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RECEIVED OFFICE OF PUBLIC ACCOUNTABILITY PROCUREMENT APPEALS
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FILE NO OPA-PA: 13-014

THE OFFICE OF PUBLIC ACCOUNTABILITY

In the Appeal of)
Cars Plus, LLC,		Docket No. OPA-PA-13-014
Jan 1 140, EEO,) MOTION TO DISMISS
	Appellant.)
)

COMES NOW TRIPLE J MOTORS ("Triple J"), by and through undersigned counsel, and hereby submits its Motion to Dismiss the above-captioned matter pursuant to 2 Guam Administrative Rules and Regulations ("GAR") Section 12109(d).

Triple J respectfully submits that Cars Plus' appeal is untimely and seeks to further injure Triple J and the Guam Police Department by unnecessarily delaying a vital procurement for the Territory. Cars Plus states that the decision it is appealing was made on August 16, 2013 by the Chief Procurement Officer of GSA. Cars Plus filed its Notice of Appeal in the above-captioned matter on October 22, 2013, more than sixty-six (66) days after GSA's decision. This is well outside the period of time within which Cars Plus was required to file an appeal to the OPA under applicable Guam law. Specifically, pursuant to 5 GCA § 5425(e), Cars Plus was required to file its appeal to the OPA within fifteen (15) days after receipt of GSA's decision, but it failed to do so.

MOTION TO DISMISS TRIPLE J MOTORS Page 2 of 2

Further, Cars Plus avers that it "had no other means of ensuring that its rights

are protected." This statement is plainly without merit. Cars Plus entered an

appearance as an Interested Party in Triple J's first OPA Appeal, OPA-PA-13-011, and

has been kept apprised of the matter on an ongoing basis, including a notice of the

upcoming pre-hearing.

By filing this appeal, Cars Plus has now burdened the OPA further and delayed

the process by which the Territory will procure these vital police interceptor vehicles.

Cars Plus was not a "successful bidder," yet it represents otherwise in this Appeal. If

this matter proceeds on the merits, it will be shown that Triple J, and not Cars Plus, was

the successful bidder who was awarded the contract for GSA-097-13, which Cars Plus

admits in its Notice of Appeal. The fact that Cars Plus offered a lower price is just one

of many factors taken into consideration in determining whether a bidder is both

responsive and responsible.

In light of the foregoing, Triple J respectfully requests that Cars Plus' Appeal to

the OPA, OPA-PA-13-014, be dismissed in its entirety.

Submitted this 29th day of October, 2013.

By:

MATTHEW S. KANE

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