

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: Sylvia M. Flores - President
From: Theresa Gumataotao
OPA Procurement Appeals

Agency: Department of Chamorro Affairs
Pages: 5 (Including cover)

CC: Michael A. Cura - Chamorro Village Manager
Virgie M. Tedpahago - Appellant
Date: Tuesday- 5/6/2008

Fax: 475-4227 / 475-0376 / 477-0800
Phone: 475-4278 / 475-0377 / 475-0859

Re: **Notice of Receipt of Appeal: In the appeal of Oceania Collection
Services - OPA-PA-08-006**

Urgent For Review Please Comment Please Reply Please Recycle

●Comments:

See Notice attached and please acknowledge receipt by re-sending this cover page with your firm's stamp, date, and initials. Thank you.

Theresa - 475-0390 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.



OFFICE OF THE PUBLIC AUDITOR

May 6, 2008

Sylvia M. Flores
President
Department of Chamorro Affairs
Suite 408 - DNA Building
238 Archbishop Flores Street
Hagatna, Guam 96910

VIA FACSIMILE 475-4227

Re: Receipt of Notice of Appeal: **RFP No. CV08-007**

Dear Ms. Flores:

Please be advised that Oceania Collection Services filed an appeal with the Office of the Public Auditor on May 5, 2008 of your decision on the above-stated procurement action. The appeal has been assigned Master File No. **OPA-PA-08-006**.

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, the appeal, and all filing deadlines are available at our office and on our website www.guamopa.org. The notice of appeal form filed 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 May 13, 2008, five working days following receipt of this notice of appeal. When filing required documents with our office please provide an original and two copies for OPA and also serve a copy to Oceania Collection Services.

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

Enclosure: Notice of Appeal Form OPA-PA-08-006

cc: Mr. Michael A. Cura - Chamorro Village Manager (Via Facsimile 475-0376)
Ms. Virgie M. Tedpahogo - Appellant (Via Facsimile 477-0800)



OFFICE OF THE PUBLIC AUDITOR
Appendix A: Notice of Appeal Form
PROCUREMENT APPEAL

RECEIVED
OFFICE OF THE PUBLIC AUDITOR
PROCUREMENT APPEALS

MAY 05 2008

TIME: 4:43 PM
BY: T. Guadalupe
FILE No. OPA-PA-08-006

PART I- To be completed by OPA

In the Appeal of)
)
Oceania Collection Services)
(Name of Company), APPELLANT)
)
)

NOTICE OF APPEAL

Docket No. OPA-PA-08-006

PART II- Appellant Information

Name: Oceania Collection Services
Mailing Address: 220 South Route 4, Ste. 203
Hagatna, GU. 96910
Business Address: (same as above)
Daytime Contact No: 671-475-0859

PART III- Appeal Information

- A) Purchasing Agency: Chamorro Village
- B) Identification/Number of Procurement, Solicitation, or Contract: RFP No. CV08-007
- C) Decision being appealed was made on April 21 '08 (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

E) Names of Competing Bidders, Offerors, or Contractors known to Appellant:

Guam Marianas Collection Agency
Art Design
United Pacific Collection Agency

PART IV- Form and Filing

In addition to this form, the Rules of Procedure for Procurement Appeals require the submission together with this form of additional information, including BUT NOT LIMITED TO:

1. A concise, logically arranged, and direct statement of the grounds for appeal;
2. A statement specifying the ruling requested;
3. Supporting exhibits, evidence, or documents to substantiate any claims and the grounds for appeal unless not available within the filing time in which case the expected availability date shall be indicated.

Note: Please refer to 2 GAR § 12104 for the full text of filing requirements.

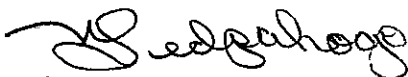
PART V- Declaration Re Court Action

Pursuant to 5 GCA Chapter 5, unless the court requests, expects, or otherwise expresses interest in a decision by the Public Auditor, the Office of the Public Auditor will not take action on any appeal where action concerning the protest or appeal has commenced in any court.

The undersigned party does hereby confirm that to the best of his or her knowledge, no case or action concerning the subject of this Appeal has been commenced in court. All parties are required to and the undersigned party agrees to notify the Office of the Public Auditor within 24 hours if court action commences regarding this Appeal or the underlying procurement action.

Submitted this 5th day of May 2008.

By: Oceania Collection Agency
APPELLANT

or 

By: Virge M. Tedpahogo
Appellant's Duly Authorized Representative
(Address) 220 South Rt. 4, Ste. 203 Hagoatna, GU. 96910
(Phone No.) 671-475-0859

GROUND FOR APPEAL

The grounds for appeal are that the award was made to the lowest bidder, however, the lowest bidder was in fact your Appellant, but Appellant was not awarded the Contract.

Appellant was at the bid opening as was an authorized representative from each of the other bidders, Guam Marianas Collection Agency, Art Design, United Pacific Collection of Guam. The bid of Appellant was the very first bid to be opened, and so Appellant had no information or knowledge as to the bids of the other bidders at that time. Agency asked Appellant to specify its bid percentage, as no dollar amount was noticed within Appellant's bid when it was opened. Appellant's authorized representative stated that Appellant's compensation amount for the bid was twenty percent (20%) of the amount collected. Agency's representative specifically asked all of the authorized representatives of each of the other bidders present to vote their approval or objection to allow Appellant to put the twenty percent (20%) amount in writing. All of the authorized representatives of each of the other bidders specifically voted to, and agreed to have Appellant put the twenty percent (20%) amount /figure in writing immediately following the Bid Opening, as Appellant's bid was the first one opened and Appellant and Agency had at that point in time no knowledge whatsoever of the bid amounts of any of the other bidders.

Thereafter, the other bids were all opened, and Appellants was at twenty percent (20%) being the lowest bidder; with Guam Marianas Collection Agency being next at twenty-five percent (25%). The authorized representative for the Guam Marianas Collection Agency, known as JP, was present at the bid opening and along with everyone of the other bidders present, approved and agreed to letting Appellant type at that point its compensation amount of twenty percent (20%) as part of its bid.

Agency has said it is going to award the bid to the lowest bidder; which we now believe to be Guam Marianas Collection Agency, although their compensation amount was twenty-five percent (25%) but Appellant's amount is twenty percent (20%), and thus Appellant is in fact the lowest bidder.

STATEMENT SPECIFYING THE RULING REQUESTED

Appellant requests a ruling on this appeal that recognizes it as the lowest bidder as to this RFP and directly agree to award the contract to Appellant.

APPELLANT'S EXHIBITS

1. The R.F.P.
2. Appellant's Bid
3. Appellant's written amount of percentage for compensation
4. Agency's letter that it is awarding the contract to the lowest bidder.
5. Appellant's letter to Agency stating the award is in error and that Appellant was the lowest bidder and should be awarded the contract.
6. Agency's reply letter that it is not going to change its award