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PROCUREMENT & BIDDING

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FILE No. OPA-PA 07-009

Attorneys for Appellee  
Guam Memorial Hospital Authority



OFFICE OF THE PUBLIC AUDITOR

In the Appeal of	)	APPEAL NO. OPA-PA-007-009
	)	
PACIFIC SECURITY ALARM, INC.,	)	
	)	AGENCY REPORT
	)	
Appellant.	)	
	)	
	)	
	)	
	)	

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Appellee Guam Memorial Hospital Authority, by and through its counsel of record, Maria T. Cenzon-Duenas, Esq. of Mair, Mair, Spade & Thompson, hereby submits its Agency Report in the form required under 2 G.A.R. §12105:

- (a) A copy of the protest: *Previously submitted to the Office of the Public Auditor (the "OPA") on November 29, 2007, by GMHA.*
- (b) A copy of the bid or offer submitted by the Appellant and a copy of the bid or offer that is being considered for award or whose bid or offer is being protested, if any had been submitted prior to the protest: *Previously submitted to the Office of the Public Auditor (the "OPA") on November 29, 2007, by GMHA.*
- (c) A copy of the solicitation, including the specifications or portions thereof relevant to the protest: *Please see attached.*
- (d) A copy of the abstract of bids or offers or relevant or portions thereof relevant to the protest: *Please see attached.*

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(e) Any other documents which are relevant to the protest; including the contract, if one has been awarded, pertinent amendments, and plans and drawings:

(f) The decision from which the Appeal is taken, if different than the decision submitted by Appellant: *Previously submitted to the Office of the Public Auditor (the "OPA") on November 29, 2007, by GMHA.*

(g) A statement answering the allegation of the Appeal and setting forth findings, actions, and recommendations in the matter together with any additional evidence or information deemed necessary in determining the validity of the Appeal. The statement shall be fully responsive to the allegations of the Appeal:

GMHA submits the following statement in response to the allegations of PSA:

GMHA Bid No. 023-2007 for the Removal and Replacement of the Fire Alarm System Project (the "IFB") was cancelled on *August 7, 2007*. Appellant Pacific Security Alarm acknowledged receipt of such cancellation on *August 9, 2007*. Pursuant to Section 9-101.03.1, a protest must be made in writing to the Hospital Administrator "within fourteen (14) days after the protestor knows or should have known of the facts giving rise thereto . . . Protests filed after the fourteen (14) day period *shall not be considered.*" (Emphasis added).

The fourteen (14) day deadline in which to file the protest passed on *August 21, 2007*. Because the protest of GMHA Bid 008-2007 was not received from PSA until *August 23, 2007*, by law GMHA may not consider it and it was therefore rejected appropriately on November 1, 2007.

GMHA further submits that its cancellation of the bid on due to lack of funding for the project is wholly justified and, indeed, madated, by the provisions of the Guam Procurement Laws.

(h) If the award was made after receipt of the protest, the report will include the determination required under 2 GAR § 9101(e): *Not applicable. The bid award is stayed pending resolution of the protest.*

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(i) A statement in substantially the same format as Appendix B to this Chapter, indicating whether the matter is the subject of a court proceeding:  
*Please see attached.*

Dated this 4th day of December, 2007.

**MAIR, MAIR, SPADE & THOMPSON**  
A Professional Corporation  
Attorneys for Appellee Guam Memorial  
Hospital Authority

By: 

MARIA T. CENZON-DUENAS