Fax

To: Guam Media  From: OPA
Agency:  Pages 1
CC:  Date: May 31, 2006
Fax:  Phone: 475-0390
Re: Notice of Public Hearing-Procurement Appeals

☐ Urgent  ☐ For Review  ☐ Please Comment  ☐ Please Reply  ☐ Please Recycle

- Comments:

Hafa Adai,

The Public Auditor, in accordance with P.L. 28-68, the Guam Procurement Law (5 GCA Ch.5), and the Administrative Adjudication Law (5 GCA Ch.9), will hold a public hearing to receive comment on the proposed Rules of Procedure for Procurement Appeals on May 31, 2006, at 2:00 p.m. at the Office of the Public Auditor Procurement Appeals public hearing room located on the 4th Floor of the Pacific News Building, Suite 403B in Hagatna, Guam.

The public is invited to submit written or oral testimony at the hearing or to submit electronic testimony via the OPA website at admin@guamopa.org.

Copies of the proposed Rules of Procedure for Procurement Appeals may be picked up or examined at the Office of the Public Auditor, or may be viewed at www.guamopa.org.

This facsimile transmission and accompanying documents may contain confidential or privileged information. If you are not the intended recipient of this fax transmission, please call our office and notify us immediately. Do not distribute or disclose the contents to anyone. Thank you.
Suite 401 Pacific News Building
238 Archbishop Flores St.
Hagatna, Guam 96910

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

Fax

To: Rodney J. Jacob, President
From: OPA

Agency: Guam Bar Association
Pages: 2 (including cover)

CC: Date: May 23, 2006

Fax: (671) 646-9403
Phone: (671) 475-0390

Re: Notice of Public Hearing-Procurement Appeals.

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Comments:

Please see the attached letter for the invitation for public hearing for the proposed Rules of Procedure For Procurement Appeals.

You may view the proposed rules in their entirety at our website at www.guamopa.org.

This facsimile transmission and accompanying documents may contain confidential or privileged information. If you are not the intended recipient of this fax transmission, please call our office and notify us immediately. Do not distribute or disclose the contents to anyone. Thank you.
May 23, 2006

Rodney J. Jacob
President
Guam Bar Association
655 South Marine Corps Drive, Suite 202
Tamuning, Guam 96913

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Senseramente,

Doris Flores Brooks, CPA, CGFM
Public Auditor
NOTICE OF PUBLIC HEARING

May 16, 2006

Guam Bar Association
655 South Marine Corps Drive, Suite 202
Tamuning, Guam 96913

Subject: Hearing on Proposed Rules of Procedures for Procurement Appeals

Hafa Adai,

The Public Auditor, in accordance with P.L. 28-68, the Guam Procurement Law (5 GCA Ch.5), and the Administrative Adjudication Law (5 GCA Ch.9), will hold a public hearing to receive comment on the proposed Rules of Procedure for Procurement Appeals on May 31, 2006, at 2:00 p.m. at the Office of the Public Auditor Procurement Appeals public hearing room located on the 4th Floor of the Pacific News Building, Suite 403B in Hagatna, Guam.

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Public Auditor
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TO

Pacific Daily News
Attn: Faye Vasapolli
238 Archbishop Flores St.
Hagatna, Guam 96932

Sent Via Fax No. 472-4641

SHIP TO

OFFICE OF THE PUBLIC AUDITOR
GOVERNMENT OF GUAM
SUITE 401, PACIFIC DAILY NEWS BLDG.
238 ARCHBISHOP FLORES STREET
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Approved by:

Yukari B. Cabrera
Audit Supervisor

FAXED
5-11-06

IMPORTANT

PLEASE NOTIFY US IMMEDIATELY IF YOU ARE UNABLE TO SHIP COMPLETE ORDER BY DATE SPECIFIED.

PLEASE SEND COPIES OF YOUR INVOICE WITH ORIGINAL BILL OF LADING.

PURCHASING AGENT

Anne Camacho, AO

RECEIVED BY

[Signature]

DATE RECEIVED

1W170

TRIP

POLY PAK (50 SETS) 1P170

PURCHASE ORDER

1
OFFICE OF THE PUBLIC AUDITOR

PUBLIC NOTICE

The Public Auditor, in accordance with P.L. 28-68, the Guam Procurement Law (5 GCA Ch.5), and the Administrative Adjudication Law (5 GCA Ch.5), will hold a public hearing to receive comment on the proposed Rules of Procedure for Procurement Appeals on May 31, 2006, at 2:00 p.m. at the Office of the Public AuditorProcurement Appeals public hearing room located on the 4th floor of the Pacific News Building, Suite 403B, in Hagatna, Guam.

The public is invited to submit written or oral testimony at the hearing or to submit electronic testimony via the OPA website at admin@guamoa.org.

Copies of the proposed Rules of Procedure for Procurement Appeals may be picked up or examined at the Office of the Public Auditor, or may be viewed at www.guamoa.org.

Doris Flores Brooks, CPA, CGFM
Public Auditor
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REQUEST FOR PROPOSAL

RFP/DPHS-618-06

The Department of Public Health and Social Services, Division of Public Welfare, is soliciting proposal for the privatization of the Medicaid Indigent Program (MIP). RFP specifications may be picked up at Room 219, 2nd floor, Mangilao Public Health Center beginning May 11, 2006, from 8:00 a.m. through 4:30 p.m. Interested persons shall submit proposals no later than 5:00 p.m., May 22, 2006 to Room 219, 2nd floor, Mangilao Public Health Center. Late submission shall not be accepted.

By ARTHUR U. SAN AGUSTIN, M.B.,
Acting Director

Ad placed by the Department of Public Health and Social Services, Division of Public Welfare, Bureau of Grants Coordination

PUBLIC NOTICE

The Public Auditor, in accordance with P.L. 28-68, the Guam Procurement Law (5 GCA Ch. 26), and the Administrative Adjudication Law (5 GCA Ch. 9), will hold a public hearing to receive comments on the proposed Rules of Procedure for Procurement Appeals on May 31, 2006, at 2:00 p.m. at the Office of the Public Auditor Procurement Appeals public hearing room located on the 6th Floor of the Pacific News Building, Suite 403B, in Hagatna, Guam.

The public is invited to submit written or oral testimony at the hearing or to submit electronic testimony via the OAG website at admin@guamopu.org.

Copies of the proposed Rules of Procedure for Procurement Appeals may be picked up or examined at the Office of the Public Auditor, or may be viewed at www.guamopu.org.

Doris Flores Brooks, CPA, CGFM
Public Auditor

Human Resources Office

JOB ANNOUNCEMENTS

"OPEN COMPETITIVE"

GUAM COMMUNITY COLLEGE is accepting employment applications for the following positions:

ACADEMIC AFFAIRS DIVISION - FULL TIME

• ASSOCIATE DEAN, JARDO-06. Applications will be accepted until May 22, 2006.
• MATH, JARDO-06 (6 months annual). Selective Faculty Experience or equivalent knowledge of pre-calculus, calculus, and discrete mathematics. Applications will be accepted until June 2, 2006.

ACADEMIC AFFAIRS DIVISION - PART-TIME

• AUTOMOTIVE, Medium/Heavy Duty Truck Technician. ASE Certified (Automotive Service Excellence).
• COMPUTER SCIENCE, Adobe Software Certified Specialist, Microsoft Office Specialist MOS, Microsoft Certified Trainer (MCT), Microsoft Certified Systems Engineer (MCSE), Linux Certification.
• CONSTRUCTION, Refrigeration System Conditioning Certification/Re-Certification.
• COSMETOLOGY
• ELECTRONICS, Electrical Equipment Repairman.
• LANGUAGE, Foreign Language Instructor for Arabic, Thai, Malay, and Indonesian.
• MATH

Applications will be accepted until positions are filled.

ACADEMIC AFFAIRS DIVISION - PART-TIME

• ON-CALL SUBSTITUTE, JARDO-05. Applications are conditionally accepted. Applications are available at the GCC HUMAN RESOURCES OFFICE, Room 211B, Student Services and Administration Building or at www.gucc.edu. For more information call 787-735-2577, visit our website www.gucc.edu or e-mail hre@gucc.edu or jrojas@gucc.edu.

APPLICATIONS - College applicants who have completed their college transcript. R. delos Santos, Ed.D.

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GCU COMMUNITY COLLEGE

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Machanac: Chalan Ola 1/2 splits, 2/4 1bd/1ba, $800/mo

Dededo: Land 1/4 acre, Corner Lot w/club, $140/mo

Tamuning: 1bd Oceanview condo, Asanpang Cove 6th St. $1400/mo

Machanac: Large 4bd 2ba home. Approx. $1700

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Pacific Mall Times, May 16, 2006
The Public Auditor, in accordance with P.L. 28-68, the Guam Procurement Law (5 GCA Ch.5), and the Administrative Adjudication Law (5 GCA Ch.9), will hold a public hearing to receive comment on the proposed Rules of Procedure for Procurement Appeals. The hearing will be held on April 30, 2000, at 2:00 p.m. at the office of the Public Auditor Procurement Appeals.

The public is invited to submit written or oral testimony at the hearing or to submit electronic testimony via the OPA website at admin@gov.gp.

Copies of the proposed Rules of Procedure for Procurement Appeals may be picked up or examined at the Office of the Public Auditor, or may be viewed at www.gov.gp.
TO
Marianas Variety
215 Rojas St.
Suite 101
Tamuning, Guam  96913

Sent Via Fax: 648-2007

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Approved by:

Yukari B. Cabrera
Audit: Supervisor

FAXED
5-11-06

IMPORTANT
PLEASE NOTIFY US IMMEDIATELY IF YOU ARE UNABLE TO SHIP COMPLETE ORDER BY DATE SPECIFIED.

PLEASE SEND COPIES OF YOUR INVOICE WITH ORIGINAL BILL OF LANDING.

PURCHASING AGENT
Anne Camacho, AO

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DATE RECEIVED

PURCHASE ORDER

POLY PAK (50 SETS) 1P170

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eight agencies that OPA said did not submit first quarter financial reports. But OPA said among the eight agencies, only the judiciary was subject to the penalty of de-appropriation because the seven other agencies are autonomous entities that didn’t receive appropriations from the general fund. Judicial officials—displeased that the judiciary is being singled out—said the Attorney General’s Office and OPA itself are not being mentioned.

Continued on page 2

Gutierrez on PL 26-26: ‘I told you so’

By Gina Tabonares
Variety News Staff

FORMER Gov. Carl T.C. Gutierrez says the problem between the Guam Education Policy Board and the superintendent of the Guam Public School System could have been avoided if he was allowed to help the CNMI, it was reported.

OFFICE OF THE PUBLIC AUDITOR
PUBLIC NOTICE

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Doris Flores Brooks, CPA, CGFM
Public Auditor
OPA backs CUC debt write-off

The loan forgiveness, according to OPA, totals $147 million, which would "severely improve CUC's credit worthiness" to enable it to acquire capital equipment to solve its problems. The $147 million includes the principal amount of $61,568,750 and the accrued interest of $85,779,654.

Public Auditor Mike Sablan, in a May 10 letter to Gov. Benigno R. Fitial, said while the loan forgiveness would not create a much stronger CUC financial statement, there would be no financial impact on CDA because historically, CDA's management has deemed the CUC loans to be at risk.

"Accordingly, in adherence to proper accounting procedures, CDA created a reserve for bad debt, both for principal and accrued interest. In other words, the value of the CUC loans and accrued interest were previously expensed by CDA, and thus, there would be no effect on its current financial statements," Sablan told the governor.

According to OPA, the total amount that CUC owes CDA is $147,148,406, including the accrued interest and over $16 million for water and sewer improvements. The $16 million loan was inadvertently omitted, based on OPA's analysis of House Bill 15-64.

H.B. 15-64, which is now awaiting Fitial's signature, seeks to allow CDA to write off principal and interest of loans that it made to CUC in January 2004 for the procurement of capital assets.

CDA board chairman Vincent Calvo earlier told Variety that the proposed write-off of CUC's debt is "not a sound solution," adding that there are other ways to help CUC get back on track.

In his three-page letter to the governor, the public auditor said the forgiveness of the $147 million would dramatically alter the net deficit of CUC, changing a negative balance of over $30 million to a positive balance of $116 million.

"More importantly, the unsecured surplus would change from a deficit of $181 million to a surplus of over $4 million," Sablan told Fitial.

In general, OPA said it does not support loan forgiveness but it recognizes that the CDA-CUC situation is "unique." He said the passage of_H.B. 15-64 has many significant ramifications for all people residing in the CNMI.

"CUC cannot resolve their problems without acquiring capital equipment, and it cannot acquire capital equipment without seriously impairing its credit worthiness," Sablan said.

He added, "Thus, with great reservations and with the caveat that this legislation not be used to support other loan forgiveness legislation in less critical situations, OPA supports the proposed legislation (H.B. 15-64) but suggests you add to the forgiveness the $16,068,750 that CDA loaned to CUC for water and sewer improvements."

Sablan said if the CUC loans and accrued interest were ultimately forgiven, then the entire amount owed would first flow through the income statement of CUC and then to the equity (capital) section of CUC's statements of net deficiency.

This statement, according to the public auditor would create a one-time revenue increase for CUC, which would total $147,148,406.

CUC signed a memorandum of agreement with CDA last year, which allowed for an equity conversion of the utilities agency's debt.

The agreement provides that the debt will be satisfied by allowing CDA's equity ownership in CUC through the issuance of cumulative, nonconvertible preferred stock valued at $45.5 million.

House Bill 15-64 states that CUC should not have to pay back the loan, since it came from a $160 million federal loan that did not require repayment.

Accordingly, the Legislature further finds that it is in the best interest of the CNMI to write off in full CUC's loans from CDA in order to promote the stability of CUC and insures the continuity of public utility services to the people of the CNMI," the bill states.

Fitial: NMI can't accept foreign financing offers

Benigno R. Fitial

By Gemma Q. Comas

By Gemma Q. Comas

Varies News Staff

SAIPAN — The local government cannot accept the up to $500 million loan offer from Japanese firm Takuyo Industries K.K. — or from any foreign entity for that matter — because the islands are an American commonwealth.

Gov. Benigno R. Fitial said the CNMI can only deal with foreign governments and institutions through the federal government.

Moreover, according to Finance Secretary Eloy Inos, the CNMI Constitution does not allow the local government to incur any monetary obligation other than through bond flotation.

Inos said foreign debt cannot be used for local government operations.

"One thing for sure is that we can't use any of the money for operations. Number two, if we have to utilize (that option), then we'll acquire those funds through the usual system that we have, which is through bond issues," said Inos.

"We just can't enter into direct loan agreements with these folks. We can't do that. The Constitution prohibits us from doing that," he said, adding that the CNMI is the only entity that can issue bonds on behalf of the local government.

Inos said if the Japanese firm wanted to help the CNMI, it should buy bonds that the local government will float in the future.

According to the governor, they have been receiving other "unsolicited" offers of financial assistance from other Japanese firms and even from the Japanese government.

But Fitial said they cannot accept these offers even if they wanted to because the Northern Marianas is a commonwealth of the U.S. which has to approve any such transactions.

"We received several unsolicited proposals from Japan and everywhere," said Fitial. "Japan's ODA, the Development Assistance, which is like the U.S. Export Import Bank offered us (loans for) 1 percent (interest but we can't take them)."

Takuyo Industries K.K., a firm engaged in biotechnologically-grown mushrooms worldwide, offered the CNMI from $300 million to $500 million in infrastructure financing.

In the meantime, the governor said said an Arizona-based company has expressed an interest in opening a new casino on Tinian, the only CNMI island where casino gaming is legal.

"Their concept is different from other casinos because they want to put up an amusement park for kids," the governor said.

Finance Secretary Eloy Inos said it is the Tinian Casino Gaming Control Commission's plan to give the remaining license to the highest bidder.

Last week, Fitial and other government officials met with representatives of Blue Square, a Las Vegas-style poker facility on Saipan.
Still no accounting of $20M in garment settlement

By Haldie V. Eugenio
Vice Assistant Attorney General
SAIPAN
Three years after the U.S. District Court of the NMI approved the $20 million settlement in the lawsuits against Saipan garment manufacturers, the parties involved have yet to receive a statement or a report detailing how the money was spent.

Over $350,000 in repatriation funds set aside to compensate hundreds of displaced nonresident workers is now gone, Variety learned.

The Garment Oversight Board, an independent monitoring and compliance entity created by the $20 million settlement, has yet to set or receive from the plaintiff attorneys a detailed accounting of the money that should have been given to the workers.

Former Superior Court Judge Timothy P. Bellas, chairman of the three-member board, said on Thursday that there were about 350 workers who were covered by the $500,000.

There are still some funds being withheld for both board operations and worker compensation, he said.

Workers received anywhere between $600 and $2,000 from the board.

The workers include those previously employed by the defunct Marias Fashion Inc., Saku Co., and La Mode (Saipan) Inc.

This money is for the repatriation fund, but it was actually used to compensate garment workers who were displaced less than two years after their arrival on Saipan.

The return fare is being shouldered by garment factories, bonding companies or the government.

"It's been three years (since the agreement was signed) but we have not received any statement on where the money went. We want to know how much money is not given to the workers, their money," said Bellas, adding that some money has been withheld from the Garment Oversight Board and from the workers' repatriation fund.

Bellas said they want to know how the settlement money was spent, and how much more should go to the workers.

The attorneys for the plaintiffs, according to Bellas, should have an accounting of all the settlement money or a process by which to account for the money.

"For the first time in three years, a status conference on the settlement agreement will be held in the U.S. District Court on Wednesday.

"Two other members of the Garment Oversight Board - retired Washington State Supreme Court Chief Justice Richard P. Guy and retired California Supreme Court Justice Cruz Reynoso - will visit Saipan next week for the status conference and for a board meeting.

"The board monitors the operations and the living and working conditions of the workers of the 20 remaining garment factories and their subcontractors involved in the settlement deal.

"Its creation has helped regain garment retailers' confidence and achieved improvements in the garment factories' workplaces.

The board still gets the names and contact numbers of the workers who have already left Saipan and are eligible to receive money from the settlement deal.

"We are taking their names, addresses and contact numbers, so once money becomes available again, we can send them their money," Bellas said.

Bellas said the settlement money owed to the workers should be given away before the board's term expires in May 2007 because it takes the money to finally reach the workers in their country of origin.

Most of the workers eligible for compensation are from China.

The Garment Oversight Board's repatriation fund is separate from the commonwealth alien deportation fund that was created by law to assist in the "investigation, apprehension, detention, deportation, repatriation and compensation" of nonresident workers, including those from the garment industry.

It is not known if the Attorney General's Office or any local government entity has checked whether the aliens deportation fund is still intact or is enough to cover these alien workers that have to be repatriated.

Another alien worker pays $5K for a nonexistent job

By Haldie V. Eugenio
Variety News Staff
SAIPAN — A man paid over $5,000 in China to work on Saipan, but he was not informed prior to his arrival on March 14, 2005 that his employer — Marias Fashions Inc. — had left.

Nan Yunshu has been unemployed since his arrival on Saipan.

The closures of Marias Fashions and Doe Fashions stranded 220 employees, 106 of whom were repatriated, while 40 transferred to other garment factories.

On July 26, 2005, the Department of Labor issued an administrative order that gave Nan Yunshu and other workers 45 days or until Sept. 9, 2005 to find a transfer employer.

Labe gave Nan Yunshu a conditional grant of transfer to work at Min Woo Co., as a commercial cleaner on Oct. 5, 2005, but the new employer failed to correct deficiencies in his transfer application.

The application was submitted on Oct. 5, 2005 or 66 days beyond the transfer deadline, and was missing a job vacancy announcement.

The Department of Labor's Hearing Office affirmed the denial of Nan Yunshu's transfer application.

Labor Hearing Officer Jerry Coday said Nan Yunshu "no longer has a valid labor authorization to work in the CNMI," and ordered him to depart the commonwealth within 20 days from May 11.

In his four-page order dated May 11, Coday said he is sympathetic with Nan Yunshu's situation.

"Nevertheless, I believe, as a hearing officer, I am obligated to apply the terms of the transfer order, absent special circumstances to justify equitable relief. It is beyond my discretion to simply set aside the terms of the prior transfer order based on these facts."

Coday ordered Min Woo Co. to provide a repatriation airline ticket for Nan Yunshu.

Bill to establish guidelines for veterans cemetery

By Gemma Q. Casas
Variety News Staff
SAIPAN — With barely a month left before the federally funded Veterans Cemetery is scheduled to be completed next month, the commonwealth has yet to establish guidelines for its management and operation.

Rep. Ray N. Ynamul, Ind.-Saipan, said his House Bill 15-129 would place the veterans cemetery under the jurisdiction and control of the Office of Military Liaison and Veterans Affairs.

In Aug. 2005, the U.S. Department of Veterans Affairs gave the CNMI $1.7 million to construct a cemetery for the men and women who served the U.S. armed forces.

The cemetery is being constructed in Hapili and is scheduled to be completed next month.

H.B. 15-129 states that any person who is a CNMI resident and eligible for burial in a national veterans cemetery is eligible for burial in the CNMI veterans cemetery, as well as their spouses and dependents but subject to certain conditions.

Those who saw action during the World War II Battle of Saipan will also be eligible for burial at the CNMI veterans cemetery.

The veterans will be buried free of charge. However, their spouses and dependents will be charged a fee for their interment.

"The fees shall cover as nearly as practicable the actual costs of interment, excluding the value of the plot," the bill stated.

Ynamul said plots at the cemetery will be available on a first-come, first-served basis.

A specific plot may not be reserved before it is needed for burial," his bill stated, adding that the burial of eligible family members can be "above, below or adjacent to the eligible person" to maximize the land space.

OFFICE OF THE PUBLIC AUDITOR
PUBLIC NOTICE

The Public Auditor, in accordance with P.L. 28-68, the Guam Procurement Law (5, GCA Ch.5), and the Administrative Adjudication Law (5 GCA Ch.9), will hold a public hearing to receive comment on the proposed Rules of Procedure for Procurement Appeals on May 31, 2006, at 2:00 p.m. at the Office of the Public Auditor Procurement Appeals public hearing room located on the 4th Floor of the Pacific News Building, Suite 403 B, in Hagatna, Guam.

The public is invited to submit written or oral testimony at the hearing or submit electronic testimony via the OPA website at admin@guamopa.org.

Copies of the proposed Rules of Procedure for Procurement Appeals may be picked up or examined at the Office of the Public Auditor, or may be viewed at www.guamopa.org.

Doris Flores Brooks, CPA, CGFM
Public Auditor

In accordance with the provision of Guam Code Annotated, Title XI, Chapter III, Section 3315, notice is hereby given that:

Miao, Fang
dba: E Cafe
has applied for a Class 4 General On Sale Alcoholic Beverage License said premises being marked as Lot 1 Blk 1, Hagatna