



Jerrick Hernandez &lt;jhernandez@guamopa.com&gt;

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**Declaration RE: Court Action, The Agency Report and The Agency Statement OPA-PA-24-004**

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Kiana M. Santos &lt;kmsantos@portofguam.com&gt;

Thu, Oct 10, 2024 at 5:01 PM

To: jhernandez &lt;jhernandez@guamopa.com&gt;

Cc: "Jessica L. Toft" &lt;jtoft@portofguam.com&gt;, jterlaje &lt;jterlaje@terlajelaw.com&gt;, info &lt;info@terlajelaw.com&gt;

Hafa Adai Jerrick,

Please accept for filing the attached

1. Declaration Re: Court Action
  2. The Agency Report
  3. The Agency Statement
- from the PAG in OPA-PA-24-004.

Thank you,

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***Kiana Marie M Santos*****Administrative Assistant**

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**3 attachments**



**The Port Agency Statement OPA-PA-24-004.pdf**

330K



**Agency report OPA-PA-24-004.pdf**

51K



**Declaration Re COURT ACTION OPA-PA-24-004.pdf**

28K

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

9 **IN THE APPEAL OF:** ) **DOCKET NO. OPA-PA-24-004**  
10 )  
11 **DATA MANAGEMENT RESOURCES,** )  
12 **LLC,** )  
13 **Appellant,** ) **AGENCY REPORT**  
14 **and** )  
15 **PORT AUTHORITY OF GUAM,** )  
16 **Purchasing Agency.** )

17 The Port Authority of Guam (“PAG”) hereby submits its Agency Report, pursuant  
18 to 2 GAR Div. 4 § 12105:

- 19
- 20 (a) A copy of the protest: **Submitted to the Office of the Public Auditor (“OPA”) on October 2, 2024, by PAG in its Procurement Record of IFB-PAG-008-24 for OPA-PA-24-004.**
- 21
- 22 (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: **Submitted on October 2, 2024, in the Procurement Record of IFB-PAG-008-24 for OPA-PA-24-004.**
- 23
- 24
- 25 (c) A copy of the solicitation, including the specifications or portions thereof relevant to the protest: **Submitted on October 2, 2024, in the Procurement Record of IFB-PAG-008-24 for OPA-PA-24-004.**
- 26
- 27 (d) A copy of the abstract of bids or offers or relevant portions to the protest: **Submitted on October 2, 2024, in the Procurement Record of IFB-PAG-008-24 for OPA-PA-24-004.**
- 28

- 1
- 2 (e) Any other documents which are relevant to the protest; including the contract, if
- 3 one has been awarded, pertinent amendments, and plans and drawings: **Submitted on October 2, 2024, in the Procurement Record of IFB-PAG-008-**
- 4 **24 for OPA-PA-24-004.**
- 5 (f) The decision from which the Appeal is taken, if different from the decision
- 6 submitted by Appellant: **Submitted on October 2, 2024, in the Procurement**
- 7 **Record of IFB-PAG-008-24 for OPA-PA-24-004.**
- 8 (g) A statement answering the allegation of the Appeal and setting forth findings,
- 9 actions, and recommendations in the matter together with any additional evidence
- 10 or information deemed necessary in determining the validity of the Appeal. The
- 11 statement shall be fully responsive to the allegations of the Appeal: **Please see**
- 12 **accompanying Agency Statement.**
- 13 (h) If award made after receipt of the protest, the report will include the determination
- 14 required under 2 GAR § 9101(e): **Award was made prior to the filing of the**
- 15 **protest by Data Management Resources, LLC (“DMR”). Notice of the Award**
- 16 **was dated June 25, 2024, and delivered to DMR on June 28, 2024, prior to its**
- 17 **protest on July 12, 2024. Notice of this Procurement Appeal was sent to the**
- 18 **awarded contractor, Pacific (“PDS”), on September 30, 2024 pursuant to 2**
- 19 **GAR, Div. 4 § 12104(c)(2). PDS’s authorized representative is Franklin**
- 20 **Artero, e-mail: [franklin@pdsguam.com](mailto:franklin@pdsguam.com); address: 185 Ilipog Drive,**
- 21 **Tamuning, GU 96913.**
- 22 (i) A statement in substantially the same format as Appendix B to this Chapter,
- 23 indicating whether the matter is the subject of a court proceeding: **Please see**
- 24 **attached Declaration Re: Court Action.**

25 Submitted this 10<sup>th</sup> day of October, 2024.

26 PORT AUTHORITY OF GUAM

27 By: 

28 JESSICA TOFT