



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

**PROCUREMENT APPEALS**

IN THE APPEAL OF,	)	<b>APPEAL NO: OPA-PA-10-004</b>
	)	
HARBOUR CENTRE GUAM CO. LTD.,	)	
And CENTRE PORT TERMINAL , INC.	)	<b>ORDER DISMISSING APPELLANT'S</b>
	)	<b>APPEAL WITH PREJUDICE</b>
	)	
Appellant	)	
	)	
	)	

To: **Purchasing Agency:**  
 Jose D. Leon Guerrero Commercial Port, Government of Guam  
 C/O Darleen E. Hiton, Esq.  
 Phillips & Bordallo, P.C.  
 410 W. O'Brien Dr.  
 Hagåtña, Guam, 96910  
 Facsimile: (671) 477-2329

**Appellant:**  
 Harbour Centre Guam Co., Ltd., and Harbour Centre Port Terminal, Inc.  
 C/O Reghis M. Romero, III, Duly Authorized Representative  
 Manila Centre, Road 10, Vitas  
 Tondo, Metro Manila  
 Republic of the Philippines 1013  
 Email: [info@centre.com.ph](mailto:info@centre.com.ph)

**Interested Parties:**  
 Ports America, Inc.  
 C/O Sirena Perez Cassidy, Esq.  
 Civile & Tang, PLLC  
 330 Hernan Cortez Ave., Suite 200  
 Hagåtña, Guam, 96910  
 Facsimile: (671) 477-2511

APM Terminals  
 C/O Elyze J. McDonald Iriarte, Esq.  
 Carlsmith Ball LLP  
 Bank of Hawaii Bldg., Suite 401  
 134 West Soledad Ave.  
 Hagåtña, Guam, 96910  
 Facsimile: (671) 477-4375

1  
2           **THIS MATTER** came before the Public Auditor on December 19, 2012 for a  
3 continuation of the hearing for the Appellant's Appeal. The Appellant Harbour Centre Guam  
4 Co., Ltd., and Harbour Centre Port Terminal, Inc., was not present and not represented by  
5 counsel. The Purchasing Agency, Jose D. Leon Guerrero Commercial Port, Government of  
6 Guam, was not present and was not represented by counsel. Interested Party Ports America, Inc.,  
7 was not present and was not represented by counsel. Interested Party APM Terminals was  
8 represented by its counsel of record, Elyze J. McDonald Iriarte, Esq. Pursuant to the December  
9 6, 2012 Notice of Continuation of Hearing Re Appellant's Appeal, the Public Auditor hereby  
10  
11 **ORDERS** the following:

12  
13           1. The Appellant was not present at the continued hearing on its appeal despite receiving  
14 the December 6, 2012 Notice, mentioned above, which placed the Appellant on notice that if it  
15 failed to appear personally at the hearing, that its appeal would be dismissed with prejudice.

16           2. The Public Auditor finds that the Appellant has discontinued its appeal by failing to  
17 meet its burden to go forward with the appeal and pursuant to 2 G.A.R., Div. 4, Chap. 12,  
18 §12104(c)(8), this matter is hereby **DISMISSED WITH PREJUDICE**.

19           3. All further proceeding scheduled in this matter are hereby **VACATED**, and all persons  
20 subpoenaed in this matter are hereby **RELEASED** from said subpoena.

21           4. This is a Final Administrative Decision. The Parties are hereby informed of their right  
22 to appeal from a Decision by the Public Auditor to the Superior Court of Guam, in accordance  
23 with Part D of Article 9, 5 G.C.A., within fourteen (14) days after receipt of a Final  
24 Administrative Decision. 5 G.C.A. §5481(a).

25           5. A copy of this Decision shall be provided to the parties and their respective attorneys,

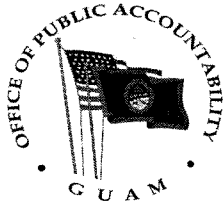
26 ///  
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1 in accordance with 5 G.C.A. §5702, and shall be made available for review on the OPA Website  
2 [www.guamopa.org](http://www.guamopa.org).

3  
4 **SO ORDERED** this 24<sup>th</sup> day of December, 2012 by:

5  
6  
7 

8 DORIS FLORES BROOKS, CPA, CGFM  
9 Public Auditor



# FAX

**To:** **Darleen E. Hilton**  
Legal Counsel for Appellee - Port Authority of  
Guam

**Reghis M. Romero, III [VIA EMAIL]**  
Duly Authorized Rep. – Harbor Centre Guam

**Sirena Perez Cassidy**  
Legal Counsel for Ports America,  
Interested Party

**Elyze J. McDonald Iriarte**  
Legal Counsel for APM Terminals,  
Interested Party

**From:** **Doris Flores Brooks, CPA, CGFM**  
**Public Auditor**  
OPA Procurement Appeals  
Suite 401 DNA Bldg.  
238 Archbishop Flores St.  
Hagatna, Guam 96910

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Agency: Pages 4 (Including cover)

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CC: Date: December 24, 2012

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Fax:	PAG – Phillips & Bordallo, P.C. / 477-2329	Point of Contact	Tel: 475-0390 x 206 (Rachel Field)
	PA - Cville & Tang / 477-2511	Nos.	Fax: 472-7951
	APM – Carlsmith Ball / 477-4375		

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Re: **Appeal No. OPA-PA-10-004: Order Dismissing Appellant's Appeal with Prejudice**

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Comments: See attachment for reference.

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Rachel Field – [rfield@guamopa.org](mailto:rfield@guamopa.org)

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