



Jerrick Hernandez <jhernandez@guamopa.com>

OPA-PA-20-004 - Notice of Intent to Cancel RFP

julienne mirandanucum.com <julienne@mirandanucum.com>

Fri, Sep 11, 2020 at 4:50 AM

To: Jerrick Hernandez <jhernandez@guamopa.com>, "Minakshi V. Hemlani, Esq." <mvhemlani@mvhlaw.net>

Cc: Thyrza Bagana <tbagana@guamopa.com>

Good morning:

Please see the attached correspondence in response to Ms. Hemlani's most recent communication. Appellant is requesting an emergency status conference for either today or in place of the September 14 hearing. Please confirm receipt and availability as soon as practicable.

Thank you,
Julienne

JULIENNE NUCUM, ESQ.

California Bar No. 278724

Guam Bar No. 14015

MIRANDA & NUCUM, LLP

Attorneys at Law

210 North Fourth Street

Suite 200A

San Jose, CA 95112

www.mirandanucum.com

T (408) 217-6125 extension 101

C (650) 892-6207

F (408) 217-6132

This e-mail message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Jerrick Hernandez <jhernandez@guamopa.com>**Sent:** Thursday, September 10, 2020 1:28 AM**To:** Minakshi V. Hemlani, Esq. <mvhemlani@mvhlaw.net>**Cc:** julienne mirandanucum.com <julienne@mirandanucum.com>; Thyrza Bagana <tbagana@guamopa.com>**Subject:** Re: OPA-PA-20-004 - Notice of Intent to Cancel RFP

[Quoted text hidden]

**OPA-PA-20-004 - Appellant's Request for Emergency Status Conference.pdf**

1288K



Miranda & Nucum, LLP

September 10, 2020

HON. BENJAMIN J.F. CRUZ

Public Auditor

Office of Public Accountability

c/o JERRICK J.J.G. HERNANDEZ

jhernandez@guamopa.com

VIA ELECTRONIC MAIL ONLY

RE: OPA-PA-20-004, *In the Appeal of JRN Air Conditioning & Refrigeration, Inc.* (Purchasing Agency: Guam Memorial Hospital Authority); Request for Emergency Status Conference

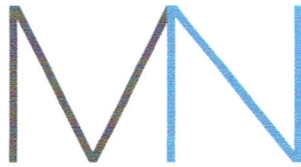
Hafa Adai!

In light of the most recent communication from counsel for the Guam Memorial Hospital Authority regarding the agency's decision to cancel and reject all bids in IFB No. 002-2020, I am requesting an emergency status conference before the Public Auditor to address the following items.

First, it appears that GMHA has known as early as May of this year that it could cancel this IFB for the reasons stated, perhaps even sooner if more was known regarding the work done on Boiler 2 in January and/or the findings of the U.S. Army Corps of Engineers in March. Nevertheless, this appeal was filed only in June, and GMHA could have acted prudently and shared this information at the time of the award protest.

Second, while GMHA could have justifiably canceled the IFB if the facts stated were true, Appellant's grievances regarding the agency's handling of this procurement would still be meritorious and deserving of a resolution by either GMHA or the Office of Public Accountability.

Relatedly, I am requesting a status conference to discuss whether it may be appropriate, as a middle-ground recourse, to submit the matter on the pleadings, including an opportunity for closing briefs, and have the OPA issue a ruling. I submit that even this procedural issue may require briefing by the parties.



Miranda & Nucum, LLP

As such, please advise whether the Public Auditor and counsel for GMHA are available for an emergency status conference today or on what was intended for the formal hearing, September 14. At this time, Appellant will treat the formal hearing as postponed to not only mitigate expenses and time spent preparing for a formal hearing that may not happen and to relieve the witnesses' schedules. I believe this would allow all parties involved the reasonable time to navigate how to proceed toward resolution.

Thank you for your time and prompt attention.

A handwritten signature in blue ink, appearing to read 'Julienne Nucum', is written over a light blue circular stamp.

JULIENNE NUCUM, ESQ.
Attorney for Appellant JRN Air Conditioning & Refrigeration, Inc.

Cc: Minakshi Hemlani, Esq.
Thyrza Bagana