



Office of the Public Auditor

Commonwealth of the Northern Mariana Islands

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In re:) **APPEAL NO. BP-A094**
)
Appeal of GPPC, Inc.) **CUC-IFB-19-031**
)
) **“San Vicente Water Tank Replacement Project”**
)
_____)

FACTUAL BACKGROUND

In June of 2019, CUC issued CUC-IFB-19-031 (“IFB”), inviting pre-registered bidders to submit bids to complete the San Vicente Water Tank Replacement Project. The project involves the removal of the current .5 million gallon reservoir and replacing with a .75 million gallon pre-stressed concrete reservoir. Bid packages were due on September 6, 2019 at 9:00 a.m. IFB p. 1.

The two page IFB required bidders to “*submit a clearance from the OIC [CNMI Department of Commerce, Office of the Insurance Commissioner] certifying their insurer of choice is in compliance with the CNMI’s Insurance Code.*” IFB, p. 2 (emphasis in original). The IFB also included a reservation by CUC of the right to “reject any or all bids and waive any imperfection in the bid proposal in the best interest of the government.” IFB, p. 2.

Three companies submitted timely bids for the project, GPPC, Inc. (“GPPC”), RNV Construction (“RNV”), and AIC Marianas, Inc. On October 18, 2019 the CUC selection committee identified GPPC as the lowest responsive bidder and issued a notice to award the contract to GPPC. The selection committee rejected RNV’s bid as non-responsive because it failed to include the required OIC clearance.

On October 21, 2019, RNV lodged a protest to the CUC Executive Director challenging CUC’s decision to reject its bid. GPPC filed a response to RNV’s bid protest on November 1, 2019. On November 11, 2019, RNV submitted a supplement to its bid protest, wherein they included a copy