



OFFICE OF THE PUBLIC AUDITOR

Appendix A: Notice of Appeal Form  
PROCUREMENT APPEAL

OFFICE OF PUBLIC ACCOUNTABILITY  
PROCUREMENT APPEALS

JAN 20 2012  
TIME: 4:20P BY: AC  
FILE NO: 12-001

**PART I- To be completed by OPA**

In the Appeal of )  
 ) **NOTICE OF APPEAL**  
 )  
MEDALLION GUAM, LLC )  
(Name of Company), APPELLANT ) Docket No. OPA-PA \_\_\_\_\_  
 )  
 )

**PART II- Appellant Information**

Name: MEDALLION GUAM, LLC  
~~c/o Teker Torres & Teker, P.C.~~  
Mailing Address: Suite 2A, 130 Aspinall Avenue  
Hagatna, Guam 96910  
Business Address: \_\_\_\_\_  
Daytime Contact No: (671) 477-9891 - 4

**PART III- Appeal Information**

- A) Purchasing Agency: Guam Housing and Urban Renewal Authority ("GHURA")
- B) Identification/Number of Procurement, Solicitation, or Contract: 2011 QAP Low Income Housing Tax Credit Program (LIHTC)

C) Decision being appealed was made on \_\_\_\_\_ (date) by:  
\_\_\_ Chief Procurement Officer \_\_\_ Director of Public Works \_\_\_ Head of Purchasing Agency  
**\*\* Agency has refused to render decision. \*\***

*Note: You must serve the Agency checked here with a copy of this Appeal within 24 hours of filing.*

D) Appeal is made from:  
(Please select one and attach a copy of the Decision to this form)

- Decision on Protest of Method, Solicitation or Award
- \_\_\_ Decision on Debarment or Suspension
- \_\_\_ Decision on Contract or Breach of Contract Controversy  
(Excluding claims of money owed to or by the government)
- \_\_\_ Determination on Award not Stayed Pending Protest or Appeal  
(Agency decision that award pending protest or appeal was necessary to protect the substantial interests of the government of Guam)

**COPY**

E) Names of Competing Bidders, Offerors, or Contractors known to Appellant:

<u>Ironwood Highlands Senior Housing</u>	_____
<u>Ironwood Lada Senior Village</u>	_____
<u>Great Homes, LLC</u>	_____
<u>Tumon Heights Tower</u>	_____
_____	_____
_____	_____

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**PART IV- Form and Filing**

In addition to this form, the Rules of Procedure for Procurement Appeals require the submission together with this form of additional information, including BUT NOT LIMITED TO:

1. A concise, logically arranged, and direct statement of the grounds for appeal;
2. A statement specifying the ruling requested;
3. Supporting exhibits, evidence, or documents to substantiate any claims and the grounds for appeal unless not available within the filing time in which case the expected availability date shall be indicated.

*Note: Please refer to 2 GAR § 12104 for the full text of filing requirements.*

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**PART V- Declaration Re Court Action**

Pursuant to 5 GCA Chapter 5, unless the court requests, expects, or otherwise expresses interest in a decision by the Public Auditor, the Office of the Public Auditor will not take action on any appeal where action concerning the protest or appeal has commenced in any court.

The undersigned party does hereby confirm that to the best of his or her knowledge, no case or action concerning the subject of this Appeal has been commenced in court. All parties are required to and the undersigned party agrees to notify the Office of the Public Auditor within 24 hours if court action commences regarding this Appeal or the underlying procurement action.

Submitted this 20 day of January 2012.

By: \_\_\_\_\_  
APPELLANT

or

By: Joseph C. Razzano  
Appellant's Duty Authorized Representative

(Address) **Joseph C. Razzano, Esq.**  
**TEKER TORRES & TEKER, P.C.**  
(Phone No.) **Suite 2A, 130 Aspinall Avenue**  
**Hagatna, Guam 96910**  
**(671) 477-9891** APPENDIX A

1 **TEKER | TORRES | TEKER, P.C.**

2 SUITE 2A, 130 ASPINALL AVENUE  
3 HAGATNA, GUAM 96910  
4 TELEPHONE: (671) 477-9891-4  
5 FACSIMILE: (671) 472-2601

OFFICE OF PUBLIC ACCOUNTABILITY  
PROCUREMENT APPEALS  
JAN 20 2012  
THE 4:201 BY KC  
FILE NO. 12-001

6 *Attorneys for Appellant*

7 OFFICE OF PUBLIC ACCOUNTABILITY

8 PROCUREMENT APPEALS

9 IN THE APPEAL OF ) DOCKET NO. OPA-PA \_\_\_\_\_  
10 )  
11 MEDALLION GUAM, LLC, )  
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Appellant.

**APPELLANT'S ADDITIONAL  
INFORMATION SUBMITTED  
PURSUANT TO NOTICE OF  
APPEAL FORM PART IV;  
EXHIBITS "A" - "G"**

24 **I. INTRODUCTION**

25 Medallion Guam, LLC ("Medallion" or "Appellant") was an offeror who submitted an application  
26 to participate in the Low Income Housing Tax Credit Program (LIHTC) administered by the Guam  
27 Housing and Urban Renewal Authority ("GHURA" or "Agency") for Guam for 2011. Medallion appeals  
28 from GHURA's final decision to refuse to render a decision in conformity with 5 GCA §5425(c). This  
29 submission is offered to supplement Appendix A: Notice of Appeal Form, Part IV.

30 GHURA's October 2011 application indicated that an award would be issued on December 15,  
31 2011. It was made clear from documents disseminated at GHURA's meeting held on that date that  
32 Medallion's proposed development—*Talo Isla Village*—was ranked first by GHURA's evaluation  
33 committee. See GHURA memorandum, December 14, 2011, attached hereto as Exhibit "A." This was

**COPY**

1 also confirmed during the GHURA board meeting held on December 27, 2011.<sup>1</sup> Despite this fact  
2 GHURA's leadership has instead decided to ignore the committee and award the LIHTC to Great Homes,  
3 LLC and Tumon Heights Tower— offerors whose applications were ranked fourth and fifth by the  
4 GHURA evaluation committee.

5 Medallion protests the award of the LIHTC on the grounds that an award to any other offeror  
6 violates Guam law, applicable Federal provisions, the procurement code, and the LIHTC Application itself.

7 **II. STATEMENT OF GROUNDS FOR APPEAL**

8 **A. GHURA, BY REFUSING TO RENDER A DECISION IN CONFORMITY WITH GUAM LAW,  
9 HAS IMPLICITLY RENDERED A FINAL DECISION AGAINST MEDALLION'S PROTEST.**

10 On December 28, 2011, Appellant submitted its Letter of Protest to the Agency. *See* GHURA  
11 Procurement Protest, attached hereto as Exhibit "B." On December 30, 2011, the Agency notified  
12 Medallion that any dispute of the Agency's decision should refer to the LIHTC application itself and the  
13 appeal procedures referenced in that Agency document. *See* GHURA correspondence, December 30,  
14 2011, attached hereto as Exhibit "C." On January 4, 2012, Medallion responded by, *inter alia*, informing  
15 the Agency that Guam law requires resolution of procurement protests in accordance with the Guam  
16 procurement code and that the referenced LIHTC appeal procedures, according to GHURA staff  
17 contacted earlier, did not exist and were unavailable. *See* Medallion correspondence, January 4, 2012,  
18 attached hereto as Exhibit "D." Medallion then asked for an immediate copy of the agency's suggested  
19 appeal procedures. Medallion also specifically asked if the Agency would be rendering a decision in  
20 conformity with 5 GCA §5425(c) and informed GHURA that GHURA's silence would be understood to  
21 be confirmation of the Agency's decision to not act on the protest before it. *See Id.*

22 GHURA did not immediately respond. Instead, the Agency responded 2 days later by providing

23  

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<sup>1</sup> GHURA has steadfastly refused to provide minutes of these meetings despite formal requests made by Medallion. *See infra*, II, E.

1 Medallion with the purported appeal procedures 3 hours before the purported appeal deadline would  
2 expire. *See* GHURA correspondence, January 6, 2011, attached hereto as Exhibit “E.” GHURA refused  
3 to confirm that a decision in conformity with Guam law would be provided. That final agency decision  
4 predicated this Appeal to the OPA.

5 **B. THE AWARD OF THE LIHTC TO THE FOURTH AND FIFTH RANKED OFFERORS WAS IN**  
6 **VIOLATION OF GUAM LAW.**

7 Guam procurement law is meant to be construed broadly and cover territorial acts that include  
8 “federal assistance.” 5 GCA §5004(b). It is plain that an award to the last ranked offerors does not  
9 comply with Guam law which requires the agency to “select, in the order of their respective qualification  
10 ranking, no fewer than three acceptable offerors... deemed best qualified to provide the required services.”  
11 2 GAR §3114(j). The Agency then must “negotiate a contract with the best qualified offeror for the  
12 required services....” 2 GAR §3114(l) (1). The procurement act also binds government agencies to act  
13 in a manner that increases public confidence in the procedures followed in public procurement, ensures fair  
14 and equitable treatment of offerors, and exemplifies good faith. The casting aside of GHURA’s evaluation  
15 committee conclusions seriously impinges upon these standards of conduct, and renders the final decision  
16 of GHURA with regard to the LIHTC invalid.

17 **C. THE AWARD OF THE LIHTC TO THE FOURTH AND FIFTH RANKED OFFERORS VIOLATED**  
18 **THE ANNOUNCED LIHTC SELECTION PROCESSES.**

19 The plain language of the GHURA Qualified Application Plan (QAP) for the LIHTC project states  
20 unequivocally that “[e]ach application will be ranked and tax credits awarded to the applicants according  
21 to the Qualified Allocation Plan and as determined by GHURA.” *See* QAP, Cover letter, 2: The QAP is  
22 attached hereto as Exhibit “F.” The Application goes on to describe how “[t]he ranking of projects, along  
23 with all other relevant data, will determine the priorities to be followed

1 by GHURA in allocating tax credits to the projects under consideration.” QAP, 1. GHURA states plainly  
2 that it will evaluate the “scores derived” in the application as well as “all relevant data required **in the**  
3 **application.**” QAP, 1 (emphasis added). Reference to an undefined rubric beyond the application is not  
4 made. The Application also states that the applications “shall then be evaluated in accordance with the  
5 allocation plan to determine the project’s rank in relation to other projects in the evaluation.” Application  
6 Overview, 2. There is no equivocation in the instruction: the highest ranking projects **shall** be evaluated  
7 for the tax credits. That is not what the Agency has done. Moreover, the Agency has also failed to abide  
8 by the Federal regulations and law that apply to the award of these credits.

9       During its December 27, 2011 meeting to remove Medallion from the list of offerors the Agency  
10 cited issues related to “site control” as the proffered reason to eliminate Medallion. This contention is  
11 completely without merit. Medallion submitted evidence in its application of site control in a form  
12 acceptable under the plain terms of the QAP. Moreover, the Agency was tasked in the Qualified  
13 Allocation Plan to specifically inform offerors if their applications were deficient—an action GHURA did  
14 not take and indicative of the Agency’s earlier finding that Medallion’s application was indeed complete.  
15 Further, the Qualified Allocation Plan specifically calls for evaluation only of offerors who submit “complete  
16 applications.” QAP, 2. As the Agency itself acknowledges, Medallion’s submission was not only  
17 evaluated, but deemed to be superior to all other submissions. GHURA, by evaluating Medallion’s  
18 submission, determined that Medallion’s submission was complete and proper under the Qualified  
19 Allocation Plan. GHURA’s reversal of this conclusion during its December 2011 meetings is completely  
20 without basis, and arbitrarily discards its own evaluators who reviewed the Medallion proposal and found  
21 it superior to all other offers.

22       **D. GHURA’S PRE AWARD NEGOTIATIONS WITH THE FOURTH AND FIFTH RANKED**  
23       **OFFERORS VIOLATED GUAM LAW.**

The Agency also announced during its December 27 meeting that negotiations have been ongoing

1 with the fourth and fifth ranked awardees **prior** to the December 27 meeting that discarded Medallion as  
2 an offeror. This early negotiation with an offeror prior to an award selection is not contemplated by  
3 established law.

4 **E. GHURA HAS VIOLATED GUAM LAW BY REFUSING TO PROVIDE MEDALLION WITH**  
5 **INFORMATION THE AGENCY IS STATUTORILY REQUIRED TO PROVIDE.**

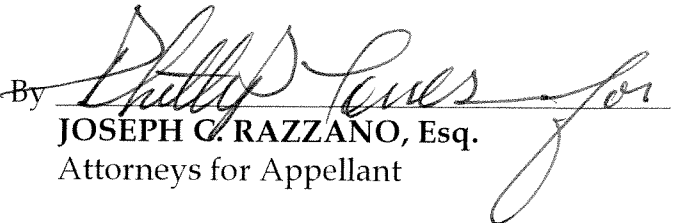
6 On December 28, 2011, Medallion requested that, pursuant to 2 GAR §3115(e)(4), a detailed  
7 explanation of the reasons why its submission was rejected. No such explanation beyond the issue of “site  
8 control” was provided. On December 29, 2011, Medallion submitted to GHURA a Sunshine Act  
9 information request pursuant to 5 G.C.A. §10101, *et seq.* See Sunshine Act Request attached hereto as  
10 Exhibit “G.” The Agency’s response was statutorily mandated to be provided by January 5, 2012, but no  
11 response has been provided. GHURA’s information blackout both violates Guam law, and prejudices  
12 Medallion’s ability to intelligently investigate why its first ranked submission was ultimately rejected by the  
13 agency. Medallion continues to await the receipt of information that would illuminate issues of site control,  
14 potential conflicts of interest, and licencing that might have affected other offerors.

15 **III. RULING REQUESTED**

16 Medallion respectfully requests that the OPA rule that the award to the fourth and fifth ranked  
17 offerors was legally impermissible, and that the LIHTC award be issued to Medallion.

18 *Respectfully submitted* this 20<sup>th</sup> day of January 2012 at Hagatna, Guam.

19 **TEKER | TORRES | TEKER, P.C.**

20 By    
21 **JOSEPH C. RAZZANO, Esq.**  
22 Attorneys for Appellant

# **EXHIBIT**

# **A**



**GUAM HOUSING AND URBAN RENEWAL AUTHORITY  
ATURIDAT GINIMA □ YAN RINUEBAN SIUDAT**

**December 14, 2011**

**MEMORANDUM:**

**TO:** Board of Commissioners

**FROM:** 2011 Low Income Housing Tax Credit (LIHTC) Selection Committee  
**Ray Topasna**  
**Mike Duenas**  
**Henry Taitano**

**SUBJECT:** **Review and Evaluation of 2011 Application**

The committee completed their review and evaluation of the five (5) application received for the 2011 and 2010 LIHTC funding round. The application has been considered complete and in compliance of the IRS Section 42 Low Income Housing Tax Credit Program.

The Five Program Applicants are ranked as follow by the Committee:

- 1. Talo Isla Village**
- 2. Ironwood Highlands Senior Housing**
- 3. Ironwood Lada Senior Village**
- 4. Great Homes. LLC**
- 5. Tumon Heights Tower**

# **EXHIBIT**

## **B**

**TEKER | TORRES | TEKER**  
A PROFESSIONAL LAW CORPORATION  
130 ASPINALL AVENUE, SUITE 2A, HAGÁTÑA, GUAM 96910-5018

December 28, 2011

**VIA HAND DELIVERY**

Marcel G. Camacho  
Executive Director  
Guam Housing and Urban Renewal Authority  
117 Bien Venida Avenue  
Sinajana, Guam 96910

Re: GHURA Procurement Protest

2011 DEC 28 10 49 56  
60

Dear Director Camacho:

Our office represents Medallion Guam, LLC (Medallion). As you know, Medallion was an offeror who submitted an application to participate in the Low Income Housing Tax Credit Program (LIHTC) administered by Guam Housing and Urban Renewal Authority (GHURA) for Guam for 2011. This correspondence serves as Medallion's protest of GHURA's award of the LIHTC project and a statutory trigger for an Automatic Stay regarding this project. *See* 5 GCA § 5425(g).

GHURA's October 2011 application indicated that an award would be issued on December 15, 2011. It was made clear from documents disseminated at GHURA's meeting held on that date that Medallion's proposed development— *Talo Isla Village*— was ranked first by GHURA's evaluation committee and identified as having a complete and compliant application. *See* Exhibit A. This ranking was also confirmed during the GHURA board meeting held on December 27, 2011. Despite this fact, our office has been made aware that GHURA has instead decided to ignore the committee and award the LIHTC to Great Homes, LLC and Tumon Heights Tower— offerors whose applications were ranked fourth and fifth by the evaluation committee. Apparently, this determination was made during the December 15 special meeting and confirmed during the December 27 meeting.

COPY

LAWRENCE J. TEKER | PHILLIP TORRES | SAMUEL S. TEKER | JOSEPH C. RAZZANO  
JOSHUA D. WALSH | BENJAMIN F. HUEBER | OF COUNSEL: NAGATOMO YAMAOKA

Email: [jrazzano@tttguamlawyers.com](mailto:jrazzano@tttguamlawyers.com)

TELEPHONE: (671) 477-9891/4 | FACSIMILE: (671) 472-2601

Marcel G. Camacho  
Executive Director  
Guam Housing and Urban Renewal Authority  
December 28, 2011  
Page 2

We understand that GHURA formally declared during its December 27, 2011 meeting to remove Medallion from the list of offerors due to issues related to “site control,” and relayed directly to Medallion that conclusion through correspondence from GHURA’s legal counsel on December 28, 2011. Such a proffered reason to eliminate Medallion is completely without merit. To be certain, Medallion submitted evidence **in its application** of site control in the form of **executed** land purchase agreements. This is significant because GHURA’s Qualified Allocation Plan lists such agreements as an acceptable form to demonstrate site control. Qualified Allocation Plan, 2.

Moreover, GHURA was tasked to specifically inform offerors if their applications were deficient— an action GHURA did not take and indicative of GHURA’s earlier finding that Medallion’s application was indeed complete. Further, the Qualified Allocation Plan specifically calls for evaluation of offerors who submit “complete applications.” Qualified Allocation Plan, 2. As GHURA itself acknowledges, Medallion’s submission was not only evaluated, but deemed to be superior to all other submissions. GHURA’s unqualified acceptance of Medallion’s application coupled with the completed evaluation of Medallion’s proposal leads to one conclusion: GHURA determined that Medallion’s submission was complete and proper under the Qualified Allocation Plan. GHURA’s reversal of this conclusion during its December 2011 meetings is completely without basis, and arbitrarily discards its own evaluators who reviewed the Medallion proposal and found it superior to all other offers. Simply put, this singular basis to exclude Medallion’s submission is no basis at all.

GHURA’s error with regard to its December conclusion regarding Medallion’s “Site Control” can still be corrected. The Guam Code calls for protests to be settled and resolved through “mutual agreement” where possible. 5 GCA § 5426(b) (c) Therefore, GHURA needs to recant its allocation award and begin negotiations with Medallion.

Medallion protests its exclusion and the subsequent award of the LIHTC to inferior offerors on the grounds that such an award violates Guam law, the procurement code, the federal tax code governing the program (Section 42), and the LIHTC Application and Qualified Allocation Plan as published by GHURA. The Guam Procurement Code is meant to be construed broadly and cover territorial acts that include “federal assistance.” 5 GCA §5004(b). It is plain that an award to the last ranked offerors does not comply with Guam law which requires the agency to “select, in the order of their respective qualification ranking, no fewer than three acceptable offerors... deemed best qualified to provide the required services.” 2 GAR §3114(j). The Agency then must “negotiate a contract with the best qualified offeror for the required services...” 2 GAR §3114(l) (1). The procurement act also binds government agencies to act in a manner that increases public confidence in the procedures followed in public procurement, ensures fair and equitable treatment of offerors,

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JOSHUA D. WALSH | BENJAMIN F. HUEBER | OF COUNSEL: NAGATOMO YAMAOKA

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Marcel G. Camacho  
Executive Director  
Guam Housing and Urban Renewal Authority  
December 28, 2011  
Page 3

and exemplifies good faith. The casting aside of GHURA's evaluation committee conclusions seriously impinges upon these standards of conduct.

The plain language of the GHURA application for the LIHTC project states unequivocally that "Each application will be ranked and tax credits awarded to the applicants according to the Qualified Allocation Plan and as determined by GHURA." Application Cover letter, 2. The Application goes on to describe how "The ranking of projects, along with all other relevant data, will determine the priorities to be followed by GHURA in allocating tax credits to the projects under consideration." Qualified Allocation Plan, 1. GHURA states plainly that it will evaluate the "scores derived" in the application as well as "all relevant data required **in the application**." Qualified Allocation Plan, 1 (emphasis added). Reference to an undefined rubric beyond the application is not made. The Application also states that the applications "shall then be evaluated in accordance with the allocation plan to determine the project's rank in relation to other projects in the evaluation." Application Overview, 2. There is no equivocation in the instruction: the highest ranking projects **shall** be evaluated for the tax credits. That is not occurring here.

It is also our understanding from the GHURA board meeting that negotiations have been ongoing with the fourth and fifth ranked awardees **prior** to the December 27 meeting that discarded Medallion as an offeror and the December 28 letter that informed Medallion of that fact. If the GHURA board did not decide until December 27 to award the LIHTC project to the fourth and fifth ranked offerors, how did negotiations begin with them prior to the December 27 meeting?

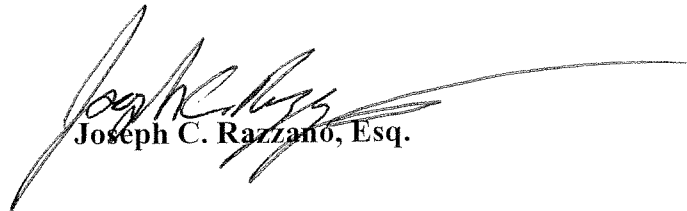
Medallion's offering of *Talo Isla Village* is a housing development that offers the people of Guam 170 centrally located single family homes. Those homes not only cater to families of all sizes, but our *manamko* and disabled as well. *Talo Isla* would also offer its residents an environmentally responsible community with impressive family common areas and green spaces. The casting aside of Medallion's offering at the 12<sup>th</sup> hour in favor of denser, urban style housing projects that provide fewer units to Guam residents not only strains credulity, but ignores the director's stated edict in the Qualified Allocation Plan to act "in the best interests of meeting housing needs." Qualified Allocation Plan, 2. Such a path also keeps us further away from meeting Governor Calvo's call for the creation of 3,000 affordable homes by 2017.

In addition to the instant protest, Medallion also requests, pursuant to 2 GAR §3115(e)(4), for a detailed explanation of the reasons why its submission was rejected.

Marcel G. Camacho  
Executive Director  
Guam Housing and Urban Renewal Authority  
December 28, 2011  
Page 4

Given the time sensitivity of the tax credits at issue, we look forward to your prompt and expeditious resolution of this protest.

Very truly yours,



Joseph C. Razzano, Esq.

cc: *Via Facsimile No.: 477-8831*  
Mark S. Smith

JDW/JCR:june  
001 LTR-GHURA DIRECTOR-jdw.wpd

---

LAWRENCE J. TEKER | PHILLIP TORRES | SAMUEL S. TEKER | JOSEPH C. RAZZANO  
JOSHUA D. WALSH | BENJAMIN F. HUEBER | OF COUNSEL: NAGATOMO YAMAOKA

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TELEPHONE: (671) 477-9891/4 | FACSIMILE: (671) 472-2601

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**TEKER | TORRES | TEKER**  
A PROFESSIONAL LAW CORPORATION  
130 ASPINALL AVENUE, SUITE 2A, HAGAÑA, GUAM 96910-5018

December 28, 2011

VIA HAND DELIVERY

Marcel G. Camacho  
Executive Director  
Guam Housing and Urban Renewal Authority  
117 Bien Venida Avenue  
Sinajana, Guam 96910

2011 DEC 28 PM 4:56  
SUBMITTED TO: [unclear]  
RECEIVED BY: [unclear]

Re: GHURA Procurement Protest

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JOSHUA D. WALSH | BENJAMIN F. HUEBER | OF COUNSEL NABATOMO YAMAGAKI  
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SA: Send Again EN: Engaged AS: Auto Send TM: Terminated

# EXHIBIT "A"

**Medallion Guam, LLC's  
GHURA PROCUREMENT  
PROTEST  
December 28, 2011**

2011 FEB 27 11 59 03  
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**GUAM HOUSING AND URBAN RENEWAL AUTHORITY  
ATURIDAT GINIMA □ YAN RINUEBAN SIUDAT**

**December 14, 2011**

**MEMORANDUM:**

**TO:** Board of Commissioners

**FROM:** 2011 Low Income Housing Tax Credit (LIHTC) Selection Committee  
**Ray Topasna**  
**Mike Duenas**  
**Henry Taitano**

**SUBJECT:** **Review and Evaluation of 2011 Application**

The committee completed their review and evaluation of the five (5) application received for the 2011 and 2010 LIHTC funding round. The application has been considered complete and in compliance of the IRS Section 42 Low Income Housing Tax Credit Program.

The Five Program Applicants are ranked as follow by the Committee:

1. **Talo Isla Village**
2. **Ironwood Highlands Senior Housing**
3. **Ironwood Lada Senior Village**
4. **Great Homes. LLC**
5. **Tumon Heights Tower**

2011 DEC 14 11 09 AM  
SR

LAW OFFICES

# TEKER TORRES & TEKER, P.C.

Suite 2A, 130 Aspinall Avenue  
Hagåtña, Guam 96910  
TELEPHONE NO.: (671) 477-9891-4  
FACSIMILE NO.: (671) 472-2601


## FACSIMILE TRANSMITTAL MESSAGE

**CONFIDENTIALITY NOTICE:** THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR AN EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR OR ARE NOT SURE WHETHER IT IS PRIVILEGED, PLEASE IMMEDIATELY NOTIFY US BY COLLECT TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE MAILS AT OUR EXPENSE. THANK YOU.

Date: December 29, 2011

File No.:  
71838-01

FAX TO	COMPANY	FACSIMILE NUMBER
Mark S. Smith, Esq.	Law Offices of Mark S. Smith 2 Agana Bay, Suite 101B 440 East Marine Corp. Drive Hagatna, Guam 96910	477-8831

From: June M.C. Borja  
Legal Secretary 

Email: [jborja@tttguamlawyers.com](mailto:jborja@tttguamlawyers.com)

Subject: Medallion Guam, LLC's GHURA Procurement Protest

**Remarks:**

Dear Mr. Smith,

Please find the attached regarding the above matter.

If you have any questions, please let me know.

Thank you.

# WorkCentre 7345 Transmission Report

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LAW OFFICES  
**TEKER TORRES & TEKER, P.C.**  
Suite 2A, 130 Aspinall Avenue  
Hagåtña, Guam 96910  
TELEPHONE NO.: (671) 477-9891-4  
FACSIMILE NO.: (671) 472-2601

### FACSIMILE TRANSMITTAL MESSAGE

**CONFIDENTIALITY NOTICE:** THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR AN EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR OR ARE NOT SURE WHETHER IT IS PRIVILEGED, PLEASE IMMEDIATELY NOTIFY US BY COLLECT TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE MAILS AT OUR EXPENSE. THANK YOU.

Date: December 29, 2011

File No.:  
71838-01

FAX TO	COMPANY	FACSIMILE NUMBER
Mark S. Smith, Esq.	Law Offices of Mark S. Smith 2 Agana Bay, Suite 101B 440 East Marine Corp. Drive Hagatna, Guam 96910	477-8831 ✓

From: June M.C. Borja  
Legal Secretary ✓

Email: jborja@trtguamlawyers.com

Subject: Medallion Guam, LLC's GHURA Procurement Protest

#### Remarks:

Dear Mr. Smith,

Please find the attached regarding the above matter.

If you have any questions, please let me know.

Thank you.

There are 3 pages being transmitted, including this page. If problems occur with this transmission, please call our office at the above numbers or notify us via facsimile at (671) 472-2601.

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Notes:  
RE: Resend MB: Send to Mailbox BC: Broadcast MP: Multi Polling RV: Remote Service  
PG: Polling RB: Relay Broadcast RS: Relay Send BF: Box Fax Forward CP: Completed  
SA: Send Again EN: Engaged AS: Auto Send TM: Terminated

**EXHIBIT**  
**C**

**THE LAW OFFICES OF MARK S. SMITH**

Two Agana Bay, 440 East Marine Corps. Dr., Suite 101-B  
Hagatna, Guam 96910  
Telephone: (671) 477-6631/32  
Facsimile: (671) 477-8831  
E-mail: [markshawnsmith@hotmail.com](mailto:markshawnsmith@hotmail.com)

December 30, 2011

VIA FACSIMILE/E-MAIL

(671) 472-2601

Joseph C. Razzano, Esq.  
Teker Torres & Teker, P.C.  
Suite 2A, 130 Aspinall Avenue  
Hagatna, Guam 96910

**RE: MEDALLION GUAM, LLC PROCUREMENT PROTEST**

Dear Joe:

I serve as legal counsel for Guam Housing and Urban Renewal Authority ("GHURA") and I am writing this letter in response to your December 28, 2011 procurement protest. If you dispute the decision of GHURA's award of LIHTC, please look to the 2011 Qualified Allocation Plan ("QAP") Section VIII. Appeal.

On another matter, pursuant to your request under 2 G.A.R. §3115(e)(4), I will respond by early next week.

If you have any further questions or comments, please do not hesitate to contact me.

Sincerely,

  
Mark S. Smith

cc: GHURA Chairman of the Board  
GHURA Board of Directors  
Mr. Ray Topasna, Deputy Director, GHURA

Saipan Office

Sablan Building Ste. 1F, San Jose Saipan  
P.O. Box 501788, Saipan, MP 96950  
Telephone: (670) 233-5505/7 Facsimile: (670) 233-5509

# **EXHIBIT**

# **D**

**TEKER | TORRES | TEKER**  
A PROFESSIONAL LAW CORPORATION  
130 ASPINALL AVENUE, SUITE 2A, HAGĀTÑA, GUAM 96910-5018

January 4, 2012

✓ FAXED. 1/04/2012

**VIA FACSIMILE NO.: 477-8831**

Mark S. Smith, Esq.  
Law Office of Mark Smith  
Suite 101B, 2 Agana Bay  
440 East Marine Corp. Drive  
Hagātña, Guam 96910

**Re: Guam Housing and Urban Renewal Authority - Procurement Protest**

Dear Mr. Smith:

We are in receipt of Guam Housing and Urban Renewal Authority's ("GHURA") December 30, 2011 response to Medallion's procurement protest and its invitation to review Section VIII of the 2011 Qualified Allocation Plan ("QAP"). After inquiry by our office both prior to and after commencing our protest, it is apparent that the GHURA "Appeals and Process Procedure" referenced in Section VII and promised to be "maintained at the GHURA office" does not exist. GHURA staff has explicitly informed us that no such appeal packet is available. If GHURA has since promulgated such "procedures," please forward a copy of them to our office immediately so we can determine its applicability.

Of course, the lack of GHURA appeals procedures for the 2011 QAP is not significant *vis a vis* resolution of the instant protest since it is the Guam Procurement Law— as opposed to the "procedures" referenced in your letter— that applies to an offeror's protest of an award by a government agency. *See* 5 GCA 5004. GHURA's December 30 letter ignores the application of Guam procurement law and quizzically wonders "If (Medallion) disputes(s) the decision of GHURA's award of LIHTC..." Medallion's letter of December 28, 2011 could not have been clearer with regard to Medallion's protest of the award, and GHURA's response appears to be an agency determination to either ignore the protest received on December 28, 2011 or refuse to render a decision in conformance with the requirements of Guam law.

---

LAWRENCE J. TEKER | PHILLIP TORRES | SAMUEL S. TEKER | JOSEPH C. RAZZANO  
JOSHUA D. WALSH | BENJAMIN F. HUEBER | OF COUNSEL: NAGATOMO YAMADKA

Email: [jrazzano@tttguamlawyers.com](mailto:jrazzano@tttguamlawyers.com)

TELEPHONE: (671) 477-9891/4 | FACSIMILE: (671) 472-2601

Mark S. Smith, Esq.

January 4, 2012

Page 2

✓ CALENDARED 01/04/12

Please confirm by January 6, 2012 that GHURA intends to render a further decision regarding the protest that conforms to the rubrics laid out by the Procurement Code. My Client will construe GHURA's silence as a decision and confirmation of GHURA's December 30, 2011 decision to not recognize the protest before it and take action accordingly.

Very truly yours,

  
Joseph C. Razzano, Esq.

JDW/JCR:thm/june

M:\COMMONUSERS\CLIENT FOLDERS\MEDALLION GROUP\002 LTR-MARK SMITH.wpd

---

LAWRENCE J. TEKER | PHILLIP TORRES | SAMUEL S. TEKER | JOSEPH C. RAZZANO  
JOSHUA D. WALSH | BENJAMIN F. HUEBER | OF COUNSEL: NAGATOMO YAMAOKA

Email: [jrazzano@tttguamlawyers.com](mailto:jrazzano@tttguamlawyers.com)

TELEPHONE: (671) 477-9891/4 | FACSIMILE: (671) 472-2601



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**TEKER | TORRES | TEKER**  
A PROFESSIONAL LAW CORPORATION  
130 ASPINALL AVENUE, SUITE 2A, HAGATÑA, GUAM 96910-5018

January 4, 2012

VIA FACSIMILE NO.: 477-8831 ✓

Mark S. Smith, Esq.  
Law Office of Mark Smith  
Suite 101B, 2 Agana Bay  
440 East Marine Corp. Drive  
Hagåtña, Guam 96910

Re: Guam Housing and Urban Renewal Authority - Procurement Protest

Dear Mr. Smith:

We are in receipt of Guam Housing and Urban Renewal Authority's ("GHURA") December 30, 2011 response to Medallion's procurement protest and its invitation to review Section VIII of the 2011 Qualified Allocation Plan ("QAP"). After inquiry by our office both prior to and after commencing our protest, it is apparent that the GHURA "Appeals and Process Procedure" referenced in Section VII and promised to be "maintained at the GHURA office" does not exist. GHURA staff has explicitly informed us that no such appeal packet is available. If GHURA has since promulgated such "procedures," please forward a copy of them to our office immediately so we can determine its applicability.

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LAWRENCE J. TEKER | PHILLIP TORRES | SAMUEL S. TEKER | JOSEPH C. RAZZANO  
JOSHUA D. WALSH | BENJAMIN F. HUEBER | OF COUNSEL: NAGATONG YAMADKA  
Email: [jazzano@ttguamlawyers.com](mailto:jazzano@ttguamlawyers.com)  
TELEPHONE: (671) 477-9891/4 | FACSIMILE: (671) 472-2601

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 PG: Polling      RB: Relay Broadcast      RS: Relay Send      BF: Box Fax Forward      CP: Completed  
 SA: Send Again      EN: Engaged      AS: Auto Send      TM: Terminated

# **EXHIBIT**

# **E**

**THE LAW OFFICES OF MARK S. SMITH**

Two Agana Bay  
440 East Marine Corps Drive, Suite 101-B  
Hagåtña, Guam 96910  
Telephone: (671) 477-6631/32  
Facsimile: (671) 477-8831  
E-mail: markshawnsmith@hotmail.com

January 6, 2012

Joseph C. Razzano  
TEKER TORRES & TEKER  
130 Aspinall Avenue, Suite 2A  
Hagåtña, Guam 96910

**RE: Guam Housing and Urban Renewal Authority – Procurement Protest**

Dear Joe:

I am writing this letter in response to your January 4, 2012, letter requesting appeals and process procedure referencing Section VII of the LIHTC QAP.

Attached you will find a copy of the appeals and process procedure on record with GHURA.

If you have any questions or comments, please feel free contact me.

Sincerely,



**MARK S. SMITH**

Attachment

My Documents\Letters\GHURA.010612

**Saipan Office**

Sablan Building Ste. 1F, San Jose Saipan  
P.O. Box 501788, Saipan, MP 96950  
Telephone: (670) 233-5505/7 Facsimile: (670) 233-5509

## **I. PROCEDURE FOR APPEAL TO THE BOARD OF COMMISSIONERS**

### **1. Right to Appeal**

a) Any applicant providing a completed application may appeal to the Board of Commissioners concerning complaints regarding the selection, award process and decision.

### **2. Contents of Appeal**

An appeal shall be in writing and shall set forth the applicant's reason for contesting the denial/rejection of its application.

### **3. Time Limit for Filing Appeal**

An appeal shall be submitted within ten (10) calendar days after the Executive Director's award to the successful applicant/applicants.

### **4. Presentation of Appeal**

An Applicant, when presenting its appeal, shall:

a) Be assured freedom from restraint, interference, coercion, discrimination, or reprisal.

b) Have the right to be accompanied, represented, and advised by a representative of its own choosing.

## **II. HEARING OF THE APPEAL**

### **1. Ability to Present Case**

An applicant's appeal before the Board of Commissioners will be heard, unless, within its discretion, the Board of Commissioners, decides to rely solely on the submitted briefs. The Applicant may appear at the hearing personally, and may be accompanied by its representative or its representative.

### **2. Place and Time of Hearing**

The Board of Commissioners shall set the place, date and time of hearing as expeditiously as possible.

### 3. Conduct of Hearing

- a) The hearing shall be open to the public.
- b) The hearing shall be conducted so as to bring out pertinent facts, including the production of pertinent records.
- c) Decisions on the admissibility of evidence or testimony are made by the presiding officer of the Board of Commissioners without polling the members, except that when a member objects to a decision of the presiding officer, a ruling on the admissibility of the evidence or testimony in question is by a majority vote of the members with minority views recorded.
- d) Testimony is under oath or affirmation.
- e) Each party shall have the right to call and examine witnesses, to introduce exhibits and to cross examine opposing witnesses on matters relevant to the issues. If the Applicant does not testify on his or her behalf, he or she may be called and examined by the members of the Board of Commissioners as if under cross-examination. Any member may direct questions at either party or any witness at any time during the proceedings.
- f) Rules of evidence are not applied strictly, but irrelevant or unduly repetitious testimony may be excluded.
- g) The presiding officer shall give the parties opportunities to examine witnesses for both sides.

### 4. The Burden of Proof

Applicant will be provided an opportunity to prove by preponderance of the evidence, the Executive Directors and/or awarding committee's unfairness, impropriety, bias or other grounds for reconsideration of its award. The executive director or his designee shall present evidence refuting applicant's claims.

The order of presentation in the hearing shall be as follows:

- a) Opening statements by the parties;
- b) Presentation by the Applicant, or his or her counsel, of evidence in support of the allegations, followed by examination by the Applicant;
- c) Presentation by the Executive Director, or his or her counsel, of such evidence as he or she may wish to offer, followed by examination by the Executive Director or his designee;

- d) Closing statement of Applicant;
- e) Closing statement of Authority.

5. Witnesses

- a) Both parties are entitled to produce witnesses.
- b) The Board of Commissioners may request additional witnesses; request documents and recall witnesses.
- c) The Executive Director shall make committee members and/or employees of the Authority available as witnesses before the Board of Commissioners when requested by the Board after consideration of a request by the Applicant.
- d) An employee is on duty status during the time he or she is made available as a witness. An employee who serves as a witness beyond his or her regular work time or his or her off duty time is entitled to compensatory time off. The Board of Commissioners shall furnish the Executive Director a certificate or certificates showing the time devoted to the hearing.
- e) The Executive Director shall assure witnesses freedom from restraint, interference, coercion, discrimination, or reprisal in presenting their testimony.

6. Record of Hearing

Oral evidence shall be taken under oath or affirmation and testimony may be tape recorded. It shall be transcribed only at the request and expense of the party concerned. The testimony and exhibits admitted in the hearing, together with all pleading, exceptions, motions, requests, and papers filed by the party or parties involved, shall constitute the complete and exclusive record.

**III. TERMINATION**

1. Termination of Appeal

The Board of Commissioners may terminate an applicant's appeal:

- a) At the Applicant's request;
- b) When an applicant failed to furnish required information necessary to proceed with the advancement of its appeal. However, instead of termination for failure to prosecute, the Board may adjudicate the appeal if sufficient information for that purpose is available.

#### **IV. APPELLATE REVIEW AND DECISION**

##### **1. Scope of Appellate Review**

The scope of the appellate review shall include, but shall, not be limited to:

- a) A review of the issues of fact;
- b) A review of compliance with procedural requirements relative to the review and decision to award.
- c) Decision to award.

The Board of Commissioners shall consider the evidence presented in executive session. The Board may sustain, modify or revoke the award as in its judgment, is equitable and fair. The Board shall issue a written decision within thirty (30) days after the hearing is completed and shall send copies thereof to the Executive Director and the appellant. The board at its sole discretion, if it finds necessary, can extend an additional thirty (30) days to issue a written decision. If the order of the Executive Director is sustained by the Board, the effective date of said order shall stand as issued by the Executive Director. If the order of the Executive Director is modified or revoked by the Board, its decision shall be in accordance with and in proportion to the extent of such modification and any order therewith.

#### **V. ACTION WHEN BOARD RECOMMENDS CORRECTIVE ACTION**

The decision of the Board of Commissioners is final and compliance with its recommendation for corrective action is mandatory. The Executive Director shall comply, within five (5) working days after receipt of the decision and any order therewith.

#### **VI. ATTORNEY FEES AND COSTS**

All attorney fees and costs shall be awarded to GHURA's defense if applicant is not successful.

# **EXHIBIT**

# **F**





# GHURA

Guahan Housing and Urban Renewal Authority  
Aturidat Ginima' Yan Rinueban Siudat Guahan  
117 Bien Venida Avenue, Sinajana, GU 96910  
Phone: (671) 477-9851 · Fax: (671) 300-7565 · TTY: (671) 472-3701



EQUAL HOUSING  
OPPORTUNITY

**Eddie Baza Calvo**  
Governor of Guahan

**Ray Tenorio**  
Lt. Governor of Guahan

## Guam Housing and Urban Renewal Authority Notice of Low Income Housing Tax Credit Program

This ad is paid with Funds by GHURA

The United States 1986 Tax Reform Act created the federal low-income housing tax credit (the "Credit") under Section 42 of the Internal Revenue Code (the "Code") to assist the development of low-income rental housing by providing qualified owners with Credit to offset their federal tax obligations ("LIHTC"). Guam Housing and Urban Renewal Authority ("GHURA") is the agency authorized to allocate LIHTCs in Guam. The LIHTCs is available to owners of qualifying Buildings and projects that meet certain low-income occupancy and rent restrictions.

Section 42 of the Code provides that Guam prepare a *Qualified Allocation Plan* to determine housing priorities and to give preference to projects serving the lowest income tenants and projects obligated to serve qualified tenants for the longest periods. The *Qualified Allocation Plan* must incorporate selection criteria, which includes project location, housing need characteristics, sponsor characteristics, tenant populations with special housing needs, and public housing waiting lists.

GHURA has developed a *Qualified Allocation Plan* ("QAP") which is available at GHURA's office. The QAP describes the basis that GHURA will use to allocate LIHTCs. GHURA may allocate \$2,465,000.00 in LIHTCs for the 2011 program year and unused tax credit of \$1,168,241.00 from the 2010 program year.

### Application for LIHTCs

Owners/Developers wishing to apply for LIHTCs should obtain and complete a LIHTC Application. The LIHTC Application may be obtained from GHURA's office. Owners/Developers must file the completed LIHTC Application and the **\$1,500.00 Application Fee** in GHURA offices by the Application Deadline of **4:00 pm Dec. 2, 2011**. GHURA staff will review the Application and will notify the Owner/Developer of any deficiencies by **Dec. 4, 2011**. The Owner/Developer will be given 5 days to correct any deficiencies. Any required corrections or supplemental information requested must be received by **Dec. 10, 2011**. The projects will be scored and recommendations to the GHURA Board of Commissioners for approval at its **Dec. 15, 2011** meeting.

### Notification of Awards

GHURA will notify Owners/Developers of the projects receiving 2011 LIHTCs and unused 2010 LIHTCs by **Dec. 15, 2011**. The reservation letter must be signed and returned to GHURA by **Dec. 20, 2011**.

**Marcel G. Camacho**  
Executive Director

**EXHIBIT**  
**G**

**TEKER | TORRES | TEKER**  
A PROFESSIONAL LAW CORPORATION  
130 ASPINALL AVENUE, SUITE 2A, HAGÁTÑA, GUAM 96910-5018

December 29, 2011

**VIA HAND DELIVERY**

Marcel G. Camacho  
Executive Director  
Guam Housing and Urban Renewal Authority  
117 Bien Venida Avenue  
Sinajana, Guam 96910

2011 DEC 29 PM 4:58  
QUAN...  
SR

Re: **Freedom of Information Act - Sunshine Act Request**

Dear Director Camacho:

Please be advised that we represent Medallion Guam, LLC (Medallion). On behalf of our Client, we are requesting that you provide, pursuant to the Guam *Sunshine Act*, Public Law 25-06 and 5G.C.A. §10101, *et seq.*, the following documents:

1. A copy of the Low Income Housing Tax Credit Program (LIHTC) application submitted to GHURA by Ironwood Highlands Senior Housing.
2. A copy of the LIHTC application and associated documents submitted to GHURA by Ironwood Lada Senior Village.
3. A copy of the LIHTC application and associated documents submitted to GHURA by Great Homes, LLC.
4. A copy of the LIHTC application and associated documents submitted to GHURA by Tumon Heights Tower.
5. Copies of all reviewer's notes and evaluation sheets used in review of the submitted LIHTC applications.
6. Copies of all documents, correspondence, memoranda, and letters in any form, including electronic, between Marcel Camacho and any party that references the 2011 Low Income

---

LAWRENCE J. TEKER | PHILLIP TORRES | SAMUEL S. TEKER | JOSEPH C. RAZZANO  
JOSHUA D. WALSH | BENJAMIN F. HUEBER | OF COUNSEL: NAGATOMO YAMAOKA

Email: [jrazzano@tttguamlawyers.com](mailto:jrazzano@tttguamlawyers.com)

TELEPHONE: (671) 477-9891/4 | FACSIMILE: (671) 472-2601

Marcel G. Camacho  
Executive Director  
Guam Housing and Urban Renewal Authority  
December 29, 2011  
Page 2

Housing Tax credit Program (LIHTC) administered by Guam Housing and Urban Renewal Authority (GHURA) for Guam for 2011.

7. Evaluation sheets, reviewer notes, internal memoranda, and documents, including electronic, that detail GHURA's decision to award the LIHTC to Great Homes, LLC.
8. Evaluation sheets, reviewer notes, internal memoranda, and documents, including electronic, that detail GHURA's decision to award the LIHTC to Tumon Heights Tower.
9. All rules and regulations promulgated by GHURA relative to the LIHTC.
10. Evaluation Committee Conclusions detailing the final evaluation rankings of offerors for the LIHTC program on Guam since its inception.
11. A list of documents destroyed or deleted by GHURA, its director, or its staff relative to the 2011 LIHTC.
12. Meeting minutes for the December 15, December 21, and December 23, 2011 GHURA Board meetings.

Please advise me personally, or my Secretary June Borja, *no later than January 5, 2012*, when the documents are ready for pick up and, as provided in the Act, we, of course, will pay for all of your copying charges as detailed by statute.

Very truly yours,

  
Joseph C. Razzano, Esq.

2011 DEC 29 PM 4:58  
GUAM HOUSING AND URBAN RENEWAL AUTHORITY  
SECRETARY'S OFFICE  
JCB



OFFICE OF THE PUBLIC AUDITOR

**Appendix B: Declaration Form  
PROCUREMENT APPEAL**

OFFICE OF PUBLIC ACCOUNTABILITY  
PROCUREMENT APPEALS

JAN 20 2012  
TIME: 4:20P BY: AC  
FILE NO: 12-001

In the Appeal of )  
 )  
 )  
**MEDALLION GUAM, LLC** )  
(Name of Company), APPELLANT )  
 )  
\_\_\_\_\_ )

Docket No. OPA-PA\_\_\_\_\_

**DECLARATION RE COURT ACTION**  
(To be signed by the Government Purchasing Agency.)

Pursuant to 5 GCA Chapter 5, unless the court requests, expects, or otherwise expresses interest in a decision by the Public Auditor, the Office of the Public Auditor will not take action on any appeal where action concerning the protest or appeal has commenced in any court.

The undersigned party does hereby confirm that to the best of his or her knowledge, no case or action concerning the subject of this Appeal has been commenced in court. All parties are required to and the undersigned party agrees to notify the Office of the Public Auditor within 24 hours if court action commences regarding this Appeal or the underlying procurement action.

Submitted this 20 day of JAN, 2012.

By:   
DECLARANT

Joshua D. Walsh  
Print Declarant's Name

APPENDIX B

**COPY**



OFFICE OF THE PUBLIC AUDITOR

**Appendix D: Hearing Request/Waiver Form  
PROCUREMENT APPEAL**

OFFICE OF THE PUBLIC AUDITOR  
PROCUREMENT APPEALS

JAN 20 2012  
TIME: 4:20 BY: AC  
FILE NO. OPA-PA: 12-001

In the Appeal of )  
)  
)  
**MEDALLION GUAM, LLC** )  
(Name of Company), APPELLANT )  
\_\_\_\_\_ )

**HEARING  
REQUEST/WAIVER**

Docket No. OPA-PA \_\_\_\_\_

Please select one:

- Pursuant to 2 GAR § 12108(a), the undersigned party does hereby request a hearing on the appeal stated above.
- Pursuant to 2 GAR § 12108(a), the undersigned party does hereby waive his/her right to a hearing and is submitting the appeal stated above on record without a hearing.

Submitted this 20 day of JAN, 20 12

By: (Please select one)

- APPELLANT
- \_\_\_ Chief Procurement Officer
- \_\_\_ Director of Public Works
- \_\_\_ Head of Purchasing Agency

Joshua D. Walsh  
Signature

Joshua D. Walsh  
Print Name

**COPY**



OFFICE OF THE PUBLIC AUDITOR

**Appendix C: Notice of Hearing Form  
PROCUREMENT APPEAL**

OFFICE OF THE PUBLIC AUDITOR  
PROCUREMENT APPEALS

JAN 20 2012  
4:20P AC  
TIME BY  
FILE NO. 12-001

In the Appeal of )

**MEDALLION GUAM, LLC** )

(Name of Company), APPELLANT )

\_\_\_\_\_ )

**NOTICE OF HEARING**

Docket No. OPA-PA\_\_\_\_\_

You are hereby notified that a hearing will be held before the Public Auditor or the Hearings Officer for Procurement Appeals at the Office of the Public Auditor on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, at the hour of \_\_\_\_\_, relative to the above referenced Procurement Appeal. You may be present at the hearing; may be, but need not be, represented by counsel; may present any relevant evidence; and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Hearings Officer for Procurement Appeals, Office of the Public Auditor.

Please acknowledge receipt of this Notice and return to the Office of the Public Auditor immediately.

**Acknowledged receipt:**

\_\_\_\_\_  
Receiver's Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date

APPENDIX C

**COPY**