



Jerrick Hernandez &lt;jhernandez@guamopa.com&gt;

## New Appeal Filing - (1) Notice of Appeal re Far East Equipment Company, LLC

**Janet Sardoma** <ofc.manager@pacificlawyers.law>

Fri, May 9, 2025 at 1:23 PM

To: "jhernandez@guamopa.com" <jhernandez@guamopa.com>

Cc: "Michael J. Berman" <mjberman@pacificlawyers.law>, Tabatha Elm <collections@pacificlawyers.law>

Dear Mr. Hernandez:

Hope all is well. Per our phone discussion, please see the attached document for filing in the above matter. Please note the following:

Filer's name:	Michael J. Berman, Esq.
Email address:	ofc.manager@pacific lawyers.law mjberman@pacificlawyers.law
Phone number:	671-477-2778
Number of documents attached:	One (1)
Name of each attached document:	Notice of Appeal
Total number of pages attached:	Eight (8)

Please return filed/received copies by email.

Thank you for your cooperation and assistance.

Regards,

**Janet S. Sardoma**

Office Manager

**Berman Law Firm**

111 Chalan Santo Papa, Suite 503

Hagatna, Guam 96910

T-(671) 477-2778

F-(671) 477-4366

Email: ofc.manager@pacificlawyers.law

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**Berman Law Firm**

111 W Chalan Santo Papa Ste 503

Hagatna GU 96910

(671) 477-2778 (Office)

(671) 477-4366 (Fax)

[Guam@PacificLawyers.law](mailto:Guam@PacificLawyers.law)

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 **Notice of Appeal - Far East Equipment Company.pdf**  
311K



*Notice of Appeal Form*  
**PROCUREMENT APPEAL**

**PART I- To be completed by OPA**

In the Appeal of ) **NOTICE OF APPEAL**  
FAR EAST EQUIPMENT COMPANY, )  
LLC, APPELLANT ) Docket No. OPA-PA \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PART II- Appellant Information**

Name: Far East Equipment Company, LLC  
Mailing Address: P.O. Box 10838, Tamuning, Guam 96931

Business Address: Perimeter Road, Barrigada, Guam 96913  
Email Address: [jlimtiaco@fareastequipment.com](mailto:jlimtiaco@fareastequipment.com)  
Daytime Contact No: 671-473-4376

Fax No.: 671-473-4370

**PART III- Appeal Information**

A) Purchasing Agency: General Services Agency

B) Identification/Number of Procurement, Solicitation, or Contract: GSA-017-25

C) Decision being appealed was made on April 24, 2025 by:

XX Chief Procurement Officer  Director of Public Works  Head of Purchasing Agency

*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)*

XX 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:

Morrico Equipment  
International Royal, Inc.

#### **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.

**(See, Exhibit "A")**

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

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#### **PART V- Declaration Re Court Action**

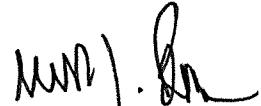
Pursuant to 5 GCA Chapter 5, unless the court requests, expects, or otherwise expresses interest in a decision by the Public Auditor, the Office of Public Accountability will not take action on any appeal where action concerning the protest or appeal has commenced in any court.

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 Public Accountability within 24 hours if court action commences regarding this Appeal or the underlying procurement action.

Submitted this 9th day of May, 2025.

By: FAR EAST EQUIPMENT, LLC  
APPELLANT

*or*

By: 

MICHAEL J. BERMAN  
Appellant's Duly Authorized Representative  
Berman Law Firm  
111 Chalan Santo Papa, Suite 503  
Hagatna, Guam 96910

**EXHIBIT "A"**

This is an appeal from a Decision made by the Department of Administration on April 24, 2025, a copy of which is attached hereto as Attachment Number One.

Appellant's appeal is based on the fact that it offered as security for the bid a Letter of Credit for the requirement amount. However, the Department of Administration refused to accept a Letter of Credit and instead only agreed to accept a Certified Check as a Surety Bond. A copy of Appellant's Bank of Guam Letter of Credit for the full amount required is attached hereto as Attachment Number Two.

Appellant has in all previous public bids submitted a Letter of Credit as its bid security, and a Letter of Credit was also accepted.

Appellant submits that it is not rational to reject a Letter of Credit. Further, competitive bidding is in the public interest and should be encouraged and not discouraged for rigid irrational reasons.

Appellant requests that it's bid security of a Letter of Credit be allowed, and that it be awarded the bid for the articulating boomlift for which it was the lowest bidder.

# **Attachment Number One**

## **(Decision Appealed From)**



EDWARD M. BIRN  
*Director (Direktor)*  
ELIZABETH T. FISHER  
*Deputy Director (Sigundo Direktor)*

**DEPARTMENT OF  
ADMINISTRATION**  
DIPATTAMENTON ATMENESTRASION  
GENERAL SERVICES AGENCY DIVISION  
*(Ahension Setbision Hinirat)*  
Telephone (Telifon): (671) 475-1705/1706



LOURDES A. LEON GUERRERO  
*Governor (Maga'haga)*  
JOSHUA F. TENORIO  
*Lt. Governor (Sigunda Maga'haga)*

April 24, 2025

Mr. John Limtiaco  
Far East Equipment Company, LLC  
P.O. Box 10838  
Tamuning, Guam 96931  
Email: [jlimtiaco@fareastequipment.com](mailto:jlimtiaco@fareastequipment.com)

RE: Response to Protest Filed by Far East Equipment Company, LLC on April 7, 2025 for Invitation for Bid No. GSA-017-25, Articulating Boom Lift and Indoor Scissor Lift (Latest Model)

Dear Mr. Limtiaco:

We are in receipt of your protest dated April 7, 2025, in which you indicated that you are protesting that the Letter of Credit submitted with your bid proposal covers the 15% bid bond requirement.

**GSA Response:**

The General Services Agency (GSA) conducted the procurement for Invitation for Bid (IFB) No. GSA-017-25, Articulating Boom Lift and Indoor Scissor Lift (Latest Model), in accordance with Guam procurement regulations. GSA issued IFB No. GSA-017-25, Articulating Boom Lift and Indoor Scissor Lift (Latest Model) on January 24, 2025. Questions and comments were due on March 5, 2025. No comments or questions were received from Far East Equipment Company, LLC regarding the bid guarantee requirements. The bid opening was held on March 21, 2025. Far East Equipment Company, LLC submitted a protest dated April 7, 2025. Based on the protest, GSA issued a stay of procurement, pursuant to 5 GCA §5425g, which states that "in the event of a timely protest under Subsection (a) of this Section or under Subsection (a) of §5480 of this Chapter, Guam shall not proceed further with the solicitation or with the award of the contract prior to final resolution of such protest ..."

The Special Reminder to Prospective Bidders, signed by you on February 25, 2025, indicates that there are two acceptable options for the bid guarantee (15% of bid amount), and they are (a) Cashier's Certified Check or (b) Surety Bond. Far East Equipment Company, LLC submitted a Letter of Credit with its bid proposal, which does not satisfy the requirements listed in the Special Reminder to Prospective Bidders. Nothing in the specifications contained within IFB No. GSA-017-25, Articulating Boom Lift and Indoor Scissor Lift (Latest Model) violate the procurement code provisions.

Response to Protest Filed by Far East Equipment Company, LLC  
April 24, 2025  
Page 2

GSA hereby finds that there is no merit to the Far East Equipment Company, LLC's claim that their bid was the most responsive. Far East Equipment Company, LLC's bid submission was properly rejected due to no bid security or insufficient bid security.

This is the final decision concerning your protest. You are hereby advised that Far East Equipment Company, LLC has the right to seek any administrative or judicial review as authorized by law.

  
Andriana Quitugua  
Acting Chief Procurement Officer

Please Print  
Acknowledgement Copy (Email to GSA)

Received By: Marisa Reyes   
Date: 4/24/25  
Company Name: Far East Equipment Co. LLC  
Email to: [gaprocurement@gsa.gov](mailto:gaprocurement@gsa.gov)

**Attachment Number Two**  
**(Letter of Credit from**  
**Bank of Guam)**

## LETTER OF CREDIT

### Irrevocable Standby

Date: March 18, 2025

Letter of Credit No: 01-SB-2061

Amount: \$35,000.00

Expiration Date: June 18, 2025

**APPLICANT:**

Far East Equipment Company, LLC.  
17-3311 Corsair Road Tiyan  
Barrigada, Guam 96913

**BENEFICIARY:**

General Services Agency  
2nd Floor ITC Bldg. Rm 215  
Tamuning, Guam 96931

To General Services Agency:

We hereby establish our Irrevocable Standby Letter of Credit No. 01-SB-2061 in your favor for the account of Far East Equipment Company, LLC., 17-3311 Corsair Road Tiyan, Barriagada, Guam 96913 up to the aggregated amount of \$35,000.00 (Thirty-Five Thousand and no/100) available by your drafts drawn at SIGHT on Bank of Guam, 111 Chalan Santo Papa, Hagatna, Guam 96910 and accompanied by documents specified as follows:

- 1) Beneficiary's signed certificate stating that the applicant has defaulted on the terms and conditions set forth under Invitation for Bid No. GSA-017-25 for Articulating Boom Lift and Indoor Scissor Lift (Latest Model).
- 2) The original Letter of Credit and all Amendments, if any.

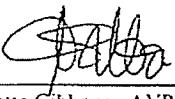
Partial drawings under this credit are not allowed.

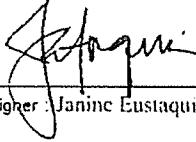
We hereby agree with you that all drafts drawn under and in compliance with the terms of this credit shall be met with due honor upon presentation and delivery of documents as specified to the drawee if drawn and presented for negotiation on or before June 18, 2025.

All documents are to be marked with Bank of Guam reference no. 01-SB-2061 and are to be forwarded in one cover to Bank of Guam, Headquarters, Attn: Letters of Credit Department, 111 Chalan Santo Papa, Hagatna, Guam 96910.

\*\*\*\*\* END \*\*\*\*\*

Sincerely,  
**BANK OF GUAM**

BY   
Authorized Signer: Anjanette Gibbons - AVP/LC Manager

BY   
Authorized Signer: Janine Eustaquio - VP Credits Officer

**PROVISIONS APPLICABLE TO THIS CREDIT:** This credit is subject to the Uniform Customs and Practice for Documentary Credits (2007 Provision) International Chamber of Commerce Publication No. 600.