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OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS

IN THE APPEAL OF	)	**APPEAL NO. OPA-PA-16-002**
	)	
1-A GuamWEBZ,	)	**PURCHASING AGENCY'S**
	)	**LIST OF ISSUES RE**
	)	**HEARING ON APPEAL**
Appellant.	)	
	)	

Purchasing Agency Guam Community College ("GCC") submits its List of Issues for the Hearing on Appeal ("Hearing") to be convened on June 8, 2016.

ISSUES

GCC respectfully submits that, based on the grounds presented in Appellant 1-A GuamWEBZ's ("GuamWEBZ") Appeal (*see* Appeal ¶¶ 19-32 (Mar. 28, 2016), the Hearing should be confined to resolving the following issues.

1. Whether GuamWEBZ timely filed its bid protest regarding IFB, GCC-FB-16-006 (the "IFB") when, on February 15, 2016, the bids were publicly opened and available, and, at the bid opening, WSI's announced bid price was the lowest; but GuamWEBZ did not file its protest until March 10, which was primarily grounded on WSI's bid submission, and the law requires that a protest must be filed "within fourteen (14) days after such aggrieved person knows or should know of the facts giving rise thereto." 5 GCA § 5425(a); 2 GARR § 9101(c)(1).

ORIGINAL

2a. As a matter of law, whether the local procurement preference statute even applies when all the bidders for an Invitation for Bids are long-established companies on Guam and the purchasing agency is well aware that all the bidders are Guam companies because it is already a client of all the bidders. *See* 5 GCA § 5008 and 2 GARR § 1104.

2b. If Issue 2a is decided in the affirmative, whether, as a matter of law, a bidder who is known as a long-established company on Guam, but had not renewed its Guam business license prior to submitting its bid, must be treated as providing "supplies and services from off Guam" and therefore its bid must be "no greater than eighty-five percent (85%)" of a bid submitted by another long-established company on Guam whose business license was current at the time it submitted its bid. 5 GCA § 5008; 2 GARR § 1104.

3. Whether GCC's evaluation team for the IFB's bid submissions (the "Web Group") properly evaluated the bids and GCC properly awarded the contract to WSI when the law mandates that bids must be evaluated based on IFB's specifications and the contract must be awarded to the lowest bid that meets the specifications, and when the Web Group found that both bids meet all the IFB's specifications and that WSI's bid met all the specifications at the lowest price. *See* 5 GCA § 5211; 2 GARR § 3109(n).

4. Whether GCC properly honored WSI's designation that certain pages of its bid contained confidential information when, after GCC evaluated both of the bids and advised GuamWEBZ that WSI would be awarded the contract for the IFB, GuamWEBZ requested a copy of WSI's bid. *See* 2 GARR § 3109(l)(3).

Respectfully submitted this 3rd day of June 2016.

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By: _____
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