

Suite 401 Pacific News Building  
238 Archbishop Flores St.  
Hagåtña, Guam 96910

Phone: (671) 475-0390  
FAX: (671) 472-7951



OFFICE OF THE PUBLIC AUDITOR

# Fax

**To:** Claudia S. Acfalle – Chief Procurement Officer **From:** Theresa Gumataotao

OPA Procurement Appeals

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**Agency:** General Services Agency **Pages:** 4 (Including cover)

**CC:** Elyze J. McDonald, Esq. - Carlsmith Ball **Date:** Thursday – 5/15/08

LLP

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**Fax:** ~~475-4217~~ / 477-4375 / 475-1727 **Phone:** 475-1713 / 472-6813

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**Re:** Notice of Receipt of Appeal: OPA-PA-08-007

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Urgent     For Review     Please Comment     Please Reply     Please Recycle

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● **Comments:**

See notice letter attached and please acknowledge receipt by re-sending this cover page along with the firm or agency stamp, date, and initials. Thank you.

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~~Theresa~~ Theresa – 475-0390 [tgumataotao@quamopa.org](mailto:tgumataotao@quamopa.org)

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May 15, 2008

OFFICE OF THE PUBLIC AUDITOR

Claudia S. Acfalle  
Chief Procurement Officer  
General Services Agency  
Department of Administration  
148 Route 1 Marine Drive  
Piti, Guam 96915

VIA FACSIMILE                      671-475-4217

Re: **Receipt of Notice of Appeal: Bid No. GSA-012-08 pertaining to advertisement notices for Election Notices Pursuant to Title 3 GCA & Publication of Board Meetings Pursuant to the Open Government Law**

Dear Ms. Acfalle:

Please be advised that Guam Publications Inc. through their attorney Elyze J. McDonald, Esq. has filed an appeal with the Office of the Public Auditor on May 14, 2008, of your protest decision on the above-stated procurement action. The appeal has been assigned Master File No. **OPA-PA-08-007**.

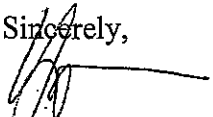
Immediate action is required of your office pursuant to the Rules of Procedure for Procurement Appeals, found in Chapter 12 of Title 2 of the Guam Administrative Regulations. Copies of the rules, the appeal, and all filing deadlines are available at our office and on our website [www.guamopa.org](http://www.guamopa.org). The transmittal letter and the first page of the notice of appeal filed are enclosed for your reference.

Please provide the required notice of this appeal to the required parties with instructions that they should communicate directly with OPA regarding the appeal. You are also responsible for giving notice to the Attorney General or other counsel for your agency. Promptly provide OPA with the identities and addresses of interested parties and a formal entry of appearance by your counsel.

Please submit one complete copy of the procurement record to OPA by May 22, 2008, five working days following receipt of this notice of appeal. When filing required documents with our office please provide an original and two copies for OPA and serve a copy to the Appellant's attorney, Elyze J. McDonald, Esq. at Carlsmith Ball LLP.

Thank you for your prompt attention to this matter. Please contact Theresa Gumataotao ext. 207 if you have any questions regarding this notice.

Sincerely,

  
Doris Flores Brooks CPA, CGFM  
Public Auditor

Enclosure: Transmittal Letter and First Page re Procurement Appeal; Exhibits A-H Verification - OPA-PA-08-007

cc: Ms. Elyze J. McDonald, Esq. - Attorney for Appellant (Via Facsimile - 477-4375)

# CARLSMITH BALL LLP

A LIMITED LIABILITY LAW PARTNERSHIP

BANK OF HAWAII BLDG., SUITE 401  
134 WEST SOLEDAD AVENUE, P.O. BOX BF  
HAGÁTNA, GUAM 96932-5027  
TELEPHONE 671.472.6813 FAX 671.477.4375  
WWW.CARLSMITH.COM

## LETTER OF TRANSMITTAL

**To:** Office of the Public Auditor  
238 Archbishop Flores Street  
Suite 401 DNA Bldg.  
Hagatna, Guam 96910

**DATE:** May 14, 2008

**RE:** Procurement Appeal; Exhibits A-H;  
Verification

Mailed                       Hand Delivered                     

THE FOLLOWING IS (ARE) TRANSMITTED HEREWITH:

<u>COPIES</u>	<u>DATE</u>	<u>DESCRIPTION</u>
3	05/14/2008	Procurement Appeal; Exhibits A-H; Verification

<input type="checkbox"/> For Your Information	<input type="checkbox"/> For Review and Comment
<input type="checkbox"/> For Your Files	<input type="checkbox"/> For Necessary Action
<input type="checkbox"/> Per Your Request	<input type="checkbox"/> For Signature and Return ( <b>Black Ink</b> )
<input type="checkbox"/> Per Our Conversation	<input checked="" type="checkbox"/> See Remarks Below

### REMARKS:

Submitted herewith is an Original and two copies of the Procurement Appeal; Exhibits A-H; Verification

By

  
\_\_\_\_\_  
Martin C. Crisp  
Legal Assistant to Elyze J. McDonald, Esq.

Attachment(s)

CARLSMITH BALL LLP

ELYZE J. McDONALD  
emcdonald@carlsmith.com  
Bank of Hawaii Bldg., Suite 401  
134 West Soledad Avenue, P.O. Box BF  
Hagåtña, Guam 96932-5027  
Telephone No. 671.472.6813  
Facsimile No. 671.477.4375

Attorneys for Appellant  
Guam Publications, Inc.

**RECEIVED**  
OFFICE OF THE PUBLIC AUDITOR  
PROCUREMENT APPEALS

MAY 14 2008

TIME: 2:55 pm  
BY: Llewellyn Restrepo  
FILE No. OPA-PA 007 08-007

OFFICE OF THE PUBLIC AUDITOR

GUAM

IN THE APPEAL OF  
GUAM PUBLICATIONS, INC.

Appellant.

APPEAL NO. OPA-PA- 08-007

**PROCUREMENT APPEAL; EXHIBITS  
A-H; VERIFICATION**

Guam Publications, Inc., the publisher of the Pacific Daily News (hereinafter referred to as "PDN") hereby appeals the decision rendered by the General Services Agency on May 1, 2008, denying PDN's protest of the award of Invitation for Bids for GSA-012-08.

1. PDN's address is P.O. Box DN, Hagatna, Guam 96932. However, for the purposes of this appeal, please direct correspondence to PDN's counsel Elyze McDonald, Esq., Carlsmith Ball LLP, Bank of Hawaii Bldg., Suite 401, 134 West Soledad Avenue, P.O. Box BF, Hagåtña, Guam 96932-5027.

2. This appeal pertains to General Services Agency Invitation for Bids No. GSA-012-08. The Bid was recommended for award to Marianas Variety. Ex. A. As of the date of this appeal, PDN does not know whether a contract has been issued to Marianas Variety.

**ORIGINAL**

Suite 401 Pacific News Building  
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To: Claudia S. Acfalle - Chief Procurement Officer From: Theresa Gumataotao

OPA Procurement Appeals

Agency: General Services Agency Pages: 4 (Including cover)

CC: Elyze J. McDonald, Esq. - Carlsmith Ball Date: Thursday - 5/15/08  
LLP

Fax: 475-4217 / 477-4375 / 475-1727 Phone: 475-1713 / 472-8813

Re: Notice of Receipt of Appeal: OPA-PA-08-007

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~~Theresa - 475-0380 tgumataotao@guamopa.org~~

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*Note: See attached the  
submitted to GST from  
Guam Electric*

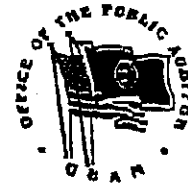
**ACKNOWLEDGEMENT COPY**

RECEIVED BY Anita I. Cruz

DATE 5/15/08

Suite 401 Pacific News Building  
238 Archbishop Flores St  
Hagåtña, Guam 96910

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FAX: (671) 472-7951



OFFICE OF THE PUBLIC AUDITOR

FAX RECEIVED

MAY 15 2008

TIME: 1:43 PM

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CARLSMITH BALL LLP

# WorkCentre Pro 123 Broadcast Report

G3 ID

472-7951

Date/Time: 05/15/2008:01:42PM

Page: 1 (Last Page)

Local Name  
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Document Size 8.5X11"SEF

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FAX: (671) 472-7951



OFFICE OF THE PUBLIC AUDITOR

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To: Claudia S. Adale - Chief Procurement Officer From: Theresa Gumataotao

OPA Procurement Appeals

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1	0096 4774375		5-15; 1:27PM	58s	4/ 4	ECM BC		CP
2	0096 4754217		1:41PM	0s	-/ 4	G3 BC		EN

Note:  
 RE: Resend MB: Send to Mailbox BC: Broadcast MP: Multi Polling RV: Remote Service  
 PG: Polling RB: Relay Broadcast RS: Relay Send BF: Box Fax Forward CP: Completed  
 SA: Send Again EN: Engaged AS: Auto Send TM: Terminated