



OFFICE OF THE PUBLIC AUDITOR

**PROCUREMENT APPEAL**

<p><b>In the Appeal of:</b></p> <p>FAR EAST EQUIPMENT COMPANY, LLC</p> <p style="text-align: center;"><b>Appellant</b></p> <hr/>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p><b>Appeal No.: OPA-PA-08-001</b></p> <p><b>ORDER OF DISMISSAL</b></p>
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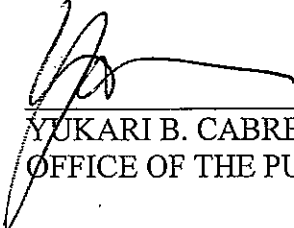
WHEREAS, the Public Auditor Doris Flores Brooks has determined that she must disqualify herself from this case because she is aware that her spouse, as an employee of Lujan Aguigui & Perez LLP, performed research regarding the procurement of the Jose D. Leon Guerrero Commercial Port's (Port) New Dockside Container Handling Gantry Crane. Lujan Aguigui & Perez LLP represents the Port in this appeal.

Based on the above, it is appropriate that the Office of the Public Auditor not be the arbiter in this procurement matter as the impartiality of the Public Auditor may be questioned, regardless of whether any specific discussions had taken place.

Given the Public Auditor's disqualification, the Office of the Public Auditor is barred from hearing the case by 2 GAR Section 12601 and that in the event of the disqualification of the Public Auditor, a procurement appeal must be taken to the Superior Court of Guam in accordance with 5 GCA Section 5480.

The Acting Administrator, designated by the Public Auditor does hereby order the above-captioned appeal DISMISSED.

Dated this 31st day of January 2008



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YUKARI B. CABRERA, ACTING ADMINISTRATOR  
OFFICE OF THE PUBLIC AUDITOR

**ORIGINAL**



OFFICE OF THE PUBLIC AUDITOR

January 31, 2008

X John S. Unpingco, Esq.  
The Law Offices of John S. Unpingco & Associates LLC  
777 Route 4  
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Sinajana, Guam 96910  
Attorneys for Far East Equipment Company – Appellant

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Claudia S. Acfalle  
Chief Procurement Officer  
General Services Agency  
Department of Administration  
148 Route 1 Marine Corps Drive  
Piti, Guam 96915

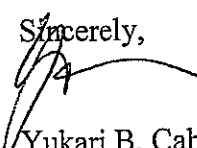
Re: Order of Dismissal: OPA-PA-08-001

Messers & Mses Acfalle, Unpingco, and Aguigui,

Transmitted herewith is an Order of Dismissal in the appeal of Far East Equipment Company, LLC regarding the procurement of IFB GSA/ PAG 07-007 New Dockside Container Handling Gantry Crane. The above mentioned procurement appeal was filed by Far East Equipment Company through their counsel John S. Unpingco, Esq. on January 14, 2008 and was assigned Master File No. OPA-PA-08-001.

See Order attached.

Sincerely,

  
Yukari B. Cabrera, CPA, CIA, CGFM  
Acting Administrator

Enclosure: Order of Dismissal for Appeal OPA-PA-08-001

cc: Mr. Kenneth T. Tagawa – General Manager Port Authority of Guam (Via Facsimile 477-2689)  
Mr. John A. Limtiaco – Vice President Far East Equipment Company (Via Facsimile 646-1223) 473-4374

**RECEIVED**

JAN 31 2008

1:30A

UNPINGCO & ASSOCIATES, LLC



OFFICE OF THE PUBLIC AUDITOR

January 31, 2008

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Attorneys for the Port Authority of Guam - Appellee

Claudia S. Acfalle  
Chief Procurement Officer  
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Mr. John A. Limtiaco – Vice President Far East Equipment Company (Via Facsimile 646-1223) 473-4374

**RECEIVED**

JAN 31 2008

LUJAN AGUIGUI & PEREZ LLP



OFFICE OF THE PUBLIC AUDITOR

January 31, 2008

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Mr. John A. Limtiaco – Vice President Far East Equipment Company (Via Facsimile ~~646-1223~~) *477-4374*

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OFFICE OF THE PUBLIC AUDITOR

# Fax

**To:** Kenneth T. Tagawa – General Manager  
John Limtiaco – Vice President

**From:** Theresa Gumataotao  
OPA Procurement Appeals

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**Agency:** Port Authority of Guam  
**Pages:** 5 (Including cover)

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**CC:** Far East Equipment Company  
**Date:** Thursday – 1/31/08

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**Fax:** 477-4445 / 473-4370 *1477-2681* **Phone:** 477-5931 / 473-4374

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**Re:** **Order of Dismissal : OPA-PA-08-001** : In the appeal of Far East Equipment Co.  
relative to the solicitation of IFB GSA/PAG 07-007 New Dockside Container  
Handling Gantry Crane.

Urgent     For Review     Please Comment     Please Reply     Please Recycle

●Comments:

See Order and acknowledgement letters attached. Please acknowledge receipt by re-sending this cover page along with a copy of the attached Order with your firm's stamp, date, and initials. Only the Order and cover page need be stamped and returned. Thank you.

*Theresa* – 475-0390 [tgumataotao@guamopa.org](mailto:tgumataotao@guamopa.org)

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