

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

Phone: (671) 475-0390
FAX: (671) 472-7951



OFFICE OF THE PUBLIC AUDITOR

Fax

To: Mr. Zumin Zhang – President
Mr. Carlos H. Salas – Executive Manager
From: OPA Procurement Appeals

Agency: Mega United Corp.
Guam International Airport Authority
Pages: 3 (Including cover)

CC:
Date: Monday – 01/26/09

Fax: 734-0098 / 646-8823 / 646-2048
Phone: 689-3293 / 646-0300

Re: Order of Dismissal - OPA-PA-09-001

Urgent For Review Please Comment Please Reply Please Recycle

●Comments:

See Order attached. Please acknowledge receipt by re-sending this cover page along with the office or agency stamp, date, and initials of receiver. Thank you.

Theresa – 475-0390 tgumataotao@guamopa.org

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OFFICE OF THE PUBLIC AUDITOR

PROCUREMENT APPEALS

1
2
3
4 IN THE APPEAL OF,
5 MEGA UNITED CORP.

6 Appellant.
7
8

APPEAL NO. OPA-PA-09-001

ORDER OF DISMISSAL

9 To: **Appellant – Mega United Corp.**
10 Zumin Zhang
11 President
12 Mega United Corp.
13 134 B, Kongga Rd.
14 Chalan Pago, GU 96910

VIA FACSIMILE 671-734-0098

Appellee – Guam International Airport Authority

15 Carlos H. Salas
16 Executive Manager
17 Guam International Airport Authority
18 PO Box 8770
19 Tamuning, Guam 96931

VIA FACSIMILE 671-646-8823

20 On January 22, 2009, Mega United Corp. (Mega) filed an appeal with the Office of the
21 Public Auditor (OPA) relative to Guam International Airport Authority (GIAA) IFB# GIAA-
22 C01-FY09 Toilet Ventilation Renovation Project.

24 In the Notice of Appeal filed by Mega a final written decision in response to the
25 procurement protest from the GIAA Executive Manager or his designee was lacking. The record
26 only indicates that GIAA has, at this point, provided an initial response to Mega's bid through a
27 "bid status" dated January 14, 2009.
28

The Office of the Public Auditor (OPA) is without jurisdiction under 5 G.C.A. Chapter 5

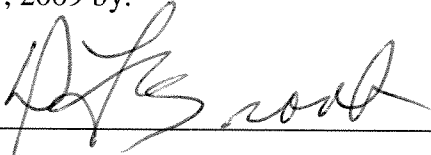
Order of Dismissal - 1

1 §5425, of the Guam Procurement Law, to hear the procurement appeal brought by Mega until a
2 written reasoned decision from GIAA on the protest of the bid status has been filed.
3 Consequently, Mega's appeal must be dismissed, but may be subsequently refilled once this
4 statutory requirement is fulfilled.
5

6 The statutory procedure set out in 5 G.C.A. §5425 requires the Chief Procurement
7 Officer, the Director of Public Works, the head of the purchasing agency, or a designee of one of
8 these officers issue a written decision to a protesting bidder stating the reasons for the action
9 taken and informing the protestor of the right to administrative and judicial review as
10 prerequisite to a procurement appeal filed to the Office of the Public Auditor. Upon receiving
11 this decision a protestor may appeal the decision to the Public Auditor within fifteen days. 5
12 G.C.A. §5425 (a-f).
13

14 For the reasons stated above, the Public Auditor does hereby order the above-captioned
15 appeal DISMISSED without prejudice.
16

17
18 **SO ORDERED** this 26th day of January, 2009 by:

19
20 
21 _____
22 DORIS FLORES BROOKS, CPA, CGFM
23 PUBLIC AUDITOR
24
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27
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