

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



# FAX

<b>To:</b>	<b>Mr. John M. Benavente, P.E.</b> <b>General Manager</b> Guam Power Authority P.O. Box 2977 Hagåtña, Guam 96932 Fax: (671) 648-3165	<b>From:</b>	<b>Benjamin J.F. Cruz</b> <b>Guam Public Auditor</b> Office of Public Accountability
	<b>Mr. D. Graham Botha, Esq.</b> <b>General Counsel</b> Guam Power Authority 688 Route 15, Suite 302 Mangilao, Guam, 96913 Phone: (671) 648-3203/3002 Fax: (671) 648-3290	<b>Pages:</b>	6 (including cover page)
<b>CC:</b>	<b>Mr. Joshua D. Walsh, Esq.</b> <b>Mr. Joseph C. Razzano, Esq.</b> Razzano Walsh & Torres, P.C. 139 Murray Blvd. Ste. 100 Hagatna, Guam 96910 Phone: (671) 989-3009 Email: <a href="mailto:jdwalsh@rwtguam.com">jdwalsh@rwtguam.com</a>	<b>Date:</b>	July 29, 2020
	<b>Mr. R. Marsil Johnson, Esq.</b> Blair Sterling Johnson & Martinez Attorneys for Interested Party ENGIE Solar 238 Archbishop Flores Steet Suite 1008 Hagatna, Guam Phone: (671) 477-7857 Email: <a href="mailto:r.marsjohnson@bsjmlaw.com">r.marsjohnson@bsjmlaw.com</a>	<b>Ms. Anita P. Arriola, Esq.</b> Arriola Law Firm 259 Martyr Street, Suite 201 Hagatna, Guam 96910 Phone: 477-9730/33 Fax: 477-9734	<b>Phone:</b>
		<b>Fax:</b>	(671) 472-7951
<b>Re:</b>	OPA-PA-19-010, OPA-PA-20-001, and OPA-PA-20-007 Order to Vacate Hearing Continuation and Set Deadline for Findings of Fact and Conclusions of Law		
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Thank you,  
 Jerrick Hernandez, Auditor  
[jhernandez@guamopa.com](mailto:jhernandez@guamopa.com)

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**BEFORE THE PUBLIC AUDITOR  
PROCUREMENT APPEALS  
TERRITORY OF GUAM**

1  
2  
3  
4  
5  
6  
7 In the Appeal of )  
8 GlidePath Marianas Operations Inc., )  
9 Appellant. )  
10 And )  
11 General Services Agency, )  
12 Purchasing Agency. )

**Appeal No: OPA-PA-19-010  
Appeal No: OPA-PA-20-001  
Appeal No: OPA-PA-20-007**

**ORDER TO VACATE HEARING  
CONTINUATION AND SET DEADLINE  
FOR FINDINGS OF FACT AND  
CONCLUSIONS OF LAW**

13  
14 On July 29, 2020, the Parties through authorized representatives: Joseph C. Razzano,  
15 Esq., Attorney for Appellant GlidePath Marianas Operations Inc., D. Graham Botha, Esq.,  
16 Attorney for Purchasing Agency Guam Power Authority, and Anita P. Arriola, Esq. and R.  
17 Marsil Johnson, Esq., Attorneys for Interested Party ENGIE Solar filed a Stipulation (Please  
18 see attached).

19 IT IS HEREBY ORDERED that the continuation of hearing for the consolidated appeals  
20 cited above scheduled for 10:00 a.m., Thursday, July 30, 2020 is now VACATED. In lieu of  
21 oral closing arguments, the parties shall file Proposed Findings of Fact and Conclusions of  
22 Law to the Office of Public Accountability before 5:00 p.m., Friday, August 7, 2020.

23  
24 **SO ORDERED** this 29<sup>th</sup> day of July 2020 by:

25  
26  
27   
28 **Benjamin J. F. Cruz  
Public Auditor of Guam**

**R. MARSIL JOHNSON, ESQ**  
**RICHARD L. JOHNSON, ESQ.**  
**BLAIR STERLING JOHNSON & MARTINEZ**  
238 ARCHBISHOP FLORES ST., STE 1008  
HAGÁTÑA, GUAM 96910-5205  
TEL: (671) 477-7857

**ANTA P. ARRIOLA, ESQ.**  
**ARRIOLA LAW FIRM**  
259 MARTYR STREET, SUITE 201  
HAGÁTÑA, GUAM 96910  
TEL: (671) 477-9730/33  
FAX: (671) 477-9734  
EMAIL: [aarriola@arriolafirm.com](mailto:aarriola@arriolafirm.com)

**RECEIVED**  
OFFICE OF PUBLIC ACCOUNTABILITY  
PROCUREMENT APPEALS

DATE: 7/29/2020  
TIME: 4:26  AM  PM BY: JH  
FILE NO OPA-PA: 19-010/20-001/20-007

ARRIOLA LAW FIRM HAGÁTÑA, GUAM 96910

Attorneys for Party in Interest ENGIE SOLAR

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

<b>In the Appeal of</b>	)	<b>Docket No. OPA-PA-19-010</b>
	)	<b>OPA-PA-20-001</b>
<b>GlidePath Marianas Operations,</b>	)	<b>OPA-PA-20-007</b>
<b>Inc.</b>	)	
	)	<b>STIPULATION</b>
<b>Appellant.</b>	)	
	)	
	)	

It is hereby stipulated and agreed, by and between the parties through undersigned counsel, as follows:

1. On November 13, 2019, Appellant GlidePath Marianas Operations Inc. (“GlidePath”) filed a Notice of Appeal with the Office of Public Accountability (“OPA”) following the denial of its agency level protest by procuring agency Guam Power Authority (“GPA”). That case is styled, *In the Appeal of GlidePath Marianas Operations Inc.*, OPA-PA-19-010.

2. On January 21, 2020, GlidePath filed a Notice of Appeal with the OPA following GPA’s denial of its second agency level protest. That case is styled, *In the Appeal of GlidePath Marianas*

*Operations Inc.*, OPA-PA-20-001.

3. Both Appeals were consolidated by Order of the Public Auditor on January 30, 2020.

4. On July 20, 2020, GlidePath filed a third Notice of Appeal, docketed as OPA-PA-20-007, appealing GPA's decision of July 14, 2020, denying GlidePath's third protest related to the IFB (the "Third Appeal").

5. On July 22, 2020, the Public Auditor ordered that all three appeals be consolidated, and all matters pertaining to the appeals shall be heard concurrently.

6. On July 22, 2020, the Public Auditor noted that because there are two existing appeals related to the same procurement, the parties were urged to "stipulate to refer to the procurement record and agency report already submitted to the OPA and may submit supplemental documents as needed."

7. Therefore the parties STIPULATE that the procurement record prepared and submitted in OPA-PA-19-010, and adopted in OPA-PA-20-001, is adopted as the procurement record prepared in OPA-PA-20-007, with GPA supplementing the procurement record as is needed to account for new material discovered or otherwise generated from GlidePath's third agency level protest.

8. It is further STIPULATED by the parties that the Agency Report, Comments on the Agency Report, Rebuttal to Appellant's Comments on Agency Report, and any Trial Brief as described and allowed in Chapter 12, Division 4, Title 2 of the Guam Administrative Rules and Regulations shall not be filed and are waived in the Third Appeal.

9. The parties further STIPULATE that they waive oral closing arguments and agree that the continued hearing date of July 30, 2020 be vacated.

10. The parties further STIPULATE that the Office of Public Auditor recordings of the proceedings in the Consolidated Appeal shall be made available to the parties as soon as practicable upon the filing of this Stipulation. Each of the parties shall file Proposed Findings of Fact and

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Conclusions of Law addressing all matters in the Consolidated Appeal within seven (7) days from the date the recordings are made available to the parties.

11. Upon filing of the parties' Proposed Findings of Fact and Conclusions of Law, this Consolidated Appeal shall be deemed submitted to the Public Auditor for decision.

**SO STIPULATED:**

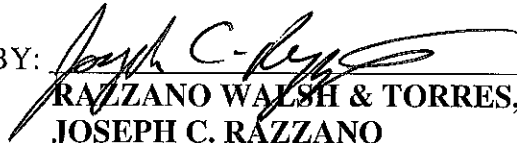
DATED:

7/29/20

**APPELLANT:**

**GLIDEPATH MARIANAS OPERATIONS,  
INC.**

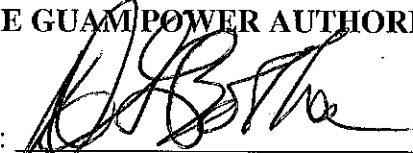
BY:

  
RAZZANO WALSH & TORRES, P.C.  
JOSEPH C. RAZZANO  
*Attorneys for Appellant GlidePath  
Marianas Operations, Inc.*

**APPELLEE:**

**THE GUAM POWER AUTHORITY**

BY:

  
D. GRAHAM BOTHA  
*Attorney for Appellee Guam Power  
Authority*


**INTERESTED PARTY:**

**ENGIE SOLAR**

DATED:


7/29/20

BY:

  
ARRIOLA LAW OFFICE  
ANITA P. ARRIOLA  
*Attorneys for Interested Party ENGIE  
SOLAR*

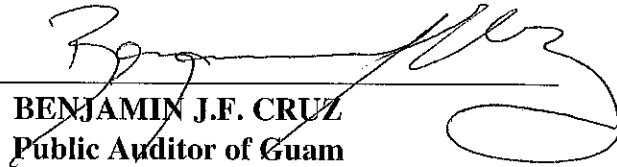
ARRIOLA LAW FIRM HAGATÑA, GUAM 96910

DATED: 07/29/2020

BY:   
BLAIR STERLING JOHNSON &  
MARTINEZ, P.C.  
R. MARSIL JOHNSON  
*Attorneys for Interested Party ENGIE*  
SOLAR

**IT IS SO ORDERED.**

Dated this <sup>29<sup>th</sup></sup> day of July, 2020.

  
BENJAMIN J.F. CRUZ  
Public Auditor of Guam

## TRANSACTION REPORT

JUL/29/2020/WED 05:05 PM

## BROADCAST

DATE	START T.	RECEIVER	COM. TIME	PAGE	TYPE/NOTE	FILE
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	05:01PM	6483290	0:01:51	6	MEMORY OK	ECM 0934002
	05:03PM	4779734	0:01:11	6	MEMORY OK	SG3 0934003
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Hagåtña, Guam 96910



## FAX

<b>To:</b>	Mr. John M. Benavente, P.E. General Manager Guam Power Authority P.O. Box 2977 Hagåtña, Guam 96932 Fax: (671) 648-3165	<b>From:</b>	Benjamin J.F. Cruz Guam Public Auditor Office of Public Accountability
	Mr. D. Graham Botha, Esq. General Counsel Guam Power Authority 688 Route 15, Suite 302 Mangilao, Guam, 96913 Phone: (671) 648-3203/3002 Fax: (671) 648-3290	<b>Pages:</b>	6 (including cover page)
<b>CC:</b>	Mr. Joshua D. Walsh, Esq. Mr. Joseph C. Razzano, Esq. Razzano Walsh & Torres, P.C. 139 Murray Blvd, Ste. 100 Hagatna, Guam 96910 Phone: (671) 989-3009 Email: <a href="mailto:jdwalsh@rwtguam.com">jdwalsh@rwtguam.com</a>	<b>Date:</b>	July 29, 2020
	Mr. R. Marsil Johnson, Esq. Blair Sterling Johnson & Martinez Attorneys for Interested Party ENGIE Solar 238 Archbishop Flores Steet Suite 1008 Hagatna, Guam Phone: (671) 477-7857 Email: <a href="mailto:r.marsjohnson@bsinlaw.com">r.marsjohnson@bsinlaw.com</a>	<b>Phone:</b>	(671) 475-0390 x. 208
	Ms. Anita P. Arriola, Esq. Arriola Law Firm 239 Martyr Street, Suite 201 Hagatna, Guam 96910 Phone: 477-9730/33 Fax: 477-9734	<b>Fax:</b>	(671) 472-7951

**Re:** OPA-PA-19-010, OPA-PA-20-001, and OPA-PA-20-007 Order to Vacate Hearing Continuation and Set Deadline for Findings of Fact and Conclusions of Law

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Jerrick Hernandez, Auditor

[jhernandez@guamopa.com](mailto:jhernandez@guamopa.com)

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Jerrick Hernandez &lt;jhernandez@guamopa.com&gt;

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**OPA-PA-19-010, OPA-PA-20-001, and OPA-PA-20-007 Order to Vacate Hearing Continuation and Set Deadline for Findings of Fact and Conclusions of Law**

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Jerrick Hernandez &lt;jhernandez@guamopa.com&gt;

Wed, Jul 29, 2020 at 5:07 PM

To: "Joshua D. Walsh" <jdwalsh@rwtguam.com>, "Joseph C. Razzano" <jrazzano@civilletang.com>, Graham Botha <gbotha@gpagwa.com>, "R. Marsil Johnson" <rmarsjohnson@bsjmlaw.com>, Anita Arriola <anitaarriola@arriolacowan.com>  
Cc: Vince Duenas <vduenas@guamopa.com>

Hafa Adai Everyone,

Please see attached Order to Vacate Hearing Continuation and Set Deadline for Findings of Fact and Conclusions of Law for OPA-PA-19-010, OPA-PA-20-001, and OPA-PA-20-007, which was also faxed to the parties.

The audio recordings for the hearings should be up on the OPA Website by Friday, July 31, 2020, but I will notify you all as soon as they are all posted.

Please confirm receipt of this email and the attached document. Thank you.

--

Regards,

Jerrick J.J.G. Hernandez, MA, CGAP, CICA  
Auditor  
Office of Public Accountability – Guam  
[www.opaguam.org](http://www.opaguam.org)  
Tel. (671) 475-0390 ext. 208  
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