

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: Kevin J. Fowler, Esq. – Attorney for Appellant **From:** OPA Procurement Appeals
Anthony C. Perez, Esq.- Attorney for Appellee
(GHURA)
Janalynn Cruz-Damian, Esq.- Calvo & Clark LL
P – Attorney for Interested Party (PCR)

Agency:	Pages 3 (Including cover)
CC: W. Nicholas Captain – Appellant	Date: Tuesday – 10/07/08
Fax: 646-1223/ 477-5297/ 646-9403 / 472-1820	Phone: 646-1222 / 477-8064 / 646-9355 / 472-1819

Re: OPA-PA-08-009: Order re Production of Additional Documents and Information from the Purchasing Agency

Urgent **For Review** **Please Comment** **Please Reply** **Please Recycle**

●Comments:

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

Theresa Gumataotao – 475-0390 x 207 tgumataotao@guamopa.org

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OFFICE OF THE PUBLIC AUDITOR

PROCUREMENT APPEALS

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6 IN THE APPEAL OF,

7 CAPTAIN, HUTAPEA & ASSOCIATES,
8 INC.

9 Appellant

) **APPEAL NO: OPA-PA-08-009**

) **ORDER RE PRODUCTION OF
ADDITIONAL DOCUMENTS AND
INFORMATION FROM THE
PURCHASING AGENCY**

10
11 **To: Attorney for Appellant –Captain, Hutapea & Associates, Inc.**

12 Kevin J. Fowler, Esq.
13 Dooley Roberts & Fowler LLP
14 Suite 201, Orlean Pacific Plaza
15 865 South Marine Corps Drive
16 Tamuning, Guam 96913

17 VIA FACSIMILE: (671) 646-1223

18 **Attorney for the Purchasing Agency- Guam Housing & Urban Renewal Authority**

19 Anthony C. Perez, Esq.
20 Lujan, Aguigui & Perez, LLP
21 DNA Building, Suite 300
22 238 Archbishop Flores Street
23 Hagatna, Guam, 96910

24 VIA FACSIMILIE: (671) 477-5297

25 **Attorney for Interested Party – PCR Environmental, Inc.**

26 Janalyn Cruz Damian, Esq.
27 Calvo & Clark, LLP
28 259 Martyr Street, Suite 100
Hagatna, Guam, 96910

VIA FACSIMILE: (671) 646-9403

**PURSUANT TO 2 G.A.R., Div. 4, Chap. 12, §12109(c), the Hearing Officer hereby
ORDERS the GUAM HOUSING AND URBAN RENEWAL AUTHORITY (GHURA), the**

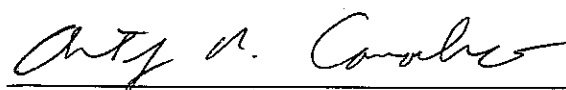
1 purchasing agency in this matter, to file with the Office of the Public Auditor, no later than five
2 (5) days after the date of this order, the following additional relevant documents and information
3 that are currently in GHURA's custody or control and which are necessary to render a decision
4 in this matter:
5

6 1. A copy of the un-redacted version of PCR Environmental Inc.'s Proposal submitted to
7 GHURA in response to RFP-GHURA-RP&E-08-002 (Comprehensive Housing Study). If
8 GHURA considers that the aforementioned Proposal or any information contained therein must
9 be withheld from public disclosure pursuant to law or regulation, it must affix a statement
10 advising of this fact to the front page of said proposal and the allegedly exempted information
11 must be so identified wherever it appears pursuant to 2 G.A.R., Div. 4, Chap. 12, §12104(c)(6).
12

13 2. Due to the fact that one of the attorneys who is part of the law firm representing
14 GHURA in this matter may have a personal interest in this case due to the fact that he is the
15 spouse of an employee of appellant CAPTAIN, HUTAPEA & ASSOCIATES, INC.,
16 confirmation that GHURA has given their informed consent to their legal counsel to represent
17 them in this matter pursuant to Rule 1.7(b)(4) of the Guam Professional Rules of conduct.
18

19 3. Pursuant to 2 G.A.R., Div. 4, Chap. 12, §12104(c)(7), GHURA's failure to comply
20 expeditiously with this Order may result in resolution of this appeal without consideration of any
21 information which is untimely filed pursuant to this Order.
22

23 **SO ORDERED** this 7th day of October, 2008 by:
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28 ANTHONY R. CAMACHO, ESQ.
Hearing Officer