



The Law Offices of

PHILLIPS & BORDALLO

A Professional Corporation

410 West O'Brien Drive, Suite 102, Hagåtña, Guam 96910-5044

Tel: (671) 477-ABCD (2223) • Fax: (671) 477-2FAX (2329)

" I Erensia, Lina'la', Espiritu-ta "

RECEIVED

OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS

DATE: 12-21-17

TIME: 12:28 AM PM BY: [Signature]

FILE NO OPA-PA: 17-012

Attorneys for Purchasing Agency
Port Authority of Guam

OFFICE OF PUBLIC ACCOUNTABILITY PROCUREMENT APPEAL

IN THE APPEAL OF) **APPEAL NO. OPA-PA-17-012**

MID PAC FAR EAST, LLC,)
Appellant,)

vs.)

GENERAL SERVICES AGENCY, PORT)
AUTHORITY OF GUAM,)
Purchasing Agency.)

**DECLARATION OF DARLEEN E.
HITON RE MOTION FOR LEAVE TO
EXTEND MOTION FILING DEADLINE**

I, Darleen E. Hiton, hereby state and declare as follows:

1. I am an attorney with the Law Offices of Phillips & Bordallo, P.C. ("Firm"), duly licensed to practice before all courts within the Territory of Guam and am co-counsel for the Purchasing Agency, Port Authority of Guam ("Port").

2. I have personal knowledge of the facts stated in this Declaration, and if called upon to testify, could and would competently testify thereto.

3. The Attorney General of Guam formally designated me Special Assistant Attorney General for procurement matters above \$500,000.00 for the Port on October 18, 2017.

4. I formally accepted the appointment on November 28, 2017. See Appointment by Attorney General of Guam attached as Exhibit "A."

5. The Notice of Appeal in this matter, filed on November 27, 2017, alleged that a

DECLARATION OF DARLEEN E. HITON
Mid Pac Far East vs. General Services Agency, Port Authority of Guam
OPA Procurement Appeal Case No. OPA-PA-17-012

protest was lodged by Appellant, Mid Pac Far East, LLC, on October 12, 2017, for matters relating to Invitations for Bid No. GSA/PAG-025-017 as it regards the purchase of 5.5 Ton Fork Trucks.

6. A decision on the protest was issued on November 14, 2017, by General Services Agency (“GSA”) Chief Procurement Officer, Claudia S. Acfalle.

7. Both the October 12, 2017, protest date and the November 14, 2017, decision on the protest precede my formal acceptance as the designated Special Assistance Attorney General for this matter, which occurred on November 28, 2017.

8. I first received a copy of GSA’s Agency Report on December 13, 2017, and I also received the OPA’s notice of its Motion filing deadline to be set on December 22, on or about the same date.

9. Since receipt of the Agency Report I have not been able to interview key management at the Port with intricate knowledge of the procurement details and reasons supporting the outcome of the decision on the protest issued by GSA on November 14, 2017.

10. A reasonable time to prepare, conduct legal review, and consult with client representatives is required to aid the expeditious disposition of the proceedings and the filing of any Motion or Motions on behalf of the Port.

11. Given the upcoming holidays, my recent appointment as Special Assistant Attorney General, and the recent notification of appearance, as filed via GSA, a short 30-day period is requested to the extend Motion filing deadlines now set for today, Thursday, December 21, 2017.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DECLARATION OF DARLEEN E. HITON
Mid Pac Far East vs. General Services Agency, Port Authority of Guam
OPA Procurement Appeal Case No. OPA-PA-17-012

12. This Motion is being brought for good cause and is not intended for any unreasonable delay.

I declare under penalty of perjury under the laws of Guam that the foregoing is true and correct.

Dated this 21st day of December, 2017.

PHILLIPS & BORDALLO, P.C.
Attorneys for Purchasing Agency
Port Authority of Guam

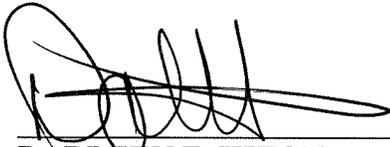
By: 
DARLEEN E. HITON

EXHIBIT A



Office of the Attorney General of Guam

590 S. Marine Corps Dr., Ste. 901, Tamuning, Guam 96913



11/23/17 RECEIVED
General Manager's Office
Port Authority of Guam

November 13, 2017

TO: Ms. Joanne M. S. Brown, General Manager
Port Authority of Guam

Ms. Darleen E. Hiton, Legal Counsel
Port Authority of Guam

FROM: Attorney General of Guam

SUBJECT: Appointment/Designation of Darleen E. Hiton as Special Assistant Attorney General. Two (2) Year Extension Effective October 18, 2017.

Pursuant to 5 G.C.A. § 5150, the above-named attorney is hereby appointed and designated to be a Special Assistant Attorney General to act as the legal advisor during all phases of the procurement solicitation process including approving the form, and determining the legality of such procurement contracts for the above agency. This appointment and designation is effective for a period of two (2) years, which term may be extended thereafter, and may be revoked at the discretion of the Attorney General. As a Special Assistant Attorney General, the above-named attorney will be required to certify in writing that, for each procurement solicitation and contract that is estimated to result in an award of Five Hundred Thousand Dollars (\$500,000.00) or more, all applicable procurement laws, rules, and regulations, have been complied with.

This appointment and designation requires adherence to the following processes for each procurement solicitation estimated to result in an award of Five Hundred Thousand Dollars (\$500,000.00) or more:

1. Submission to the Solicitor Division of the Office of the Attorney General, for each procurement solicitation, a notification that the Special Assistant Attorney General is to be engaged as the legal advisor to the agency. The notification shall have sufficient information to identify the procurement solicitation by topical name description, project number (Invitation For Bid number or Request For Proposal number), and the funding source and such other information as is required by the Attorney General; and

Elizabeth Barrett-Anderson
Attorney General
Phone: (671) 475-3324
ext. 5015/ 5030
Fax: 477-4703
law@guamag.org

Jacqueline Z. Cruz
Chief of Staff
Administration
ext. 5010
jzcruz@guamag.org

Joseph B. McDonald
Chief Prosecutor
Prosecution
ext. 2410
jmcDonald@guamag.org

Karl P. Espaldon
Deputy AG
Solicitors
ext. 3115
kEspaldon@guamag.org

Kenneth D. Orcutt
Deputy AG
Civil Litigation
ext. 3225
korcutt@guamag.org

Fred S. Nishihira
Deputy AG
Consumer Counsel
ext. 3250
fnishihira@guamag.org

Rebecca M. Perez
Deputy AG
Child Support
ext. 1610
rebecca.perez@guamcse.net

Carol M. Hinkle-Sanchez
Deputy AG
Family
ext. 4040
csanchez@guamag.org

Pauline I. Untalan
Administrator
VSC Unit / Notary Unit
ext. 5030
puntalan@guamag.org

Trg
J

11-23-17

Appointment/Designation of Special Assistant Attorney General
Agency Name: Port Authority of Guam
Ref: PAG 16-0700
Date: November 13, 2017
Page 2 of 2

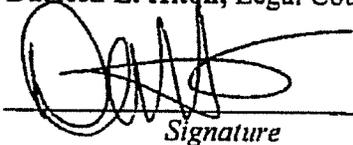
2. Submission to the Solicitor Division of the Office of the Attorney General, at the time of an award of a contract in each such procurement solicitation, the completed Procurement Checklist, as is provided to the Agency at the initiation of each procurement solicitation process by the Office of the Attorney General.


ELIZABETH BARRETT-ANDERSON
Attorney General

ACCEPTANCE:

Subject to the terms and conditions as required by the Attorney General of Guam, I hereby agree and accept the appointment and designation by the Attorney General of Guam to act as a Special Assistant Attorney General and legal advisor for the **Port Authority of Guam** pursuant to 5 G.C.A §5150.

Darleen E. Hiton, Legal Counsel



Signature

Date: 11/28/17