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**RECEIVED**  
OFFICE OF PUBLIC ACCOUNTABILITY  
PROCUREMENT APPEALS

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FILE NO OPA-PA: 14-011

**Attorneys for the Government of Guam**

**THE OFFICE OF PUBLIC ACCOUNTABILITY**

In the Matter of Appeal of )  
)  
Morrigo Equipment, LLC )  
)  
Appellant. )  
\_\_\_\_\_ )

Docket No. OPA-PA-14-011

**REBUTTAL TO APPELLANT'S  
COMMENTS**

The General Services Agency of the Government of Guam ("GSA") hereby submits its rebuttal to Appellant's comments on the Agency Report.

Appellant, also referred to as Morrigo, argues GSA's answer to the allegations of the appeal in the Agency Report is not detailed or fully responsive to the allegations. The rules require that the Agency Report contain a fully responsive statement answering the allegation of the Appeal. 2 GAR § 12105(g).

GSA provided a fully responsive statement answering the allegation of the Appeal. It is GSA's position that Morrigo disavows GSA's authority to resolve and settle protests. GSA also points out that Morrigo had the opportunity to enter an appearance in Triple J's protest

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and is now claiming they should have a right to protest the Settlement Agreement. GSA's answer also refers to the response to Morrigo's protest.

Morrigo claims its protest said nothing about settlement agreements or GSA's authority to enter into them. However, Morrigo basically protests the Settlement Agreement. Morrigo protests the conditions of the award in that GSA should not award a contract to Triple J because its bid was nonresponsive at bid opening, no specifications were provided to determine whether the bid was compliant and finally that the bid fails to meet the specifications of the solicitation.

GSA's response recapitulates Morrigo's protest and also notes Triple J's protest and appeal with the Office of Public Accountability. GSA also provides that pursuant to its authority a Settlement Agreement was executed to resolve the appeal.

The Settlement Agreement agrees to award the sale of nine buses to Triple J and three buses to Morrigo upon the government's review and determination that Triple J's schematics meet the specifications of the bid. Therefore, an award has not been issued to either company. The Settlement Agreement also provides that GSA will cancel and rebid the procurement if Triple J's bid is noncompliant and no award will be issued.

In essence, Morrigo's protest is what the Settlement Agreement purports to provide. Therefore, GSA's answer is Morrigo's appeal attempts to disallow the authority to settle procurement protests.

Further, an award has not been issued in this procurement as provided in the Settlement Agreement. Therefore, Morrigo's appeal is not ripe. As such, this matter should

be dismissed and GSA should be permitted to proceed with the Settlement Agreement and not delay the acquisition of school buses for the new school year.

Respectfully submitted this 19th day of December, 2014.

**OFFICE OF THE ATTORNEY GENERAL**  
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By:   
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