



Jerrick Hernandez <jhernandez@guamopa.com>

E-FILING RE: OPA-PA-25-008 - Appellant's Opposition Memorandum to Purchasing Agency's Motion to Dismiss

Janet Sardoma <jsardoma@pacificlawyers.law>

Fri, Jul 11, 2025 at 8:42 AM

To: Jerrick Hernandez <jhernandez@guamopa.com>

Cc: "Michael J. Berman" <mjberman@pacificlawyers.law>, Clarissa Camacho <collections.bermlaw@pacificlawyers.law>

Dear Mr. Hernandez:

Please see the attached document for filing in the above matter. Please note the following:

Filer's name:	Michael J. Berman, Esq.
Email address:	mjberman@pacificlawyers.law jsardoma@pacificlawyers.law
Phone number:	671-477-2778
Number of documents attached:	One (1)
Name of each attached document:	Appellant's Opposition Memorandum to Purchasing Agency's Motion to Dismiss
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

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 **OPA-PA-25-008 Appellant's Oppo to PA's MTD.pdf**

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3 Tumon, Guam 96913
Telephone No.: (671) 477-2778
Facsimile No.: (671) 477-4366

4 Attorneys for Appellant:
5 *Far East Equipment Company, LLC*

**IN THE OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEAL**

IN THE APPEAL OF:

DOCKET CASE NO. OPA-PA-25-008

9 FAR EAST EQUIPMENT
COMPANY, LLC,

APPELLANT'S OPPOSITION
MEMORANDUM TO PURCHASING
AGENCY'S MOTION TO DISMISS

Appellant,

VS.

12 GENERAL SERVICES AGENCY,

13 Purchasing Agency.

15 Comes now the Appellant Far East Equipment Company, LLC, by and through
16 its counsel, and files its Opposition to Purchasing Agency's Motion to Dismiss in IFB-
17 GSA-017-25, involving a procurement for an articulating boom lift and an indoor scissor
18 lift.

I. Relevant Background Facts

21 Attached hereto as Exhibit "A" is the Chronology of the Facts involving the
22 procurement activity of the subject matter and the resulting appeal.

II. Legal Arguments

1. Appellant's Appeal is Not Time Barred.

26 5 G.C.A § 5425 (a) states that an appeal from a Procurement decision needs to be
27 made within 14 days.

1 As the Chronology clearly shows, the Appellant filed its Appeal within 14 days.
2

3 A review of the following key dates is instructive:

4 1. April 7, 2025 - Appellant filed his protest.
5 2. April 24, 2025 - GSA denied Appellant's bid protest. Therein it
6 stated that this is the final decision concerning your protest. You
7 now have the rights to seek any administrative remedy.
8 3. May 9, 2025 - Appellant filed its appeal with OPA.

9
10 The final procurement decision was made on April 24, 2025. A copy of the final
11 procurement decision is attached hereto as Exhibit "B". See page 2, 4th line from the top
12 of the page. The Appellant filed its appeal on May 9, 2025. By not counting the day of
13 April 14, 2025, and by counting the day of May 9, 2025, then the appeal was timely filed
14 on the 14th day after the final decision. Thus, it is clear that the Appellant had filed its
15 appeal within the required 14 days.
16

17 2. **Purchasing Agency Improperly Argued the Merits of Its Case.**

18 At page 5, lines 4-25, and page 6, lines 1-20, the Purchasing Agency improperly
19 argued the merits of the case. This is improper because Appellant is entitled to call
20 witnesses, including expert witnesses and to present its case in chief at a full hearing on
21 the merits of its case.
22

23 III. **Conclusion**

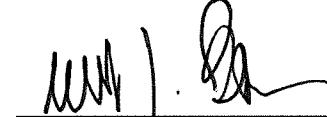
24 Appellant filed its Notice of Appeal within the required 14 days. Accordingly,
25 Purchasing Agency 's Motion to Dismiss should be denied.
26

27 //
28

4
5 Submitted this 11th day of July, 2025.
6

7 **BERMAN LAW FIRM**
8 Attorneys for Appellant
9 *FAR EAST EQUIPMENT COMPANY, LLC*

10 By:

11 
12 **MICHAEL J. BERMAN**

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EXHIBIT "A"

CHRONOLOGY
PROCUREMENT APPEAL

1/24/2025- GSA issued Initiation Fee Bid ("IFB")

2/25/2025- Far East Equipment Company, LLC ("FEEC") signed for special reminder to Prospective Bidders

3/21/2025- Bid Abstract

3 bidders expressed interest

Bids opened in presence of 3 companies

4/2/2025- Bid analysis

Awarded to Morrico Equipment LLC

4/2/2025- Bid status letter provided to FEEC

Bid rejected due to "No bid security or insufficient bid security".

4/7/2025- FEEC filed a protest with GSA.

Resulted in a stay of procurement.

4/24/2025- GSA denied protest.

Lift of stay issued

4/30/2025- GSA made award to Morrico and issued a Purchase Order.

5/9/2025- (1) FEEC filed an appeal with OPA.

(2) GSA filed a Stay of Procurement

5/19/2025- Certification of Completed Procurement Record

6/27/2025- Scheduling meeting with OPA

6/30/2025- GSA filed Motion to Dismiss

7/11/2025- Opposition to Motion to Dismiss

7/18/2025- Reply to Opposition due

EXHIBIT “B”



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 (Telfion): (671) 475-1705/1706



LOURDES A. LEON GUERRERO
Governor (Magañåga)
JOSHUA F. TENORIO
Lt. Governor (Sigundo Magañåhi)

April 24, 2025

Mr. John Limtiaco
Far East Equipment Company, LLC
P.O. Box 10838
Tamuning, Guam 96931
Email: 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: Mirisa Reyes 
Date: 4/24/25
Company Name: Far East Equipment Co. LLC
Email to: farprocurement@gsa.gum.gov