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PROCUREMENT APPEALS

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BY: A. Camacho
FILE No. OPA-PA 07-009

MAIR, MAIR, SPADE & THOMPSON
A Professional Corporation
Attorneys at Law
238 A.F.C. Flores Street
Suite 801, DNA Building
Hagåtña, Guam 96910
Telephone: (671) 472-2089/2090
Facsimile: (671) 477-5206

Attorneys for Appellee
Guam Memorial Hospital Authority

OFFICE OF THE PUBLIC AUDITOR

In the Appeal of)	APPEAL NO. OPA-PA-07-009
)	
PACIFIC SECURITY ALARM, INC.,)	RESPONSE TO APPELLANT'S
)	MOTION FOR ORDER TO
Appellant.)	PRODUCE DOCUMENTS AND
)	WITNESSES
_____)	

Appellee Guam Memorial Hospital Authority ("GMHA"), by and through its counsel or record, Aaron R. Jackson, Esq. of Mair, Mair, Spade & Thompson, hereby submits its Response to Appellant Pacific Security Alarm, Inc.'s ("PSA") Motion For Order to Produce Documents and Witnesses.

INTRODUCTION

In regards to PSA's third, fourth, and fifth request, GMHA hereby submits the following documents attached and marked as Exhibits 1, 2, and 3.

COPY

GMHA CANNOT PROVIDE WRITTEN MINUTES OR RECORDINGS OF MEETINGS HELD BY GMHA CONCERNING THE CANCELATION OF GMHA BID 023-2007 BECAUSE THEY DO NOT EXIST.

PSA moves the Office of the Public Auditor to compel GMHA to produce:

1. All written minutes of meetings held by or on behalf of [GMHA] in connection with GMHA Bid 023-2007 which concerns the removal and replacement of the Fire Alarm System Project, which includes but is not limited to the decision to cancel or reject the submitted bids.
2. All recordings of meetings held by or on behalf of [GMHA] in connection with GMHA Bid 023-2007 which concerns the removal and replacement of the Fire System Project, involving the decision to cancel or reject the submitted bids.

The documentation requested does not exist. There were no meetings held by or on behalf of GMHA in connection with the cancellation of the Bid. *See Declaration of Danny C. Matanane* (February 14, 2008) at ¶ 3. Thus, GMHA cannot provide the requested documents.

Dated this 14th day of February, 2008.

MAIR, MAIR, SPADE & THOMPSON
A Professional Corporation
Attorneys for Appellee Guam Memorial Hospital
Authority

By: 

AARON R. JACKSON

GUAM MEMORIAL HOSPITAL AUTHORITY

Materials Management Department

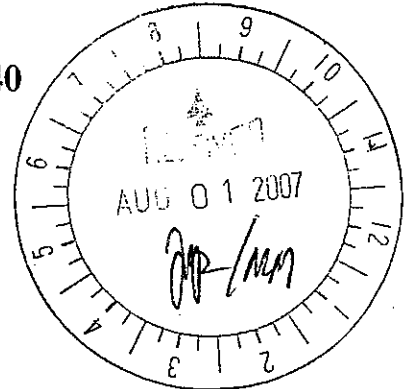
850 Gov. Carlos G. Camacho Road

Tamuning, Guam 96913

Tel.: 671-647-2165

Fax: 671-649-3640

July 31, 2007



To: CEO/ Hospital Administrator

Via: Associate Administrator of Operations

From: Materials Management Administrator

Sub.: GMHA Bid 023-2007: GMHA Removal and Replacement of Fire Alarm System Project

Re: GMHA Procurement Rules & Regulations §3-301.04.02(c)

The subject Bid was published in the local newsprint media, adequately in advance as required by the GMHA Procurement Rules and Regulations to meet the scheduled Bid opening date. Seven (7) prospective bidders acquired an IFB packet, and Two (2) bidders submitted their bids.

I recommend that the subject solicitation be canceled in accordance with GMHA Procurement Rules & Regulations §3-301.04.2(c); prices exceed available funds and it would not be appropriate to adjust quantities to come within available funds. Your approval is requested to cancel the solicitation and reissue a second bid once additional funding can be identified.

I can be reached at 671-647-2458 to answer any questions.


DANIEL C. MATANANE

Approved Disapproved []



PETERJOHN D. CAMACHO, M.P.H.
CEO/ Hospital Administrator

EXHIBIT 1



Guam Memorial Hospital Authority

Aturidåt Espetåt Mimuriåt Guåhan

850 GOV. CARLOS CAMACHO ROAD
OKA, TAMUNING, GUAM 96913
TEL.: (671) 647-2444 or 647-2330
FAX: (671) 649-0145



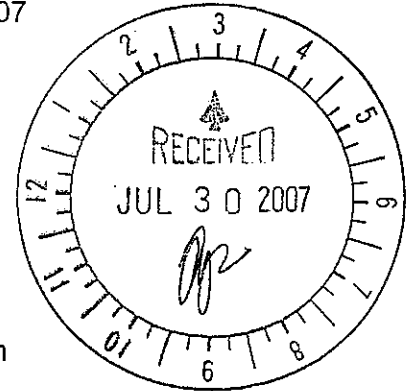
July 30, 2007

MEMORANDUM

To: Supply Management Administrator

From: Hospital Facilities Maintenance Manager

Subject: **GMHA Project No. 030-2007**
GMHA Removal and Replacement of Fire Alarm System



The Facilities Maintenance Departments Evaluation Committee has completed the review process for the above referenced project. Pacific Security Alarm and Kevin and Steve Corp were the two (2) companies that submitted their bid package for the subject project. The department finds that both companies have discrepancies on the required documents of the seal bid. The following cites the findings:

1. Pacific Security Alarm
 - a. Failed to acknowledge the bid invitation cover sheet.
 - b. Failed to submit resume of a Master Electrician or Professional Electrical Engineer. Required to be submitted along with the seal bid package.
2. Kevin and Steve Corp.
 - a. Fail to submit Descriptive Literature as required on the bid. See General Terms and Conditions Page 3 item 20.
 - b. Fail to submit a C20 license
 - c. Fail to submit a subcontractor listing

The Committee determines that the price being offered by both companies has far exceeded the Government construction cost estimate by over \$300,000.00.

Therefore, we recommend canceling this by bid due to discrepancies noted regarding bid package submittals and insufficient of funds to execute the project. Once funding can be identified, we wish to re-bid the project.

Attached you will find pertinent information and evaluation criteria for your perusal. If you have any questions or concerns regarding this matter, please feel free to contact me at extension 2512. Thank you.


Craig T. Guevara

Attachments

EXHIBIT 2

cc: Associate Administrator, Operations

**GUAM MEMORIAL HOSPITAL AUTHORITY
TAMUNING, GUAM**

REQUISITION

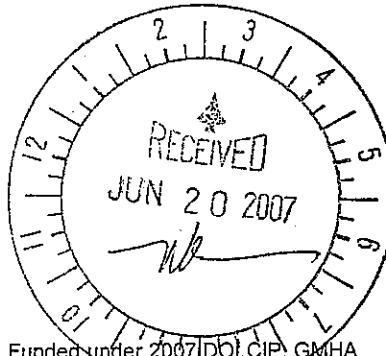
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002

SEND TO: MATERIALS MANAGEMENT GUAM MEMORIAL HOSPITAL AUTHORITY		REQUISITION FROM: FACILITIES MAINTENANCE - Special Tracking (R7-6480G-122) DOI CIP 2.014388489	
TRAN CODE	DOCUMENT NUMBER R7 - 8460 - 1275	06/15/2007	JOB ORDER NUMBER 02-9301-6900
DEL DATE REQ.	EXPIRATION REQN DATE	METHOD OF SHIPMENT	

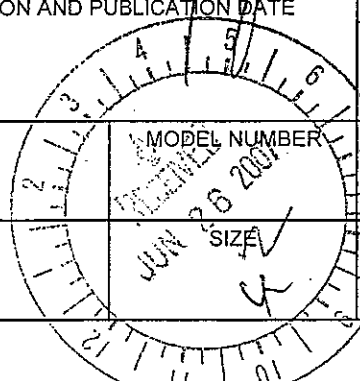
DO NOT EXCEED 10 LINE ITEMS PER REQUISITION

ROUTE ID	ADVICE	PRIORITY	DEMAND	STOCK NUMBER AND DESCRIPTION OF ITEM	QTY.	ISSUE	UNIT PRICE	AMOUNT
	A	2	N	Provide Contractual Services for the Removal & Replacement of the Fire Alarm System. (Reference: GMHA 023-2007)	1	lot	\$600,000.00	\$600,000.00
REMARKS				JUSTIFICATION: Funded under 2007 DOI CIP: GMHA Building Improvement: Fire Alarm System. <i>Budget Amt. \$600,000</i>				
							TOTAL >	\$600,000.00



ORDERED BY: <i>John K. Benavente</i> John K. Benavente, Medical Electronic Superintendent	<i>06-18-07</i> DATE	<i>W.I. Guevara</i> SIGNATURE OF CERTIFYING OFFICER	<i>6/20/07</i> DATE	FIXED ASSET CODE
SIGNATURE OF AUTHORIZING OFFICIAL Craig T. Guevara, Facilities Maintenance Manager		SIGNATURE OF CERTIFYING OFFICER		

IDENTIFICATION	SUGGESTED SOURCES OF SUPPLY Bid	CATALOG IDENTIFICATION AND PUBLICATION DATE	PRODUCTION DATE	DATA
	NAME AND DESCRIPTION OR ARTICLES OR SERVICE	MAKE / YEAR	SERIES RECEIVED Budget Office Of GMHA	
	COLOR	MODEL NUMBER <i>4</i>	SERIAL NUMBER JUN 21 2007	
		WEIGHT	By: <i>[Signature]</i>	



Issued by
ISSUED BY

CHECKED BY

RECEIVED BY

EXHIBIT 3

MAIR, MAIR, SPADE & THOMPSON
A Professional Corporation
Attorneys at Law
238 A.F.C. Flores Street
Suite 801, DNA Building
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In the Appeal of

PACIFIC SECURITY ALARM, INC.,

Appellant.

APPEAL NO. OPA-PA-07-009

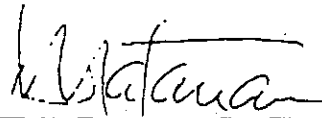
DECLARATION OF
DANNY C. MATANANE

I, DANNY C. MATANANE, hereby declare and state as follows:

1. That I am over eighteen (18) years of age, legally competent to testify, and have personal knowledge of the matters set forth herein.
2. I am employed by Guam Memorial Hospital Authority ("GMHA") as the Materials Management Administrator. As such, I have knowledge of the cancellation of GMHA Bid 023-2007, which I understand to be the subject of the above-captioned lawsuit.

3. There were no meetings held by or on behalf of GMHA in connection with the cancellation of GMHA Bid 023-2007, which concerned the removal and replacement of the Fire Alarm System project.

Executed this 14th day of February, 2008.



DANNY C. MATANANE

PO88020.ARJ