



OFFICE OF THE PUBLIC AUDITOR

November 20, 2007

Anita T. Cruz
Assistant Chief Procurement Officer, Acting
General Services Agency
Department of Administration
148 Route 1 Marine Drive
Piti, Guam 96915

VIA FACSIMILE 475-4217

Re: Receipt of Notice of Appeal Regarding GSA / PAG 07-006 Item #4.1 - 40,000# Forklift

Dear Ms. Cruz:

Please be advised that Far East Equipment Company, LLC has filed an appeal with the Office of the Public Auditor on November 20, 2007, of your protest decision on the above-stated procurement action. Immediate action is required of your office pursuant to the Rules of Procedure for Procurement Appeals, found in Chapter 12 of Title 2 of the Guam Administrative Regulations. Copies of the Rules and the appeal are available at our office and on our website www.guamopa.org. The front page of the appeal is enclosed for your reference.

Please provide the required notice of this appeal to the required parties with instructions that they should communicate directly with OPA regarding the appeal. You are also responsible for giving notice to the Attorney General or other counsel for your agency. Promptly provide OPA with the identities and addresses of interested parties and a formal entry of appearance by your counsel.

Please submit one complete copy of the procurement record to OPA by November 28, 2007, five working days following receipt of this notice of appeal. When filing other required documents with our office, please provide an original and two copies for OPA and serve a copy to Far East Equipment Company, LLC the Appellant.

Thank you for your prompt attention to this matter. Please contact Theresa Gumataotao ext. 207 if you have any questions regarding this notice.

Sincerely,

DORIS FLORES BROOKS, CPA, CGFM
PUBLIC AUDITOR

ORIGINAL

Enclosure: Front Page of Appeal OPA-PA-07-009
cc: Far East Equipment Company, LLC c/o Mr. John A. Limtiaco (Via Facsimile 473-4370)
Port Authority of Guam c/o Mr. Kenneth Tagawa (Via Facsimile 477-2689)

Suite 401, Pacific News Building
230 Archbishop Flores Street, Hagåtña, Guam 96910
Tel (671) 475-0380 • Fax (671) 472-7951
www.guamopa.org • Hotline: 47AUDIT (472-8348)



P.O. Box 10838 • Tamuning, Guam 96931
Tel: (671) 473-4374 • Fax: (671) 473-4370
Email: jimtiaco@fleetservicesguam.com

November 19, 2007

RECEIVED
OFFICE OF THE PUBLIC AUDITOR
PROCUREMENT APPEALS

Doris Flores Brooks
Guam Public Auditor
Suite 401 Pacific News Building
238 Archbishop Flores Street
Hagatna, Guam 96910

NOV 20 2007
TIME: 9:30 AM
BY: T. Guzman
FILE No. OPA-PA 07-010

Re: GSA/PAG 07-006, Notice of Appeal

Dear Mrs. Brooks,

Transmitted herewith for filing is a Notice of Appeal in triplicate, by Far East Equipment Company LLC, arising from the referenced invitation for bid. Appellant protest the method of Award, particularly the failure of GSA/PAG to award items to the lowest responsible bidder who has met the performance criteria of the bid.

Appellant received notice of denial of its protest on November 9, 2007 and would like to request your office hold a hearing to review the method of award.

Sincerely,

John A. Jimtiaco
Vice President

ORIGINAL



OFFICE OF THE PUBLIC AUDITOR

Appendix A: Notice of Appeal Form
PROCUREMENT APPEAL

PART I- To be completed by OPA

In the Appeal of)	NOTICE OF APPEAL
)	
<u>(Name of Company), APPELLANT</u>)	Docket No. OPA-PA <u>07-010</u>
)	

PART II- Appellant Information

Name: Far East Equipment Company LLC

Mailing Address: P.O. Box 10838
Tamuning, Guam 96931

Business Address: 17-3311 Corsair Rd.
Tiyar Barrigada, Guam 96913

Daytime Contact No: 671-888-6270

PART III- Appeal Information

- A) Purchasing Agency: Port Authority of Guam
- B) Identification/Number of Procurement, Solicitation, or Contract: GSA/PAG 07-006
- C) Decision being appealed was made on 11/7/2007 (date) by:
 Chief Procurement Officer Director of Public Works Head of Purchasing Agency

Note: You must serve the Agency checked here with a copy of this Appeal within 24 hours of filing.

- D) Appeal is made from:
 (Please select one and attach a copy of the Decision to this form)
- Decision on Protest of Method, Solicitation or Award
- Decision on Debarment or Suspension
- Decision on Contract or Breach of Contract Controversy
 (Excluding claims of money owed to or by the government)
- Determination on Award not Stayed Pending Protest or Appeal
 (Agency decision that award pending protest or appeal was necessary to protect the substantial interests of the government of Guam)

ORIGINAL

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

Phone: (671) 475-0390
FAX: (671) 472-7951



OFFICE OF THE PUBLIC AUDITOR

Fax

To: Ms. Anita T. Cruz, Assistant CPO, Acting **From:** Theresa Gumataotao

OPA Procurement Appeals

Agency: General Services Agency

Pages: 4 (Including cover)

CC: Mr. Kenneth Tagawa, PAG General Manager

Date: Tuesday – 11/20/2007

Mr. John Limtiaco, Far East Equip. Vice President

Fax: 475-4217 / 477-2689 / 473-4370

Phone: 475-1707 / 477-5931 / 473-4374

Re: OPA-PA-07-010: Receipt of Notice of Appeal on GSA/PAG 07-006 Item#4.1 –
40,000# Forklift

Urgent For Review Please Comment Please Reply Please Recycle

● **Comments:**

See attached. AND **Please acknowledge receipt of this fax by re-sending this cover page along with the Receipt of Appeal Letter, stamped with your agency name, date, and initials.** Thank you.

 Theresa x.207 tgumataotao@guamopa.org

This facsimile transmission and accompanying documents may contain confidential or privileged information. If you are not the intended recipient of this fax transmission, please call our office and notify us immediately. Do not distribute or disclose the contents to anyone. Thank you.

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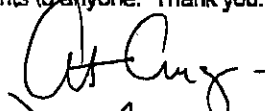

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 Anita Cruz - GSA
 John Lintaco - PACS

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RECEIVED
11/21/07



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