



UNIVERSITY of GUAM  
Unibetsedät Guahan

Office of the President  
Legal Counsel

RECEIVED  
OFFICE OF PUBLIC ACCOUNTABILITY  
PROCUREMENT APPEALS

AUG 15 2011

TIME: 11:25 AM BY: *Regn*  
FILE NO. OPA-PA 11-013

OFFICE OF PUBLIC ACCOUNTABILITY  
PROCUREMENT APPEAL

|   |   |                              |
|---|---|------------------------------|
| In the Appeal of                              | ) |                              |
|   | ) |                              |
| Phil-Gets (Guam) International Trading Corp., | ) | CASE NO: OPA-PA-11-013       |
| dba J&B Modern Tech,                          | ) | <b>STIPULATION AND ORDER</b> |
|   | ) | <b>TO DISMISS APPEAL</b>     |
| Appellant.                                    | ) |                              |
| _____   | ) |                              |

COMES NOW Appellant J&B Modern Tech and Respondent University of Guam, who stipulate and agree to resolve the above-referenced appeal pertaining to UOG Bid No. P 13-11 (Roof Repairs & New Roof Coating Systems at Various Facilities on UOG's Mangilao Campus) and to dismiss this action, as follows:

1. The University will issue a Second Corrected Bid Status letter showing J&B as the lowest bidder in part; and will thereafter issue Appellant an Intent to Award letter;
2. Under Option A of UOG Bid No. P13-11, the University will award Appellant the site locations A through D and G through N (Fine Arts Bldg, Dean Circle House 9, College of Natural & Applied Sciences, Science Bldg, Dormitory 1, Dormitory 2, Dormitory 3, Health Science Bldg, Marine Laboratory, WERI Bldg, RFK Library and School of Education) using United Coatings (Roof Mate Concrete Roofing System) in the amount of \$663,627.00.
3. The University will award site locations E & F to the lowest responsible and responsive bidder under option A.
4. Appellant verifies that the University will receive three (3) warranties upon acceptance of the work: 1) a Manufacturer's Warranty from the roofing product

**ORIGINAL**

manufacturer, which warrants the roofing material used, 2) a Workmanship Warranty from the certified applicator (subcontractor), which warrants the application of the roofing material, and 3) a general Labor and Materials Warranty from the prime contractor, which warrants that they are ultimately responsible, as the contracted entity, to uphold and respond to all warranty issues within the warranty period.

5. Appellant agrees to dismiss this appeal without prejudice upon approval by the Public Auditor.
6. The parties agree that this is a full and final settlement of all the issues arising out of UOG Bid No. P13-11.

NOW THEREFORE, the parties agree and request the Office of Public Accountability to dismiss without prejudice the above-captioned appeal.

**SO STIPULATED:**

DOOLEY ROBERTS & FOWLER LLP  
Attorney for Appellant

Seth Forman  
Seth Forman, Esq.

Date: 8/15/11

UNIVERSITY OF GUAM  
Legal Counsel

Victorina M.Y. Renacia  
Victorina M.Y. Renacia

Date: 8/15/11

**SO ORDERED** this 15<sup>th</sup> day of Aug, 2011.

OFFICE OF PUBLIC ACCOUNTABILITY  
Public Auditor of Guam

By: Doris Flores Brooks  
DORIS FLORES BROOKS, CPA, CGFM

**ORIGINAL**