

1 **GUAM DEPARTMENT OF EDUCATION**
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3 P.O. Box DE
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RECEIVED
OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS
DEC 07 2011
4:40 PM AC
FILE NO. OPA-PA-11-017

7 *Attorney for Guam Department of Education*

8 **BEFORE THE OFFICE OF PUBLIC ACCOUNTABILITY**
9 **PROCUREMENT APPEAL**

10 IN THE APPEAL OF

APPEAL NO. OPA-PA-11-017

11 KIM BROS. CONSTRUCTION CORP.,

**SUPPLEMENT TO SUBMISSION OF
AGENCY REPORT**

12 Appellant.

13
14 The Guam Department of Education (hereinafter "GDOE"), the purchasing agency in the
15 matter referenced above, hereby supplements its Agency Report filed with the OPA on December
16 5, 2011, by adding the following exhibit:

17 *Letter dated November 14, 2011 to Marcus Y. Pido*
18 *from Thomas M. Tarpley, Jr. with enclosure*
19 **Bates Stamp Nos. GDOE0149-0150**

Exhibit 17

20 Dated this 7th day of December, 2011.

21 Respectfully submitted,

22 **GUAM DEPARTMENT OF EDUCATION**

23 By: 
24 **REBECCA M. PEREZ, ESQ.**
25 *Legal Counsel*



THOMAS MCKEE TARPLEY

LAW FIRM

A PROFESSIONAL CORPORATION

SUITE 904 GTC BUILDING

414 WEST SOLEDAD AVENUE

HAGATNA, GUAM 96910

TELEPHONE: (671) 472-1539
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EMAIL: ttarpley@attorneyguam.com

November 14, 2011

Mr. Marcus Y. Pido
Supply Management Administrator
Department of Education
Office of Supply Management
Manuel F.L. Guerrero Administration Bldg.
2nd Floor, Suite B-220
312 Aspinall Avenue
Hagatna, Guam 96910

Re: Formal Protest of IFB 007-2012 Solicitation

Dear Mr. Pido:

My office represents Kim Bros. Construction Corp. This letter is to formally protest the re-solicitation of the Southern High School Gymnasium project, on the grounds that such solicitation was issued after DOE opened Kim Bros. bid price submitted on the first solicitation on the project, on which Kim Bros. incurred bid preparation costs totaling \$42,800, and whose bid bond has yet to be released. By law (5 GCA § 5425(g)) DOE may not proceed further with this solicitation until this protest is resolved.

This letter shall also serve as a request, independent of the protest, for DOE to reimburse Kim Bros. Construction Corp. the \$42,800 bid preparation costs incurred in IFB 24-2011. A breakdown is enclosed.

Sincerely,

Thomas M. Tarpley, Jr.

Enclosure:

cc: Kim Bros. Construction Corp.

Doc: 117p0263

PROCUREMENT SECTION
RECEIVED
NOV 14 2011
DEPARTMENT: DEPARTMENT OF EDUCATION
TIME: 2:50 PM INITIAL:

GDOE0149

Cost Estimate for Preparation of Bid for Southern High School Gymnasium:

1. Electrical ————— \$6,000.00
2. Mechanical ————— \$6,000.00
3. Structural ————— \$6,000.00
4. Architectural ————— \$6,000.00
5. Technical Proposal ————— \$6,000.00
6. Bid Bond @2% per annum - \$12,800.00

Total = \$42,800.00

Attorney's pay to be determine and should be added to the cost.