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Attorneys for Interest Party
Mobil Oil Guam Inc.

**IN THE OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEAL**

IN THE APPEAL OF)	Docket OPA PA-16-013
)	
IP&E Holdings, LLC.,)	BRIEF OF INTERESTED
)	PARTY MOBIL OIL GUAM;
Appellant,)	CERTIFICATE OF SERVICE
)	
)	

MOBIL OIL GUAM INC. ("Mobil"), by and through R. Marsil Johnson, Esq. of Blair Sterling Johnson & Martinez, P.C., hereby submits its Brief of Interested Party.

DISCUSSION

Mobil joins in the arguments posed by Guam Waterworks Authority ("GWA"):

1. There was no language in GWA IFB 2016-09 ("the IFB") explicitly stating that the estimated quantities would be used as part of the evaluation criteria.

2. Under Paragraph 6 of the IFB, GWA specifically noted that "the awarded contract will be made by GWA to the lowest

1 responsive and responsible bidder whose bid conforms to the
2 invitation for bids and would be most advantageous to GWA".

3 3. IP&E Holdings, LLC ("IP&E") was privy to the actual
4 figures used by GWA in determining the lowest possible bidder and
5 was therefore in a better position than Mobil to fashion its bid
6 and could therefore have not been prejudiced.

8 Furthermore, Mobil believes that the advantage of its fuel
9 distribution network and the high-flow diesel dispensers present
10 at Mobil's stations place Mobil as the most advantageous choice
11 for GWA even if estimated quantities are used. Mobil has the
12 largest network of service stations on Guam, with five locations
13 in the North, five locations in the Central West, five locations
14 in the Central East, and four locations in the South. Also
15 advantageous to GWA is the fact that Mobil has four high flow
16 diesel dispensers on Guam. There are two high-flow diesel
17 dispensers in the South in Adelup and Agat, one in the North at
18 Yigo McDonalds, and one in the Central West at Airport. The high
19 flow diesel dispensers dispense fuel 3x faster (30gpm) than normal
20 diesel dispenser flow rates of 10gpm. This efficiency means that
21 GWA employees can spend less time waiting to fill their tanks and
22 more time working.
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1 Mobil proposes that that, based on the arguments summarized
2 above and described more thoroughly in GWA's September 29, 2016
3 Agency Statement and its October 24, 2016 Rebuttal to IP&E's
4 Response to GWA's Agency Report and Statement as well as the
5 arguments raised by Mobil above, that IP&E's protest be denied so
6 that GWA may proceed with awarding the contract to Mobil as the
7 lowest responsive and responsible bidder.
8

9 DATED this 26th day of October, 2016.

10
11 BLAIR STERLING JOHNSON & MARTINEZ
A PROFESSIONAL CORPORATION

12
13 BY: 
14 R. MARSIL JOHNSON
15 Attorneys for Interest Party Mobil Oil Guam Inc.

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1 **CERTIFICATE OF SERVICE**

2 I, R. Marsil Johnson, do hereby certify that on the 26th day
3 of October 2016, I caused to be served a copy of Mobil Oil Guam
4 Inc.'s **BRIEF OF INTERESTED PARTY MOBIL OIL GUAM** to be served upon the
5 following, via hand delivery and e-mail:
6

7 **Purchasing Agency:** Kelly O. Clark
8 General Counsel
9 Guam Waterworks Authority (GWA)
10 Gloria B. Nelson Public Service Bldg.
11 688 Route 15
12 Mangilao, GU 96913
13 koclark@guamwaterworks.org

14 **Appellant:** Steven Carrara
15 IP&E Holdings, LLC
16 646 Chalan San Antonio
17 Tamuning, Guam 96913-3644
18 steven.carrara@itehq.net

19 **DATED** this 26th day of October, 2016.

20 **BLAIR STERLING JOHNSON & MARTINEZ**
21 **A PROFESSIONAL CORPORATION**

22 BY: 
23 **R. MARSIL JOHNSON**
24 *Attorneys for Interest Party Mobil Oil Guam Inc.*

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