

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:** Ronald S. DeGuzman – Executive Director      **From:** Theresa Gumataotao  
OPA Procurement Appeals

**Agency:** Guam Housing and Urban Renewal Authority      **Pages:** 4 (Including cover)

**CC:** W. Nicholas Captain - Captain, Hutapea & Associates, Inc.      **Date:** Friday –6/6/08


**Fax:** 472-7565 / 472-1820      **Phone:** 477-9851 / 472-1819

**Re:** Notice of Receipt of Procurement Appeal: OPA-PA-08-009

Urgent     For Review     Please Comment     Please Reply     Please Recycle

●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.

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

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June 6, 2008

OFFICE OF THE PUBLIC AUDITOR

Ronald S. De Guzman  
Executive Director  
Guam Housing and Urban Renewal Authority (GHURA)  
117 Bien Venida Avenue  
Sinajana, Guam 96910

VIA FACSIMILE 671-472-7565

Re: **Receipt of Notice of Appeal: OPA-PA-08-009**

Dear Mr. De Guzman:

Please be advised that Captain, Hutapea and Associates has filed an appeal with the Office of the Public Auditor on June 5, 2008, of your protest decision on the above-stated procurement action. The appeal has been assigned Master File No. **OPA-PA-08-009**.


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 notice of appeal form 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, if any.

Please submit one complete copy of the procurement record to OPA by June 13, 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, Mr. W. Nicholas Captain at the appropriate address provided in the Notice of Appeal form.

Thank you for your prompt attention to this matter. Please contact Theresa Gumataotao at 475-0390 ext. 207 if you have any questions regarding this notice.

Sincerely,

*for*   
Doris Flores Brooks CPA, CGFM  
Public Auditor

Enclosure: Transmittal Letter and Notice of Appeal Form - OPA-PA-08-009

cc: Mr. W. Nicholas Captain – Captain, Hutapea and Associates – Appellant (Via Facsimile –472-1820)



OFFICE OF THE PUBLIC AUDITOR

Appendix A: Notice of Appeal Form  
PROCUREMENT APPEAL

RECEIVED  
OFFICE OF THE PUBLIC AUDITOR  
PROCUREMENT APPEALS

JUN 05 2008

TIME: 4:37 pm  
BY: Wesley Rester  
FILE No. OPA-PA -08-009

PART I- To be completed by OPA

In the Appeal of )  
 )  
Captain, Hutapea & Associates, Inc. )  
(Name of Company), APPELLANT )

NOTICE OF APPEAL

Docket No. OPA-PA -08-009

PART II- Appellant Information

Name: Captain, Hutapea & Associates, Inc.  
Mailing Address: 101 Chalan Santo Papa, Suite 201  
Hagatna, Guam 96910  
Business Address: 101 Chalan Santo Papa, Suite 201  
Hagatna, Guam 96910  
Daytime Contact No: (671) 472-1819

PART III- Appeal Information

A) Purchasing Agency: GHURA  
B) Identification/Number of Procurement, Solicitation, or Contract: REF #: GHURA-RP&E-08-002

C) Decision being appealed was made on May 21, 2008 (date) by:  
 Chief Procurement Officer  Director of Public Works  Head of Purchasing Agency  
 Attorney for GHURA

Note: You must serve the Agency checked here with a copy of this Appeal within 24 hours of filing.

D) Appeal is made from:

(Please select one and attach a copy of the Decision to this form)

- Decision on Protest of Method, Solicitation or Award
- Decision on Debarment or Suspension
- Decision on Contract or Breach of Contract Controversy  
(Excluding claims of money owed to or by the government)
- Determination on Award not Stayed Pending Protest or Appeal  
(Agency decision that award pending protest or appeal was necessary to protect the substantial interests of the government of Guam)

E) Names of Competing Bidders, Offerors, or Contractors known to Appellant:

PCR Environmental, Inc.

_____	_____
_____	_____
_____	_____
_____	_____

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**PART IV- Form and Filing**

In addition to this form, the Rules of Procedure for Procurement Appeals require the submission together with this form of additional information, including BUT NOT LIMITED TO:

1. A concise, logically arranged, and direct statement of the grounds for appeal;
2. A statement specifying the ruling requested;
3. Supporting exhibits, evidence, or documents to substantiate any claims and the grounds for appeal unless not available within the filing time in which case the expected availability date shall be indicated.

*Note: Please refer to 2 GAR § 12104 for the full text of filing requirements.*

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**PART V- Declaration Re Court Action**

Pursuant to 5 GCA Chapter 5, unless the court requests, expects, or otherwise expresses interest in a decision by the Public Auditor, the Office of the Public Auditor will not take action on any appeal where action concerning the protest or appeal has commenced in any court.

The undersigned party does hereby confirm that to the best of his or her knowledge, no case or action concerning the subject of this Appeal has been commenced in court. All parties are required to and the undersigned party agrees to notify the Office of the Public Auditor within 24 hours if court action commences regarding this Appeal or the underlying procurement action.

Submitted this 5 day of May, 2008 .

By: Captain, Rutapea & Associates, Inc.

APPELLANT

or

By: 

Appellant's Duly Authorized Representative

(Address) 101 Chalan Santo Papa, Suite 201 Hagatna, Guam 96910

(Phone No.) (671) 472-1819

APPENDIX A

# WorkCentre Pro 123 Broadcast Report

G3 ID

472-7951

Date/Time: 06/06/2008: 04:53PM

Page: 1 (Last Page)

Local Name  
Logo

Guam OPA

Document Size 8.5X11"SEF

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FAX: (671) 472-7951



OFFICE OF THE PUBLIC AUDITOR

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To: Ronald S. DeGuzman - Executive Director From: Therese Gumatsotao  
OPA Procurement Appeals

Agency: Guam Housing and Urban Renewal Authority Pages: 4 (including cover)

CC: W. Nicholas Captain - Captain, Hutepoa & Date: Friday-6608  
Associate, Inc.

Fax: 472-7565 / 472-1820 Phone: 477-8851 / 472-1819

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2	1060	6714721820	4:52PM	1m27s	4/ 4	ECM BC		CP

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  
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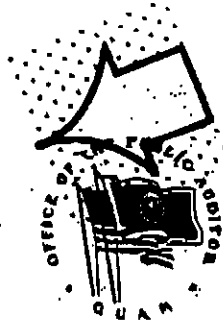
GHURA  
ADMIN

7088 JUN -6 PM 5:14

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

Received By

*flc*  
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