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BASIL FOOD INDUSTRIAL SERVICES CORPORATION

**RECEIVED**  
OFFICE OF PUBLIC ACCOUNTABILITY  
PROCUREMENT APPEALS

DATE: 11/09/16

TIME: 3:18  AM  PM BY: LP

FILE NO OPA-PA: 16-006

BEFORE THE OFFICE OF PUBLIC ACCOUNTABILITY

IN THE APPEAL OF

BASIL FOOD INDUSTRIAL SERVICES  
CORPORATION.

Appellant.

APPEAL NO. OPA-PA-16-006

**MOTION TO CLARIFY THE OFFICE OF  
PUBLIC ACCOUNTABILITY'S  
OCTOBER 27, 2016 DECISION**

Appellant Basil Food Industrial Services Corporation ("Basil") moves to clarify one aspect the Office of Public Accountability's October 27, 2016 decision: particularly, the statement that the parties have 14 days to file an appeal.

The OPA consolidated OPA-PA-16-006, concerning a breach of contract controversy, and OPA-PA-16-008, concerning an emergency procurement and award. Regarding further appeals, the decision cites 5 GCA § 5481(a), which states: "Protested Solicitations and Awards. Any action under § 5480(a) of this Chapter shall be initiated within fourteen (14) days after receipt of a final administrative decision". Section 5480(a) concerns solicitations and awards of contracts, including emergency procurements.

OPA-PA-16-006, however, was brought pursuant to 5 GCA § 5427, which gives the OPA jurisdiction over breach of contract controversies. For appeals of

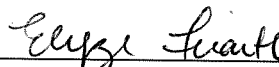
**MOTION TO CLARIFY A PARTICULAR ASPECT OF OPA'S OCTOBER 27, 2016 DECISION**

such controversies, section 5481(c), entitled "Actions Under Contracts or for Breach of Contract" may be applicable. That provision gives a party twelve months after the date of the Procurement Appeals Board decision to file an action. As the Public Auditor replaced the Procurement Appeals Board, and section 5707(a) directs persons receiving an adverse decision by the Public Auditor to appeal to the Superior Court of Guam as provided in Article 9, it appears section 5481(c) applies to OPA decisions regarding breach of contract controversies such as OPA-PA-16-006.

For that reason, Basil asks the OPA to clarify whether the 14 day limitations period as stated in the October 27, 2016 decision (received on Basil on October 28, 2016), applies to OPA-PA-16-006, or whether the OPA should have stated that as to OPA-PA-16-006, a twelve-month appeal period applies.

DATED: Hagåtña, Guam, 9 November, 2016.

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