

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



FAX

To:	Shannon Taitano Assistant Attorney General Office of Attorney General	From:	Doris Flores Brooks Guam Public Auditor Office of Public Accountability
Phone: Fax:	(671) 475-3324 (671) 472-2493	Pages:	4 (including cover page)
CC:	Kevin J. Fowler Dooley Roberts & Fowler LLP (Attorneys for Morrico Equipment, LLC)	Date:	December 31, 2014
Phone: Fax:	(671) 646-1222 (671) 646-1223	Phone: Fax:	475-0390 x. 210 472-7951

Re: OPA-PA-14-011 and 14-012 Order Consolidating Appeals and Scheduling Order

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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
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OFFICE OF PUBLIC ACCOUNTABILITY
Doris Flores Brooks, CPA, CGFM
Public Auditor
**BEFORE THE PUBLIC AUDITOR
PROCUREMENT APPEALS
TERRITORY OF GUAM**

IN THE APPEALS OF

MORRICO EQUIPMENT, LLC,

Appellant.

Docket No. OPA-PA-14-011

Docket No. OPA-PA-14-012

**ORDER CONSOLIDATING APPEALS and
SCHEDULING ORDER**

On November 18, 2014, Morrico Equipment, LLC (“Morrico”) filed a Notice of Procurement Appeal with the Office of Public Accountability (“OPA”), wherein Morrico appeals the decision of purchasing agency General Services Agency (“GSA”) denying Morrico’s protest, dated November 10, 2014, of GSA’s intent to award a contract to Triple J Enterprises, Inc. (“Triple J”) for the purchase of buses under Invitation for Bid (“IFB”) No. GSA065-14. That appeal is docketed as OPA-PA-14-011. Morrico filed a request for hearing on the appeal. A pre-hearing conference was heard on December 10, 2014, before Public Auditor Doris Flores Brooks and Hearing Officer Delia Lujan Wolff. Attorney Kevin J. Fowler appeared on behalf of Appellant Morrico, along with Morrico representatives Torgun Smith and Ross Morrison. Assistant Attorney General Shannon Taitano appeared on behalf of GSA. While not entering an appearance as an Interested Party, Attorney Matthew Kane was present on behalf of Triple J to observe the proceedings. A scheduling order was issued thereafter, setting filing deadlines and scheduling the Hearing on the appeal for January 28, 2015, at 9:00 a.m. The deadlines for filing motions, oppositions, and replies have expired.

On December 4, 2014, Morrico filed with the OPA another Notice of Procurement Appeal, docketed as OPA-PA-14-012. In that appeal, Morrico is appealing the GSA’s decision refusing to render a decision on Morrico’s protest dated November 21, 2014, of GSA’s intent to

1 contract to Triple J for the purchase of buses under IFB No. GSA065-14. Morrico filed a request
2 for hearing on the appeal. At this time, no pre-hearing conference, filing deadlines, or hearing on
3 the appeal have been scheduled.

4 The Public Auditor has the authority to consolidate appeals for purposes including
5 efficiency and expediency in resolving appeals. 5 G.C.A. § 5701; 2 G.A.R. §§ 12101, 12108-
6 12109. As each of the above appeals arises from protests pertaining to GSA's intent to award a
7 contract to Triple J for the purchase of buses under IFB No. GSA065-14, the Public Auditor finds
8 that consolidating these appeals will provide for the efficient, expeditious resolution of the appeals.

9
10 Therefore, the Public Auditor ORDERS that these appeals, OPA-PA-14-011 and OPA-PA-
11 14-012, be and are consolidated and all matters pertaining to the appeals shall be heard
12 concurrently. Further, the Public Auditor ORDERS the following schedule:


- 13 1. The following deadlines are set for OPA-PA-14-012 only:
- 14 a. The deadline for parties to file motions is January 9, 2015.
 - 15 b. Oppositions to the motions shall be filed by January 16, 2015.
 - 16 c. Replies to oppositions shall be filed by January 23, 2015.
 - 17 d. The Public Auditor will determine whether or not oral arguments will be scheduled
18 on any motions filed.
- 19 2. The motion hearing set for January 8, 2015, at 9 a.m., in OPA-PA-14-011, is hereby vacated.
- 20 3. The parties shall file the following materials for both appeals by January 23, 2015:
- 21 a. Formal hearing briefs stating the parties' respective positions supported by
22 applicable authorities;
 - 23 b. A statement of stipulated facts;
 - 24 c. Witness lists;
 - 25 d. Exhibit lists; and
 - 26 e. Pre-marked hearing exhibits.
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e. Pre-marked hearing exhibits.

4. The Hearing on these consolidated appeals shall commence at 9:00 a.m., on January 28, 2015, at the Public Auditor's Hearing Room, Room 907, DNA Building, Hagåtña, Guam.
5. It is further ordered that GSA shall serve a copy of this Order Consolidating Appeals and Scheduling Order upon each other person or company who submitted a bid, in order that any of the other bidders may seek to participate in this appeal as an interested party.
6. It is ordered that GSA file with the Public Auditor proof of service of the Order Consolidating Appeals and Scheduling Order and that it served in accordance with the immediately preceding paragraph. The responsibility to serve a copy of the Order Consolidating Appeals and Scheduling Order on the other bidders is imposed upon GSA because it is the entity that is most likely to have the correct names and addresses for such competing bidders.

SO ORDERED this 30th day of December, 2014.



DORIS FLORES BROOKS
Public Auditor of Guam

TRANSACTION REPORT

DEC/31/2014/WED 02:26 PM

BROADCAST

#	DATE	START T.	RECEIVER	COM.TIME	PAGE	TYPE/NOTE	FILE
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002		02:25PM	6461223	0:00:46	4	MEMORY OK	SG3 2222
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