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PROCUREMENT APPEALS
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FILE NO OPA-PA: 16-007, 16-011

PROCUREMENT APPEAL

IN THE OFFICE OF PUBLIC ACCOUNTABILITY

In the Appeal of

Core Tech International Corp.,

Appellant.

and

Guam Department of Public Works,

Purchasing Agency.

DOCKET NO. OPA-PA-16-007
DOCKET NO. OPA-PA-16-011

CORE TECH INTERNATIONAL CORP.'S LIST OF ISSUES

Core Tech International Corp. ("Core Tech") respectfully submits its List of Issues to be determined at the September 7, 2016 hearing in this matter:

1. Whether DPW violated 2 GAR §3114 of Guam Procurement Law when it allowed GEFF to submit and when it considered four new and materially different proposals from GEFF ***after*** DPW completed the evaluation and ranking of proposals.

2. Whether the Negotiating Committee made unauthorized modifications to the RFP when it allowed GEFF to submit and when it considered four new and materially different proposals.

3. Whether DPW and the Negotiating Committee violated 2 GAR § 3114 and the terms and requirements of the RFP and the Guam Procurement Law when they accepted the fourth of the four proposals which did not meet the specifications and requirements of the RFP.

4. Whether DPW violated §4.2.1.5 of the RFP and the Guam Procurement Law when it agreed to accept the performance and payment bond of Guam Education Development Partners ("GEDP"), a company that is not the Offeror, Awardee, or the prime contractor to GEFF, when such acceptance constitutes an unauthorized modification of the RFP.

5. Whether DPW violated the RFP and Guam Procurement Law when it consented to the wholesale subcontract of GEFF's developer's obligations under the IDIQ Contract to GEDP, an entity owned by Cooper Ridge Partners and FOL Guam, LLC, including GEFF's obligations to deliver a performance and payment bond.

6. Whether GEFF is a non-responsible bidder because it did not meet the bonding requirements of §4.2.1.5 of the RFP.

7. Whether DPW violated the RFP and Guam Procurement Law when it agreed to and accepted the form of an IDIQ Contract which, on its face, allows the procuring agency and GEFF to circumvent the RFP's $100 million debt limitation.

8. Whether the Guam Public Laws 32-120 and 32-121 impose a cap (maximum amount) on the debt and debt service of $100 million.

9. Whether DPW, in agreeing to an IDIQ Contract which exceeded the RFP's $100 million cap, gave GEFF a far more lucrative contract than the contract on which other proposals were based.

10. Whether DPW failed to maintain a complete procurement record required under 5 G.C.A. § 5249.

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11. Whether Edward J. ("EJ") Calvo violated 5 GCA §5601 *et seq.* of the Guam Procurement Code.

Respectfully submitted this 29th day of August, 2016.

CIVILLE & TANG PLLC

By: _____

Joyce C.H. Tang
Attorneys for Appellant
Core Tech International Corp.