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**D. GRAHAM BOTHA**  
**Guam Power Authority**  
**1911 Army Drive, Suite 227**  
**Tamuning, Guam 96913**  
**Ph: (671) 648-3203/3002**  
**Fax: (671) 648-3290**

*Attorney for the Guam Power Authority*

**RECEIVED**  
OFFICE OF PUBLIC ACCOUNTABILITY  
PROCUREMENT APPEALS  
DATE: 3/14/2014  
TIME: 4:15  AM  PM BY: M.B.  
FILE NO OPA-PA: 13-015

**OFFICE OF THE PUBLIC AUDITOR**  
**PROCUREMENT APPEALS**

IN THE APPEAL OF ) **DOCKET NO. OPA-PA-13-015**  
)  
MORRICO EQUIPMENT, LLC, ) **OPPOSITION TO MOTION TO ENFORCE**  
) **OPA DECISION: RE RE-AWARD OF**  
) **CONTRACT AND BID COSTS**  
Appellant. )  
\_\_\_\_\_)

**COMES NOW**, the GUAM POWER AUTHORITY, by and through its counsel of record, D. GRAHAM BOTHA, ESQ., and hereby files its opposition to Appellant's motion for enforcement of OPA decision regarding re-award of the contract to Morrigo and payment of bid preparation costs.

Morrigo requests the OPA enforce the payment of bid preparation costs as set forth in the OPA decision of January 24, 2014. The bid preparation costs requested by Morrigo have been delivered to Morrigo's attorney, a copy of the receipt of which is attached hereto as Exhibit "A." Morrigo requests that the OPA enforce the re-award of the contract to Morrigo. A careful review and reading of the OPA decision on page 10 would reveal the following language "**Should GPA require and have the funding** to procure additional bucket trucks in 2014 and 2014, it should exercise its options for those years under the IFB contract and procure them from MORRICO."

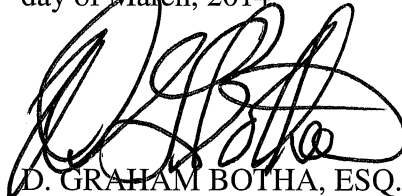
The process for award of those option years would first require that GPA have funding to purchase bucket trucks for that FY. Then GPA would bring a resolution before the CCU, GPA's

1 governing board, requesting that the CCU approve the request. If the CCU approves the request,  
2 then GPA would, after certification of funds, issue a purchase order to the new vendor, in this case  
3 Morrico. Both the procurement record and OPA decision recognize this process, as the OPA  
4 decision states that “on February 13, 2013, GPA *awarded the IFB contract* to Mid Pac Far East by  
5 *issuance of Purchase Order* No. 19011 for the amount of \$471,500 for two (2) bucket trucks  
6 priced at \$235,750 each.” OPA Decision page 4-5.

7 GPA has complied with the OPA decision in this case, and will continue to comply with the  
8 OPA decision. Should GPA require and have the funding to procure additional bucket trucks in  
9 FY2014 and FY2015, it will procure any bucket trucks required from Morrico, subject to funding  
10 and the approval of the CCU, GPA’s governing body. With regard to Morrico’s concern regarding  
11 liquidated damages there is nothing in the OPA decision regarding this. GPA would request that  
12 the OPA disclose what damages, if any, were assessed against Morrico for delivering school  
13 busses that did not meet the specifications set forth by DPW in IFB-GSA-0116-12, as reflected in  
14 the settlement agreement (9/13/13) in OPA-PA-13-008.

15 GPA requests that OPA deny the request submitted by appellant Morrico, as GPA has  
16 provided proof of payment of bid preparation costs, and has fully complied with the OPA decision  
17 regarding award of option years FY2014 and FY2014.

18  
19 **RESPECTFULLY SUBMITTED** this 14<sup>th</sup> day of March, 2014

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D. GRAHAM BOTHA, ESQ.  
GPA Legal Counsel

GUAM POWER AUTHORITY  
DISBURSEMENT ACCOUNT  
P.O. BOX 2977  
AGANA, GUAM 96910

Check No. - 64125  
Check Date - 03/12/14

DETACH STATEMENT BEFORE DEPOSITING

Stub 1 of 1

ICE NUMBER	DATE	DESCRIPTION	GROSS AMOUNT	DEDUCTIONS	AMOUNT PAID
PA-PA-13-	021413	GPA-PA-13-015	1,215.00		1,215.00
			1,215.00		1,215.00

THIS CHECK IS VOID WITHOUT A COLORED BACKGROUND AND AN ARTIFICIAL WATERMARK CERTIFICATION SEAL ON THE BACK - HOLD AT ANGLE TO VIEW

GUAM POWER AUTHORITY  
DISBURSEMENT ACCOUNT  
P.O. BOX 2977  
AGANA, GUAM 96910

AGANA BRANCH  
BANK OF GUAM  
P.O. BOX BW  
AGANA, GUAM

064125 <sup>101-51</sup>  
1214

CHECK NO. 00064125

10134

DATE	AMOUNT
03/12/14	*****1,215.00

VOID IF NOT CASHED IN 6 MONTHS.

THOUSAND TWO HUNDRED FIFTEEN AND 00/100 \*\*\*\*\*

G.P.A. DISBURSEMENT ACCOUNT

MORRICO EQUIPMENT, LLC  
DBA TRASHCO GUAM  
197 YPAO ROAD  
TAMUNING  
GU  
96913

*Renora M. Sang*

SIGNATURE HAS A COLORED BACKGROUND • BORDER CONTAINS MICROPRINTING

⑈064125⑈ ⑆121405115⑆ 0601⑈018500⑈

Jolley Roberts & Funnell, Inc.  
RECEIVED  
MAR 13 2014

10:06 Monique

Ex "A"