



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

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**OPA-PA-20-004 - Signed Stipulation and Proposed Order Re Dismissal of Appeal**

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Tue, Oct 20, 2020 at 9:59 AM

To: Jerrick Hernandez &lt;jhernandez@guamopa.com&gt;, Thyrsa Bagana &lt;tbagana@guamopa.com&gt;

Cc: "Minakshi V. Hemlani, Esq." &lt;mvhemlani@mvhlaw.net&gt;

Good morning:

Attached is a stipulation signed by counsels for both Appellant JRN and Purchasing Agency GMHA. The parties respectfully request that the Public Auditor accept the stipulation and sign the accompanying proposed order and dismiss the appeal, with prejudice. The parties also ask that the order be entered into the record following the Public Auditor's approval. Dismissal according to the stipulation of the parties shall settle and resolve any and all claims between the parties as to GMHA IFB 002-2020.

Appellant and I thank the Public Auditor, the OPA, Ms. Hemlani, and GMHA for their time and attention during the entire course of this matter. Please advise should there be anything else required of Appellant in order to close out.

Best regards,

JULIENNE NUCUM, ESQ.

California Bar No. 278724

Guam Bar No. 14015

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6 Counsel for Purchasing Agency *Guam Memorial Hospital Authority*

7 **BEFORE THE OFFICE OF PUBLIC ACCOUNTABILITY**  
8 **GOVERNMENT OF GUAM**

9 IN THE APPEAL OF:

10 JRN Air Conditioning & Refrigeration, Inc.

11 Appellant.


CASE NO: OPA-PA 20-004

**STIPULATION TO DISMISS APPEAL  
WITH PREJUDICE**

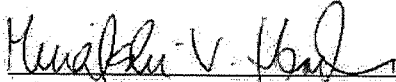
12 In furtherance of the Settlement Agreement executed by the parties on October 15 and 16, 2020,  
13 **IT IS HEREBY STIPULATED AND AGREED**, that the above-captioned appeal be dismissed with  
14 prejudice.

15 Pursuant to GMHA Procurement Rules and Regulations Section 3-301.04 and 2 GAR Div 4,  
16 Section 3115(d)(2), and upon dismissal of this appeal, this GMHA will reject all bids and cancel in  
17 the entirety IFB 002-2020 for the Removal and Replacement of One (1) Boiler Unit and Piping System  
18 in the best interest of the Territory because the GMHA no longer requires the supplies, services, and  
19 construction solicited. A new solicitation will not be issued.

20 **SO STIPULATED:**

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24 JULIENNE NUCUM, ESQ.  
25 Attorney for Appellant

10/15/2020  
Date

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28 MINAKSHI V. HEMLANI, ESQ.  
Attorney for Purchasing Agency

10/16/2020  
Date

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**ORDER**

Good cause being shown, the Public Auditor hereby ORDERS the above entitled appeal **DISMISSED WITH PREJUDICED.** A dismissal shall be entered and reflected in the OPA's records as of the date of the Public Auditor's Signature below.

**SO ORDERED:**

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BENJAMIN J.F. CRUZ  
Public Auditor of Guam

\_\_\_\_\_  
Date