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MAY 30 2013
10:10 am
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To: **Mr. Charles H. Ada**
Executive Director
A. B. Won Pat International Airport Authority(GIAA)
355 Chalan Pasajeros
Tamuning, Guam 96911

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

Agency: GIAA Pages 5 (including cover page)

CC: Mr. William J. Blair, Attorney for DFS Guam, L. P. Date: May 31, 2013
Ms. Maurice M. Suh, Attorney for DFS Guam, L. P.

Fax: GIAA : 646-8823 Point of Contact Nos. Tel: 475-0390 x 211
Mr. William J. Blair : (671) 472-4290 Llewelyn Terlaje
Ms. Maurice M. Suh : (213) 229-7520 Fax: 472-7951

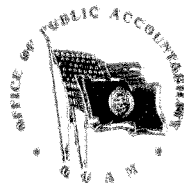
Re: **Notice of Receipt of Appeal - OPA-PA-13-006**

Urgent For Review Please Comment Please Reply Please Recycle

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.

Llewelyn Terlaje - lterlaje@guamopa.org

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OFFICE OF PUBLIC ACCOUNTABILITY

Doris Flores Brooks, CPA, CGFM

Public Auditor

May 31, 2013

Mr. Charles H. Ada
Executive Director
A.B. Won Pat International Airport Authority
355 Chalan Pasajeros
Tamuning, Guam 96911

VIA FACSIMILE: 646-8823

Re: Notice of Receipt of Appeal – OPA-PA-13-006

Dear Mr. Ada,

Please be advised that DFS Guam, L.P. filed an appeal with the Office of Public Accountability (OPA) on May 30, 2013 regarding the A.B. Won Pat International Airport Authority (GIAA) procurement actions related to GIAA RFP No. GIAA-010-FY12 Specialty Retail Concession. OPA has assigned this appeal case number OPA-PA-13-006

Immediate action is required of GIAA pursuant to the Rules of Procedure for Procurement Appeals, found in Chapter 12 of the Guam Administrative Regulations (GAR). Copies of the rules, the appeal, and all filing deadlines are available at OPA's office and on its website at www.guamopa.org. The first two pages of the notice of appeal filed with OPA is enclosed for your reference.

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

Pursuant to 2 GAR, Div. 4, Ch. 12, §12104(3), please submit one complete copy of the procurement record for the procurement solicitation above, as outlined in Title 5, Chapter 5, §5249 of the Guam Code Annotated, to OPA by **Friday, June 7, 2013** five work days following receipt of this notice of appeal; and one copy of the Agency Report for each of the procurement solicitations cited above, as outlined in 2 GAR, Div. 4, Chap. 12, §12105, by Friday, **June 14, 2013**, ten work days following receipt of this notice of appeal.

When filing all other required documents with our office, please provide one original and two copies to OPA, and serve a copy to DFS Guam, L. P. OPA respectfully asks that GIAA provide one original and two copies of the procurement record as the Guam Procurement Law and

Regulations require only one copy. The three procurement record copies requested by OPA are distributed as follows: Copy-1: Master File; Copy-2: Public Auditor; and Copy-3: Hearing Officer.

Thank you for your prompt attention to this matter. Please contact Llewelyn Terlaje at 475-0390 ext. 211, or lterlaje@guamopa.org, should you have any questions regarding this notice.

Sincerely,



Llewelyn Terlaje
Audit Supervisor

Enclosure: First Page of the Notice of Appeal – OPA-PA-13-006

Cc: William J. Blair, Attorney for DFS, Guam, L. P.
Maurice M. Suh, Attorney for DFS, Guam L. P.

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ATTORNEYS FOR APPELLANT DFS GUAM, L.P.

PROCUREMENT APPEAL IN THE OFFICE OF PUBLIC ACCOUNTABILITY

In the Appeal of
DFS Guam L.P., Appellant
of the Decision of the
A.B. Won Pat International Airport Authority,
Guam

NOTICE OF APPEAL

Office of Public Accountability

DOCKET NO. OPA-PA 19-006

RECEIVED

OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS

DATE: 5/30/13

TIME: 12:40 AM PM BY: Thyza

FILE NO OPA-PA: 13-006

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I. APPELLANT INFORMATION

Name: DFS Guam, L.P.
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Daytime Contact No.: (671) 647-3872
Fax No.: (671) 647-3902

II. APPEAL INFORMATION

Purchasing Agency: A.B. Won Pat International Airport Authority, Guam
Identification/Number of Procurement, Solicitation, or Contract: GIAA 010-FY12

The decision being appealed was made on May 17, 2013 by the Head of the Purchasing Agency.

The appeal is made from a Decision on Protest of Method, Solicitation or Award. The May 17, 2013 decision is attached.

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

- 1. Lotte Duty Free Guam, LLC
- 2. The Shilla Duty Free
- 3. James Richardson (Guam), LLC

III. INTRODUCTION

DFS Guam, L.P. (“DFS”) brings this appeal of the A.B. Won Pat International Airport Authority, Guam’s (“GIAA”) decision of May 17, 2013 to deny DFS’ proposal protest (“Proposal Protest”) of the GIAA’s conduct in connection with its April 12, 2013 decision to approve the recommendations of the GIAA evaluation committee ranking Lotte Duty Free Guam LLC and its relevant subsidiaries and affiliates (collectively, “Lotte”) as the “most qualified proposer” pursuant to the RFP No. GIAA 010-FY12 (“RFP”).

DFS began its proposal protest on October 30, 2012, when it first wrote to the GIAA to