



OFFICE OF PUBLIC ACCOUNTABILITY

Suite 401 Pacific News Building, 238 Archbishop Flores St., Hagåtña, Guam 96910

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

May 24, 2019

Mr. Edward M. Birn
Director
Department of Administration
P.O. Box 884
Hagåtña, Guam 96932

VIA FACSIMILE: (671) 477-3671

Re: Notice of Receipt of Appeal – OPA-PA-19-005

Dear Mr. Birn,

Please be advised that TakeCare Insurance Company (hereinafter referred to as “TakeCare”) filed an appeal with the Office of Public Accountability (OPA) on May 23, 2019, regarding the Department of Administration’s (DOA) denial of TakeCare’s protest related to the procurement to provide health insurance to the Government of Guam’s Health Insurance Program (Procurement No. DOA/HRD-RFP-GHI-20-001). OPA has assigned this appeal case number OPA-PA-19-005.

Immediate action is required of DOA pursuant to the Rules of Procedure for Procurement Appeals, found in Chapter 12 of the Guam Administrative Regulations (GAR). Copies of the rules, the appeal, and all filing deadlines are available at OPA’s office and on its website at www.opaguam.org. The first two pages of the notice of appeal filed with OPA is enclosed for your reference.

Please provide the required notice of this appeal to the relative parties with instructions that they should communicate directly with OPA regarding the appeal. You are also responsible for giving notice to the Attorney General or other legal counsel for your agency. Promptly provide OPA with the identities and addresses of interested parties and a formal entry of appearance by your legal counsel.

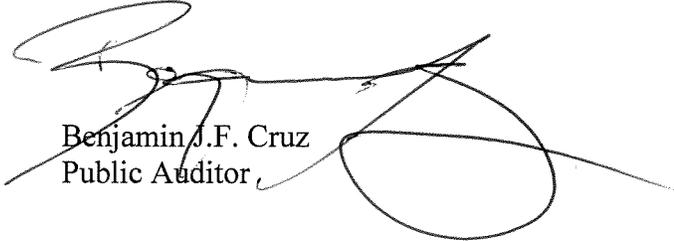
Pursuant to 2 GAR, Div. 4, Ch. 12, §12104(3), the submission of one complete copy of the procurement record for the procurement solicitation above, as outlined in Title 5, Chapter 5, §5249 of the Guam Code Annotated is required no later than **Monday, June 3, 2019**, five work days following this Notice of Receipt of Appeal. We also request one copy of the Agency Report for each of the procurement solicitations cited above, as outlined in 2 GAR, Division 4, Chapter 12, §12105, by **Monday, June 10, 2019**, ten work days following receipt of this notice.

When filing all other required documents with our office, please provide one original and two copies to OPA, and serve a copy to TakeCare. Although the Guam Procurement Law and Regulations require only one copy of the procurement record, OPA respectfully asks that TakeCare

provide one original and two copies of the said record, which will be distributed as follows: Copy-1: Master File; Copy-2: Public Auditor; and Copy-3: Hearing Officer.

Thank you for your prompt attention to this matter. Please contact Edlyn Dalisay at 475-0390 ext. 219 or edalisay@guamopa.com should you have any questions regarding this notice.

Sincerely,



Benjamin J.F. Cruz
Public Auditor

Enclosure: First Two Pages of the Notice of Appeal – OPA-PA-19-005

Cc: Louie J. Yanza, Appellant's Duly Authorized Representative



PROCUREMENT APPEAL

RECEIVED
OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS

DATE: May 23, 2019

TIME: 2:42 AM PM BY: FDJ

FILE NO OPA-PA: 19-005

PART I

In the Appeal of)

NOTICE OF APPEAL

TakeCare Insurance Company, Inc.
(Name of Company), APPELLANT)

Docket No. OPA-PA -19-005

PART II- Appellant Information

Name: TakeCare Insurance Company, Inc.
Mailing Address: 418 Chalan San Antonio, Ste. 108
Tamuning, Guam 96913
Business Address: 418 Chalan San Antonio, Ste. 108
Tamuning, Guam 96913
Email Address: jeanette.perez@takecareasia.com
Daytime Contact No: (671) 300-7148
Fax No.: (671) 647-3551

PART III- Appeal Information

A) Purchasing Agency: Department of Administration

B) Identification/Number of Procurement, Solicitation, or Contract: DOA/HRD-RFP-GHI-20-001

C) Decision being appealed was made on May 21, 2019 (date) by:
 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)

- 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:

To TakeCare's knowledge, no bids were submitted prior to the protest being filed before DOA.

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.

Note: Please refer to 2 GAR § 12104 for the full text of filing requirements. Please see Attachment Part IV

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 23 day of May, 2017.

By: _____
APPELLANT

or

By:  _____
Appellant's Duly Authorized Representative
(Address) One Agana Bay, 446 East Marine Corps Dr., Ste. 201, Hagatna, Guam 96910
(Phone No.) (671) 477-7059

Broadcast Report

Date/Time
Local ID 1

05-24-2019
6714727951

11:40:23 a.m.

Transmit Header Text
Local Name 1

OFFICE OF THE PUBLIC AUDITOR

This document : Confirmed
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Document size : 8.5"x11"

Suite 401 DNA Building
238 Archbishop Flores St.
Hagåtña, Guam 96910



FAX

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|---|--|---------------|--|
| To: | Mr. Edward M. Birn Director Department of Administration Government of Guam P.O. Box 884 Hagåtña, Guam 96932 Fax: (671) 477-6788 | From: | Benjamin J.F. Cruz Guam Public Auditor Office of Public Accountability |
| | | Pages: | 5 (including cover page) |
| CC: | Jeanette Perez TakeCare Insurance Company, Inc. 418 Chalan San Antonio Tamuning, Guam 96913 Fax: (671) 647-3531 Jeanette.perez@takecareasia.com | Date: | May 24, 2019 |
| | | Phone: | (671) 475-0390 x. 208 |
| | | Fax: | (671) 472-7951 |
| Re: OPA-PA-19-005 Notice of Appeal | | | |

For Review
 Please Comment
 Please Reply
 Please Recycle

Comments:

Please acknowledge receipt of this transmittal by re-sending this cover page along with your firm or agency's receipt stamp, date, and initials of receiver.

Thank you,
Edlyn Dalisay, Auditor
edalisav@guamopa.com

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.

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| 002 | 022 | Channel-5 | 11:34:39 a.m. 05-24-2019 | 00:03:06 | 5/5 | 1 | EC | HS | CP14400 |

Abbreviations:

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|------------------|-------------------|-------------------|------------------------|--------------------------|
| HS: Host send | PL: Polled local | MP: Mailbox print | CP: Completed | TS: Terminated by system |
| HR: Host receive | PR: Polled remote | RP: Report | FA: Fail | G3: Group 3 |
| WS: Waiting send | MS: Mailbox save | FF: Fax Forward | TL: Terminated by user | EC: Error Correct |