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Seth Forman
DOOLEY ROBERTS & FOWLER LLP
Suite 201, Orlean Pacific Plaza
865 South Marine Drive
Tamuning, Guam 96913
Telephone No. (671) 646-1222
Facsimile No. (671) 646-1223
E-mail Forman@guamlawoffice.com

Attorneys for Appellant
G4S Security Systems (Guam) Inc.

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

In the Appeal of)	Docket No. OPA-PA-13-013
)	
G4S SECURITY SYSTEMS (GUAM) INC.)	RESPONSE TO AGENCY'S
)	NOTICE OF FUNDING SOURCE
Appellant.)	
_____)	

On October 21, 2013, the Guam Department of Education (“GDOE”) submitted a “Notice of Funding Source”. Appellant G4S Security Systems (Guam), Inc. (“G4S”) has very recently learned that the GDOE Superintendent of Education, Jon Fernandez, made comments about the funding source for this procurement on the Ray Gibson radio show on station K-57 on October 8, 2013. A recording of this conversation is available at the following URL:

http://www.pacificnewscenter.com/index.php?option=com_content&view=article&id=38447:jon-fernandez-with-ray-gibson&catid=52:k57-interviews&Itemid=151

Because of the length of the URL, G4S’s counsel will e-mail the link to the OPA, the Hearing Officer, and GDOE’s counsel after this Response has been filed and served, so that all concerned can click on the link instead of retyping the URL.


In the Appeal of G4S Security Systems (Guam) Inc.
Response to Agency's Notice of Funding Source
OPA-PA-13-013

A transcript of the relevant parts of the conversation between Mr. Gibson and Superintendent Fernandez is attached as "Exhibit A". The Superintendent said that the extreme time pressure involved in the air conditioning procurement (*In re JMI Edison*, OPA-PA-13-010) was not present in the current procurement dispute because GDOE had obtained an extension and a new deadline of January 31, 2014.

Dated this 28 day of October, 2013.

Respectfully submitted,

DOOLEY ROBERTS & FOWLER LLP

By: 

SETH FORMAN
Attorneys for Appellant G4S Security
Systems (Guam) Inc.

Partial transcript of:

http://www.pacificnewscenter.com/index.php?option=com_content&view=article&id=38447:jon-fernandez-with-ray-gibson&catid=52:k57-interviews&Itemid=151

October 8, 2013, Radio Station K-57, Ray Gibson ("RG") interview of Jon Fernandez ("JF"), Superintendent, Guam Department of Education

RG: I've got Superintendent Jon Fernandez on this topic here. Good Morning Superintendant

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JF: Hafa Adai Ray

RG: Hafa Adai - nice to hear from you these days, I understand how busy you are so I will keep it down to just this one topic on the procurement. What's it going to take to get the out of fire watch and installing, finally, that fire safety gear down at Southern?

JF Well yeah, Southern is actually the last school that we need to do the fire alarm system in as far as the new investment in the auditorium and the gym. So it is frustrating that there's not a procurement issue here.

We are lucky enough that we got the extension on the ARRA funds in case that becomes an issue until January. But, you know, of course, we just want to get it done and get this resolved as quickly as possible.

RG Hope there is some Ina'fa Maolek going on with that and maybe get the two sides together and see if there is something that they can do that is going to bring it... some people look at it and say... well, it's not like air conditioning, it's not going to bring relief.... but, it is a safety issue, and as I said, it's one of the longer standing safety issues at that school.

JF That's right. I think with the new facilities in place, we want to make sure we've got the entire project addressed. With regard to the parties talking, I think this is a slightly different from the air conditioning issue we had a much more time pressure working in favor of getting to a resolution more quickly. So, not really sure how this will proceed. It's in the OPA's hands. I do want to say that if there is an issue with the funding in terms of being de-obligated it is a ARRA funding issue. So I don't want anyone to be unaware that those funds do expire under the new deadline of January 31, 2014.... So, having said that we do want to find a way to expedite the resolution.