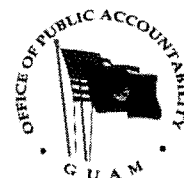


Suite 401 DNA Building
238 Archbishop Flores St.
Hagåtña, Guam 96910



FAX

To:	Theresa A. Arriola Director Guam Behavioral Health & Wellness Center 790 Gov. Carlos G. Camacho Rd. Tamuning, Guam 96913 Tel: (671) 647-5330 Fax: (671) 649-6948	From:	Benjamin J.F. Cruz Public Auditor Office of Public Accountability
		Pages:	6 (including cover page)
CC:	Jacqueline Taitano Terlaje, Esq. Law Office of Jacqueline Taitano Terlaje, P.C. 284 W Chalan Santo Papa Hagåtña, Guam 96910 Fax: (671) 648-9002	Date:	August 15, 2019
		Phone: Fax:	(671) 475-0390 x. 208 (671) 472-7951

Re: OPA-PA-19-009 Notice of Receipt of Appeal

For Review

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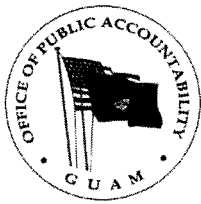
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Jerrick Hernandez, Auditor

jhernandez@guamopa.com



OFFICE OF PUBLIC ACCOUNTABILITY

Suite 401 Pacific News Building, 238 Archbishop Flores St., Hagåtña, Guam 96910
Phone: (671) 475-0390 / FAX: (671) 472-7951

August 15, 2019

Theresa A. Arriola
Director
Guam Behavioral Health & Wellness Center
790 Gov. Carlos G. Camacho Rd.
Tamuning, Guam 96913

VIA Facsimile: 649-6948

Re: Notice of Receipt of Appeal – OPA-PA-19-009

Dear Ms. Arriola,

Please be advised that Guahan Academy Charter School (hereinafter referred to as “GACS”) filed an appeal with the Office of Public Accountability (OPA) on August 14, 2019, regarding the Guam Behavioral Health & Wellness Center’s (GBHWC) denial of protest for GBHWC RFP03-2019, Prevention Education and Community Empowerment – Partnerships for Success (PEACE PFS). OPA has assigned this appeal case number OPA-PA-19-009.

Immediate action is required of GBHWC pursuant to the Rules of Procedure for Procurement Appeals, found in Chapter 12 of the Guam Administrative Regulations (GAR). Copies of the rules, the appeal, and all filing deadlines are available at OPA’s office and on its website at www.opaguam.org. The first four pages of the notice of appeal filed with OPA is enclosed for your reference.

Please provide the required notice of this appeal to the relative parties with instructions that they should communicate directly with OPA regarding the appeals. You are also responsible for giving notice to the Attorney General or other legal counsel for your agency. Promptly provide OPA with the identities and addresses of interested parties and a formal entry of appearance by your legal counsel.

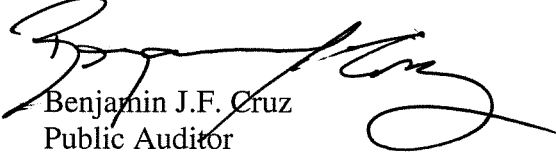
Pursuant to 2 GAR, Div. 4, Ch. 12, §12104(3), the submission of one complete copy of the procurement record for the procurement solicitation above, as outlined in Title 5, Chapter 5, §5249 of the Guam Code Annotated is required no later than **Thursday, August 22, 2019**, five work days following this Notice of Receipt of Appeal. We also request a copy of the Agency Report for the procurement solicitation cited above, as outlined in 2 GAR, Div. 4, Chap. 12, §12105, by **Thursday, August 29, 2019**, ten work days following receipt of this notice.

When filing all other required documents with our office, please provide one original and two copies to OPA, and serve a copy to GACS. Although the Guam Procurement Law and Regulations require only one copy of the procurement record, OPA respectfully asks that GBHWC provide one

original and two copies of the said record, which will be distributed as follows: Copy-1: Master File; Copy-2: Public Auditor; and Copy-3: Hearing Officer.

Thank you for your prompt attention to this matter. Please contact Jerrick Hernandez at 475-0390 ext. 208 or jhernandez@guamopa.com should you have any questions regarding this notice.

Sincerely,


Benjamin J.F. Cruz
Public Auditor

Enclosure: First Three Pages of the Notice of Appeal – OPA-PA-19-009

Cc: Jacqueline Taitano Terlaje, Attorney for GACS

1
2 Jacqueline Taitano Terlaje
3 **LAW OFFICE OF JACQUELINE TAITANO TERLAJE, P.C.**
4 284 W Chalan Santo Papa
5 Hagåtña, Guam 96910
6 Telephone 671.648.9001
7 Facsimile 671.648.9002
8 Email: info@terlajelaw.com

9 Attorney for Appellant,
10 *Guahan Academy Charter School*

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8 **OFFICE OF PUBLIC ACCOUNTABILITY**

9 IN THE MATTER OF THE APPEAL) DOCKET NO. OPA-PA-19-_____
10)
11 OF)
12) **NOTICE OF APPEAL**
13 GUAHAN ACADEMY CHARTER)
14 SCHOOL,)
15 Appellant.)
16 _____)

17 GUAHAN ACADEMY CHARTER SCHOOL ("Appellant") in the above-captioned
18 proceedings, hereby appeals the denial of protest issued by the Guam Behavioral Health and Wellness
19 Center dated July 30, 2019 in GBHWC RFP03-2019 Prevention Education and Community
20 Empowerment - Partnerships for Success (PEACE PFS), pursuant to § 5425 of Title 5, Guam Code
21 Annotated.

22
23 **I. APPELLANT INFORMATION**

24 Name: GUAHAN ACADEMY CHARTER SCHOOL
25 Mailing Address: P.O. Box CS, Hagatna, Guam 96932
26 Email: info.gacsbot@gmail.com
27 Office: (671) 734-1066
28 Business Address: Guahan Academy Charter School
Buildings C and D, Tiyan Campus

ORIGINAL

1 All correspondence or communications related to this appeal should be directed to counsel of record,
2 LAW OFFICE OF JACQUELINE TAITANO TERLAJE, P.C., 284 W. Chalan Santo Papa, Hagatna,
3 Guam 96910; Telephone (671) 648-9001; Facsimile: (671) 648-9002; Email: info@terlajelaw.com
4

5 II. APPEAL INFORMATION

6 This appeal arises from the denial of protest dated July 30, 2019, Guam Behavioral Health and
7 Wellness Center in Request for Proposal No. GBHWC RFP03-2019 Prevention Education and
8 Community Empowerment – Partnerships for Success (hereinafter “GBHWC RFP03-2019”).
9

10 The names of Competing Bidders, Offerors, or Contractors are unknown to Appellant, as
11 GBHWC notwithstanding the provisions of Guam Procurement Law requiring a stay of the procurement
12 pending the finality of the outcome of a timely protest proceeded with the submission of bids contrary to
13 5 GCA § 5425(g).
14

15 III. RELEVANT PROCEDURAL HISTORY

16 On July 12, 2019, Appellant submitted a timely protest to the discriminatory and arbitrary
17 disqualification of charter school students from the GBHWC RFP03-2019. Appellant raised concerns of
18 GBHWC's failure to afford Guam Charter School students, who are also public school system students,
19 fair and equal treatment in the availability of funding opportunities. A true and correct copy of the
20 Appellant's Protest received on July 12, 2019 is attached hereto.
21

22 On July 30, 2019, GBHWC by its Director denied the protest asserting that it has the absolute
23 discretion to discriminate against public school system students to the exclusion of the charter school
24 students; notwithstanding that Appellant has successfully obtained similar grants in prior years. A true
25 and correct copy of GBHWC's denial received on July 30, 2019 is attached hereto.
26

1 On July 31, 2019, GBHWC issued Amendment No. 1 to GBHWC RFP03-2019 proceeding with
2 the solicitation without complete finality of the timely protest submitted by Appellant. A true and correct
3 copy of Amendment No. 1 dated July 31, 2019 is attached hereto.

4 Upon information and belief, GBHWC received bids to GBHWC RFP03-2019 on August 2, 2019.

5 GACS now submits its timely appeal to the Office of Public Accountability within fifteen (15)
6 days, as required by 5 GCA § 5425, and requests a determination that the discriminatory and arbitrary
7 exclusion of charter school students from federal funding availability violates the fair and equal
8 opportunity afforded to all public school system students under both federal and local laws.
9

10
11 **IV. DECLARATION REGARDING COURT ACTION**

12 Upon information and belief, and to the best of knowledge of the undersigned, no case or action
13 concerning the subject matter of this Appeal has been commenced in the Superior Court of Guam.

14 RESPECTFULLY SUBMITTED this 14th day of August, 2019.

15
16
17 **LAW OFFICE OF
JACQUELINE TAITANO TERLAJE, PC**

18
19 By:



20 JACQUELINE TAITANO TERLAJE
21 Attorney for Appellant, *Guahan Academy Charter School*

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		Phone:	(671) 475-0390 x. 208
		Fax:	(671) 472-7951

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Thank you,
 Jerrick Hernandez, Auditor
jhernandez@guamopa.com

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Abbreviations:

HS: Host send	PL: Polled local	MP: Mailbox print	CP: Completed	TS: Terminated by system
HR: Host receive	PR: Polled remote	RP: Report	FA: Fail	G3: Group 3
WS: Waiting send	MS: Mailbox save	FF: Fax Forward	TU: Terminated by user	EC: Error Correct