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OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS

DATE: 08.30.16
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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

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

- 3 1. Whether DPW violated 2 GAR §3114 of Guam Procurement Law when it allowed
4 GEFF to submit and when it considered four new and materially different proposals
5 from GEFF *after* DPW completed the evaluation and ranking of proposals.
- 6 2. Whether the Negotiating Committee made unauthorized modifications to the RFP
7 when it allowed GEFF to submit and when it considered four new and materially
8 different proposals.
- 9 3. Whether DPW and the Negotiating Committee violated 2 GAR § 3114 and the terms
10 and requirements of the RFP and the Guam Procurement Law when they accepted the
11 fourth of the four proposals which did not meet the specifications and requirements of
12 the RFP.
- 13 4. Whether DPW violated §4.2.1.5 of the RFP and the Guam Procurement Law when it
14 agreed to accept the performance and payment bond of Guam Education Development
15 Partners ("GEDP"), a company that is not the Offeror, Awardee, or the prime
16 contractor to GEFF, when such acceptance constitutes an unauthorized modification of
17 the RFP.
- 18 5. Whether DPW violated the RFP and Guam Procurement Law when it consented to the
19 wholesale subcontract of GEFF's developer's obligations under the IDIQ Contract to
20 GEDP, an entity owned by Cooper Ridge Partners and FOL Guam, LLC, including
21 GEFF's obligations to deliver a performance and payment bond.
- 22 6. Whether GEFF is a non-responsible bidder because it did not meet the bonding
23 requirements of §4.2.1.5 of the RFP.
- 24 7. Whether DPW violated the RFP and Guam Procurement Law when it agreed to and
25 accepted the form of an IDIQ Contract which, on its face, allows the procuring
26 agency and GEFF to circumvent the RFP's \$100 million debt limitation.
- 27 8. Whether the Guam Public Laws 32-120 and 32-121 impose a cap (maximum amount)
28 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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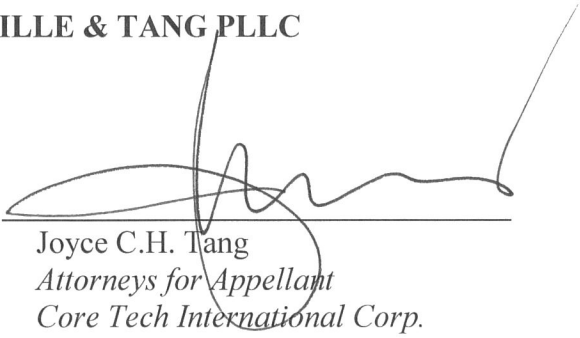
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11. Whether Edward J. ("EJ") Calvo violated 5 GCA §5601 *et seq.* of the Guam Procurement Code.

Respectfully submitted this 29th day of August, 2016.

CIVILLE & TANG PLLC

By: _____

A handwritten signature in black ink, appearing to read "Joyce C.H. Tang", is written over a horizontal line. The signature is stylized and somewhat cursive.

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