



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

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**OPA-PA-23-004, In the Matter of the Appeal of Dooik Eng, Co., Ltd.**

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**Camarine Hopkins** <camarine@camachotaitano.law>

Mon, Dec 4, 2023 at 5:00 PM

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

Cc: Marianne Woloschuk &lt;mwoloschuk@gpagwa.com&gt;, "Theresa G. Rojas" &lt;tgrojas@guamwaterworks.org&gt;, Beatrice Lintiaco &lt;tlintiaco@gpagwa.com&gt;, Shannon Taitano &lt;shannon@camachotaitano.law&gt;

Hafa Adai Jerrick,

Camacho & Taitano LLP through Shannon Taitano, Esq., hereby submits this email filing regarding the above subject procurement appeal. This email consists of three (3) documents, as follows:

- Dooik Eng Co., Ltd's List of Issues (**2 pages**)
- Dooik Eng Co., Ltd's Admission of Facts (**6 pages**)
- Dooik Eng Co., Ltd.'s Witness List (**1 page**)

We are currently having issues with our network being slow, and our exhibit list is still uploading. With approval from everyone, will it be ok to submit our exhibit list as soon as it uploads, which should be in the next several minutes? We greatly appreciate your time and consideration.

Please let me know if you have any questions or concerns.

Thank you,  
Camarine

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Camarine Ann S. Hopkins  
Office Manager

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204 Hesler Place  
Suite 203B  
Hagåtña, Guam 96910  
Phone: (671) 989-2023  
[www.camachotaitano.law](http://www.camachotaitano.law)

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**3 attachments**

**Dooik's List of Issues.pdf**  
107K

 **Dooik's Admission of Facts.pdf**  
137K

 **Dooik's Witness List.pdf**  
104K

1 **SHANNON TAITANO, Esq.**  
2 **CAMACHO & TAITANO LLP**  
3 204 Hesler Place, Suite 203B  
4 Hagåtña, Guam 96910  
5 Telephone: (671) 989-2023

6 Attorneys for Appellant *Dooik Eng Co., Ltd.*

7 **BEFORE THE OFFICE OF PUBLIC ACCOUNTABILITY**  
8 **PROCUREMENT APPEAL**

9 <b>IN THE MATTER OF THE APPEAL OF</b>	)	Docket No. OPA-PA-23-004
	)	
10	)	<b>DOOIK ENG CO., LTD.’S</b>
11 <b>DOOIK ENG CO., LTD.,</b>	)	<b>ADMISSION OF FACTS</b>
	)	
12 Appellant.	)	
13	)	

14 **COMES NOW**, Dooik Eng Co., Ltd., by and through its counsel, Shannon Taitano,  
15 Esq., and hereby submits its admission of facts which are as follows:

16 **A. The First Performance Management Contract (PMC) Invitation for Bid (IFB).**

- 17
- 18 1. On or about July 14 or 19, 2020, GPA issued Multi-Step Invitation for Bid No.  
19 GPA-061-20 for Performance Management Contract for the Yigo Diesel  
20 Generators (2020 IFB).
- 21 2. Section 3.1 of the 2020 IFB provided for the management of the Yigo Diesel  
22 Generators, including providing and managing the staff needed to adequately  
23 manage, operate and maintain the units. For staffing, this will include licensed,  
24 certified and experienced technicians, service planners, service trackers, and  
25

1 purchasing/procurement personnel, as well as five (5) GPA employees currently  
2 operating the units.

3 3. Section 3.7 of the 2020 IFB required that the contractor provide appropriate  
4 staffing levels of contractor employees to provide overall management, resident  
5 technical expertise for the operation and maintenance of the units, procurement  
6 & inventory control, engineering, and administrative support as necessary. The  
7 Technical Scoring will evaluate the contractor's proposed staffing level.  
8

9 4. Section 3.8 of the 2020 IFB required the contractor to manage the GPA  
10 employees assigned to operate and maintain the Yigo Diesel Generators.

11 5. Section 3.9 of the 2020 IFB provided that the contractor has the responsibility  
12 to ensure adequate staffing.  
13

14 6. Section 3.11 of the 2020 IFB provided that GPA may supply engineering and  
15 planning personnel services as required on a case-by-case basis.

16 7. On or about October 5, 2020, GPA sent Dooik a request for clarification on  
17 bidders' staffing of the diesel generators.

18 8. On or about October 6, 2020, Dooik submitted its response to the request for  
19 clarification.  
20

21 9. On or about October 14, 2020, GPA sent Dooik a qualification notice to  
22 participate in Phase 2.

23 10. On or about November 19, 2020, GPA issued a Memorandum of Determination  
24 of Responsiveness to Bid and Recommendation of Award to award the contract  
25 to Dooik.  
26

1 11. On or about December 2, 2020, Beatrice Limtiaco emailed Paz A. Tison and  
2 Jamie Pangelinan, notifying them of GM's decision to cancel the IFB due to  
3 changes in the specification requirements, specifically regarding overhaul of the  
4 units.

5 12. On or about December 3, 2020, GPA issued a memo canceling the 2020 IFB  
6 due to changes in the specification requirements.  
7

8 13. On or about February 2, 2021, GPA issued the denial of procurement protest  
9 citing GPA's determination, upon further evaluation, that the specifications  
10 regarding overhaul of the diesel units were ambiguous and did not adequately  
11 advise bidders of exactly what GPA expected with the overhaul of the existing  
12 diesel units.  
13

14 **B. The Second PMC IFB.**

15 14. On or about January 12 or 19, GPA issued Multi-Step Information for Bid No.  
16 GPA-023-23 for Performance Management Contract Yigo Diesel Generators.  
17 (NO WRITTEN JUSTIFICATION FOR USE OF MULTI-STEP IFB).

18 15. Section 3.1 of the 2023 IFB provides that the contractor will be responsible for  
19 the overall management of the Yigo Diesel Generators and did not include or  
20 mention the five (5) GPA employees as previously stated in the 2020 IFB.  
21

22 16. Section 3.7 of the 2023 IFB provides that the contractor staffing should be  
23 composed of contractor management and possibly GPA Yigo Diesel Staff.  
24  
25  
26

1 17. Section 3.8 of the 2023 IFB provides that GPA may assign GPA employees to  
2 operate and maintain the Yigo Diesel Generators and if GPA assigned  
3 employees, the contractor shall manage them.

4 18. Section 3.9 of the 2023 IFB provides that the contractor has the responsibility  
5 to ensure adequate staffing.  
6

7 19. Section 3.10 of the 2023 IFB provides that GPA may supply plant operations  
8 personnel on a case-by-case basis.

9 20. Section 3.11 of the 2023 IFB provides that GPA may provide reasonable support  
10 from the Central Maintenance Section.

11 21. Section 3.12 of the 2023 IFB provides that GPA may supply engineering and  
12 planning personnel services as required on a case-by-case basis.  
13

14 22. The Qualitative Proposal Scoring Information included the following Rating  
15 Guide:

- 16 • 5 - Excellent and plentiful relevant qualifications and project experience.  
17 Very highest client references.
- 18 • 3 - Average relevant qualifications and project experience. Average client  
19 references.
- 20 • 1 - Poor relevant qualifications and few relevant projects. Fair Client  
21 references.  
22
- 23 • 0 - No substantial relevant experience.  
24  
25  
26

1 23. According to the Qualitative Proposal Scoring Information, a bidder would need  
2 a minimum percent score of seventy-percent (70%) in order to be deemed  
3 acceptable.

4 24. There was no rating or percent score for “potentially acceptable” identified in  
5 either the Scoring Information or Second PMC IFB.  
6

7 25. On or about March 3, 2023, GPA issued Amendment No. III responses to  
8 questions about the IFB, including Section 3.8 GPA Staffing, stating that  
9 bidders should assume that they will need to completely staff the plant, both in  
10 operations and maintenance and that no GPA staffing is available when  
11 establishing their bid prices and should GPA employees be assigned to the plant,  
12 GPA will ensure the appropriate individual have the experience and skills  
13 necessary.  
14

15 26. On or about May 23, 2023, GPA notified Dooik that it had determined its non-  
16 technical bid to be unacceptable.

17 27. A review of the scoring sheets indicates that one of the evaluators left  
18 significant portions of Dooik’s scoring worksheet blank.

19 28. On or about May 30, 2023, Dooik protested GPA’s determination that its bid  
20 was not acceptable. Dooik pointed out that GPA had previously determined it to  
21 be an acceptable bidder in the First PMC IFB.  
22

23 29. On or about September 6, 2023, GPA issued the denial of procurement protest,  
24 citing key differences between 2020 and 2023 project scope in that GPA would  
25 rely heavily on the contractor to perform almost all of the operational and  
26

1 maintenance functions to run the plant and could not commit to supply  
2 personnel to assist with the plant maintenance.

3 Dated this 4th day of December 2023.

4 **CAMACHO & TAITANO LLP**  
5 Attorneys for Appellant

6 By:   
7 **SHANNON TAITANO**

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