



May 30, 2008

OFFICE OF THE PUBLIC AUDITOR

Andrea Leitheiser, PhD
Acting Director
Department of Mental Health and Substance Abuse (DMHSA)
790 Governor Carlos G. Camacho Road
Tamuning, Guam 96913

VIA FACSIMILE 671-649-6948

Re: **Receipt of Notice of Appeal: OPA-PA-08-008**

Dear Dr. Leitheiser:

Please be advised that Latte Treatment Center has filed an appeal with the Office of the Public Auditor on May 30, 2008, of your protest decision on the above-stated procurement action. The appeal has been assigned Master File No. **OPA-PA-08-008**.

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 transmittal letter and the notice of appeal form filed are 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 June 6, 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 serve a copy to the Appellant Dr. Luis Valdez at the appropriate address provided in the Notice of Appeal form.

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: Transmittal Letter and Notice of Appeal Form - OPA-PA-08-008

cc: Mr. Luis Valdez, PhD – Appellant – Latte Treatment Center, LLC (Via Facsimile – 475-5392)
Mr. David J. Highsmith, Esq. – Office of the Attorney General (Via Facsimile – 472-2493)



OFFICE OF THE PUBLIC AUDITOR

RECEIVED
OFFICE OF THE PUBLIC AUDITOR
PROCUREMENT APPEALS

Appendix A: Notice of Appeal Form
PROCUREMENT APPEAL

MAY 30 2008

TIME: 2:10 PM
BY: L. Cymatrofao
FILE No. OPA-PA-08-008

PART I- To be completed by OPA

In the Appeal of)

NOTICE OF APPEAL

LATTE TREATMENT CENTER
(Name of Company), APPELLANT)

Docket No. OPA-PA-08-008

PART II- Appellant Information

Name: LATTE TREATMENT CENTER

Mailing Address: PMB- 377-G 415 CHALAN SAN ANTONIO
TAMUNING GU

Business Address: _____

Daytime Contact No: 777-1144

PART III- Appeal Information

A) Purchasing Agency: _____

B) Identification/Number of Procurement, Solicitation, or Contract: RFP/DMHSA 014-08

C) Decision being appealed was made on 15 MAY (date) by:

Chief Procurement Officer Director of Public Works Head of Purchasing Agency
VIA OFFICE OF ATTORNEY GENERAL

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)

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

DR. ZACHEM,
ASSOCIATES IN CLINICAL
PSYCHOLOGY

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.

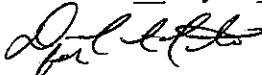
Note: Please refer to 2 GAR § 12104 for the full text of filing requirements.

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 30 day of MAY, 2008.


By: LUIS VAZDES
APPELLANT

or

By: _____
Appellant's Duly Authorized Representative
(Address)
(Phone No.)

APPENDIX A

Latte Treatment Center, LLC
308 Fr. Duenas Drive Tamuning, Guam 96913
Phone 671-475-5390 Fax 671-475-5392

To: Ms. Doris Flores-Brooks
Guam Public Auditor
PNB Archbishop (Ext. 201)
238 Archbishop Flores Street
Hagatna, Guam 96910

RECEIVED
OFFICE OF THE PUBLIC AUDITOR
PROCUREMENT APPEALS

MAY 30 2008

TIME: 2:10 PM
BY: T. C. ...
FILE No. OPA-PA -08-008

Re: **Letter of Appeal on the Notice of Protest Decision**

Dear Madame Public Auditor,

Please be advised that the Latte Treatment Center filed a letter of protest pursuant to Chapter 5 of the Guam Procurement Law and Chapter 3 Source Selection and Contract Formation regarding RFP/DMHSASA 014-08, as shown in the letter to DMHSA, dated 21 December 2007 (Attachment 1). Also be advised that the Attorney General's Office issued a decision on the protest, as shown in the letter, dated 15 May 2008 (Attachment 2).

Pursuant to Chapter 5 of the Guam Procurement Law, Article 9, § 5425, Authority to Resolve Protested Solicitations and Awards, the Latte Treatment Center hereby files an appeal to the notice of protest decision. Please find Latte's response to the AAG's comments at Attachment 3, in highlighted and bold print.

The following supporting documents are also attached:

- Attachment 4 – Original Latte Treatment Center and DMHSA Contract
- Attachment 5 – Letter of Intent

As you will find in the attached documentation, there have been *numerous* irregularities that have led the Latte Treatment Center to file a protest. In Latte's opinion, the RFP process as required by procurement law and regulations was significantly flawed, as explained in Attachment 3. Therefore, Latte is submitting this appeal since it is not satisfied with the protest decision, and is, therefore, seeking a decision from the Public Auditor. If you have any questions, please contact me at 1-713-854-8731 or Eddy Reyes, Administrator, Latte Treatment Center at 777-1144.

I look forward to mutual resolution of the subject matter.

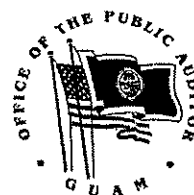
Sincerely,



Luis A. Valdes, PhD
Executive Director

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: Andrea Leitheiser, PhD – Acting Director **From:** Theresa Gumataotao
OPA Procurement Appeals

Agency: Dept. of Mental Health and Substance Abuse **Pages:** 5 (Including cover)

CC: Luis Valdez, PhD – Latte Treatment Center **Date:** Friday – 5/30/08
David J. Highsmith, Esq. – Office of the
Attorney General

Fax: 649-6948 / 475-5392 / 472-2493 **Phone:** 647-5330 / 475-5390 / 475-3324

Re: Notice of Receipt of Procurement Appeal: OPA-PA-08-008

Urgent For Review Please Comment Please Reply Please Recycle

● **Comments:**

See notice letter attached and please acknowledge receipt by re-sending this cover page along with the firm or agency stamp, date, and initials. Thank you.

 Theresa – 475-0390 tgumataotao@guamopa.org

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

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



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To: Andrea Lotheiser, PhD - Acting Director From: Theresa Gumataotao
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Agency: Dept. of Mental Health and Substance Abuse Pages: 5 (including cover)

CC: Luis Valdez, PhD - Leta Treatment Center Date: Friday - 5/30/08
David J. Hghamit, Esq. - Office of the
Attorney General

Fax: 646-6848 / 475-5392 / 472-2493 Phone: 647-5330 / 475-5390 / 475-3324

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~~Theresa - 475-0390 tgumatao@guamopa.org~~
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2	0766	6716496948	4:26PM	59s	5 / 5	SG3 RE		CP
3	0766	4755392	4:34PM	0s	- / 5	G3 BC		EN

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 RE: Resend MB: Send to Mailbox BC: Broadcast MP: Multi Polling RV: Remote Service
 PG: Polling RB: Relay Broadcast RS: Relay Send BF: Box Fax Forward CP: Completed
 SA: Send Again EN: Engaged AS: Auto Send TM: Terminated