



OFFICE OF THE PUBLIC AUDITOR

February 7, 2008

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Claudia S. Acfalle
Chief Procurement Officer
General Services Agency
Department of Administration
148 Route 1 Marine Corps Drive
Piti, Guam 96915

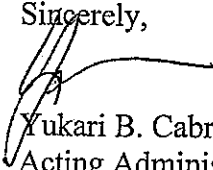
Re: Order of Dismissal: OPA-PA-08-002

Messrs & Mses Unpingco, Aguigui, and Acfalle

Transmitted herewith is an Order of Dismissal in the appeal of Far East Equipment Company, LLC regarding Matson Navigation Company's & Horizons Lines' unsolicited offer of gantry cranes. The above mentioned procurement appeal was filed by Far East Equipment Company through their counsel John S. Unpingco, Esq. on January 22, 2008 and was assigned Master File No. OPA-PA-08-002.

See Order attached.

Sincerely,


Yukari B. Cabrera, CPA, CIA, CGFM
Acting Administrator

RECEIVED

FEB 07 2008 11:40

LUJAN AGUIGUI & PEREZ LLP
By: 

Enclosure: Order of Dismissal for Appeal OPA-PA-08-002

cc: Mr. Carlos H. Salas – Acting General Manager Port Authority of Guam (Via Facsimile 477-2689)
Mr. John A. Limtiaco – Vice President Far East Equipment Company (Via Facsimile 446-1223) 473-4370



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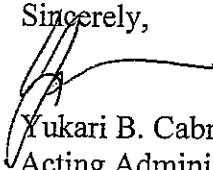
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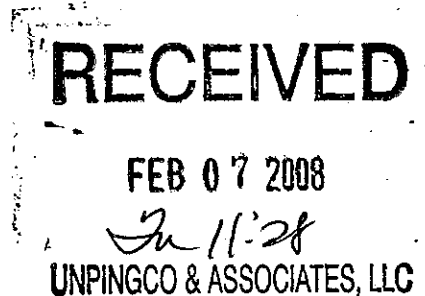
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473-4370



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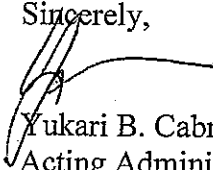
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See Order attached.

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Yukari B. Cabrera, CPA, CIA, CGFM
Acting Administrator

Enclosure: Order of Dismissal for Appeal OPA-PA-08-002

cc: Mr. Carlos H. Salas – Acting General Manager Port Authority of Guam (Via Facsimile 477-2689)
Mr. John A. Limtiaco – Vice President Far East Equipment Company (Via Facsimile ~~646-1223~~ 473-4370)

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FEB 07 2008



OFFICE OF THE PUBLIC AUDITOR

PROCUREMENT APPEAL

In the Appeal of:

FAR EAST EQUIPMENT COMPANY, LLC

Appellant

Appeal No.: OPA-PA-08-002

ORDER OF DISMISSAL

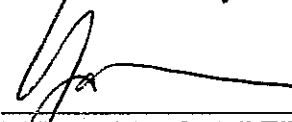
WHEREAS, the Public Auditor Doris Flores Brooks has determined that she must disqualify herself from this case because of an appearance of impropriety. In the Order of Dismissal in OPA-PA-08-001, the Public Auditor disclosed that her spouse, as an employee of the Law Offices of Lujan Aguigui & Perez LLP, performed research regarding the procurement of the Jose D. Leon Guerrero Commercial Port's (Port) crane. Lujan Aguigui & Perez LLP represents the Port in this appeal.

Based on the above, it is appropriate that the Office of the Public Auditor not be the arbiter in this matter as the impartiality of the Public Auditor may be questioned, regardless of whether any specific discussions had taken place. The matter is related to providing a crane or cranes for the Port and the issue is whether a procurement had taken place in the arrangement made by the Port with shipping firms servicing the Port.

Given the Public Auditor's disqualification, the Office of the Public Auditor is barred from hearing this case by 2 GAR Section 12601 and that in the event of the disqualification of the Public Auditor, a procurement appeal must be taken to the Superior Court of Guam in accordance with 5 GCA Section 5480.

The Acting Administrator, designated by the Public Auditor does hereby order the above captioned appeal DISMISSED

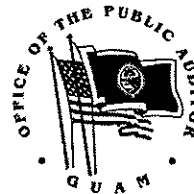
Dated this 7th day of February 2008


YUKARI B. CABRERA, ACTING ADMINISTRATOR
OFFICE OF THE PUBLIC AUDITOR

ORIGINAL

Suite 401 Pacific News Building
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Hagåtña, Guam 96910

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OFFICE OF THE PUBLIC AUDITOR

Fax

To: Carlos H. Salas – Acting General Manager
John Lintiaco – Vice President

From: Theresa Gumataotao
OPA Procurement Appeals

Agency: Port Authority of Guam
Far East Equipment Company

Pages: 5 (Including cover)

CC: Port Authority of Guam
Far East Equipment Company

Date: Thursday– 2/7/08


Fax: 477-2689 / 473-4370
Phone: 477-5931 / 473-4374

Re: Order of Dismissal : OPA-PA-08-002 : In the appeal of Far East Equipment Co. relative to Matson Navigation Company's and Horizon Lines' Unsolicited Offer of Gantry Cranes.

Urgent For Review Please Comment Please Reply Please Recycle

● **Comments:**

See Order and acknowledgement letters attached. Please acknowledge receipt by re-sending this cover page along with a copy of the attached Order with your firm's stamp, date, and initials. Only the Order and cover page need be stamped and returned. Thank you.

 Theresa – 475-0390 tgumataotao@guamopa.org

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