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OFFICE OF PUBLIC ACCOUNTABILITY  
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 11-012

**Attorneys for the Government of Guam**

**THE OFFICE OF PUBLIC ACCOUNTABILITY  
 HAGÁTÑA, GUAM**

|                          |   |  |
|--------------------------|---|--|
| In the Appeal of:        | ) | DOCKET NO. OPA-PA-11-012   |
|                          | ) |  |
| JOETEN DEVELOPMENT INC., | ) |  |
|                          | ) |  |
| Appellee.                | ) | <b>MOTION OPPOSING JOETEN<br/>   DEVELOPMENT, INC. SUBMISSION<br/>   OF COST</b> |
|                          | ) |  |
|                          | ) |  |
|                          | ) |  |

This motion is provided by the Appellee, Government of Guam, through the Office of the Attorney General, in response to Joeten Development Inc.'s statement of reasonable costs submitted to the Office of the Public Auditor, on October 25, 2011.


The Government of Guam feels any award of reasonable costs to Joeten Development, Inc. is premature under 5 GCA § 5425(h) as the Government of Guam is still conducting its review in accordance with 5 GCA § 30201. 5 GCA § 5425(h) states that reasonable costs are available if "the protestant should have been awarded the contract under the solicitation but was not[.]"

Therefore, the Government of Guam requests any decision on reasonable costs be delayed until the final outcome (with regard to the contract) is determined.

Dated this 9<sup>th</sup> day of November, 2011.

OFFICE OF THE ATTORNEY GENERAL  
**Leonardo M. Rapadas**, Attorney General

By:

  
**TIMOTHY McLAUGHLIN**  
Assistant Attorney General