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OPA-PA-20-004 - GMHA's Submission

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Wed, Sep 16, 2020 at 11:16 AM

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3 attachments **2002-09-16 Submission Following Sept. 14 Status Conference (OPA-PA_20-004).pdf**
84K **2020-09-16 Declaration of Hospital Administrator (OPA-PA 20-004).pdf**
68K **2020-09-16 Declaration of Assoc Admin of Operations (OPA-PA-20-004).pdf**
105K

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6 Counsel for Purchasing Agency *Guam Memorial Hospital Authority*

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

10 IN THE APPEAL OF:

11 JRN Air Conditioning & Refrigeration, Inc.

12 Appellant.

CASE NO: OPA-PA 20-004

**SUBMISSION FOLLOWING
SEPTEMBER 14, 2020 STATUS
CONFERENCE**

13 At the Status Conference held on September 14, 2020 in lieu of the previously scheduled Hearing,
14 Hospital Administrator/CEO Lillian Perez-Posadas and Associate Administrator of Operations William
15 N. Kando provided information in support of Purchasing Agency Guam Memorial Hospital Authority's
16 ("GMHA") intent to reject all bids and cancel IFB No. 002-2020: *Removal and Replacement of One (1)*
17 *Boiler Unit and Piping System* at the Guam Memorial Hospital, the procurement being appealed in this
18 matter. Because the statements made were not provided under oath, GMHA hereby submits Declarations
19 of the Hospital Administrator/CEO and Associate Administrator of Operations made under penalty of
20 perjury. Said Declarations are provided in support of the GMHA's position that rejection of all bids and
21 cancellation of the IFB is in the best interest of the Territory of Guam.


22
23 The Office of Public Accountability ("OPA") has previously dismissed cases after hearing
24 materials were filed. *See* OPA-PA-20-002, *In re Appeal of Guam Medical Referral Services*, Order
25 of Dismissal (Sep. 8, 2020); *see also* OPA-PA-17-012, *In re Appeal of Mid Pac Far East, LLC*, Order
26 of Dismissal Without Prejudice (Jan. 25, 2018). The OPA has also previously accepted an agency's
27 decision to cancel a bid or procurement as a proper basis for disposition or dismissal of an appeal. *See*
28

1 OPA-PA-17-012, *supra.*; *see also* OPA-PA-19-007, *In re Appeal of Pacific Data Systems, Inc.* (PDS),
2 Order of Dismissal With Prejudice (Jun. 25, 2019). The GMHA requests the OPA's favorable
3 consideration and dismissal of this matter.

4 As requested by the Public Auditor, undersigned counsel submits that from July 10 to September
5 14, 2020, the Law Offices of Minakshi V. Hemlani, P.C. spent 68.25 hours on this matter, at a rate of
6 \$225.00 per hour, for a total of \$15,356.25.

7
8 Respectfully submitted this 16th day of September 2020.

9
10 LAW OFFICES OF MINAKSHI V. HEMLANI, P.C.
11 Counsel for Purchasing Agency
12 *Guam Memorial Hospital Authority*

13 
14 Minakshi V. Hemlani, Esq.