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RECEIVED
OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS

DEC 28 2011

TIME: 4:50 pm BY: JH
FILE NO. OPA-PA: 11-018

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

10 IN THE APPEAL OF

APPEAL NO. OPA-PA-11-018

11 J&B MODERN TECH,

SUBMISSION OF AGENCY REPORT

12 Appellant.

13 The Guam Department of Education ("GDOE"), the purchasing agency in this matter,
14 hereby submits the following exhibits as the Agency Report required by 2 GAR §12105:

15 a. A copy of the protest:

16 *Letter from Alexander Salazar, J&B Modern Tech to Taling*
17 *Taitano dated October 14, 2011*
18 **Bates Stamp Nos. GDOE00389**

Exhibit 4

19 b. A copy of the bid or offer submitted by the Appellant and a copy of the bid or offer that is
20 being considered for award or whose bid or offer is being protested, if any had been submitted
21 prior to the protest:

22 *Appellant's bid (J&B Modern Tech)*
23 **Bates Stamp Nos. GDOE006-00143**

Exhibit 5

24 *A copy of the Appellant's bid is being provided to the Office of*
25 *Public Accountability (OPA) pursuant to 2 GAR §12105(b). A*
26 *portion of Appellant's bid, specifically, Attachments D, E, F, and*
27 *G, has been designated as proprietary and is exempt from public*
28 *disclosure at this time pursuant to 2 GAR §3109. GDOE*
therefore requests, pursuant to 2 GAR §§12104(c)(4) and 12106,
that such sections be sealed and protected from public
disclosure by the OPA unless Appellant waives any claim
regarding the non-public nature of the document.

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The sections containing proprietary information are designated herein with a red tab. These sections will not be served on Appellant unless GDOE is ordered to do so by the OPA.

**JRN Air Conditioning & Ref., Inc. Bid
Bates Stamp Nos. GDOE00144-00193**

Exhibit 6

c. A copy of the solicitation, including the specifications or portions thereof relevant to the protest:

**Invitation for Bid No. 044-2011
Bates Stamp Nos. GDOE0000194-00245**

Exhibit 7

**Amendments Nos. 1 through 4 and Clarification No. 1
Bates Stamp Nos. GDOE00246-00258**

Exhibit 8

d. A copy of the abstract of bids or offers or relevant or portions thereof relevant to the protest:

**Abstract of Bidders for GDOE IFB024-2011
Bates Stamp Nos. GDOE00259-00261**

Exhibit 9

e. Any other documents which are relevant to the protest; including the contract, if one has been awarded, pertinent amendments, and plans and drawings:

**GFS Group Bid
Bates Stamp Nos. GDOE00296-00377**

Exhibit 10

A copy of the GFS' bid is being provided to the Office of Public Accountability (OPA) pursuant to 2 GAR §12105(b). A portion of GFS' bid has been designated as proprietary and is exempt from public disclosure at this time pursuant to 2 GAR §3109. GDOE therefore requests, pursuant to 2 GAR §§12104(c)(4) and 12106, that such information be sealed and protected from public disclosure by the OPA unless Appellant waives any claim regarding the non-public nature of the document.

The sections containing proprietary information are designated herein with a red tab. These sections will not be served on Appellant unless GDOE is ordered to do so by the OPA.

Bid Status

1	Bates Stamp No. GDOE00285-00292	Exhibit 11
2	<i>Invitation for Bid Register</i>	
3	Bates Stamp No. GDOE00294-00295	Exhibit 12
4	<i>Advertisement Regarding IFB, Marianas Variety</i>	
5	<i>Newspaper Ad, September 13, 2011</i>	
6	Bates Stamp No. GDOE00293	Exhibit 13
7	<i>Requisition for GDOE IFB 044-2011</i>	
8	Bates Stamp No. GDOE00387-00388	Exhibit 14
9	<i>Emails from GDOE Employee A. Garcia dated</i>	
10	<i>October 26, 2011 and Email from JRN dated October</i>	
11	<i>27, 2011</i>	
12	Bates Stamp No. GDOE00390-00391	Exhibit 15
13	<i>Notice of Stay of Procurement dated November 15,</i>	
14	<i>2011</i>	
15	Bates Stamp No. GDOE00392-00399	Exhibit 16
16	<i>Memorandum of December 28, 2011 from GDOE</i>	
17	<i>Employee A. Garcia</i>	
18	Bates Stamp No. GDOE00400	Exhibit 17
19	<i>Letter from Alexander Salazar to GDOE dated</i>	
20	<i>November 8, 2011</i>	
21	Bates Stamp No. GDOE00401-00402	Exhibit 18

17 f. The decision from which the Appeal is taken, if different than the decision
 18 submitted by Appellant:

19	<i>November 29, 2011 Letter to J&B</i>	
20	Bates Stamp Nos. GDOE00403-00405	Exhibit 19

21 g. A statement answering the allegation of the Appeal and setting forth findings,
 22 actions, and recommendations in the matter together with any additional evidence or information
 23 deemed necessary in determining the validity of the Appeal. The statement shall be fully
 24 responsive to the allegations of the Appeal:

25	<i>GDOE's Agency Statement</i>	
26	Bates Stamp Nos. GDOE00407-00410	Exhibit 20

1 h. If the award was made after receipt of the protest, the report will include the
2 determination required under 2 GAR §9101(e):

3 *Not applicable.*

4
5 i. A statement in substantially the same format as Appendix B to this Chapter,
6 indicating whether the matter is the subject of a court proceeding:

7 ***Declaration Regarding Court Action***
8 **Bates Stamp No. GDOE00406**

Exhibit 21

9 Dated this 28th day of December, 2011.

10 Respectfully submitted,

11 **GUAM DEPARTMENT OF EDUCATION**

12
13 By: 

14 **REBECCA M. PEREZ, ESQ.**
15 *Legal Counsel*