

RECEIVED  
OFFICE OF THE PUBLIC AUDITOR  
PROCUREMENT APPEALS

DEC 30 2009

TIME: 2:48  
BY: MV  
FILE No. OPA-PA 09-008

The Law Offices of John S. Unpingco & Associates LLC  
777 Route 4  
Suite 12B  
Sinajana, Guam 96910  
Telephone: 671-475-8545  
Facsimile: 671-475-8550

*Attorneys for Intervenor  
Taiwan Electrical and Mechanical Engineering Services, Inc.*

BEFORE THE OFFICE OF THE PUBLIC AUDITOR

Docket No. OPA-PA-09-008

In the Appeal of  
O&M ENERGY, S.A.,  
Appellant.

**LIST OF ISSUES**

Comes now, Intervenor Taiwan Electrical and Mechanical Engineering Services, Inc. (hereinafter "TEMES"), by and through its counsel of record, The Law Offices of John S. Unpingco & Associates, LLC, and submits this List of Issues.

Issues to be adjudicated are as follows:

1. Whether Appellant's Protest Letter of September 18, 2009 and subsequent Appeal Letter of October 23, 2009, complied with 2 GAR § 12104(b)(1) and Appendix A, Part IV by providing "a concise, logically arranged, and direct statement of the grounds for appeal"?
2. Whether Appellant's summary reference to previous communications with GPA in its Protest Letter and Appeal Letter satisfies the requirement that a protesting party submit supporting exhibits, evidence, or documents to substantiate any claims and the grounds for appeal as contemplated under 2 GAR § 12104(b)(3)?

**COPY**

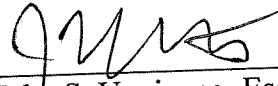
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

3. Whether Appellant waived its right to assert its argument that the historical data does not support the availability as the first time it is alleged with any specificity by Appellant is in Appellant's Response to TEMES' Motion to Dismiss?

4. Whether Appellant's failure to state its grounds of appeal thereby deprive the OPA of jurisdiction to decide Appellant's appeal?

Respectfully submitted this 30<sup>th</sup> day of December, 2009.

**The Law Offices of John S. Unpingco  
& Associates, LLC**

By:   
John S. Unpingco, Esq.  
Attorneys for TEMES