

Suite 401 DNA Building
238 Archbishop Flores St.
Hagåtña, Guam 96910



FAX

To:	Claudia Acfalle Chief Procurement Officer General Services Agency	From:	Doris Flores Brooks Guam Public Auditor Office of Public Accountability
Phone: Fax:	(671) 475-1707 (671) 475-1727	Pages:	5 (including cover page)
CC:	Rawlen Mantanona, Esq. Matthew Kane Esq. (Attorneys for Triple J) Cabot Mantanona LLP	Date:	October 30, 2014
Phone: Fax:	(671) 646-2001 (671) 646-0777	Phone: Fax:	475-0390 x. 216 472-7951

Re: OPA-PA-14-009 Notice of Receipt of Appeal

Urgent For Review Please Comment Please Reply Please Recycle

Comments:

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,
Yuka Hechanova
Deputy Public Auditor
yhechanova@guamopa.org

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

October 30, 2014

Claudia S. Acfalle
Chief Procurement Officer
General Services Agency
P.O. Box 884
Hagatna, Guam 96932

VIA FACSIMILE: (671) 472-1727

Re: Notice of Receipt of Appeal – OPA-PA-14-009

Dear Ms. Acfalle,

Please be advised that Triple J Enterprises, Inc. (Triple J) filed an appeal with the Office of Public Accountability (OPA) on October 29, 2014 regarding the General Services Agency's (GSA) response to Triple J's protest relative to Invitation for Bid No.: GSA-065-14 for School Buses (60 Passenger). OPA has assigned this appeal case number OPA-PA-14-009.

Immediate action is required of GSA 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 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, November 7, 2014**, 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 **Monday, November 17, 2014**, 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 Triple J. OPA respectfully asks that GSA 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 Yuka Hechanova at 475-0390 ext. 210, or yhechanova@guamopa.org, should you have any questions regarding this notice.

Sincerely,



Yuka Hechanova, CPA, CIA, CGFM, CGAP, CGMA
Deputy Public Auditor

Enclosure: First Two Pages of Notice of Appeal – OPA-PA-14-009

Cc: Rawlen M.T. Mantanona, Esq. and Matthew S. Kane, Esq., Attorneys for Triple J Enterprises, Inc.

**CABOT
MANTANONA LLP**
929 South Marine Corps Drive, Ste. 200
Tamuning, Guam 96913
Telephone: (671) 646-2001
Facsimile: (671) 646-0777

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OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS

DATE: 10/29/14
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FILE NO OPA-PA: 14-009

THE OFFICE OF PUBLIC ACCOUNTABILITY

In the Matter of Appeal of)
)
) **NOTICE OF APPEAL**
Triple J Enterprises Inc.)
)
) **DOCKET NO. OPA-PA -14-009**
Appellant.)
)
)

I. APPELLANT INFORMATION

Name: Triple J Enterprises, Inc.

Mailing Address: C/O CABOT MANTANONA LLP
929 S. MARINE CORPS DRIVE, STE. 200
TAMUNING, GUAM 96913

Business Address: Triple J Enterprises, Inc.
P.O. Box 6066
Tamuning, Guam 96931

Daytime Contact No.: (671) 646-2001 Contact Person:
Rawlen Mantanona, Esq.
Matthew Kane, Esq.

II. APPEAL INFORMATION

- (A) Purchasing Agency: General Services Agency o/b/o Department of Public Works.
- (B) Identification/Number of Procurement, Solicitation, or Contract: IFB NO.: GSA-065-14 for School Buses (60 Passenger).
- (C) Decision being appealed was made on September 26, 2014 by Claudia S. Acfalle, Chief Procurement Officer, GSA, and received by Triple J Enterprises, Inc. on October 21, 2014.
- (D) Appeal is made from: Decision on Protests of Method, Solicitation or Award.
- (E) Names of Competing Bidders, Offerors, or Contractors known to Appellant:
 - (i) Morrico Equipment LLC

A. STATEMENT OF GROUNDS FOR APPEAL

1. This Appeal arises out of the General Services Agency ("GSA") decision on Triple J Enterprises, Inc. ("Triple J")'s protests in connection with GSA's determination in Triple J's Bid Status that Triple J's bid was rejected for non-conformance with the specifications, and GSA's decisions to cancel and re-bid this procurement. Specifically, Triple J appeals GSA's determination that Triple J's failure to submit a drawing/seating plans for the buses was not a "minor informality" that could be waived under Title 2 Guam Administrative Rules and Regulations ("GAR"), Div. 4 § 3109(m)(4)(B). A true and correct copy of Triple J's completed IFB form is attached as **Exhibit "A"**.

2. On or after 6:32pm on September 9, 2014, Triple J received a facsimile copy of its Bid Status from GSA, which stated that Triple J's bid was rejected due to "[n]on-conformance with the specifications: (See Remarks)." A true and correct copy of the Bid Status Triple J received from GSA is attached as **Exhibit "B"**. However, the "Remarks" indicate that Triple J's bid was rejected due to not submitting with its bid package the "drawings/seating plans for the buses" as part of the descriptive literature requested in the "Generals" for the IFB. Triple J's Bid Status also provided that the bid was "recommended for award."

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CABOT MANTANONA LLP

Date: 10.30.14
Time: 11:30am
Initials: [Signature]