

Eddie Baza Calvo
Governor



GENERAL SERVICES AGENCY

(Ahensian Setbision Hinirat)
Department of Administration

Ray Tenorio
Lieutenant Governor

Benita A. Manglona
Acting Director

148 Route 1 Marine Drive, Piti, Guam 96915
Tel: (671) 475-1707 Fax Nos: (671) 475-1727 (475-1718)
George A. Santos
Deputy Director

RECEIVED
OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS

JUL 20 2011

TIME 3:58 BY MAU
FILE NO. OPA-PA-11-012

BEFORE THE OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEAL

IN THE APPEAL OF)
)
JOETEN DEVELOPMENT , INC.,)
)
)
Appellant.)
)
)
)
)
)

DOCKET NO. OPA-PA-11-012

AGENCY REPORT

Comes now the General Services Agency ("GSA"), submits this Agency Report as required by Guam law and the procurement regulation duly enacted by the Office of the Public Auditor.

Matters Required by 2 GAR, Div.4, §12105

- (a) A copy of the bid protest letter may be found at Tab 2, of the Agency Report.
- (b) A copy of the protest response is found at Tab 3 of the Agency Report.
- (c) A copy of the original Invitation for Bid is found at Tab 4 of the Agency Report.
- (d) A copy of bid register and abstract is found at Tab 6 of the Agency Report.
- (e) A copy of amendments issued is found at Tab 7 of the Agency Report.
- (f) A copy of the requisition and specification is found at Tab 15 of the Agency Report.
- (g) A copy of the newspaper advertisement is found at Tab 16 of the Agency Report.

Overview

On 29 March 2011, GSA issued Invitation for Bid No.: GSA-047-11, "Lease of Office Space" for the Department of Revenue & Taxation for a period of three (3) years with an option for an additional two (2), subject to the availability of funds. Publication of such bid was run in the Marianas Variety on March 29, 2011.

Between 04 April 2011 and 11 April 2011, five (5) vendors picked up the bid packages namely: Terlaje Law Office, DNA, Ada's Trust Investment, Pricesmart Inc., Pro-Exterior. However, on April 14, 2011 only one bidder submitted a bid namely: JoeTen Development, Inc., with a monthly cost of \$81,549.00 and an annual cost of \$978,588.00.

On 02 May 2011, the Department of Revenue & Taxation recommended to cancel the bid, due to insufficient funds as stated by the Deputy Director.

On 04 May 2011, the GSA sent a Bid Status to JoeTen Development, Inc., as a notice of cancellation. On 25 May 2011, the Law Office of John C. Terlaje, representing JoeTen Development, Inc., filed a protest on this matter. On 10 June 2011, the Chief Procurement Officer denied the protest.

This appeal to the OPA follows.


CLAUDIA S. ACFALLE
Chief Procurement Officer

Agency Report

Table of Contents

1. Agency Report
2. Copy of Protest
3. Protest Response
4. Bid Submittal – JoeTen Development, Inc
5. Original Bid Solicitation
6. Bid Abstract & Bid Register
7. Amendment and Acknowledgement Copies
8. Letter from Law Office of Edward Terlaje
9. Withdrawal memo from Ada's Trust & Investment, Inc
10. Bid Status
11. Letter from Revenue & Taxation – Cancellation
12. Bid Analysis
13. Sunshine Reform Act
14. Response to Law Office of John C. Terlaje
15. Requisition
16. Advertisement