



OFFICE OF PUBLIC ACCOUNTABILITY
Doris Flores Brooks, CPA, CGFM
Public Auditor

**BEFORE THE PUBLIC AUDITOR
PROCUREMENT APPEALS
TERRITORY OF GUAM**

**IN THE MATTER OF
DARREN GUTIERREZ dba
G-CREW MAINTENANCE**

Appellant.

Docket OPA PA 12-015

ORDER RE NECESSITY OF HEARING

Darren Gutierrez, an individual doing business as G-Crew Maintenance (G-Crew), appealed on September 27, 2012, the Guam Visitors Bureau (GVB) Notice of Intent to Award Contract for Tumon Landscape Maintenance Project, IFB 2012-001, to LMS Guam as the lower responsive and responsible bidder.

On October 3, 2012, the law firm of Fisher & Associates entered its appearance on behalf of GVB. On October 17, 2012, Berman O'Connor & Mann entered its appearance on behalf of G-Crew. On December 22, 2012, Berman O'Connor & Mann filed G-Crew's comments on GVV's report and simultaneously waived a hearing and agreed to submit the appeal on the record.

The Legislature has mandated that the Public Auditor shall adopt rules of procedure which, to the fullest extent possible, "provide for the expeditious resolution" of procurement appeals. 5 G.C.A. § 5701. Under Chapter 12, Division 4, Title 2 of the Guam Administrative Rules and Regulations, § 12108, the Public Auditor is required to hold a hearing in the case of a suspension or debarment of a bidder. In other instances, the parties are allowed to request a hearing or waive a hearing. While § 12108(a) can be read as allowing a party the right to demand a hearing, the Public Auditor believes that resources can be conserved and economy achieved if cases are decided on the record without the necessity of a full-scale hearing. Accordingly, the Public Auditor orders that the counsel for the parties submit no later than December 31, 2012, a

1 list of all witnesses that they intend to call if a hearing is convened. If a party does not intend to
2 call witnesses, then counsel are directed to state whether they insist upon a hearing being
3 conducted and, if so, for what purpose.

4 **IT IS SO ORDERED** this 19th day of December, 2012.

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7 **PETER C. PEREZ,**
8 **HEARING OFFICER**