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OFFICE OF PUBLIC ACCOUNTABILITY
PROCEEDINGS APPEALS
SEP 26 2011
FILED BY: MAV
FILE NO: OPA-11-016

BEFORE THE OFFICE OF PUBLIC ACCOUNTABILITY
HAGÁTÑA, GUAM

IN RE AN APPEAL FILED) OPA-PA-11-016
19 AUGUST 2011)
OPA-PA-11-016) OPPOSITION TO
) APPELLANT'S MOTION
) FILED 19 SEPTEMBER 2011
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***** Opposition *****

COMES NOW interested party Guam Medical Referral Service (GMRS), by and through counsel the law firm of Fisher & Associates, by attorney Thomas J. Fisher, Esq., to Oppose a Motion filed by Appellant on 19 September 2011

***** Memorandum of Points and Authority *****

On August 3rd, 2011, APM exercised its right under Guam law to protest to a purchasing agency the process of a solicitation of award of a contract. APM specifically stated it was "hereby protesting the process and the tampering of my documents." *AR at tab 2, p. 2.* APM protested no particular irregularity in the "process" but voiced a generalized dissatisfaction.

APM has appealed this agency decision to the Office of the Public Auditor. It is the GSA's decision that is before the Public Auditor. *See In the Appeal of IBSS, OPA-PA-06-004.*

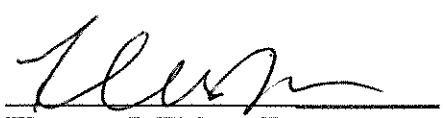
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By its Motion APM now complains that there was something wrong with the procedure of inviting only acceptable technical offers into Phase II of this multi-step process (*see APM Motion at p.3*), wonders how he could not be considered as potentially acceptable (*id at p.4*), and seems to allege a Sunshine Act violation. *Id p.5*.

These issues were not raised in APM's protest to the Agency and are not properly before the Office of Public Accountability on appeal. Additionally, they are now untimely since well over 14 days have elapsed since APM knew or should have known of a basis for protest. *See 5 Guam Code Ann. §4525(a)*

WHEREFORE Interested Party Guam Medical Referral Service asks that the Office of Public Accountability deny APM's Motion.

FISHER & ASSOCIATES



Thomas J. Fisher, Esq.
For Guam Medical Referral Service