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**RECEIVED**  
OFFICE OF PUBLIC ACCOUNTABILITY  
PROCUREMENT APPEALS

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FILE NO OPA-PA: 13-004

Attorneys for: Appellant

**BEFORE THE OFFICE OF PUBLIC ACCOUNTABILITY  
HAGATNA, GUAM**

IN THE APPEAL OF K CLEANING )	OPA-PA-13-004
SERVICES, )	
)	
)	<b>REQUEST FOR ENTRY OF STAY</b>
APPELLANT . )	
)	
)	
)	

The Appellant, K Cleaning Services (K Cleaning) requests that the Public Auditor immediately issue a stay in this matter. K Cleaning filed its protest with Guam International Airport Authority (GIAA) April 4, 2013. GIAA rejected K Cleaning's protest in a letter dated April 18, 2013, which was received by Protestant April 22, 2013. As already noted in the appeal of the denial letter, GIAA's letter did not inform Appellant of its right to administrative and judicial review as required by 5 GCA §5425(c)(2). As a result of this failure of GIAA to properly inform Appellant of his rights to review, Appellant did not file its appeal until May 8, 2013, sixteen days after receiving the denial of protest letter.

Protestant has now been made aware through the record filed with OPA that GIAA sent out Notice of Awards on May 2, 2013 to JJ Global, Maids to Order, Inc., and Guam Cleaning Masters.

5 GCA §5425(g), provides for an automatic stay of the Government of Guam and its agencies from proceeding further with solicitation or with the award of the contract prior to the final resolution of a timely protest. It is unclear from the state of the law

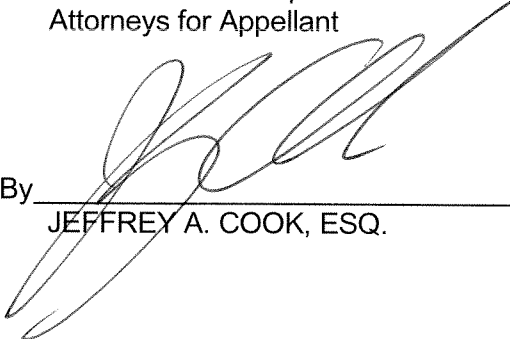
whether the Notices of Award are considered awards of the contracts as defined in subsection (g) above.

If GIAA takes the position that the May 2, 2013 Notice of Awards included in the Agency Procurement Record have cutoff the automatic stay provided for in 5 GCA §5425(g), Appellant respectfully requests that the OPA issue a stay until such time as the appeal of the protest is resolved in these proceedings. OPA has the authority to issue such an order. And in balancing the equities, such a stay should be entered since one of the primary reasons Appellant did not file his appeal sooner was the failure of GIAA to properly give Appellant notice of his review rights as required by law.

Respectfully submitted this 22<sup>nd</sup> day of May, 2013.

**CUNLIFFE & COOK**  
A Professional Corporation  
Attorneys for Appellant

By

  
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JEFFREY A. COOK, ESQ.