


1 denial of a protest before the 15 days—or in some cases, even a single day—have run.
2 Purchasing agencies should not be allowed to flaunt the law and ignore the statutory right to
3 appeal in this manner. Competing bidders who know or should know that the time for appeal
4 could not have run should not be able to take advantage of such premature and incorrect
5 notices that a stay has been lifted. As the OPA note in JMI Edison, the automatic stay under 5
6 G.C.A. § 5415 (g) remains in effect from the timely filing of a procurement protest through
7 the timely filing of a notice of appeal to the OPA until a final resolution. JMI Edison, OPA-
8 PA-13-010, *supra* at p. 1 (Sept. 20, 2013). “Final resolution” of a protest includes the time
9 period of an appeal after a protest. *Id.* Action on a procurement is stayed until resolution of
10 the appeal. *Id.* The stay should remain in effect here.

12 **CONCLUSION**

13 GDOE’s disregard of the statutory stay poses immediate and irreparable harm to J&B
14 and threatens the integrity of Guam’s procurement system. For the foregoing reasons, J&B’s
15 motion should be granted.

16 Dated this 21 day of April, 2014.

19 Respectfully submitted,
20 Law Office of John C. Terlaje, P.C.

21
22 
23 **JOHN C. TERLAJE**
24 Attorney for Appellant
25 J&B MODERN TECH