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FILE No. OPA-PA 09-12

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5 **PROCUREMENT APPEAL**

6 In the Appeal of) Docket No. OPA-PA-09-012
7 Z4 Corporation,)
8) **APPELLEE DEPARTMENT OF**
Appellant.) **EDUCATION'S SUBMISSION OF**
9) **WITNESS AND EXHIBIT LISTS**

10 The following lists of witnesses are the persons whom Appellee, Department of
11 Education intends to call in the above captioned appeal:

- 12 1. Nerissa Bretania Underwood, Ph.D., Superintendent of Education, Department of
13 Education
14 2. Fred Nishihira, Legal Counsel, Department of Education
15 3. Claudia S. Acfalle, Chief Procurement Officer, General Services Agency
16 4. Robert Kono, Acting Chief Procurement Officer, General Services Agency
17 5. Anita Cruz, Assistant Chief Procurement Officer, General Services Agency
18 6. Albert G. Garcia, Buyer Supervisor, Department of Education
19 7. Edith Pinaula, Buyer, Department of Education
20 8. Pete San Nicolas, General Services Agency
21 9. Cedric Cruz, Taniguchi Ruth Makio Architects
22 10. H. Mark Ruth, Taniguchi Ruth Makio Architects
23 11. Billy Cruz, Facility Manager, Department of Education
24 12. Rod Traya, Capital Improvement Project, Department of Education
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1 13. Linda Hernandez-Avilla, Principal of Oceanview Middle School

2 14. Cheryl Gumbao, Oceanview Middle School

3 15. Frank F.C. Wu, EONS

4 16. Victor De Roca, Alpha Insurers

5 17. Armando Aragon, Z4 Corporation

6 18. Julisis Nucuum, Z4 Corporation

7 19. Pete Valencia, Z4 Corporation

8 20. Attorney Dan Berman, EONS Enterprise

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10 Appellee reserves the right to call rebuttal witnesses depending upon Appellant's
11 witness testimonies, and the cross examination of Appellee's witnesses.

12 Appellee, Department of Education thorough its legal counsel, Laura J. Mooney hereby
13 submits its Exhibit List for this case.

14 1) Bid Package Set: GPSS Invitation For Bid IFB NO. 008-2009 (RE-BID)
15 Oceanview Middle School Gymnasium Repairs, issued date: June 4, 2009 (*See GPSS*
16 *Procurement Record Exhibit 1, 77 pages*)

17 2) GPSS Invitation For Bid, Bid Register, Wednesday, June 24, 2009, 10:00 a.m.
18 (*See GPSS Procurement Record, Exhibit 1, 3 pages*)

19 3) Faxed letter from EONS Corporation, Max Manabat dated June 15, 2009 to
20 GPSS Attn: Roke Alcantara re GPSS IFB-08-2009 (RE-BID), Oceanview Middle School
21 Gymnasium Repairs (*See GPSS Procurement Record, Exhibit 1, 1 page*)

22 4) Faxed letter from Z4 Corporation, Pete M. Valencia dated June 23, 2009 re
23 Request for Information (*See GPSS Procurement Record, Exhibit 1, 1 page*)
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1 5) GPSS Invitation For Bid, Bid Submission Log dated June 24, 2009, 10:00 a.m.
2 (*See GPSS Procurement Record, Exhibit 2, 1 page*)

3 6) GPSS Abstract of Bids: GPSS IFB-008-2009 Oceanview Middle School
4 Gymnasium Repair dated June 24, 2009, 10:00 a.m. (*See GPSS Procurement Record,*
5 *Exhibit 3, 1 page*)

6 7) Letter to Dae Kyoung Construction from GPSS, Roque Alcantara,
7 Administrator, Supply Management dated July 2, 2009 re Response to letter dated June 29,
8 2009 (*See GPSS Procurement Record, (See GPSS Procurement Record, Exhibit 3, 2 pages)*)

9 8) Memorandum from Mr. Mark Ruth from Taniguchi Ruth Makio Architects
10 dated July 16, 2009 to Mr. Rod Traya, GPSS re Oceanview Gymnasium Renovation Bid
11 Submittal Evaluation (*See GPSS Procurement Record, Exhibit 3, 4 pages*)

12 9) Memorandum to Administrator, Supply Management from Facilities Manager
13 dated July 27, 2009 re Oceanview Middle School, Gymnasium Repairs, GPSS IFB No. 008-
14 2009 (*See GPSS Procurement Record, Exhibit 3, 2 pages*)

15 10) Memorandum to Administrator, Supply Management from Buyer Supervisor II
16 dated July 30, 2009 re Analysis and Recommendation reference: Oceanview Middle School
17 Gymnasium Repairs, Formal Bid: GPSS IBF 008-2009 (*See GPSS Procurement Record,*
18 *Exhibit 3, 1 page*)

19 11) GSA Correspondence to Eon's Enterprises Corporation from General Services
20 Agency dated September 9, 2009 re GSA/DOE Bid No. IFB-008-2009, Oceanview Middle
21 School Gymnasium Repair for Department of Education (*See GPSS Procurement Record,*
22 *Exhibit 3, 3 pages*)
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1 12) GSA Memorandum from Chief Procurement Officer to Department of
2 Education, Facilities and Maintenance Division dated September 14, 2009 re Approval of Bid
3 Specifications (*See GPSS Procurement Record, Exhibit 3, 40 pages*)

4 13) GPSS Remarks on GSA Memorandum from Chief Procurement Officer to
5 Department of Education, Facilities and Maintenance Division dated September 14, 2009 re
6 Approval of Bid Specifications (*See GPSS Procurement Record, Exhibit 3, 1 page*)

7 14) GSA Memorandum to Guam Department of Education, Facilities and
8 Maintenance Division from Chief Procurement Officer dated September 25, 2009 re Approval
9 of Bid Specifications (Invitation for Bid No. GSA/DOE-008-2009, Oceanview Middle School
10 Gymnasium repairs for Department of Education (*See GPSS Procurement Record, Exhibit 3,*
11 *17 pages*)

12 15) GSA Correspondence from Chief Procurement Officer to Mr. Frank F.C. Wu,
13 Eons Enterprises Corporation dated October 8, 2009 re Notice of Intent of Possible Award of
14 GSA/DOE IFB-008-2009; Oceanview Middle School Gymnasium Repairs for Department of
15 Education (*See GPSS Procurement Record, Exhibit 3, 2 pages*)

16 16) GSA Correspondence to Z-4 Corporation re Notice of Stay of Procurement
17 dated August 28, 2009 (*See GPSS Procurement Record, Exhibit 4, 2 pages*)

18 17) GSA Correspondence to Eon's Enterprises Corporation dated September 18,
19 2009 re GSA/DOE Bid No. IFB-008-2009, Oceanview Middle School Gymnasium Repair for
20 Department of Education (*See GPSS Procurement Record, Exhibit 4, 6 pages*)

21 18) GPSS Correspondence to Z-4 Corporation dated August 6, 2009 re NOTICE
22 TO PROCEED, Contract Amount: \$810,000.00 (*See GPSS Procurement Record, Exhibit 5, 1*
23 *page*)

1 19) GPSS Concurrence – GSA Memorandum dated September 25, 2009 to GPSS re
2 Approval of Bid Specifications (*See GPSS Procurement Record, Exhibit 5, 1 page*)

3 20) GPSS Requisition No. 2400-280-006, Total Amount \$729,098.50 (*See GPSS*
4 *Procurement Record, Exhibit 6, 3 pages*)

5 21) GSA Correspondence to Z-4 Corporation dated August 28, 2009 re Notice of
6 Stay of Procurement (*See GPSS Procurement Record, Exhibit 7, 1 page*)

7 22) GSA Correspondence to Eon's Enterprises Corporation dated October 16, 2009
8 re Notice of Stay of Procurement (*See GPSS Procurement Record, Exhibit 37, 2 pages*)
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10 Dated this 17th day of February, 2010.

11 **APPELLEE DEPARTMENT OF EDUCATION**

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13 **By: LAURA J. MOONEY**
14 Counsel for Department of Education