

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

Phone: (671) 475-0390
FAX: (671) 472-7951



OFFICE OF THE PUBLIC AUDITOR

Fax

To: Ms. Claudia Acfalle, Chief Procurement Officer, GSA
From: Theresa Gumataotao
OPA Procurement Appeals

Agency: General Services Agency
Pages: 6 (including cover)

CC: Mr. Kenneth Tagawa, PAG General Manager
Mr. John S. Unpingco, Esq. – Atty. for Appellant
Date: Tuesday – 1/15/2008

Fax: 475-4217 / 477-2689 / 475-8550
Phone: 475-1707 / 477-5931 / 475-8545

Re: OPA-PA-08-001: Receipt of Notice of Appeal on GSA / PAG 07-007 New Dockside
Container Handling Gantry Crane

Urgent For Review Please Comment Please Reply Please Recycle

● **Comments:**

See attached. AND **Please acknowledge receipt of this fax by re-sending this cover page along with the Receipt of Appeal Letter, stamped with your agency name, date, and initials.** Thank you.

 Theresa x.207 tgumataotao@guamopa.org

This facsimile transmission and accompanying documents may contain confidential or privileged information. If you are not the intended recipient of this fax transmission, please call our office and notify us immediately. Do not distribute or disclose the contents to anyone. Thank you.



OFFICE OF THE PUBLIC AUDITOR

January 15, 2008

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

VIA FACSIMILE 475-4217

Re: Receipt of Notice of Appeal Regarding GSA / PAG 07-007 New Dockside Container Handling Gantry Crane

Dear Ms. Acfalle:

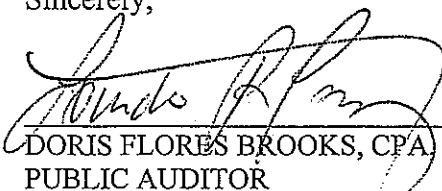
Please be advised that Far East Equipment Company, LLC through their counsel John S. Unpingco, Esq. has filed an appeal with the Office of the Public Auditor on January 14, 2008, of your protest decision on the above-stated procurement action. Immediate action is required of your office pursuant to the Rules of Procedure for Procurement Appeals, found in Chapter 12 of Title 2 of the Guam Administrative Regulations. Copies of the Rules and the appeal are available at our office and on our website www.guamopa.org. The front page of the appeal is enclosed for your reference.

Please provide the required notice of this appeal to the required parties with instructions that they should communicate directly with OPA regarding the appeal. You are also responsible for giving notice to the Attorney General or other counsel for your agency. Promptly provide OPA with the identities and addresses of interested parties and a formal entry of appearance by your counsel.

Please submit one complete copy of the procurement record to OPA by January 22, 2008, five working days following receipt of this notice of appeal. When filing other required documents with our office, please provide an original and two copies for OPA and serve a copy to the Law Offices of John S. Unpingco & Associates, LLC attorney for the Appellant.

Thank you for your prompt attention to this matter. Please contact Theresa Gumataotao ext. 207 if you have any questions regarding this notice.

Sincerely,


for **DORIS FLORES BROOKS, CPA, CGFM**
PUBLIC AUDITOR

ORIGINAL

Enclosure: Front Page of Appeal OPA-PA-08-001

cc: John S. Unpingco, Esq. - Attorney for Appellant (Via Facsimile 475-8550)
Mr. Kenneth Tagawa - General Manager, Port Authority of Guam (Via Facsimile 477-2689)

The Law Offices of John S. Unpingco & Associates, LLC

777 Route 4

Suite 12B

Sinajana, Guam 96910

Telephone: (671) 475-8545

Facsimile: (671) 475-8550

www.ualawguam.com

TRANSMITTAL LETTER

January 14, 2008

Office of the Public Auditor
238 Archbishop Flores St.
Hagåtña, Guam 96910

RECEIVED
OFFICE OF THE PUBLIC AUDITOR
PROCUREMENT APPEALS

JAN 14 2008

Re: Procurement Appeal

TIME: 4:31 PM
BY: J. Unpingco
FILE No. GPA-PA-08-001

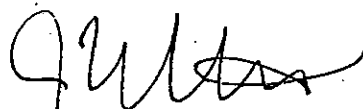
Gentlemen:

Enclosed is our appeal for the solicitation entitled "GSA/PAG 07-007" for the procurement of One New Dockside Container Handling Gantry Crane.

Please note that we do request a hearing.

Please do not hesitate to call me if you should have any questions.

Sincerely,
THE LAW OFFICES OF JOHN S. UNPINGCO
& ASSOCIATES, LLC


John S. Unpingco, Esq.

ORIGINAL
BINDER 1 OF 2

The Law Offices of John S. Unpingco & Associates, LLC

777 Route 4

Suite 12B

Sinajana, Guam 96910

Telephone: (671) 475-8545

Facsimile: (671) 475-8550

www.ualawguam.com

TRANSMITTAL LETTER

January 14, 2008

Office of the Public Auditor
238 Archbishop Flores St.
Hagåtña, Guam 96910

RECEIVED
OFFICE OF THE PUBLIC AUDITOR
PROCUREMENT APPEALS

JAN 14 2008

Re: Procurement Appeal

TIME: 4:31 PM
BY: J. Unpingco
FILE No. OPA-PA -08-001

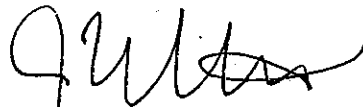
Gentlemen:

Enclosed is our appeal for the solicitation entitled "GSA/PAG 07-007" for the procurement of One New Dockside Container Handling Gantry Crane.

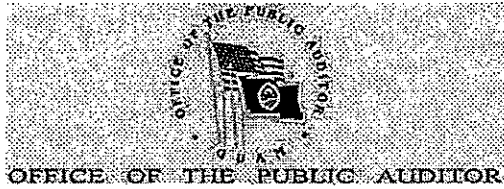
Please note that we do request a hearing.

Please do not hesitate to call me if you should have any questions.

Sincerely,
THE LAW OFFICES OF JOHN S. UNPINGCO
& ASSOCIATES, LLC


John S. Unpingco, Esq.

ORIGINAL
BINDER 2 OF 2



OFFICE OF THE PUBLIC AUDITOR
Appendix A: Notice of Appeal Form
PROCUREMENT APPEAL

RECEIVED
OFFICE OF THE PUBLIC AUDITOR
PROCUREMENT APPEALS

JAN 14 2008

TIME: 4:31 PM
BY: T. G. Matias
FILE No. OPA-PA-08-001

PART I- To be completed by OPA

In the Appeal of)
)
FAR EAST EQUIPMENT CO., LLC)
(Name of Company), APPELLANT)

NOTICE OF APPEAL

Docket No. OPA-PA-08-001

PART II- Appellant Information

Name: FAR EAST EQUIPMENT COMPANY, LLC
Mailing Address: PO BOX 10838
Tamuning, Guam 96931
Business Address: _____
Daytime Contact No: 473-4375; 888-6270

PART III- Appeal Information

- A) Purchasing Agency: Port Authority of Guam
- B) Identification/Number of Procurement, Solicitation, or Contract: IFB GSA/PAG 07-007
(New Dockside Container Handling Gantry Crane)
- C) Decision being appealed was made on 12/28/07 (date) by:
 Chief Procurement Officer Director of Public Works Head of Purchasing Agency

Note: You must serve the Agency checked here with a copy of this Appeal within 24 hours of filing.

- D) Appeal is made from:
(Please select one and attach a copy of the Decision to this form)
- Decision on Protest of Method, Solicitation or Award
 Decision on Debarment or Suspension
 Decision on Contract or Breach of Contract Controversy
(Excluding claims of money owed to or by the government)
 Determination on Award not Stayed Pending Protest or Appeal
(Agency decision that award pending protest or appeal was necessary to protect the substantial interests of the government of Guam)

E) Names of Competing Bidders, Offerors, or Contractors known to Appellant:

N/A

PART IV- Form and Filing

In addition to this form, the Rules of Procedure for Procurement Appeals require the submission together with this form of additional information, including BUT NOT LIMITED TO:

1. A concise, logically arranged, and direct statement of the grounds for appeal;
2. A statement specifying the ruling requested;
3. Supporting exhibits, evidence, or documents to substantiate any claims and the grounds for appeal unless not available within the filing time in which case the expected availability date shall be indicated.

Note: Please refer to 2 GAR § 12104 for the full text of filing requirements.

PART V- Declaration Re Court Action

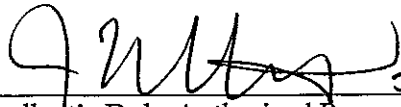
Pursuant to 5 GCA Chapter 5, unless the court requests, expects, or otherwise expresses interest in a decision by the Public Auditor, the Office of the Public Auditor will not take action on any appeal where action concerning the protest or appeal has commenced in any court.

The undersigned party does hereby confirm that to the best of his or her knowledge, no case or action concerning the subject of this Appeal has been commenced in court. All parties are required to and the undersigned party agrees to notify the Office of the Public Auditor within 24 hours if court action commences regarding this Appeal or the underlying procurement action.

Submitted this 14th day of Jan, 2008.

By: _____
APPELLANT

or

By:  JOHN S. UNPINGCO
 Appellant's Duly Authorized Representative
 (Address) THE LAW OFFICES OF JOHN S. UNPINGCO & ASSOCIATES, LLC
 (Phone No.) 777 ROUTE 4, SUITE 12B SINAJANA, GUAM 96910
475-8545; Fax 475-8550

APPENDIX A