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E-FILE: In the Appeal of Pacific Data Systems; OPA-PA-21-001

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Tue, Jul 6, 2021 at 3:06 PM

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Hafa Adai Jerrick,

Attached is *GHURA's Opposition to Motion to Compel Production of Documents in GHURA IFB GHURA-COCC-021-003* for E-filing. We will be serving physical copies to your office shortly.

Please let us know if you need anything further from our office to complete this filing.

Respectfully,

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**070621 Opposition to Motion to Compel Production of Documents in GHURA IFB GHURA-COCC-021-003 (ACP FINAL).pdf**

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6 *Urban Renewal Authority*

7 **BEFORE THE OFFICE OF PUBLIC ACCOUNTABILITY**
8 **HAGATNA, GUAM**

9 In the Appeal of

10 PACIFIC DATA SYSTEMS,

11 Appellant.

APPEAL NO: OPA-PA-21-001

**OPPOSITION TO MOTION TO COMPEL
12 PRODUCTION OF DOCUMENTS IN
13 GHURA IFB GHURA-COCC-021-003**

14 **INTRODUCTION**

15 The Guam Housing and Urban Renewal Authority (“GHURA”) through counsel, Anthony
16 C. Perez, Esq., hereby submits its Opposition to Motion to Compel Production of Documents in
17 GHURA IFB GHURA-COCC-021-003. GHURA has complied with the requirements of 5 GCA
18 § 5249 in producing the Record of Procurement Actions, and thus, the underlying Motion is
19 without merit. GHURA relies upon this Opposition, its Rebuttal to Appellant’s Comments on
20 Procurement Record, Agency Report, the pleadings on file, and any arguments that may be had in
21 this matter.
22

23 **OPPOSITION**

24 PDS has not made any showing that GHURA has not complied with its requirements under
25 5 GCA § 5249 which provides the following information must be included in the Record of
26 Procurement Actions:
27
28

1 a. the date, time, subject matter, and names of participants at any meeting including
2 government employees that is in any way related to a particular procurement;

3 b. a log of all communications between government employees and any member of the
4 public, potential bidder, vendor or manufacturer which is in any way related to the procurement;

5 c. sound recordings of all pre-bid conferences; negotiations arising from a request for
6 proposals and discussions with vendors concerning small purchase procurement;

7 d. brochures and submittals of potential vendors, manufacturers or contractors, and all
8 drafts, signed and dated by draftsman, and other papers or materials used in the development of
9 specifications; and
10

11 e. the requesting agency's determination of need.

12
13 *See 5 GCA § 5249*

14
15 PDS' Motion to Compel Production of Documents seek the audio/video recordings
16 identified in the index of meetings contained in the Procurement Record and the documents
17 referenced in the log of communications contained within the Procurement Record.

18
19 PDS seeks all sound recordings of meetings that GHURA had related to this procurement.
20 Guam law only requires the date, time, subject matter and names of participants at a meeting for
21 inclusion into a Record of Procurement Actions. *See 5 GCA § 5249 (a)*. Also, the only sound
22 recordings required for a Record of Procurement Actions relate to pre-bid conferences,
23 negotiations arising from a request for proposals or concerning small purchase procurements. 5
24 GCA § 5249 (c). GHURA has provided a link to sound recordings of the pre-bid conference and
25 the GHURA Board of Commissioners meeting held on March 4, 2021. GHURA is under no
26 obligation pursuant to this Motion to produce any other sound recordings pursuant to 5 GCA §
27 5249.
28

1 PDS further seeks the documents referenced in the log of communication contained within
2 the procurement record. Pursuant to 5 GCA § 5249 (b), GHURA is only required to provide a **log**
3 **of all communications**, not the documents themselves.
4

5 **CONCLUSION**

6 GHURA has complied with the requirements of the Record of Procurement Actions in
7 accordance with 5 GCA § 5249, and thus, this Motion to Compel must be denied.
8

9 Submitted this 6th day of July, 2021.
10

11 **LAW OFFICE OF ANTHONY C. PEREZ**

12
13 By:

14 

ANTHONY C. PEREZ, ESQ.

15 *Attorney for Guam Housing and Urban*
Renewal Authority
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