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RECEIVED
OFFICE OF THE PUBLIC AUDITOR
PROCUREMENT APPEALS

OCT 30 2009
TIME: 3:35 PM
BY: AC
FILE No. OPA-PA 09-008

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

8 BEFORE THE OFFICE OF THE PUBLIC AUDITOR

9 In the Appeal of

10 O&M ENERGY, S.A.,

11 Appellant.

Docket No. OPA-PA-09-008

DECLARATION OF JOHN S. UNPINGCO

12 Comes now, John S. Unpingco, being duly sworn, states as follows:

13 I am the attorney for Taiwan Electrical and Mechanical Engineering Services, Inc.
14 (hereinafter referred to as "TEMES"). TEMES is the lowest responsive and responsible bidder in
15 the solicitation. As such, after receiving a notice of intent of possible award, and at the Guam
16 Power Authority's request, TEMES has already placed a performance bond. As an incumbent
17 contractor, TEMES' interests will be directly and substantially prejudiced if not allowed to
18 intervene. TEMES has a right to intervene under GRCP 4(a) in order to protect its interests.
19 TEMES claims an interest relating to the property or transaction which is the subject of the
20 action and the applicant is so situated that the disposition of the action may as a practical matter
21 impair or impede the applicant's ability to protest that interest, unless the applicant's interest is
22 adequately represented by existing parties.

23 O&M Energy, SA has filed a protest in this matter with a date October 28, 2009. Under
24 the procurement regulations the agency report is due on November 6, 2009. The attorney for the
25 Guam Power Authority has been served a copy of this motion. Efforts to contact the O&M, SA


COPY

1 representative were successful, so we are serving a copy on him personally or at his home. This
2 is in accordance with CVR 7.1.1.

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

5 Dated this 30th day of October, 2009.

6
7 **The Law Offices of John S. Unpingco**
8 **& Associates, LLC**

9 By: 
10 John S. Unpingco, Esq.
11 Attorneys for TEMES
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