



OFFICE OF PUBLIC ACCOUNTABILITY
Doris Flores Brooks, CPA, CGFM
Public Auditor

PROCUREMENT APPEALS

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6 IN THE APPEAL OF,) **APPEAL NO: OPA-PA-10-004**
7 HARBOR CENTRE GUAM CO. LTD.,)
8 And HARBOUR CENTRE PORT) **NOTICE OF CONTINUATION OF**
9 TERMINAL , INC.) **HEARING RE APPELLANT'S APPEAL**
10)
11 Appellant)

12 **To: Purchasing Agency:**
13 Jose D. Leon Guerrero Commercial Port, Government of Guam
14 C/O Darleen E. Hiton, Esq.
15 Phillips & Bordallo, P.C.
16 410 W. O'Brien Dr.
17 Hagåtña, Guam, 96910
18 Facsimile: (671) 477-2329

19 **Appellant:**
20 Harbor Centre Guam Co., Ltd., and Harbor Centre Port Terminal, Inc.
21 C/O Reghis M. Romero, III, Duly Authorized Representative
22 Manila Harbour Centre, Road 10, Vitas
23 Tondo, Metro Manila
24 Republic of the Philippines 1013
25 Email: info@harbourcentre.com.ph

26 And;

27 Rawlen M.T. Mantanona, Esq.
28 Cabot Mantanona, LLP
Edge Building, Second Floor
929 South Marine Corps Drive
Tamuning, Guam, 96913
Facsimile: (671) 646-0777

Interested Parties:
Ports America, Inc.
C/O Sirena Perez Cassidy, Esq.
Civille & Tang, PLLC
330 Hernan Cortez Ave., Suite 200

1 Hagåtña, Guam, 96910
2 Facsimile: (671) 477-2511

3 APM Terminals
4 C/O Elyze J. McDonald, Esq.
5 Carlsmith Ball LLP
6 Bank of Hawaii Bldg., Suite 401
7 134 West Soledad Ave.
8 Hagåtña, Guam, 96910
9 Facsimile: (671) 477-4375

10 **NOTICE IS HEREBY GIVEN** that the Hearing for the Appellant's Appeal which
11 began on October 18, 2010, shall continue before the Public Auditor and the Hearing Officer for
12 Procurement Appeals at Suite 907, 9th Floor, DNA Building, 238 Archbishop Flores Street,
13 Hagåtña, Guam, 96910 on Wednesday, December 19, 2012 at 9:00 a.m. For the benefit of the
14 parties and their counsel, the Hearing Officer issues the following statement regarding said
15 hearing:

16 1. The Hearing for the Appellant's Appeal began on October 18, 2010. The Parties gave
17 their opening statements and the Appellant began its case in chief and called and took testimony
18 from two (2) witnesses. Just before 4:00 p.m., that day, and pursuant to 2 G.A.R., Div. 4, Chap.
19 12, §12103(b), the hearing was could not proceed because the Appellant filing the following
20 actions in the Superior Court of Guam:

21 a. *Harbor Centre Guam Co., Ltd., and Harbour Centre Port Terminal, Inc., vs.*
22 *Claudia Acfalle, in her official capacity as Chief Procurement Officer, General Services Agency,*
23 *Jose D. Leon Guerrero Commercial Port, Doris Flores Brooks, in her official capacity as Public*
24 *Auditor, Office of Public Accountability, SP209-10 (Superior Court of Guam).*

25 b. *Harbor Centre Guam Co., Ltd., and Harbour Centre Port Terminal, Inc., vs.*
26 *Office of Public Accountability, CV1812-10 (Superior Court of Guam).*

27 c. *Harbor Centre Guam Co., Ltd., and Harbour Centre Port Terminal, Inc., vs.*
28 *Doris Flores Brooks, as Public Auditor, Office of Public Accountability, SP0226-10 (Superior*
Court of Guam).

1 2. As of November 29, 2012, all three of the aforementioned cases have been resolved
2 in the Superior Court of Guam, and as a result of their resolution, the Hearing for the Appellant's
3 Appeal can proceed again.

4 3. Although Cabot Matanona LLP is still listed as the counsel of record for Appellant in
5 this matter, pursuant to 2 G.A.R., Div. 4, Chap. 12, §12108(h), the Hearing Officer takes judicial
6 notice of the proceedings in SP209-10, cited above, specifically the following in said proceeding:

7 a. The Declaration of Rawlen M.T. Mantanona, Esq., filed on August 30, 2011,
8 which states that there was a communication breakdown between the Appellant, who was the
9 petitioner in SP209-10, and Cabot Mantanona LLP, which was Appellant's counsel in SP209-11,
10 rendering Cabot Mantanona LLP's representation of Appellant in SP0209-10 unreasonably
11 difficult, due Appellant's non-communication and non-cooperation;

12 b. Cabot Mantanona LLP's Motion to Withdraw as Counsel of Record for
13 Appellant filed on August 30, 2011;

14 c. The Superior Court of Guam's May 18, 2012 Decision & Order granting Cabot
15 Mantanona LLP's Motion to Withdraw and ordering that if the Appellant failed to appear at the
16 Writ Hearing on August 8, 2012, SP209-10 would be dismissed.

17 d. The Superior Court of Guam's Order Dismissing Case with Prejudice filed on
18 November 29, 2012 finding that the Appellant failed to appear at the Writ Hearing on August 8,
19 2012 and dismissing SP209-10 with prejudice.

20 4. Based on the facts judicially noticed in paragraph 3 herein, the Hearing Officer finds
21 that this notice must be sent to both Cabot Mantanona LLP and the Appellant's last known
22 address contemporaneously.

23 5. Further, based on the facts judicially noticed in paragraph 3 herein, the Appellant is
24 hereby ON NOTICE, that if it fails to appear personally at the December 19, 2012 hearing, that
25 the Public Auditor shall find that the Appellant has discontinued its Appeal, and pursuant to 2
26 G.A.R., Div. 4, Chap. 12, §12104(c)(8), this matter shall be DISMISSED WITH PREJUDICE.

27 6. Any persons requiring special accommodations, auxiliary aids or services to attend the
28 Pre-hearing Conference shall contact and submit their request to Jerrick Hernandez, Office of

1 Public Accountability, Suite 401, DNA Building, 238 Archbishop Flores Street, Hagåtña, Guam,
2 96910, at 475-0390.

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4 **SO ORDERED** this 6th day of December, 2012 by:

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9 ANTHONY R. CAMACHO, ESQ.
10 Hearing Officer
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FAX

To: **Darleen E. Hilton**
Legal Counsel for Appellee - Port Authority of
Guam

Rawlen M. T. Mantanoa
Legal Counsel for Appellant – Harbor Centre Guam

Sirena Perez Cassidy
Legal Counsel for Ports America,
Interested Party

Elyze J. McDonald
Legal Counsel for APM Terminals,
Interested Party

From: **Doris Flores Brooks, CPA, CGFM**
Public Auditor
OPA Procurement Appeals
Suite 401 DNA Bldg.
238 Archbishop Flores St.
Hagatna, Guam 96910

Agency: Pages 5 (Including cover)

CC: **All Media** Date: Monday, December 10, 2012

Fax: PAG – Phillips & Bordall, P.C. / 477-2329 Point of Contact Tel: 475-0390 x 219 (Anne Camacho)
HGC - Cabot Mantanona / 646-0777 Fax: 472-7951
PA - Civile & Tang / 477-2511 Nos.
APM – Carlsmith Ball / 477-4375

Re: **Appeal No. OPA-PA-10-004: Notice of Continuation of Hearing Re Appellant's Appeal**

Urgent **For Review** Please Comment **Please Reply** Please Recycle

Comments: See attachment for reference.

Please **acknowledge receipt of this transmittal by re-sending this cover page** along with your firm or agency's receipt stamp, date, and initials of receiver. Thank you.

Rachel Field – rfield@guamopa.org

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