

1 **ARTHUR B. CLARK, ESQ.**
2 **JANALYNN CRUZ DAMIAN, ESQ.**
3 **CALVO & CLARK, LLP**
259 Martyr Street, Suite 100
4 Hagåtña, Guam 96910
Telephone: (671) 646-9355
Facsimile: (671) 646-9403

5 Attorneys for PCR ENVIRONMENTAL, INC.

RECEIVED
OFFICE OF THE PUBLIC AUDITOR
PROCUREMENT APPEALS

AUG 21 2008

TIME: 3:54 PM
BY: [Signature]
FILE No. OPA-PA 08-009

6
7 BEFORE THE PUBLIC AUDITOR OF GUAM
8 PROCUREMENT APPEAL

9 IN THE APPEAL OF

10
11 CAPTAIN, HUTAPEA & ASSOCIATES, INC.,

12 Appellant.

DOCKET NO. OPA-PA-08-009

13
14
15 **INTERESTED PARTY PCR**
16 **ENVIRONMENTAL, INC.'S**
17 **COMMENTS TO GHURA'S AGENCY**
18 **REPORT**

19 PCR Environmental, Inc. ("PCR"), an Interested Party in the above-captioned
20 appeal, hereby submits the following comments to the Agency Report filed by the Guam
21 Housing and Urban Renewal Authority ("GHURA"). PCR concurs with and joins in the position
22 of GHURA as stated in its Agency Report.

23 I. Experience in Real Estate Consulting or Real Estate Analysis is Not a
24 Requirement of the RFP

25 The RFP Scope of Work does not require that offerors have experience in real
26 estate consulting or real estate analysis. Through the RFP, GHURA is seeking professional
27 services to "1) Conduct a Comprehensive Housing Study for Guam and 2) Develop a dynamic,
28 interactive housing model that will be used to generate forecasts of housing needs on Guam."
(Agency Report Tab C, pg. 137.) Further descriptions in the RFP suggest the need for research
on homelessness, elderly housing needs, housing for disabled persons, housing for low- and
moderate-income households, and mass transit implications of housing development. (Agency

1 Report Tab C, page 139.) There is no mention in the RFP that the offeror is required to have
2 experience in real estate consulting or real estate analysis.

3 PCR understood the services and objectives sought by GHURA. PCR did not
4 reference any real estate consulting experience because the RFP did not call for that kind of
5 experience. As evident from the resumes provided in its proposal, members of PCR's project
6 team have successfully completed comprehensive housing studies since 1989 and have extensive
7 experience in developing housing models.
8

9 On the other hand, the real estate consulting experience cited in Appellant's
10 proposal includes appraisal services, market studies, investments, etc. In its appeal, Appellant
11 claims that this experience qualifies it to provide the services called for by the RFP. This type of
12 experience is not relevant to the conduct of a comprehensive housing study and the development
13 of a dynamic, interactive housing model.
14

15 II. Current Possession of Guam Market Data is Not a Requirement of the RFP

16 The RFP does not require that offerors possess Guam market data at the time they
17 submit their proposal. One of the chief reasons for conducting a comprehensive housing study is
18 to **collect** market and other pertinent data. The standard, accepted methodology for completing
19 housing studies, and a major component of the services sought by the RFP, is collecting and
20 generating housing market data. In fact, the need for a housing study presupposes that
21 comprehensive market data are not currently available. Thus, having no compiled market data is
22 wholly consistent with the RFP. There is no doubt that existing, published "market data" are
23 required to complete the study. Data on past sales and rental prices, on current demand and
24 supply for sales and rental units, and on the expected future change in sales and rental units, with
25 an emphasis on military use of housing stock, are required. However, the RFP did not require
26 that offerors have, at the time of proposal submission, current Guam housing market data. PCR's
27
28

1 proposal describes the data that are required for the housing study and model and the procedures
2 PCR will use to collect them.

3 Further, Appellant's database consists largely of data extracted from real estate
4 transaction records maintained by the Department of Land Management. (Agency Report Tab B,
5 pg. 7.) These records are public information and all offerors have access to this same Guam
6 "market data." That data alone, however, is not a sufficient foundation for a full-scale
7 comprehensive housing study for the island of Guam. PCR's proposal clearly describes over
8 seven different types of data required and the procedures that will be employed to collect them.
9 In contrast, Appellant's proposal did not include any description of how the additional, required
10 data would be collected to complete the housing study and model.
11

12
13 III. PCR Is Better Qualified to Provide the Services Requested by the RFP

14 The GHURA evaluation team properly ranked PCR as better qualified than
15 Appellant. As is explicitly evident from PCR's proposal, PCR's team members have all of the
16 required credentials, experience, expertise, and equipment needed to complete the housing study
17 and model. PCR itself has fifteen years of experience in questioning, studying, and planning for
18 sound development solutions for the people of Guam, which experience prepares PCR's project
19 team to deliver precisely the kind of "holistic approach" sought by the RFP and needed to
20 generate a sustainable housing policy. PCR's project team members also have fifteen years of
21 experience developing, refining, and conducting comprehensive housing studies and developing
22 interactive housing models in comparable island communities, which experience prepares PCR's
23 project team to deliver technologically accurate and usable information to develop a feasible
24 comprehensive housing policy for Guam.
25

26 PCR's project team's experience also includes market studies, feasibility studies
27 and pricing studies for real estate developments; social, economic, and agricultural impact studies
28

1 for housing developments; homeless studies; rental pricing studies; senior citizen housing
2 studies, and other types of housing research for government, private sector corporations, and non-
3 profit agencies. The PCR project team also has background in public opinion research,
4 facilitating community meetings, conducting executive and key informant interviews, large-scale
5 government project management, and environmental research, all of which are necessary to
6 assure sustainable housing growth and policy development.
7

8 A review of Appellant's proposal does not reveal any specific experience in
9 comprehensive housing studies of the type required by the RFP. There is no evidence in
10 Appellant's proposal that its team members have the same extensive background or experience as
11 PCR's team members.
12

13 Further, a major deliverable of the project is the Guam Housing Model. One of
14 the RFP's minimum qualification requirements is that offerors have "experience in development
15 of forecast models." PCR's proposal clearly and explicitly detailed the methodology it will use
16 to develop the housing model. PCR's proposal also included the resumes of team members who
17 have multiple years of experience in developing housing or similar forecast models. In contrast,
18 Appellant's proposal did not include any evidence that its team has experience in forecast
19 modeling or with housing market modeling. Appellant cites to its experience with Computer
20 Assisted Mass Appraisal ("CAMA") software, however, such experience is not relevant to this
21 project because CAMA software is used to prepare real estate appraisals for property tax
22 calculations as of a given date. Thus, Appellant does not have the same project background
23 experience as PCR and did not meet the minimum qualification of the RFP that offerors have
24 experience in forecast models. Accordingly, the evaluation team had a reasonable basis to rank
25 PCR as the most qualified offeror.
26
27
28

1 IV. Conclusion

2 Appellant has not provided any factual or legal support for its subjective position
3 that it is more qualified than PCR to perform the services requested by the RFP. The proposal
4 submitted by PCR clearly shows that PCR's project team has more extensive and relevant
5 experience than is shown in Appellant's proposal, and, in fact, Appellant has failed to meet the
6 minimum qualification requirements of the RFP. Contrary to Appellant's suggestion, real estate
7 consulting experience is neither required, nor particularly useful for this project. Additionally,
8 the market data that Appellant claims is required for the housing study is readily available to the
9 public. PCR's proposal describes how all relevant data will be collected and synthesized to
10 create the comprehensive housing study and dynamic housing model solicited in the RFP.
11

12 For all the foregoing reasons and for all the reasons set forth in GHURA's Agency
13 Report, the evaluation team had a reasonable basis to select PCR as the best qualified offeror.
14 Accordingly, PCR concurs with and joins in GHURA's recommendation that Appellant's appeal
15 be dismissed with prejudice.
16

17 Respectfully submitted, this 21st day of August, 2008.

18
19 **CALVO & CLARK, LLP**
20 Attorneys At Law
21 Attorneys for PCR ENVIRONMENTAL, INC.

22
23 By: 
24 JANALYNN C. DAMIAN
25
26
27
28

1 **CERTIFICATE OF SERVICE**

2 I, Janalynn C. Damian, do hereby certify that on August 21, 2008, I caused to
3 have one (1) copy of **INTERESTED PARTY PCR ENVIRONMENTAL, INC.'S**
4 **COMMENTS TO GHURA'S AGENCY REPORT** filed with the Office of the Public Auditor
5 on August 21, 2008, to be served upon the following, by hand delivery:
6

7 Guam Housing and Urban Renewal Authority
8 *Aturida Ginima' Yan Rinueban Suidat Guahan*
9 117 Bien Venida Avenue
10 Sinajana, Guam 96910

Anthony C. Perez, Esq.
LUJAN AGUIGUI & PEREZ, LLP
Attorney for Guam Housing and Urban
Renewal Authority
DNA Building Suite 300
238 Archbishop Flores Street
Hagåtña, Guam 96910

11
12 Dated this 21st day of August, 2008.

13 **CALVO & CLARK, LLP**
14 Attorneys at Law
15 Attorneys for PCR ENVIRONMENTAL, INC.

16
17 By: 
18 **JANALYNN CRUZ DAMIAN**