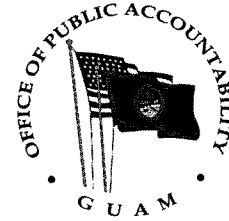


Suite 401 DNA Building  
238 Archbishop Flores St.  
Hagåtña, Guam 96910



# FAX

<b>To:</b>	<b>Mr. Marcus Pido</b> Supply Management Administrator Guam Department of Education	<b>From:</b>	<b>Doris Flores Brooks</b> Guam Public Auditor Office of Public Accountability
<b>Phone:</b> <b>Fax:</b>	475-0436 472-5001	<b>Pages:</b>	4 (including cover page)
<b>CC:</b>	Generoso M. Bangayan Phil-Gets (Guam) International Trading Corporation dba J&B Modern Tech	<b>Date:</b>	November 7, 2012
<b>Phone:</b> <b>Fax:</b>	646-0588 646-0589	<b>Phone:</b> <b>Fax:</b>	475-0390 x. 201 472-7951

**Re:** Notice of Receipt of Protest – OPA-PA-12-019

Urgent    For Review    Please Comment    Please Reply    Please Recycle

**Comments:**

See attached for reference. Please acknowledge receipt of this transmittal by re-sending this cover page along with your firm or agency's receipt stamp, date, and initials of receiver.

Thank you,  
Michele Huffer  
Administrative Officer  
[mhuffer@guamopa.org](mailto:mhuffer@guamopa.org)

This facsimile transmission and accompanying documents may contain confidential or privileged information. If you are not the intended recipient of this fax transmission, please call our office and notify us immediately. Do not distribute or disclose the contents to anyone. Thank you.



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

November 7, 2012

Mr. Marcus Pido  
Supply Management Administrator  
Guam Department of Education  
M. F. L. Guerrero Administration Bldg.  
2<sup>nd</sup> Floor, Suite B-220  
Hagatna, Guam 96932

**VIA FACSIMILE: 472-5001**

Re: Notice of Receipt of Protest – OPA-PA-12-019

Dear Mr. Pido,

Please be advised that Phil-Gets (Guam) International Trading Corporation dba J&B Modern Tech (J&B) filed a protest with the Office of Public Accountability (OPA) on November 6, 2012 regarding the Guam Department of Education's (GDOE) procurement actions related to GDOE IFB No. 026-2012 Preventive Maintenance and Minor Repairs for Split and Central A/C Equipment for Thirty Five (35) Public Schools and all Support Facilities.

Immediate action is required of your office pursuant to Public Law 31-196 Section 8 Protest Procedure for Procurement for Capital Improvement Projects for the Guam Department of Education.

Please provide the required notice of this protest to the required parties with instructions that they should communicate directly with OPA regarding the protest. You are also responsible for giving notice to the Attorney General or other legal counsel for your agency. Promptly provide OPA with the identities and addresses of interested parties and a formal entry of appearance by your legal counsel.

Please also submit one complete copy of the procurement record for the procurement solicitation above, as outlined in 5 GCA Chapter 5, §5249, and one copy of the Agency Report for the procurement solicitations cited above, as outlined in 2 GAR Div 4, Chap 12, §12105, immediately or no later than Friday, November 9, 2012 as the Public Auditor *shall* issue a decision, in writing, within *no more than* ten (10) working days of receipt of the protest (Public Law 31-196 Section 8 (a)(4)). When filing all other required documents with our office, please provide one original and two copies to OPA, and serve a copy to the Appellant (protesting vendor). *OPA respectfully asks that GDOE provide one original and two copies of the procurement record as the Guam Procurement Law and Regulations require only one copy. The three procurement record copies requested by OPA are distributed as follows: Copy-1: Master File; Copy-2: Public Auditor; and Copy-3: Hearing Officer.*

Thank you for your prompt attention to this matter. Please contact Michele Huffer at 475-0390 ext. 201 or [mhuffer@guamopa.org](mailto:mhuffer@guamopa.org) should you have any questions regarding this notice.

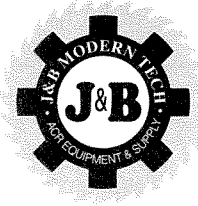
Sincerely,



Rodalyn Marquez, CIA, CGFM, CPA, CGAP, CGMA  
Audit Supervisor

Enclosure: J&B's Protest of Capital Improvement Projects – GDOE-IFB No. 026-2012

Cc: Mr. Generoso Bangayan, President of Phil-Gets (Guam) International Trading Corporation



**J&B MODERN TECH**  
**ACR EQUIPMENT AND SUPPLIES**

P.O. BOX 9788 TAMUNING, GUAM, U.S.A. 96931  
TELEPHONE : (671) 646-0588 / 646-3346 / 646-4435  
FAX: (671) 646-0589

Doris Flores Brooks  
Public Auditor  
Office of Public Accountability  
Suite 401 DNA Building  
238 Archbishop Flores Street  
Hagåtña, Guam 96910

**RECEIVED**  
OFFICE OF PUBLIC ACCOUNTABILITY  
PROCUREMENT APPEALS  
DATE: 11/6/12  
TIME: 345  AM  PM BY: MIT  
FILE NO OPA-PA: 12-019

November 6, 2012

**Re: Bid invitation GDOE IFB 026-2012  
J&B Modern Tech Protest**

Dear Ms. Brooks:

This protest is being submitted to the Public Auditor pursuant to Section 8 of Public Law 31-196, which provides that protests related to funds allotted to the Guam Department of Education for Capital Improvement Projects and air conditioning repair and maintenance shall be submitted to the Public Auditor. This protects concerns Guam Department of Education (“GDOE”) IFB 026-2012, a copy of which is attached hereto as “Exhibit 1”.

Phil-Gets (Guam) International Trading Corporation dba J&B Modern Tech (“J&B”) protests (a) the Guam Department of Education’s (“GDOE”) decision not to award the contract for GDOE IFB 026-2012, Preventive Maintenance and Minor Repairs for Split and Central A/C Equipment for Thirty-Five (35) Schools and All Support Facilities due to alleged “higher bid price offered”, and (b) the recommendation to award the contract to JRN Air Conditioning & Refrigeration, Inc. (“JRN”). The decision not to award the contract to J&B and the recommendation of an award to JRN were stated in the document entitled “Bid Status” dated October 24, 2012 but faxed to J&B on November 1, 2012. A copy of this Bid Status is attached hereto as “Exhibit 2”.

In Section 2.4.1 on page 7 of the Invitation for Bid it is expressly stated:

Bidders must submit **C13 and C51** Certificates from the Guam Contractor’s Licensing Board **WITH THEIR BID**. Failure to submit these documents will result in a nonresponsive bid and disqualification from consideration for award.

The boldface, underlining and capitalization above are all found in the original Invitation for Bid from GDOE. A bidder such as JRN could not have missed this explicit