



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

<u>Alliance Metal Specialties</u>	_____
<u>The Shutter Factory</u>	_____
<u>EMI</u>	_____
<u>Loyal Pacific Corporation</u>	_____
<u>Leading Tech</u>	_____

**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.*

**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 26 day of May, 2010.

By: Daniel J. Berman ATTORNEY FOR  
APPELLANT Eons Enterprises Corporation  
Daniel J. Berman

or

By: [Signature]  
Appellant's Duly Authorized Representative Frank Wu  
(Address)  
(Phone No.)

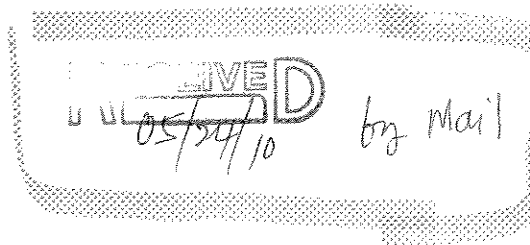
APPENDIX A



GUAM COMMUNITY COLLEGE

hon. Kunitidat Guahan

Accredited by the Western Association of Schools and Colleges



May 10, 2010

To: Frank F.C. Wu
President
EONS ENTERPRISES CORP.
121 Eas5t Ligan Avenue
Dededo, Guam 96929

VIA: Joleen M. Evangelista, Procurement & Inventory Administrator
Jose Quitugua, Facilities Coordinator
Carmen K. Santos, Vice President Business & Finance

Subject: Request for reevaluation of the bid awards
GCC-FB-10-009 (Install Typhoon Shutters at the Student Services and Administration Building - Building 2000)

Dear Mr. Wu,

This letter is to advise you that the Guam Community College received your letter dated May 3, 2010 regarding the above. GCC has evaluated the bids in detail and remains firm in its decision on the award. Please note that the bids are evaluated based on the lowest, responsive and responsible bid.

We thank you for your participation in this bid and encourage you to participate again in the future.

Sincerely,

Mary A.Y. Okada
Mary A.Y. Okada
President

P. 3/10

MAY 21, 2010  
POSTMARK IN  
MAIL

P.O. Box 23069 GMF  
Barrigada, Guam 96921

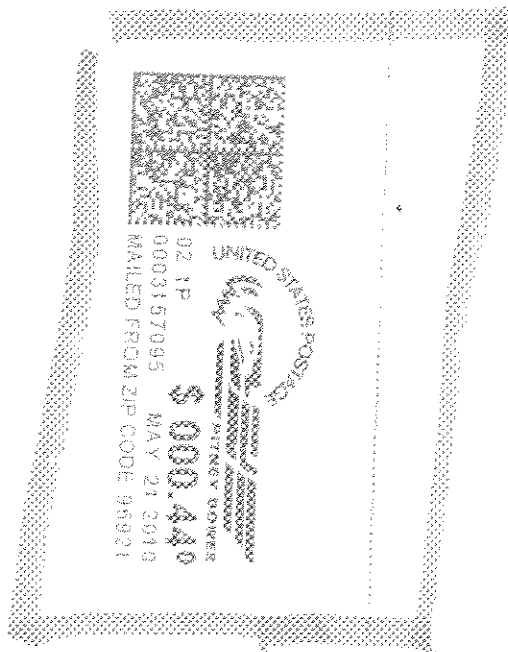
GUAM COMMUNITY COLLEGE  
Kulehan Kuanrudat Gudhan



5652585322 0016



Frank F.C. Wu  
FONS ENTERPRISES CORP.  
121 East Liguian Avenue  
Dededo, FU 96929



P. 4 / 10



**EONS ENTERPRISES CORP.**  
121 East Liguán Avenue  
Dededo, Guam 96929  
Tel: (671) 637-6869  
Fax: (671) 637-6871, E mail :eonscons@ite.net

2010 2:35pm

*J. Evangelista*

Date: May 3, 2010

To: Joleen M. Evangelista  
Procurement & Inventory Administrator  
Guam Community College  
Mangilao, Guam

Subject: REQUEST FOR RE EVALUATION OF THE BID AWARDS  
Re: Install Typhoon Shutters at the Student Services and Administration  
Building (Building 2000)  
GCC-FB-10-009

Madam,

This is connection with the bid status send to us dated April 26, 2010 as hereto attached.

We respectfully request for consideration for re evaluation of the bids of the above referenced project due to fact that we submitted the lowest bid to the project which should have been considered as it is most favorable to the government.

We greatly appreciate you consideration on this matter.

Sincerely,

*[Handwritten Signature]*  
Frank F.C. Wu  
President

FILE COPY

P.5/10



GUAM COMMUNITY COLLEGE

hon Kumunidat Guahan

Accredited by the  
Western Association of  
Schools and Colleges

Date: April 26, 2010

To: EONS Enterprises Corporation  
121 E. Liguán Avenue  
Dededo, Guam 96929

Via: Carmen K. Santos, CPA *CMS*  
Vice President of Business and Finance

**NOTICE OF NON-AWARD**

Bid No: GCC-FB-10-009  
Description: Install Typhoon Shutters at the Student Services and Administration Building (Building 2000)

Dear Mr. Frank Wu:

This letter is to advise you that the above bid has been evaluated and awarded to The Inifiniti Group, Inc. dba: Alliance Metal Specialties. They were deemed the lowest, most responsible and responsive bidder.

Guam Community College appreciates your time and effort in preparing for this bid and encourages you to bid in the future.

Should you have any questions, please contact Joleen Evangelista, Procurement & Inventory Administrator at 735-5540/5542.

Thank you for your participation and interest.

*Joleen M. Evangelista*  
Joleen M. Evangelista  
Procurement & Inventory Administrator

*P. 6/10*

2010

# CONTRACTORS' LICENSE

FELIX P. CAMACHO  
Governor of Guam

MICHAEL W. CRUZ  
Lt. Governor of Guam

Pursuant to the provisions of Chapter VII Title XI of the Government of Guam and the Rules and Regulations of the Contractors License Board, the Executive Director of Contractors hereby issues this license to:

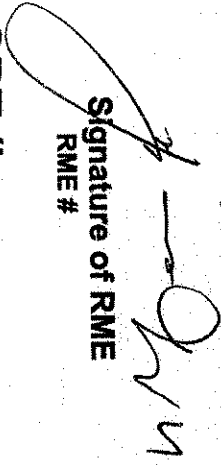
## EONS ENTERPRISES CORPORATION

To engage in the business or act in the capacity of a contractor in the following classifications

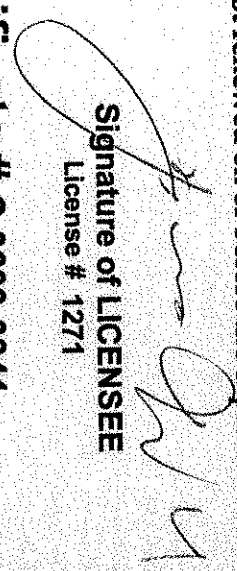
**A,B,C13,C13A,C15,C18,C19,C37,C42,C55 & C68 (Epoxy Injection)**

This license is the property of the Executive Director of Contractors, not transferable, and shall be returned to the Executive Director upon demand when suspended, revoked, or invalidated for any reason. It becomes void if not renewed on or before the expiration date.

Signature of RME  
RME #



Signature of LICENSEE  
License # 1271




GRT # 25260

Certificate # C-0609-0841


Issued: June 26, 2009

Expires: June 30, 2010



  
THOMAS A. MORRISON  
EXECUTIVE DIRECTOR



  
RICHARD QUIMBAO  
BOARD CHAIRMAN

B" = General Contractor for all Construction

p. 9/10

Accredited by the  
Western Association of  
Schools and Colleges

### INVITATION FOR BID

**Bid No:** GCC-FB-10-008  
**For:** Renovate Classrooms in Bldgs A and C  
Room A-29, A-30, A-31, C-5 and C-25  
Guam Community College  
**Bid Opening Date:** 10:00 a.m. Monday, March 29, 2010  
GCC Student Services & Administration  
Building  
Administrative Services Division  
Conference Room (2nd Floor)

Interested contractors may purchase a Bid Package from the Cashier's Office located in the GCC Student Services and Administration Building from 8:00 a.m. to 4:00 p.m., Monday thru Thursday and 8:00 a.m. to 12:00 noon on Fridays (excluding holidays). A non-refundable fee of \$25.00 will be charged for each Bid Package. The bid package will be made available for pick-up in the Materials Management Office, Room 2105 once the bid package is purchased.

For more information, please contact the Materials Management Office at 735-5540/5542 or email: [materialsmanagement@guamcc.edu](mailto:materialsmanagement@guamcc.edu)

**/s/ MARY A.Y. OKADA, Ed.D**  
President

This advertisement was paid with Guam Community College funds.

College  
Receipt 25563

PA  
TC

DEBIT AMT  
\$50.00

\$50.00

College  
Receipt 25563  
INFORMATION \* \* \*

MAX'S reimbursement

AMSE 10/10  
74  
Vobona



Accredited by the  
Western Association of  
Schools and Colleges

### INVITATION FOR BID

**Bid No:** GCC-FB-10-009  
**For:** Install Typhoon Shutters at GCC Student  
Services and Administration Building  
(Building 2000)  
**Bid Opening Date:** 10:00 a.m. Wednesday, March 31, 2010  
GCC Student Services & Administration  
Building  
Administrative Services Division  
Conference Room (2nd Floor)

Interested contractors may purchase a Bid Package from the Cashier's Office located in the GCC Student Services and Administration Building from 8:00 a.m. to 4:00 p.m., Monday thru Thursday and 8:00 a.m. to 12:00 noon on Fridays (excluding holidays). A non-refundable fee of \$25.00 will be charged for each Bid Package. The bid package will be made available for pick-up in the Materials Management Office, Room 2105 once the bid package is purchased.

For more information, please contact the Materials Management Office at 735-5540/5542 or email: [materialsmanagement@guamcc.edu](mailto:materialsmanagement@guamcc.edu)

**/s/ MARY A.Y. OKADA, Ed.D**  
President

This advertisement was paid with Guam Community College funds.

2.10/10



TO: OFFICE OF PUBLIC AUDITOR

FROM: EONS ENTERPRISES CORPORATION

RE: GROUNDS FOR APPEAL

DATED: Wednesday, May 26, 2010

---

Eons Enterprises Corporation, appellant, (herein "Eons") was the lowest responsible and timely bidder for the contract to construct improvements at GCC in the form of Typhoon shutters.

The notice and published invitation for bid specified that it was open to all contractors. See page 10.

Eons is a licensed general contractor and is licensed in over 11 contractor specialties. See page 9.

The bidding sheet discloses that Eons was the lowest bidder. See page 7.

On April 26, 2010, notice was sent to Eons that a higher bidder Alliance Metal Specialties would be awarded the bid. See page 6.

On May 3, 2010, Eons requested that the Government re-evaluate the bid award and asserted that Eons was the lowest bidder. See page 5.

On May 24, 2010, Eons received notice that its request for re-evaluation and assertion of protest was denied. See page 3. The GCC notice was postmarked and mailed on May 21, 2010. See page 4. Accordingly, the alleged date of GCC notice of May 10, 2010 should be disregarded as either mistaken or in error.

On May 26, 2010, Eons filed its protest with the Office of Public Auditor.

#### SUMMARY OF GROUNDS:

Eons submits that it was without doubt the lowest bid and that its qualifications as a licensed general and specialty contractor are proven in the bid submission. The invitation for bids had not nor could not eliminate all general licensed contractors who are authorized to install, build and construct improvements to include typhoon shutters on buildings in Guam. Alternatively, the IFB is null, void and of no effect because the Department of Public Works has sole authority for the procurement of construction service contracts for new improvements to public property. See Z4 OPA Opinion filed May 5, 2010 (OPA-PA-09-012)

GCC-FB-10-009  
Install Typhoon Shutters in Bldg 2000

Item No	Item Description	Quantity	Unit	Jude Rich		EDNS Est.		Advance Mudd	
				Unit Price	Total	Unit Price	Total	Unit Price	Total
1	Aluminum Awning Window, 3' x 5'	96	Set	\$429.00	\$41,184.00	\$255.00	\$24,480.00	\$295.04	\$26,403.84
2	Aluminum Awning Window, 3' x 4 2"	35	Set	\$400.00	\$14,000.00	\$252.00	\$8,820.00	\$265.79	\$9,302.65
3	Round Aluminum Window 2' 6" diameter	14	Set	\$370.00	\$5,180.00	\$162.00	\$2,268.00	\$401.99	\$5,627.86
4	Round Aluminum Window 3' 6" diameter	2	Set	\$421.00	\$842.00	\$288.00	\$576.00	\$401.99	\$803.98
5	Aluminum Awning Window with Glass Blocks, 2 x 5'	16	Set	\$349.00	\$5,584.00	\$180.00	\$2,880.00	\$242.04	\$3,872.64
6	Aluminum Storefront Window, 2' 6" x 6' 8"	4	Set	\$565.00	\$2,260.00	\$357.00	\$1,428.00	\$301.89	\$1,207.56
7	Aluminum Storefront Window, 5 equal part window with door, 18' 10" x 7' 3"	4	Set	\$2,555.00	\$10,220.00	\$2,431.00	\$9,724.00	\$1,641.34	\$6,565.36
8	Aluminum Single Hung Window, 5' x 5'	4	Set	\$529.00	\$2,116.00	\$430.00	\$1,720.00	\$401.24	\$1,628.96
9	Aluminum, Storefront Door, 6' x 7'	1	Set	\$921.00	\$921.00	\$752.00	\$752.00	\$760.39	\$760.39
10	Aluminum, Storefront Door, 40" x 87"	2	Set	\$635.00	\$1,270.00	\$1,164.00	\$2,328.00	\$910.19	\$1,820.38
11	Aluminum, Storefront Windows, 30" x 80"	5	Set	\$565.00	\$2,825.00	\$378.00	\$1,890.00	\$312.29	\$1,561.45
12	Aluminum Awning, Window, 40" x 60"	2	Set	\$565.00	\$1,130.00	\$360.00	\$720.00	\$295.04	\$590.08
<b>GRAND TOTAL</b>				\$87,532.00		\$58,870.00		\$60,130.15	

P. 7/10

GCC-FB-10-009  
 Install Typhoon Shutters in Bldg 2000

Item No	Item Description	Quantity	Unit	Promover		DVF		Royal Pacific	
				Unit Price	Total	Unit Price	Total	Unit Price	Total
1	Aluminum Awning Window, 3' x 5'	96	Set	\$321.84	\$30,898.13	\$323.10	\$31,017.60	\$414.00	\$39,744.00
2	Aluminum Awning Window, 3' x 4' 2"	35	Set	\$271.71	\$9,509.96	\$269.25	\$9,423.75	\$405.60	\$14,196.00
3	Round Aluminum Window 2' 6" diameter	14	Set	\$90.00	\$1,260.00	\$134.62	\$1,884.68	\$224.00	\$3,136.00
4	Round Aluminum Window 3' 6" diameter	2	Set	\$125.00	\$250.00	\$263.87	\$527.74	\$392.00	\$784.00
5	Aluminum Awning Window with Glass Blocks, 2' x 5'	16	Set	\$227.92	\$3,646.72	\$215.40	\$3,446.40	\$352.00	\$5,632.00
6	Aluminum Storefront Window, 2' 6" x 6' 8"	4	Set	\$360.08	\$1,443.06	\$359.00	\$1,436.00	\$615.00	\$2,460.00
7	Aluminum Storefront Window, 5 equal part window with door, 18' 10" x 7' 3"	4	Set	\$2,582.22	\$10,928.68	\$2941.00	\$11,764.00	\$3,335.00	\$13,340.00
8	Aluminum Single Hung Window, 5' x 5'	4	Set	\$517.22	\$2,068.86	\$538.50	\$2,154.00	\$588.00	\$2,352.00
9	Aluminum, Storefront Door, 6' x 7'	1	Set	\$830.61	\$830.61	\$904.73	\$904.73	\$1,110.00	\$1,110.00
10	Aluminum, Storefront Door, 40" x 87"	2	Set	\$493.77	\$987.54	\$520.55	\$1,041.10	\$780.00	\$1,560.00
11	Aluminum, Storefront Windows, 30" x 80"	5	Set	\$422.49	\$2,112.33	\$359.00	\$1,795.00	\$950.00	\$3,750.00
12	Aluminum Awning, Window, 40" x 60"	2	Set	\$395.41	\$790.82	\$492.50	\$985.00	\$850.00	\$1,700.00
<b>GRAND TOTAL</b>				\$64,126.71		\$66,380.00		\$87,764.00	

Promover  
 The Shutter Factory

DVF

Royal Pacific

10/8/02

# Transmission Report

Date/Time: 05-27-2010 04:36:31 p.m. Transmit Header Text  
 Local ID 1: 4727951 Local Name 1: OFFICE OF PUBLIC AUDITOR  
 Local ID 2: Local Name 2:

This document : Failed  
 (reduced sample and details below)  
 Document size : 8.5"x11"

} sent to address  
 email  
 eons@ite.net



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

## Fax

**To:** Mary A. Y. Okada, Ed.D., President, GCC **From:** Doris Flores Brooks, Public Auditor  
 Frank F. C. Wu, President OPA Procurement Appeals  
 Eons Enterprises

**Agency:** **Pages:** 5 (Including cover)

**CC:** **Date:** Thursday, May 27, 2010

**Fax:** 734-6238(GCC) / 637-6871 (Eons) **Phone:** 475-0390 x 219 (Anne Camacho)

**Re:** Notice of Receipt of Appeal: OPA-PA-10-003; AND  
 Conflicts Check Request

Urgent   
  For Review   
  Please Comment   
  Please Reply   
  Please Recycle

**Comments:**

See Notices attached. Please acknowledge receipt by re-sending this cover page along with  
 the firm or agency stamp, date, and initials of receiver. Thank you.

Anne Camacho - [acamacho@quamopa.org](mailto:acamacho@quamopa.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.

Suite 401, DPA Building  
 236 Archbishop Flores Street, Hagåtña, Guam 96910  
 Tel: (671) 475-0390 - Fax: (671) 473-2955  
 www.quamopa.org - Helpline: 474-6101 / 473-8348

Total Pages Scanned : 5

Total Pages Confirmed : 0

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	466	6376871	04:35:26 p.m. 05-27-2010	00:00:00	0/5	1	-	HS	FA

**Abbreviations:**

HS: Host send	PL: Polled local	MP: Mailbox print	TU: Terminated by user
HR: Host receive	PR: Polled remote	CP: Completed	TS: Terminated by system
WS: Waiting send	MS: Mailbox save	FA: Fail	RP: Report
			G3: Group 3
			EC: Error Correct

# Transmission Report

Date/Time  
Local ID 1  
Local ID 2

05-27-2010  
4727951

04:33:41 p.m.

Transmit Header Text  
Local Name 1  
Local Name 2

OFFICE OF PUBLIC AUDITOR

This document : Failed  
(reduced sample and details below)  
Document size : 8.5"x11"



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

## Fax

**To:** Mary A. Y. Okada, Ed.D., President, GCC  
Frank F. C. Wu, President  
Eons Enterprises

**From:** Doris Flores Brooks, Public Auditor  
OPA Procurement Appeals

**Agency:** **Pages** 5 (Including cover)

**CC:** **Date:** Thursday, May 27, 2010

**Fax:** 734-5238(GCC) / 637-6871 (Eons) **Phone:** 475-0390 x 219 (Anne Camacho)

**Re:** **Notice of Receipt of Appeal: OPA-PA-10-003; AND  
Conflicts Check Request**

Urgent    For Review    Please Comment    Please Reply    Please Recycle

**Comments:**

See Notices attached. Please acknowledge receipt by re-sending this cover page along with the firm or agency stamp, date, and initials of receiver. Thank you.

Anne Camacho - [acamacho@quamopa.org](mailto:acamacho@quamopa.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.

Suite 401, DNA Building  
236 Archbishop Flores Street, Hagåtña, Guam 96910  
Tel (671) 475-6390 • Fax (671) 472-7991  
[www.quamopa.org](http://www.quamopa.org) • Hotline: 474-6317 (475-8546)

Total Pages Scanned : 5

Total Pages Confirmed : 0

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	463	6376871	04:31:43 p.m. 05-27-2010	00:00:00	0/5	1	-	HS	FA

Abbreviations:

HS: Host send  
HR: Host receive  
WS: Waiting send

PL: Polled local  
PR: Polled remote  
MS: Mailbox save

MP: Mailbox print  
CP: Completed  
FA: Fail

TU: Terminated by user  
TS: Terminated by system  
RP: Report

G3: Group 3  
EC: Error Correct

# Transmission Report

Date/Time  
Local ID 1  
Local ID 2

05-27-2010  
4727951

04:32:40 p.m.

Transmit Header Text  
Local Name 1  
Local Name 2

OFFICE OF PUBLIC AUDITOR

This document : Confirmed  
(reduced sample and details below)  
Document size : 8.5"x11"



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

## Fax

**To:** Mary A. Y. Okada, Ed.D., President, GCC  
Frank F. C. Wu, President  
Eons Enterprises

**From:** Doris Flores Brooks, Public Auditor  
OPA Procurement Appeals

**Pages:** 5 (including cover)

**Agency:**

**Date:** Thursday, May 27, 2010

**CC:**

**Fax:** 734-5238(GCC) / 637-6871 (Eons)    **Phone:** 475-0390 x 219 (Anne Camacho)

**Re:** **Notice of Receipt of Appeal: OPA-PA-10-003; AND  
Conflicts Check Request**

Urgent     For Review     Please Comment     Please Reply     Please Recycle

**Comments:**

See Notices attached. Please acknowledge receipt by re-sending this cover page along with the firm or agency stamp, date, and initials of receiver. Thank you.

Anne Camacho - [acamacho@ouamopa.org](mailto:acamacho@ouamopa.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.

Site #01, DNA Building  
238 Archbishop Flores Street, Hagåtña, Guam 96910  
Tel: (671) 478-0880 • Fax: (671) 472-2981  
[www.guamopa.org](http://www.guamopa.org) • Hotline: 474USMP (472-8546)

Total Pages Scanned : 5

Total Pages Confirmed : 5

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	462	671-734-5238	04:31:08 p.m. 05-27-2010	00:01:01	5/5	1	EC	HS	CP28800

**Abbreviations:**

HS: Host send  
HR: Host receive  
WS: Waiting send

PL: Polled local  
PR: Polled remote  
MS: Mailbox save

MP: Mailbox print  
CP: Completed  
FA: Fail

TU: Terminated by user  
TS: Terminated by system  
RP: Report

G3: Group 3  
EC: Error Correct