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RECEIVED
OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS

DATE: 4/4/13

TIME: 4:20 AM PM BY: 2-6

FILE NO OPA-PA: 13-002

8 **BEFORE THE OFFICE OF PUBLIC ACCOUNTABILITY**

9 IN THE APPEAL OF

10 PHIL-GETS (GUAM)
11 INTERNATIONAL TRADING CORP.
12 dba J&B MODERN TECH,

13 Appellant.

14 APPEAL NO.: OPA-PA-13-002

15 **SUBMISSION OF PROCUREMENT**
16 **RECORD**

17 The above entitled appeal filed by Phil-Gets (Guam) International Trading Corp. dba J&B
18 Modern Tech (“J&B”) involves the Guam Department of Education’s (“GDOE”) issuance of a
19 March 27, 2013, Determination and Notice of Suspension (“the Suspension”). The Determination
20 is related to GDOE Invitation for Bid (“IFB”) No. 050-2011. All the actions that led to the
21 issuance of the Determination occurred after the publication and evaluation and award of GDOE
22 IFB050-2011. There has been no allegation in the appeal that the award of the contract under
23 GDOE IFB050-2011 was done in contrivance to the Guam Procurement law or the Guam
24 Procurement regulations. Due to the limited nature of the appeal, GDOE is including in the
25 Procurement Record only the documents relevant to the Suspension. GDOE reserves the request
26 to supplement the Record.

27 GDOE, the purchasing agency in the matter referenced above, hereby submits the
28 following exhibits as the procurement record to date regarding GDOE IFB050-2011:

1. GDOE IFB050-2012 and Amendments 1 and 2

Bates Stamp Nos. GDOE 00129-00180

Exhibit 1

ORIGINAL

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2. J & B Notice of Appeal

J&B filed an appeal with the Office of Public Accountability on March 27, 2013.

J&B served GDOE with a copy of the appeal on March 27, 2013. Both J&B and the Office of Public Accountability have copies of the appeal. For this reason, GDOE has not attached a copy of the appeal herein.

3. March 21, 2013 Determination and Notice of Suspension

Bates Stamp Nos. GDOE 00181-00183

Exhibit 2

Stamp receive stamp by J&B dated March 22, 2013

Bates Stamp Nos. GDOE 00183

Page from IFB

Bates Stamp Nos. GDOE 001

Purchase Order

Bates Stamp Nos. GDOE 002-006

August 27, 2012 Letter from J&B to GDOE

Bates Stamp Nos. GDOE 007-0046

November 10, 2012 Letter from J&B to Marcus Y. Pido

Bates Stamp Nos. GDOE 0047-0049

November 23, 2012 Letter from J&B to Marcus Y. Pido

Bates Stamp Nos. GDOE 0050-0067

November 30, 2012 Letter from Marcus Y. Pido to J&B

Bates Stamp Nos. GDOE 0068-0069

December 6, 2012 Letter from Seth Forman to Marcus Y. Pido

Bates Stamp Nos. GDOE 0070-0071

February 6, 2013 Letter from Marcus Y. Pido to J&B

Bates Stamp Nos. GDOE 0072-0079

February 11, 2013 Letter from J&B to Marcus Y. Pido

Bates Stamp Nos. GDOE 0080-00120

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February 13, 2013 Letter from Marcus Y. Pido to J&B

Bates Stamp Nos. GDOE 00121-00122

February 14, 2013 Letter from Seth Forman to Marcus Y. Pido

Bates Stamp Nos. GDOE 00123-00128

4. Certified Mail Receipt dated March 22, 2013

Bates Stamp Nos. GDOE 00184

Exhibit 3

GDOE reserves the right to supplement this record and to file separately its Answer to the allegations contained in the Appeal filed by J&B in this matter.

Dated this 4th day of April, 2013.

Respectfully submitted,

GUAM DEPARTMENT OF EDUCATION

By: 
ANDREW T. PEREZ, ESQ.
Legal Counsel