3:41 PM
 iarmour@rimarchitects.com, scaceres@rimarchitects.com, jc@sei-ak.com, modernkonstrak@yahoo.com,
 :@orionguam.com, eonscons@gmail.com, main@coretechintl.com, rhealyn.cuadra@coretechintl.com,
 :javelosa@coretechintl.com, z4corporation@yahoo.com, nbdegala@dckww.com, rcarlos2@dckww.com,
 ungramon@yahoo.com, wonkim.kkc@gmail.com, oikawa-yasuhiro@asanuma.co.jp, richard@asiatiger.us,
 tancewenzel@yahoo.com, gmcshenselphelps.com, agyc@guam.net, rgyc@guam.net,
 jozum@gcgozum.com, emb@guam.net, rex2@teleguam.net, j_gozum@yahoo.com,
 ndy Romero <rpromero@gdoe.net>, Fred Moser <femoser@gdoe.net>

To Prospective Bidders:

Attached is Amendment No. 11 for IFB 024-2011. Please confirm receipt via fax or email.

Regards,

Kat

--
Kathrina Bayson
 Buyer I
 Office of Supply Management
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 Email: kobayson@gdoe.net

IFB_024-2011_AMENDMENT_11.pdf
 40K

Brian Kent <islapaint@islanders.guam.net>
 To: "Kathrina O. Bayson" <kobayson@gdoe.net>

Thu, Jun 9, 2011 at 3:53 PM

Thank you Kat. Amendment #11 received.

Kind regards

Brian Kent



Kathrina O. Bayson <kobayson@gdoe.net>

IFB 024-2011 Amendment No. 12

Kathrina O. Bayson <kobayson@gdoe.net>

Thu, Jun 9, 2011 at 4:24 PM

Bcc: tarmour@rimarchitects.com, scaceres@rimarchitects.com, jc@sei-ak.com, modernkonstrak@yahoo.com, engr@orionguam.com, eonscons@gmail.com, main@coretechintl.com, rhealyn.cuadra@coretechintl.com, ramir.javelosa@coretechintl.com, z4corporation@yahoo.com, nbdegala@dckww.com, rcarlos2@dckww.com, rrosario@dckww.com, wonkim.kbc@gmail.com, oikawa-yasuhiro@asanuma.co.jp, richard@asiatiger.us, calilungramon@yahoo.com, rpiiper@henselphelps.com, agyc@guam.net, rgyc@guam.net, sundancewenzel@yahoo.com, gmconstn@gmail.com, rexx2@teleguam.net, j_gozum@yahoo.com, reygozum@gcgozum.com, emb@guam.net, islapaint@islanders.guam.net, ufcconstructionsupply@hotmail.com, Randy Romero <rromero@gdoe.net>, Fred Moser <femoser@gdoe.net>

To Prospective Bidders:

Attached is Amendment No. 12 for IFB 024-2011. Please acknowledge receipt via fax or email.

Regards,

Kat

--

Kathrina Bayson

Buyer I

Office of Supply Management

Guam Department of Education

Tel: 671-300-1378

Fax: 671-472-5001

Email: kobayson@gdoe.net

 IFB_024-2011_AMENDMENT_12.pdf
41K

Exhibit 11

Kathrina Bayson

From: "Won s. Kim" <wonkim.kbc@gmail.com>
To: "Kathrina O. Bayson" <kobayson@gdoe.net>
Sent: Tuesday, April 05, 2011 12:35 PM
Subject: Re: GDOE IFB 024-2011 Amendment No. 1

Amendment No.1 received and confirm.

On Tue, Apr 5, 2011 at 11:03 AM, Kathrina O. Bayson <kobayson@gdoe.net> wrote:
To Prospective Bidders:

Attached please find Amendment No. 1 for GDOE IFB 024-2011. Please confirm receipt and return via fax to (671) 472-5001 or via email to kobayson@gdoe.net.

Regards,

Kat

Kathrina Bayson
Buyer I
Guam Department of Education
Office of Supply Management
Tel: 1 (671) 300-1378
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--

Won S. Kim
Kim Bros Construction Corporation

PO Box 20729 GMF,
Barrigada, GU. 96921-0729

PH: [671] 482-0080
FX: [671] 734-0080



Nerissa Brestania Underwood, Ph.D
Superintendent of Education

DEPARTMENT OF EDUCATION OFFICE OF SUPPLY MANAGEMENT

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Telephone: (671) 300-1581 Fax: (671) 472-5001



Marcus Y. Pido
Supply Management Administrator

AMENDMENT NO. 2

April 7, 2011

Prospective Bidders:

Please refer to our Invitation for Bid No. GDOE IFB 024-2011, RENOVATION OF SOUTHERN HIGH SCHOOL GYMNASIUM a copy of which was issued to your company for consideration.


Please make the necessary change(s) specified below:

Replace existing Civil Drawings (Filename: C1-GYM.pdf, C2-GYM.pdf) with revised Civil Drawings.

Revised Civil Drawings may be downloaded at www.gdoe.net/procurement under this IFB, with the following filename:


C1-GYM-REVISED.pdf
C2-GYM-REVISED.pdf

All else remains same.


MARCUS Y. PIDO

Acknowledge Receipt

VICENTE ESCABILCAS KBCC
(Print Name & Company)


(Signature)

APRIL 8, 2011 3 P.M.
(Date) (Time) AM/PM

Amendment No. 3
GDOE IFB 024-2011
April 11, 2011
Page 2 of 2

M-3.1

- Add strainer at the chiller CHWR inlet. Add isolation valve at chiller CHWS outlet.
- Change the 2" bypass with ball valve to a 2" Circuit Setter.
- Note 9 pot feeder is located adjacent to the sand filter.

Specifications Affected: Specifications revisions are indicated with strikeout and addition notations in attached document (SHS_Gym_Mechanical_Specifications_Revised_Amendment_3.pdf).

Specifications Affected:

Section 09900, Painting

- On Section 09900 Page 7, Part 3.08 Schedule -- Exterior Surfaces; Delete items A to I entirely, and place the words NOT USED after Schedule - Exterior Surfaces.

This Amendment shall form a part of the Contract Documents. Failure by any bidder to acknowledge receipt of this Amendment shall be grounds for disqualifications of bid.

All else remains same.



MARCUS Y. PIDO

Acknowledge Receipt

VICENTE ESCOBILUAS
(Print Name & Company)

[Handwritten Signature]
(Signature)

APRIL 12, 2011 3
(Date) (Time) AM/PM

Kathrina Bayson

From: "Won s. Kim" <wonkim.kbc@gmail.com>
To: "Kathrina O. Bayson" <kobayson@gdoe.net>
Sent: Friday, April 22, 2011 4:14 AM
Subject: Re: IFB 024-2011 Amendment No. 4

Hi Kathrina,

We received it

On Thu, Apr 21, 2011 at 4:17 PM, Kathrina O. Bayson <kobayson@gdoe.net> wrote:
To Prospective Bidders,

Attached is Amendment No. 4 for IFB 024-2011. Please acknowledge receipt via fax at 472-5001 or email at kobayson@gdoe.net.

Regards,

Kat

..
Kathrina Bayson
Buyer I
Guam Department of Education
Office of Supply Management
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Email: kobayson@gdoe.net

--
Won S. Kim
Kim Bros Construction Corporation

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Barrigada, GU. 96921-0729

PH: [671] 482-0080
FX: [671] 734-0080



Nenissa Bretana Underwood, Ph.D.
Superintendent of Education

DEPARTMENT OF EDUCATION OFFICE OF SUPPLY MANAGEMENT

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Marcus Y. Fido
Supply Management Administrator

AMENDMENT NO. 6

April 28, 2011

Prospective Bidders:

Please refer to our Invitation for Bid No. **GDOE IFB 024-2011, RENOVATION OF SOUTHERN HIGH SCHOOL GYMNASIUM** a copy of which was issued to your company for consideration.

Please make the necessary change(s) specified below:

Please be advised that **Coeval Design Partners**, who drafted the Specifications and the Scope of Work for IFB 024-2011, will be represented on the Evaluation Committee of this bid.

Any objections may be submitted in writing via fax to 472-5001 or email to kobayson@gdoe.net.

All else remains same.

MARCUS Y. FIDO

Acknowledge Receipt

VICENTE ESCABILUAP KBCC
(Print Name of Company)

(Signature)

APRIL 29 2011 3 P.M.
(Date) (Time)

Amendment No. 7
GDOE IFB 024-2011
April 29, 2011
Page 2 of 2

RFI #6
Submitted by Core Tech International

Question 3: During the site visit, top bench of one of recessed bleachers at the GFloor is damaged. Although bleacher is mentioned as OFCI, please clarify whether replacement/repair is part of or excluded from our scope of work.

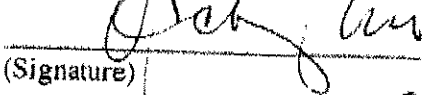
Answer 3: ~~Bleachers are not included in the scope of work.~~ Repair damaged sections of bleachers.

All else remains same.


MARCUS Y. PIDO

Acknowledge Receipt

VICTOR ESCABILLAS KIM BROS. CORP
(Print Name & Company)


(Signature)

APRIL 20, 2011 3 AM/PM
(Date) (Time)



Nerissa Britania Underwood, Ph.D
Superintendent of Education

DEPARTMENT OF EDUCATION OFFICE OF SUPPLY MANAGEMENT

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Marcus Y Pido
Supply Management Administrator

AMENDMENT NO. 8

May 2, 2011

Prospective Bidders:

Please refer to our Invitation for Bid No. **GDOE IFB 024-2011. RENOVATION OF SOUTHERN HIGH SCHOOL GYMNASIUM** a copy of which was issued to your company for consideration.

Please make the necessary change(s) specified below:

Bid submission has been extended:

FROM: Monday, May 2, 2011, 3:00PM
TO: Wednesday, May 4, 2011, 3:00PM

All else remains same.

Marcus Y. Pido
MARCUS Y. PIDO

Acknowledge Receipt

VICENTE ESCABILCAS K BCC
(Print Name (& Company))

[Signature]
(Signature)

MAY 3, 2011 4:00PM
(Date) (Time) AM/PM



Nerissa Bretania Underwood, Ph.D
Superintendent of Education

DEPARTMENT OF EDUCATION OFFICE OF SUPPLY MANAGEMENT

www.gdoe.net
Manuel F.L. Guerrero / Administration Building
2nd Floor, Suite B-202
Hagatna, Guam 96932
Telephone: (671) 300-1581 Fax: (671) 472-5001



Marcus Y. Pido
Supply Management Administrator

AMENDMENT NO. 9

May 4, 2011

Prospective Bidders:

Please refer to our Invitation for Bid No. **GDOE IFB 024-2011, RENOVATION OF SOUTHERN HIGH SCHOOL GYMNASIUM** a copy of which was issued to your company for consideration.

Please make the necessary change(s) specified below:

Bid submission has been extended:

FROM: Wednesday, May 4, 2011, 3:00PM
TO: Friday, May 20, 2011, 3:00PM

All else remains same.

MARCUS Y. PIDO

Acknowledge Receipt

VICENTE ESCABILLAS
(Print Name) & Company)

[Signature]
(Signature)

5/09/11 5:00 PM AM/PM
(Date) (Time)



Nerissa Bretania Underwood, Ph D
Superintendent of Education

DEPARTMENT OF EDUCATION OFFICE OF SUPPLY MANAGEMENT

www.gdoe.net
Manuel F. L. Guerrero / Administration Building
2nd Floor, Suite B-202
Hagatna, Guam 96932
Telephone: (671) 300-1581 Fax: (671) 472-5001



Marcus Y. Pido
Supply Management Administrator

AMENDMENT NO. 10

May 18, 2011

Prospective Bidders:

Please refer to our Invitation for Bid No. GDOE IFB 024-2011, RENOVATION OF SOUTHERN HIGH SCHOOL GYMNASIUM a copy of which was issued to your company for consideration.

Please make the necessary change(s) specified below:

Bid submission has been extended:

FROM: Friday, May 20, 2011, 3:00PM
TO: Friday, June 10, 2011, 3:00PM

All else remains same.


MARCUS Y. PIDO

Acknowledge Receipt

VICENTE ESCABIL CAS
(Print Name & Company)


(Signature)

5/19/11 5:00 PM AM/PM
(Date) (Time)



Nerissa Bretania Underwood, Ph.D
Superintendent of Education

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OFFICE OF SUPPLY MANAGEMENT**

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Telephone: (671) 300-1581 Fax: (671) 472-5001



Marcus Y. Pido
Supply Management Administrator

AMENDMENT NO. 11

June 9, 2011

Prospective Bidders:

Please refer to our Invitation for Bid No. **GDOE IFB 024-2011, RENOVATION OF SOUTHERN HIGH SCHOOL GYMNASIUM** a copy of which was issued to your company for consideration.

Please make the necessary change(s) specified below:

Bid submission has been extended:

FROM: Friday, June 10, 2011, 3:00PM
TO: Friday, June 24, 2011, 3:00PM

All else remains same.

MARCUS Y. PIDO

Acknowledge Receipt

VICENTE ESCABILLAS
(Print Name & Company)

[Signature]
(Signature)

6/09/11 5:00 P.M. AM/PM
(Date) (Time)



Nerissa Bretania Underwood, Ph D
Superintendent of Education

DEPARTMENT OF EDUCATION OFFICE OF SUPPLY MANAGEMENT

www.gdoe.net
Manuel F.L. Guerrero / Administration Building
2nd Floor, Suite B-202
Hagatna, Guam 96932
Telephone: (671) 300-1581 Fax: (671) 472-5001



Marcus Y. Pido
Supply Management Administrator

AMENDMENT NO. 12

June 9, 2011

Prospective Bidders:


Please refer to our Invitation for Bid No. GDOE IFB 024-2011, RENOVATION OF SOUTHERN HIGH SCHOOL GYMNASIUM a copy of which was issued to your company for consideration.

Please make the necessary change(s) specified below:

RETRACTION TO AMENDMENT NO. 11

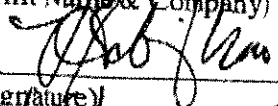
Bid Submission will remain as Friday, June 10, 2011, 3:00 PM

All else remains same.


MARCUS Y. PIDO

Acknowledge Receipt

VICENTE ESCABILLOS
(Print Name & Company)


(Signature)

6/09/11 5:00 P.M. AM/PM
(Date) (Time)



Exhibit 12

TimeStamp	LAST NAME	FIRST NAME	MIDDLE	COMPANY NAME	E-MAIL ADDRESS	PHONE NUMBER	FAX NUMBER	ADDRESS	CITY	STATE	ZIP CODE	COMMENTS
3/31/2011 14:41:28	WENEFREDO	WENEFREDO		SSS CONSTRUCTION	ssscorp@yahoo.com	871-653-7765	871-653-7745	P.O. Box 11681 P.O. Box 9708	Tamuning	Guam	96928	
3/31/2011 16:01:16	GALEGA	GALEGA		R&B Modern Tech	info@rnbtech.com	871-646-6889	871-646-6889	173 E T. Calko Memorial Parkway	Tamuning	Guam	96913	No bid packages attached, the bid package is late
3/31/2011 16:04:35								P.O. Box DE	Hagåtña	GU	96927	TEST
3/31/2011 16:07:47				The American Suppliers	scars@telecom.net	871-648-1571	871-648-4371	316 Herman Cortez Ave	Guam	USA	96913	
3/31/2011 16:28:43				Pro-Adic Building	robayson@proad.net	3001376		P.O. Box DE	Hagåtña	GU	96927	TEST
3/21/2011 16:31:19				Cooperation formerly Guam	scars@guam.net	871-473-3109	871-477-7424	750 Riosa B Barrigada	Guam	USA	96913	
3/31/2011 16:38:39				DOE	robayson@doe.net	3001376		P.O. Box DE	Hagåtña	GU	96927	TEST
4/1/2011 8:15:07	CUMANAH	SAMUEL	SILVA	J & G CONST. CO.	scars@jgconst.com	1-671-472-60-37	871-472-6036	P.O. Box 7, Hagåtña, Guam	Hagåtña	GU	96932	
4/1/2011 8:30:26				RM Architects	scars@rmarchitects.com	871-477-2111		316 Herman Cortez Ave	Agaña, Guam	U.S.A.	96932	
4/1/2011 11:01:35				Sanson Electric	scars@se.com	871-546-7380		P.O. Box 8710	Hagåtña	Guam	96910	
4/1/2011 11:21:36				Modern Konstrak	modernkonstrak@yahoo.com	871-656-9928	871-646-7562	138 D Kuyet-Chembo St, PMB 375	Desabo	Guam	96929	
4/1/2011 13:13:13				Chon Construction	chonc@chonc.com	871-633-2203	871-633-2208	P.O. Box 24348 GMF	Barrigada	GU	96921	
4/1/2011 13:27:51				Midway EAC Corp	scars@midwayeac.com	871-646-8555	871-646-8556	206 Young's Plaza Bldg	Upper Tamuning	Guam	96913	
4/1/2011 15:28:59				LFG Construction Supply	lfgconstruction@lfg.com	871-777-1334		414 W. Soledad Ave. 500	PHagåtña	Guam	96910	
4/1/2011 17:37:23				Eons Ent. Corp.	scars@eons.com	6376669	6376671	121 E Uguan Ave	Desabo	Guam	96928	
4/2/2011 4:36:48				Loyal Pacific Corporation	scars@loyal.com	1-671-482-8949	1-671-789-2440	P.O. Box 7981	Tamuning	Guam	96931	
4/2/2011 4:51:54				Loyal Pacific Corporation	scars@loyal.com	1-671-482-8949	1-671-789-2440	P.O. Box 7981	Tamuning	Guam	96931	
4/2/2011 11:52:58				scars@atl.com	4551255253			atl@atl.com	Tamuning	Guam	96931	
4/4/2011 6:21:05	Kent	Brian		Ma Paint & Roofing Supply	scars@mapaint.com	871-647-7870	871-647-4285	PO Box 8960	Tamuning	Guam	96931	Manufacturer's Representative for United Coatings & HydroStop Premium Coating Fluid Applied Roofing. We offer acrylic, urethane, silicone, and Kynar based fluoropolymer systems. We provide on site training and technical support for Certified Applicator Certification. In addition, we perform site inspections for QC Control and Warranty insurance.
4/4/2011 6:21:05	Kent	Brian		Ma Paint & Roofing Supply	scars@mapaint.com	871-647-7870	871-647-4285	PO Box 8960	Tamuning	Guam	96931	Manufacturer's Representative for United Coatings & HydroStop Premium Coating Fluid Applied Roofing. We offer acrylic, urethane, silicone, and Kynar based fluoropolymer systems. We provide on site training and technical support for Certified Applicator Certification. In addition, we perform site inspections for QC Control and Warranty insurance.
4/4/2011 6:29:02	Brian	Kent		Ma Paint & Roofing Supply	scars@mapaint.com	871-647-7870	871-647-4285	PO Box 8960	Tamuning	Guam	96931	Manufacturer's Representative for United Coatings & HydroStop Premium Coating Fluid Applied Roofing. We offer acrylic, urethane, silicone, and Kynar based fluoropolymer systems. We provide on site training and technical support for Certified Applicator Certification. In addition, we perform site inspections for QC Control and Warranty insurance.
4/4/2011 6:30:38	Brian	Kent		Ma Paint & Roofing Supply	scars@mapaint.com	871-647-7870	871-647-4285	PO Box 8960	Tamuning	Guam	96931	Manufacturer's Representative for United Coatings & HydroStop Premium Coating Fluid Applied Roofing. We offer acrylic, urethane, silicone, and Kynar based fluoropolymer systems. We provide on site training and technical support for Certified Applicator Certification. In addition, we perform site inspections for QC Control and Warranty insurance.
4/4/2011 9:48:03	Elmgaro	Aim		Cova Tech International	scars@covatech.com	871-473-5000	871-473-5000	500 Manner Avenue	Barrigada	Guam	96913	
4/4/2011 10:11:27	Caceres	Stevy		RM Architects	scars@rmarchitects.com	871-477-2111		316 Herman Cortez Avenue	Barrigada	Guam	96910	
4/4/2011 10:56:30	Cuevas	Rhyan		Cova Tech International	scars@covatech.com	871-473-5000	871-473-5000	500 Manner Ave.	Barrigada	Guam	96913	
4/4/2011 12:45:40	Varela	Guillermo		Z4 Corporation	z4corporation@yahoo.com	871-649-0322	871-649-0322	P.O. Box 23543 GMF	Barrigada	Guam	96921	

Timestamp	LAST NAME	FIRST NAME	MIDDLE	COMPANY NAME	E-MAIL ADDRESS	PHONE NUMBER	FAX NUMBER	ADDRESS	CITY	STATE	ZIP CODE	COMMENTS
4/8/2011 13:48:36	Acosta	Estelmas	III	AAA Pacific Guam, LLC	lmacosta@tckeev.com	671-647-5500	671-647-5601	P.O. Box 20429	Barrigada	Guam	96921	
4/8/2011 13:48:26	Acosta	Yvettien	M	AAA Pacific Guam, LLC	lmacosta@tckeev.com	671-647-5500	671-647-5601	P.O. Box 20429	Barrigada	Guam	96921	
4/8/2011 14:42:02	Rosario	Parisee	I	AAA Pacific Construction LLC	sparsae@tckeev.com	671-5503	671-5690	266 d Fnagayuan Street PO Box 20729	Hampden Barrigada	Guam	96913 96921, 0729	
4/8/2011 17:05:40	Wong	Wai Sui	I	Kim Fung	waiham.kim@kimfong.com	671-674083		404 West Soledad, Suite A, 12	Hagafna	GU	96910	
4/8/2011 12:38:28	Dumaiswal	Francine	P	SFSA Guam	francine@sfadegroup.com	671-486-3057	671-477-3058			GU	96910	
4/8/2011 15:33:29	Okawa	Yasuhito		Asakuma Corporation	okawa.yasuhito@asakuma.co.jp	671-646-4243	671-646-5180	P.O. Box 22108 GME	Barrigada	Guam	96921	Nearly percent of our construction crews have worked on occupied campuses, K-12 during the last twenty years. Our management team has worked outside of the Continental United States on multiple occasions. We are very excited for the opportunity to provide a proposal for this project. If you need immediate assistance please feel free to contact Dave McCarroll at 407-631-6860. Thank you again and we look forward to this opportunity.
4/7/2011 5:54:06	McCarroll	James	M	J&A Building Services, Inc.	James@jandabuildingservices.com	407-631-5388	407-631-1377	321 Georgia Ave	Lanhamwood	Florida	32758	
4/7/2011 8:33:08	Sarabhai	Prashant	M	AAA Window Cleaning Services, Inc.	Prashant@aaawindowcleaning.com	407-631-5288	407-631-1377	321 Georgia Ave	Lanhamwood	Florida	32758	



Exhibit 13



Taling M. Taitano
Interim Superintendent of Education

**DEPARTMENT OF EDUCATION
OFFICE OF SUPPLY MANAGEMENT**

www.gdoe.net
Manuel F.L. Guerrero / Administration Building
2nd Floor, Suite B-220
Hagama, Guam 96932
Telephone: (671) 475-0438 Fax: (671) 472-5001
Email: procurement@gdoe.net



Marcus Y. Pido
Supply Management, Administrator

CANCELLATION OF SOLCITATION; REJECTION OF ALL BIDS

September 13, 2011

Prospective Bidders:

With regard to our Invitation for Bid No. **GDOE IFB 024-2011, Southern High School Gymnasium Repairs** a copy of which was obtained by your company, this letter notifies that this solicitation is hereby **cancelled**.

This project, originally issued in March 2011, required a final completion date of December 31, 2011 or a timeframe of nine months. Pursuant to PL 31-40, the funding source has been converted from the US federal government appropriations of the American Recovery and Reinvestment Act of 2009 (ARRA) to a local trust account.

This conversion allows for a final completion date beyond September 2012. The Guam Department of Education (GDOE) has determined the extension of completion date from December 2011 to September 2012 may produce significant variations in estimated costs for the project. For this reason, IFB 024-2011 is hereby cancelled.

Please acknowledge receipt of this document by signing below and return acknowledgment via fax: (671) 472-5001.

Acknowledge Receipt


MARCUS Y. PIDO

(Print Name)

(Signature)

(Company Name)

(Date) (Time) AM/PM

Exhibit 14



Trinidad Bucao <tlgbucao@gdoe.net>

IFB 024-2011 Cancellation of Solicitation

1 message

Trinidad Bucao <tlgbucao@gdoe.net>

Tue, Sep 13, 2011 at 2:58 PM

To: Procurement <procurement@gdoe.net>

Bcc: main@coretechintl.com, rhealyn.cuadra@coretechintl.com, ramir.javelosa@coretechintl.com, vic_scblls@yahoo.com, wonkim.kbc@gmail.com, agyc@guam.net, rgyc@guam.net

Hafa Adail

Please acknowledge receipt of document and return by facsimile to 472-5001 or by email.
Thank you.


 IFB_024-2011_CANC.pdf
38K

Exhibit 15

1 **GUAM DEPARTMENT OF EDUCATION**

2 Rebecca M. Perez, Legal Counsel

3 P.O. Box DE

4 Hagåtña, Guam 96910

5 Telephone (671) 300-1537

6 Email: legal-admin@gdoe.net

7 *Attorney for Guam Department of Education*

8 **BEFORE THE OFFICE OF PUBLIC ACCOUNTABILITY**

9 **PROCUREMENT APPEAL**

10 IN THE APPEAL OF

11 APPEAL NO. OPA-PA-11-017

12 KIM BROS. CONSTRUCTION CORP.,

13 **AGENCY ANSWER TO APPEAL**

14 Appellant.

15 Pursuant to 2 GAR §12105(g) the Guam Department of Education (“GDOE”), the
16 Purchasing Agency in the appeal referenced above, hereby submits its statement in answer to the
17 appeal filed by Kim Bros Construction Corporation (hereafter “Kim Bros” or “Appellant”).

18 **BACKGROUND**

19 The Guam Department of Education issued an Invitation for Bid (“IFB”) 024-2011 on
20 March 31, 2011 soliciting bids for the renovation of the Southern High School Gymnasium. At
21 the time the IFB was issued, monies under the federal American Recovery and Reinvestment Act
22 of 2009 (“ARRA”) had been identified to fund the work solicited in the IFB. As an ARRA
23 funded project, the deadline for completion of work under the IFB was December 31, 2011.

24 The deadline for submission of bids in response to IFB-024-2011 was June 10, 2011.
25 Appellant timely submitted a bid in response to the IFB.

26 On May 16, 2011, the Governor of Guam signed Public Law 31-40 which changed the
27 nature of the funding source for IFB024-2011 from federal ARRA to locally budgeted funds,
28 pending certain approvals from the U.S. Department of Education (See Guam Public Law 31-40,

1 Section 3, "Upon USDOE approval to amend the Phase I and Phase II ARRA SFSF grant
2 application, whereby, the amount of ... \$60,088,935 ... is reprogrammed"). Upon receipt of
3 all necessary approvals for the change in funding source from ARRA to local funds, the previous
4 deadline of December 31, 2011 for completion of work no longer applied to the IFB. Given this
5 change in circumstance and the likelihood that the cost of the work under the IFB could decrease
6 significantly given the extension of time during which the work could be completed, the GDOE
7 Supply Management Administrator determined it would be in GDOE's best interest to cancel
8 IFB024-2011. GDOE issued a Notice of Cancellation of the IFB on September 13, 2011. (See
9 Affidavit of Marcus Pido, filed as GDOE Exhibit No. 8 and Notice of Cancellation of GDOE
10 IFB024-2011, GDOE Exhibit No. 13). The Notice of Cancellation was issued to all entities that
11 had submitted a bid in response to the IFB. (See email of September 13, 2011 from GDOE
12 employee Trinidad Bucao, GDOE Exhibit No. 14).

13 By its own admission, Kim Bros inquired on several occasions as to the status of IFB024-
14 2011 and its cancellation (See letter of September 26, 2011 to GDOE Administrator Marcus Pido
15 from Kim Bros President Won Sik Kim, included with the Notice of Appeal in this matter). As
16 further discussed below, the Notice of Cancellation was sent to Kim Bros along with all other
17 potential bidders. Additionally, GDOE advised Kim Brothers via letter of October 27, 2011 that
18 there was a cancellation issued on September 13th and that the cancellation could be re-sent upon
19 request.

20 On November 14, 2011 Kim Bros filed its Notice of Appeal with the Office of Public
21 Accountability ("OPA") stating as its basis for appeal that GDOE "decided to cancel the
22 solicitation. Notice was given to other bidders but not to Appellant." On November 17, 2011
23 Kim Bros filed a Supplementation of Appeal Documents with the OPA which states the relief
24 sought as "reimbursement of \$42,800 it spent in bid preparation costs..."

25
26 **I. LACK OF JURISDICTION FOR PUBLIC AUDITOR TO HEAR APPEAL**
27

1 This matter in is not properly on appeal before the Office of Public Accountability as no
2 protest was lodged by Kim Bros with GDOE and there is no decision from which an appeal may
3 be made. Attached to Kim Bros' Notice of Appeal is a letter dated September 26, 2011 to the
4 GDOE Supply Management Administrator. In its letter, Appellant lists a timeline of events
5 regarding its communications with DOE about the potential cancellation of IFB024-2011.
6 Appellant starts its letter with the phrase, "[t]his letter is to inform you that we are complaining
7 on *the way your office responded to the inquiries* of our company with regards to the above
8 subject project." (Emphasis added.) Nowhere in the letter does it state that Kim Bros was
9 *protesting the handling of the IFB*. In fact, Appellant threatened to take the process on a path
10 for legal recourse by stating, "[s]hould GDOE ignore this letter, we will have no other recourse
11 but to seek legal assistance and claim expenses incurred to include, among others, cost of
12 estimating, bid bond fee, attorney's fee and other miscellaneous cost." Appellant's letter is not a
13 protest, but merely information that Appellant was unhappy with how GDOE handled its
14 inquiries. Additionally, if one were to rely on Appellant's contention that Notice was not given to
15 it about the cancellation of IFB024-2011, upon actual notice that the IFB had been cancelled
16 (which one must assume Kim Bros had before filing this appeal), the first step required under
17 applicable procurement regulations would have been to file a protest with GDOE (See generally 5
18 GAR §5425 which allows an aggrieved actual or prospective bidder to protest a procurement
19 decision to a procuring agency, then upon receipt of a decision from the agency, to appeal that
20 decision to the Public Auditor.). As Kim Bros filed no protest with GDOE, there is no decision
21 by the agency, and therefore no decision to be appealed to the Public Auditor. GDOE therefore
22 requests the OPA to dismiss the present appeal in its entirety on the basis that there is no agency
23 decision from which to hear an appeal.

24
25 **II. ANSWER TO APPELLANT'S ALLEGATIONS**

26 In the event the OPA finds that Kim Bros' appeal is properly before it, GDOE makes the
27 following arguments that the appeal should be rejected:

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A. CANCELLATION OF GDOE IFB024-2011 AND NOTICE TO APPELLANT

Appellant asserts in its Statement of Basis of Appeal that with regard to IFB024-2011 “[n]otice was given to other bidders but not to Appellant.” GDOE made IFB024-2011 available to potential bidders via download from the GDOE website. Kim Bros downloaded the IFB from the GDOE website on April 4, 2011 and at that time provided its email address as wonkim.kbc@gmail.com. (See Log of Downloads for IFB024-2011, filed in this matter as GDOE Exhibit No 12.). That email address was subsequently used to send correspondence regarding the IFB to Appellant and on at least eleven occasions, such correspondence was acknowledged as received by Appellant. (See Emails regarding Notice of Amendments to IFB024-2011, GDOE Exhibit No. 10 and Appellant’s Acknowledgements of Amendments to GDOE Exhibit No. 11.).

Appellant provided its email address voluntarily, and routinely used that email address to receive correspondence from GDOE related to the IFB. On September 13, 2011, the same email address was used to send the Notice of Cancellation of the IFB (GDOE Exhibit No. 14). Given the previous and routine use of its email address to receive correspondence regarding the IFB, it is reasonable to conclude that GDOE provided Appellant the Notice of Cancellation by sending it to Appellant’s email address. Appellant’s statement that GDOE failed to give it notice of the cancellation is false, and this basis for its appeal is wholly without merit.

Additionally, by GDOE’s letter of October 27, 2011, which was acknowledged by the Appellant on October 30, 2011 (and which is attached to the Notice of Appeal filed in this matter), Appellant was advised it could receive another copy of the Notice of Cancellation. Appellant could also have received copy of the Notice of Cancellation by filing a request for information under either applicable procurement statutes and regulations, or under the Freedom of Information Act found at 5 GCA Chapter 10. The fact that there were multiple avenues by which

1 Appellant could have accessed the Notice of Cancellation further undermines its allegations that
2 the Department somehow kept the Notice of Cancellation from Appellant.
3

4 **B. Reimbursement of Bid Preparation Costs**

5 As stated in its Supplementation of Appeal Documents, Appellant seeks Forty-Two
6 Thousand Eight Hundred Dollars (\$42,800.00) as reimbursement for costs it incurred in
7 preparation of its bid for IFB024-2011. Appellant offers no justification for its request for
8 reimbursement of its costs. As explained above, GDOE made the determination that cancellation
9 of IFB024-2011 would be in the best interests of the agency. GDOE advised all potential bidders
10 that it reserved the right to cancel the IFB at any time (Section 3.9 of IFB024-2011 states GDOE
11 “reserves the right to cancel this IFB at any time when it is in the best interests of the Department,
12 in accordance with 5 GCA §5225 and 2 GAR Div 4 §3115(c).”) 5 GCA §5225 states an IFB
13 “may be cancelled, or any or all bids or proposals may be rejected in whole or in part as may be
14 specified in the solicitation, when it is in the best interest of the Territory in accordance with
15 regulations” Though Section 3.9 of the IFB refers to “2 GAR Div 4 §3115(c)”, the right of an
16 agency to cancel or reject an IFB in its entirety is discussed in 2 GAR §3115(d)(2)(A) which
17 provides, “[a]fter opening, but prior to award, all bids or proposals may be rejected in whole or in
18 part when the ... head of a Purchasing Agency determines in writing that such action is in the
19 territory’s best interest ...” The language in the IFB, along with that found in 5 GCA §5225 and
20 2 GAR §3115(d)(2)(A), makes clear that GDOE may cancel an IFB when it is in the best interest
21 of the agency to do so. The reason for GDOE’s determination to cancel IFB024-2011 is clearly
22 stated in the following excerpt from the September 13, 2011 Notice of Cancellation:

23 This project, originally issued in March 2011, required a final
24 completion date of December 31, 2011 or a timeframe of nine
25 months. Pursuant to PL31-40, the funding source has been
26 converted from the US federal government appropriations of the
American Recovery and Reinvestment Act of 2009 (ARRA) to a
local trust account.

27 This conversion allows for a final completion date beyond
28 September 2012. The Guam Department of Education (GDOE) has

1 determined the extension of completion date from December 2011
2 to September 2012 may produce significant variations in estimated
3 costs for the project. For this reason, IFB 024-2011 is hereby
4 cancelled.

5 From the information in the Notice of Cancellation and applicable policy, law, and
6 regulation, it is clear that GDOE acted reasonably and well within its authority by canceling
7 IFB024-2011. Appellant offers no evidence that GDOE acted outside its authority or
8 unreasonably by canceling the IFB. It is therefore unclear on what basis Kim Bros believes it
9 should be entitled to the costs of preparing its bid. Participation in the procurement process by a
10 bidder is voluntary, and the costs associated with that participation is reasonably borne by the
11 bidder, especially when there is no evidence that an agency has acted capriciously or otherwise
12 unreasonably in the handling of the procurement. For this reason, Kim Bros' appeal for
13 reimbursement of its bid preparation costs is totally without merit, and should be denied.

14 **CONCLUSION**

15 For the reasons above, GDOE requests the OPA find the present appeal is not properly
16 before it. In the alternative, should the OPA determine it has jurisdiction to hear this appeal,
17 GDOE requests the OPA find there is no merit to Appellant's contention that GDOE did not give
18 it notice of the cancellation of GDOE IFB024-2011 or to the contention that Appellant should be
19 reimbursed costs incurred in the preparation of its bid.

20 Dated this 5th day of December, 2011.

21 Respectfully submitted,

22 **GUAM DEPARTMENT OF EDUCATION**

23 By: 

24 **REBECCA M. PEREZ, ESQ.**

25 *Legal Counsel*



Exhibit 16

1 **GUAM DEPARTMENT OF EDUCATION**

2 Rebecca M. Perez, Legal Counsel

3 P.O. Box DE

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8 **BEFORE THE OFFICE OF PUBLIC ACCOUNTABILITY**

9 **PROCUREMENT APPEAL**

10 IN THE APPEAL OF

APPEAL NO. OPA-PA-11-017

11 KIM BROS. CONSTRUCTION CORP.,

**DECLARATION REGARDING
COURT ACTION**

12 Appellant.

13
14 The undersigned party does hereby confirm that to the best of her knowledge, no case or
15 other action concerning the subject of this Appeal has been commenced in any court of Guam.
16 All parties are required to and the undersigned party agrees to notify the Office of the Public
17 Auditor within twenty-four (24) hours of being informed of the commencement of a court action
18 regarding this Appeal or the underlying procurement action.

19 Dated this 5th day of December, 2011.

20 Respectfully submitted,

21 **GUAM DEPARTMENT OF EDUCATION**

22 By: 

23 **REBECCA M. PEREZ, ESQ.**

24 *Legal Counsel*