1	RECEIVED		
2	Douglas B. Moylan OFFICE OF THE PUBLIC AUDITOR PROFESSION OF PROFESSION		
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4	P.O. Box 7822 • Tamuning, Guam 96931 USA  Tible: 3.5 LPI USA		
5	(671) 475-9292 • (671) 483-9292 (cellular) (671) 475-9293 (fax)		
6	dbmoylan@gmail.com  Counsel for Guam Cleaning Masters		
7			
8	PROCUREMENT APPEAL		
9	In the Appeal of Docket Number OPA-PA08-00		
10	)		
11	GUAM CLEANING MASTERS, CUAM CLEANING MASTERS' RESPONSE		
12	Appellant.		
13			
14	Demonstrate S and a (a)(a) of Chamber and of Title of the Comment Administration		
15	Pursuant to § 12104(c)(4) of Chapter 12 of Title 2 of the Guam Administrativ		
16	Rules and Regulations, Appellant Guam Cleaning Masters ("GCM") hereby responds to		
17	Appellee University of Guam's (UOG's) Agency Report:		
18	1. Late Filing. Appellee UOG's Agency Report was filed late in		
19	violation of § 12104(c)(3). GCM's Notice of Appeal was timely served upon		
20	Appellee UOG on April 15, 2008. Exhibit A. Section 12104(c)(3) requires the		
21	Agency Report to have been filed within five (5) days later, which would have been		
22	on April 21, 2008. The Agency Report was filed on April 23, 2008. <b>Exhibit B.</b>		
23 24	2. Failure to Answer. The Agency Report fails to include an		
25	statement answering the allegations contained within Appellant GCM's April 1		
	Page 1 Motion, Notice of Motion and Memorandum Supporting Motion to Modify Visitation Times Superior Court of Guam Domestic Case Nos. DM487-06 & PO31-06		

2008 Notice of Appeal. Section 12105(g) requires that the Agency Report include a statement addressing each of the allegations raised by Appellant. Appellee UOG's April 23, 2008 untimely filing fails to provide responses to Appellant GCM's allegations as contained in its April 15, 2008 Notice of Appeal.

- 3. On May 30, 2008 Appellee filed an "Agency Report" indicating that it was voiding its cancellation of Bid No. P11-08. Since that time the parties are attempting to negotiate a contract.
- 4. Appellant has incurred attorneys fees and costs in the approximate amount of \$5,629.57 prior to this submission, and been prejudiced by Appellee UOG's improper action in canceling the bid, and now voiding the cancellation of bid. Appellant GCM should justly be placed in a position had it not had the bid cancelled, and the attorneys fees awarded in the event that the parties are unable to finalize a contract based upon Appellee UOG's bid offering.
- 5. If this case is dismissed, and Appellee UOG and Appellant GCM is not able to agree upon a contract, Appellant GCM respectfully requests that the cancellation be without prejudice to its right to appeal Appellee UOG's refusal to award the bid to Appellant GCM and entering into a contract based upon the bid offering and Guam law.

Respectfully submitted this 28th day of May, 2008.

Douglas B. Moylan Attorney at Law

Douglas B. Moylan

## Exhibit A

OFFICE OF THE PUBLIC AUDITORFFICE OF THE PUBLIC AUDITOR

Appendix A: Notice of Appeal Form PROCUREMENT APPEALS

Appendix A: Notice of Appeal Form PROCUREMENT APPEAL

APR 15 2008

TIME: 420PM

BY: 96

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PART I- To be con	mpleted by OPA	BY: FILE No. OPA-PA	08-005
In the Appeal of	) ) NOT )	FICE OF APPEAL	
(Name of Company	), APPELLANT ) Doci	ket No. OPA-PA	_
PART II- Appella	nt Information		107 <del>11111111111111111111111111111111111</del>
Name:	Guam Cleaning Masters		
Mailing Address:	P.O. Box 9500		
	Dededo, Guam 96929		
Business Address:			
Daytime Contact N	475-9292 (Law Offices of Douglas B.	Moylan)	
PART III- Appeal	Information	#))+	minister fra fra fra fra fra fra fra fra fra fr
A) Purchasing Ager	ncy: University of Guam	<u> </u>	
B) Identification/Nu	umber of Procurement, Solicitation, or	r Contract: Bid No. P11-0	8
C) Decision being a  Chief Procure	ppealed was made on 2/29/08 ement Officer	_ (date) by: Works Head of Purc	hasing Agency
Note: You must ser filing.	ve the Agency checked here with a co	py of this Appeal within .	24 hours of
X Decision on I Decision on I Decision on ( Excluding of Determination)	and attach a copy of the Decision to the Protest of Method, Solicitation or Awardebarment or Suspension Contract or Breach of Contract Controclaims of money owed to or by the got on Award not Stayed Pending Protest	oversy overnment) st or Appeal	
(Agency dec	sision that award pending protest or a nation that award pending protest of Guam)	ppeal was necessary to p	rotect the



## Exhibit B



Office of the President
Legal Counsel

## OFFICE OF THE PUBLIC AUDITOR PROCUREMENT APPEAL

In the Appeal of	) .
GUAM CLEANING MASTERS,	) CASE NO: OPA-PA 08-005
Appellant.	ý
	)

The UNIVERSITY OF GUAM ("University"), by and through its legal counsel, VICTORINA M.Y. RENACIA, hereby files the Procurement Record relevant to the above-captioned appeal, pursuant to 2 GAR § 12104 (c) (3).

Dated: 13 April 1008

VICTORINA M.Y. RENACIA

University Legal Counsel

Received: 1:03pm; 4/23/08 94

UOG Station, Mangilao, Guam 96923 Telephone: (671) 735-2992/2978 Fax: (671) 734-2296 vrenacia@uguam.uog.edu

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