

TRANSACTION REPORT

APR/14/2014/MON 05:44 PM

BROADCAST

| # | DATE | START T. | RECEIVER | COM. TIME | PAGE | TYPE/NOTE | FILE |
|-------|--------|----------|----------|-----------|------|-----------|----------|
| 001 | APR/14 | 05:38PM | 4725001 | 0:01:59 | 4 | MEMORY OK | ECM 0753 |
| 002 | | 05:40PM | 4722422 | 0:00:53 | 4 | MEMORY OK | SG3 0753 |
| TOTAL | | | | 0:02:52 | 8 | | |

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



FAX

| | | | |
|------------|--|------------------------------|---|
| To: | Mr. Marcus Fido Supply Management Administrator Guam Department of Education Phone: 475-0436 Fax: 472-5001 | From: | Doris Flores Brooks Guam Public Auditor Office of Public Accountability |
| | Fukuda Enterprises, LLC C/O Jeffrey A. Cook, Esq. Cunliffe & Cook Phone: 472-1824 Fax: 472-2422 | Pages: | 3 (including cover page) |
| | | Date: | April 14, 2014 |
| | | Phone: Fax: | 475-0390 x. 208 472-7951 |

Re: OPA-PA-14-002: Notice of Receipt of Appeal

Urgent For Review Please Comment Please Reply Please Recycle

Comments:

See attached for reference. Please acknowledge receipt of this transmittal by re-sending this cover page along with your firm or agency's receipt stamp, date, and initials of receiver.

Thank you,

Joy Bulatao

Auditor

jbulatao@guamopa.org



OFFICE OF PUBLIC ACCOUNTABILITY
Doris Flores Brooks, CPA, CGFM
Public Auditor

April 14, 2014

Mr. Marcus Pido
Supply Management Administrator
Guam Department of Education
M. F. L. Guerrero Administration Bldg.
2nd Floor, Suite B-220
Hagatna, Guam 96932

VIA FACSIMILE: 472-5001

Re: Notice of Receipt of Appeal – OPA-PA-14-002

Dear Mr. Pido,

Please be advised that Fukuda Enterprises, LLC (hereinafter referred to as “Fukuda Enterprises”) filed an appeal with the Office of Public Accountability (OPA) on April 11, 2014 regarding the Guam Department of Education (GDOE)’s response to Fukuda Enterprises’s protest relative to the procurement solicitation Invitation for Bid No. 004-2014: Special Education Mini Buses. OPA has assigned this appeal case number OPA-PA-14-002.

Immediate action is required of GDOE pursuant to the Rules of Procedure for Procurement Appeals, found in Chapter 12 of the Guam Administrative Regulations (GAR). Copies of the rules, the appeal, and all filing deadlines are available at OPA’s office and on its website at www.guamopa.org. The first page of the notice of appeal filed with OPA is enclosed for your reference.

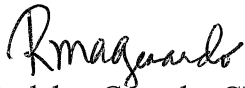
Please provide the required notice of this appeal to the relative parties with instructions that they should communicate directly with OPA regarding the appeals. You are also responsible for giving notice to the Attorney General or other legal counsel for your agency. Promptly provide OPA with the identities and addresses of interested parties and a formal entry of appearance by your legal counsel.

Pursuant to 2 GAR, Div. 4, Ch. 12, §12104(3), the submission of one complete copy of the procurement record for the procurement solicitation above, as outlined in Title 5, Chapter 5, §5249 of the Guam Code Annotated is required no later than **Monday, April 21, 2014**, five work days following this Notice of Receipt of Appeal. We also request one copy of the Agency Report for each of the procurement solicitations cited above, as outlined in 2 GAR, Div. 4, Chap. 12, §12105, by **Monday, April 28, 2014**, ten work days following receipt of this notice.

When filing all other required documents with our office, please provide one original and two copies to OPA, and serve a copy to Fukuda Enterprises. Although the Guam Procurement Law and Regulations require only one copy of the procurement record, OPA respectfully asks that DOE provide one original and two copies of the said record, which will be distributed as follows: Copy-1: Master File; Copy-2: Public Auditor; and Copy-3: Hearing Officer.

Thank you for your prompt attention to this matter. Please contact me at 475-0390 ext. 208 or jbulatao@guamopa.org should you have any questions regarding this notice.

Sincerely,



Rodalyn Gerardo, CIA, CGFM, CPA, CGAP
Audit Supervisor

Enclosure: First Page of the Notice of Appeal – OPA-PA-14-002

Cc: Jeffrey A. Cook, Esq., Attorney for Appellant Fukuda Enterprises, LLC



RECEIVED
OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS

DATE: APRIL 11, 2014

**Appendix A: Notice of Appeal Form
PROCUREMENT APPEAL**

TIME: 2:35 AM PM BY: JB

FILE NO OPA-PA: 14-002

PART I- To be completed by OPA

| | | |
|--------------------------------|---|-------------------------|
| In the Appeal of |) | NOTICE OF APPEAL |
| |) | |
| <u>FUKUDA ENTERPRISES, LLC</u> |) | |
| (Name of Company), APPELLANT |) | |
| _____ |) | |
| |) | Docket No. OPA-PA _____ |

PART II- Appellant Information

| | |
|---------------------|--|
| Name: | <u>FUKUDA ENTERPRISES, LLC</u> |
| Mailing Address: | <u>Post Office Box 6763</u> <u>Tamuning, GU 96931</u> |
| Business Address: | <u>296 Pangelinan Blas Lane</u> <u>Harmon, GU 96930</u> |
| Email Address: | <u>jasonf@fukudaent.com</u> |
| Daytime Contact No: | <u>671-649-4239 or 483-4439</u> |
| Fax No.: | <u>671-649-4039</u> |

PART III- Appeal Information

- A) Purchasing Agency: Guam Department of Education
- B) Identification/Number of Procurement, Solicitation, or Contract: IFB 004-2014 for Purchase of Special Education Mini Buses.
- C) Decision being appealed was made on 03-27-2014 (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)