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FILE NO OPA-PA: 13-015

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11 **OFFICE OF THE PUBLIC AUDITOR**
12 **PROCUREMENT APPEALS**
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15 IN THE APPEAL OF) **DOCKET NO. OPA-PA-13-015**
16)
17 MORRICO EQUIPMENT, LLC) **APPELLEE'S LIST OF ISSUES**
18)
19 Appellant.)
20 _____)
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23 **COMES NOW**, the GUAM POWER AUTHORITY, by and through its counsel of
24 record, D. GRAHAM BOTHA, ESQ., and submits its List of Issues for the December 16, 2013,
25 hearing as follows:

- 26
- 27 1. Did Guam Power Authority ("GPA") properly select the second lowest responsive
28 bidder on the bidder's abstract, Mid Pac, after terminating the lowest bidder, Far East Equipment,
29 due to non-delivery of the bucket trucks?
 - 30 2. Did GPA properly send notice of the award of a contract to Far East Equipment to all
31 other bidders, including Morrigo, as required by 2 GAR §3109(q)?
 - 32 3. Did GPA properly allow the second lowest responsive bidder, Mid Pac, to proceed with
33 the delivery of two bucket trucks after the default of the original lowest bidder, Far East
34 Equipment, due to non-delivery?
 - 35 4. Did GPA properly allow a minor deviation by Mid Pac to submit a different chassis and
36 boom from a different manufacturer, which still met GPA specifications, and was still for the same

1 price as listed on the bidder's abstract, despite a period of more than 18 months since the
2 submission of the original bids?

3 5. Did GPA properly allow for a minor deviation by Mid Pac that did not affect the
4 performance of the delivered bucket trucks to change the desired color from John Deere yellow to
5 white?

6 **RESPECTFULLY SUBMITTED** this 6th day of December, 2013.

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D. GRAHAM BOTHA, ESQ.
GPA Legal Counsel