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Hagåtña, Guam 96910

Phone: (671) 475-0390
FAX: (671) 472-7951



OFFICE OF THE PUBLIC AUDITOR

Fax

To: Claudia S. Acfalle – Chief Procurement Officer
Kenneth T. Tagawa – General Manager

From: Theresa Gumataotao
OPA Procurement Appeals

Agency: General Services Agency
Port Authority of Guam

Pages: ~~11~~ (including cover)
5

CC:

Date: Tuesday – 1/29/08

Fax: 472-4217 / 477-2689


Phone:

Re: Notice of Receipt of Appeal : OPA-PA-08-002

Urgent For Review Please Comment Please Reply Please Recycle

●Comments:

See notice attached and please acknowledge receipt by re-sending this cover page along with a copy of the attached letter and request with your firm's stamp, date, and initials. All pages should be stamped. Thank you.

 Theresa – 475-0390 tgumataotao@guamopa.org

This facsimile transmission and accompanying documents may contain confidential or privileged information. If you are not the intended recipient of this fax transmission, please call our office and notify us immediately. Do not distribute or disclose the contents to anyone. Thank you.



OFFICE OF THE PUBLIC AUDITOR

January 29, 2008

Claudia S. Acfalle
Chief Procurement Officer
General Services Agency
Department of Administration
148 Route 1 Marine Corps Drive
Piti, Guam 96915

VIA FACSIMILE 472-4217

Kenneth T. Tagawa
General Manager
Port Authority of Guam - Jose D. Leon Guerrero Commercial Port
1026 Cabras Highway, Suite 201
Piti, Guam 96925

VIA FACSIMILE 477-2689

Re: Receipt of Notice of Appeal Regarding Matson Navigation's & Horizons Lines' Unsolicited Offer of Gantry Cranes: OPA-PA-08-002

Dear Ms. Acfalle and Mr. Tagawa:

Please be advised that Far East Equipment Company, LLC through their counsel John S. Unpingco, Esq. has filed an appeal with the Office of the Public Auditor on January 22, 2008, on the above-stated issue. In the normal course of action, immediate reports are required of your office pursuant to the Rules of Procedure for Procurement Appeals, found in Chapter 12 of Title 2 of the Guam Administrative Regulations. The due dates for these reports are posted on our website (www.guamopa.org) along with copies of the rules and the notice of appeal filed.

However, our office is presently reviewing the appeal in its entirety and has received the formal entry of appearance from your counsel and the "Motion to Dismiss Procurement Appeal" filed on January 29, 2008. As such, we will be considering whether to dismiss this appeal. If the appeal is not dismissed, you will be asked to perform the normal requirements.

Please contact Theresa Gumataotao ext. 207 if you have any questions regarding this notice and we thank you for your prompt attention to this matter.

Sincerely,



ROBERT G.P. CRUZ, ESQ.
HEARING OFFICER
PROCUREMENT APPEALS

Enclosure: Filed form for Appeal OPA-PA-08-002
cc: John S. Unpingco, Esq. - Attorney for Appellant (Via Facsimile 475-8550)

The Law Offices of John S. Unpingco & Associates, LLC

777 Route 4

Suite 12B

Sinajana, Guam 96910

Telephone: (671) 475-8545

Facsimile: (671) 475-8550

www.ualawguam.com

TRANSMITTAL LETTER

January 22, 2008

Office of the Public Auditor
238 Archbishop Flores Street
Hagatna, Guam 96910

RE: Procurement Appeal

Gentlemen:

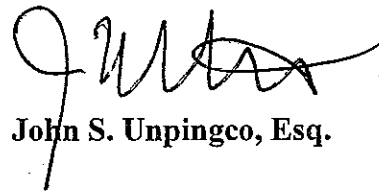
Enclosed is our appeal for the unsolicited proposal submitted by Matson Navigation Company, Inc. and Horizon Lines, Inc. to purchase, refurbish, transport, erect and operate three used gantry cranes at the Jose D. Leon Guerrero Commercial Port.

Please note that we do request a hearing.

Please do not hesitate to call me if you should have any questions.

Sincerely,

THE LAW OFFICES OF JOHN S. UNPINGCO
& ASSOCIATES, LLC



John S. Unpingco, Esq.

RECEIVED
OFFICE OF THE PUBLIC AUDITOR
PROCUREMENT APPEALS

JAN 22 2008

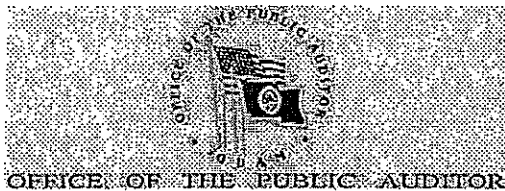
TIME:

BY:

FILE No. OPA-PA

5:00 PM
Anne Camarillo
08-002

COPY



OFFICE OF THE PUBLIC AUDITOR

**Appendix A: Notice of Appeal Form
PROCUREMENT APPEAL**

PART I- To be completed by OPA

In the Appeal of)	NOTICE OF APPEAL
)	
<u>FAR EAST EQUIPMENT CO., LLC</u>)	
<u>APPELLANT</u>)	Docket No. OPA-PA <u>-08-002</u>
)	
)	

PART II- Appellant Information

Name: FAR EAST EQUIPMENT COMPANY, LLC

Mailing Address: PO BOX 10838
TAMUNING, GUAM 96931

Business Address: _____

Daytime Contact No: 473-4375; 888-6270

PART III- Appeal Information

- A) Purchasing Agency: Port Authority of Guam
- B) Identification/Number of Procurement, Solicitation, or Contract: unsolicited proposal
- C) Decision being appealed was made on 1-8-08 (date) by:
 Chief Procurement Officer Director of Public Works Head of Purchasing Agency

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)

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

N/A

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.

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 22 day of Jan, 2008.

By: _____
APPELLANT

or

By:  _____
Appellant's Duly Authorized Representative

(Address) THE LAW OFFICES OF JOHN S. UNPINGCO & ASSOCIATES, LLC

(Phone No.) 777 ROUTE 4, SUITE 12B SINAJANA, GUAM 96910

Tel: 475-8545; Fax: 475-8550
APPENDIX A