



OFFICE OF THE PUBLIC AUDITOR



December 4, 2008

Ms. Nerissa Bretania-Shafer, PH.D.
Superintendent of Education
Guam Public School System
P.O. Box DE
Hagåtña, Guam, 96910

RE: Response to Request for Reconsideration of Decision, Appeal No., OPA-PA-08-011


Dear Ms. Bretania-Shafer,

I have reviewed your letter dated December 3, 2008 requesting that I reconsider my decision in the above referenced matter terminating the Xerox-GPSS Document Services Agreement effective November 28, 2008. Although I understand the many challenges you face educating Guam's public school students, my November 28, 2008 decision remains final and this letter shall have no effect on the statutory period to file an appeal as stated in the decision.

You have broad authority to take actions that will mitigate the challenges you describe in your letter. Such actions include emergency procurement as set forth in 5 G.C.A. §5215. Although emergency procurement is limited to the thirty (30) day period immediately following the procurement, said period should be enough time to issue an Invitation for Bid (IFB) pursuant to 5 G.C.A. §5211 and receive bids for an interim or permanent document services provider. Concerning Requests for Proposals (RFP), the Supreme Court of Guam, in *Fleet Services v. Department of Administration, et.al*, 2006 Guam 6, held that RFPs must be used only for professional services that fall into the statutory exemptions from the requirement for IFBs. RFPs that are not for exempt professional services are invalid.

The foregoing alternatives are suggestions only and not directives or orders of any kind. Should you have any further questions on the matter please contact Hearing Officer Anthony R. Camacho at 477-8051.

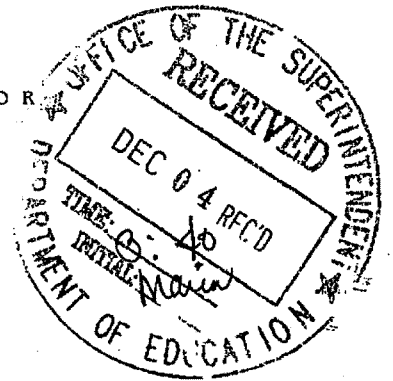
Sincerely,


Doris Flores Brooks, CPA, CGFM
Public Auditor

cc: Mr. Fred Nishihira, Esq. - Legal Counsel, GPSS
Mr. John Thos. Brown, Esq. - General Counsel, Island Business Systems & Supplies



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