

OFFICE OF PUBLIC ACCOUNTABILITY

Doris Flores Brooks, CPA, CGFM

Public Auditor

**PROCUREMENT APPEALS**

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6 IN THE APPEAL OF,

7 TOWN HOUSE DEPARTMENT STORES,  
8 INC, dba ISLAND BUSINESS SYSTEMS &  
9 SUPPLIES,

Appellant

) **APPEAL NO: OPA-PA-11-02**

) **ORDER GRANTING THE PURCHASING**  
) **AGENCY'S REQUEST FOR EXTENSION**  
) **OF TERMINATION**

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11 **To: Purchasing Agency:**

12 Department of Education, Government of Guam  
13 C/O Rebecca Perez, Esq.  
14 GDOE Office of the Superintendent  
15 312 Aspinall Ave.  
16 Hagåtña, Guam, 96932  
17 Legal-admin@gdoe.net

18  
19 **Appellant:**

20 IBSS  
21 C/O John T. Brown, Esq.  
22 P.O. Box 7  
23 Hagåtña, Guam, 96932  
24 Facsimile: (671) 472-6153

25  
26 **Interested Party:**

27 Xerox Corporation  
28 C/O Elyze M. Iriarte, Esq.  
Carlsmith Ball, LLP  
Bank of Hawaii Bldg., Suite 401  
134 West Soledad Ave.  
Hagåtña, Guam, 96932  
Facsimile: (671) 477-4375

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30 **THIS MATTER** came before the Public Auditor pursuant to the Department of  
31 Education, Government of Guam's (Hereafter Referred to as "DOE") August 9, 2012 Request  
32 for Extension of Termination. The Public Auditor found that DOE's request was urgent, due to  
33 DOE's need for copying services and the short time period before the next school year. The

34  
35 **Order Granting Request for Extension of Termination- 1**

1 Public Auditor held a teleconference with the parties on August 10, 2012, and after hearing the  
2 arguments of the parties, and for good cause shown, the Public Auditor hereby FINDS and  
3 ORDERS the following:

4 1. The August 8, 2012 Decision in this matter states, in relevant part, that DOE Purchase  
5 Order Nos. 201100024 and 201200367 are terminated and the Public Auditor finds, as these  
6 Purchase Orders were the contract awarded to XEROX for GDOE-IFB-2010 (Document  
7 Management Services), and the Decision terminates the aforementioned contract in its entirety.

8 2. The Public Auditor finds that good cause exists to extend the termination of DOE  
9 Purchase Order No. 201200367 because the document management services are critical for  
10 DOE's operations, and an immediate termination of the contract between DOE and XEROX  
11 would likely disrupt or delay the start of the upcoming 2012-2013 school year. Additionally, the  
12 parties did not oppose an extension of the termination.

13 3. During the teleconference held on August 9, 2012, the parties mutually agreed to the  
14 following schedule:

15 a. On or about August 31, 2012 – DOE issue the new procurement solicitation for  
16 Document Management Services;

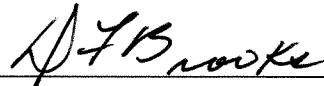
17 b. On or about September 30, 2012 – Deadline for proposal submissions from  
18 potential bidders or offerors;

19 c. On or about October 31, 2012 – DOE awards contract to successful bidder or  
20 offeror;

21 d. Between November 1, 2012 to January 31, 2012 – Time allowed for delivery  
22 and installation of equipment completion by the vendor awarded the contract.

1 4. Based on the mutually agreed schedule above, the termination of DOE Purchase Order  
2 No. 201200367, as set forth in the August 8, 2012 Decision in this matter, is hereby extended six  
3 (6) months and DOE shall terminate the aforementioned purchase order in accordance with the  
4 August 8, 2012 Decision no later than February 8, 2013.

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6 **SO ORDERED** this 15<sup>th</sup> day of August, 2012 by:

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DORIS FLORES BROOKS, CPA, CGFM  
11 PUBLIC AUDITOR  
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