



Jerrick Hernandez <jhernandez@guamopa.com>

OPA-PA-25-003: In the Appeal of Glimpses of Guam, Inc.

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Wed, Mar 26, 2025 at 4:29 PM

To: Jerrick Hernandez <jhernandez@guamopa.com>

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Hafa Adai Mr. Hernandez,

Please see the attached *Purchasing Agency Report and Statement* for filing in the above-referenced matter.

Kindly confirm receipt of this email and its attachment.

Thank you.

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**OPA-PA-25-002- Purchasing Agencies Report & Statement 03-26-2025.pdf**
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9 **BEFORE THE OFFICE OF PUBLIC ACCOUNTABILITY**

10 IN THE APPEAL OF
11 GLIMPSES OF GUAM, INC.,
12 Appellant.

13 Appeal No. OPA-PA-25-002

14 **PURCHASING AGENCY REPORT AND
15 STATEMENT**

16 This is the Agency Report and Statement pursuant to 2 GAR, Div. 4 §§ 12104(c)(3) and
17 12105 of Purchasing Agency Guam Visitors Bureau (“Bureau,” or “GVB”), made in the
18 Procurement Appeal captioned above.

19 1. GVB filed a copy of the Protest made by Appellant Glimpses of Guam, Inc.
20 (“Glimpses”) with the Procurement Record filed in this appeal. *See* GVB0342 to GVB0355.

21 2. GVB filed a copy of the bid or offer submitted by Glimpses, and a copy of the bid
22 or offer being protested, with the Procurement Record filed in this appeal. *See* GVB0697 to
23 GVB0786; GVB787 to GVB877.

24 3. GVB filed a copy of the solicitation, including the specifications or portions thereof
25 relevant to the protest with the Procurement Record filed in this appeal. *See* GVB0001 to
26 GVB0047; GVB0056 to GVB0157.

27 4. GVB filed a copy of the contract awarded, pertinent amendments, and plans and
28 drawings with the Procurement Record filed in this appeal; *See* GVB0669 to GVB0691.

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2 5. No agency decision regarding a protest was provided to Glimpses prior its filing
3 this Appeal. GVB provides its Decision Denying Protest dated March 21, 2025 and incorporates
4 it into this Agency Report. *See* Exh. A.

5 6. Statement answering the allegation of this Appeal:

6 a. Overview. In 2021, Glimpses was awarded the contract for RFP 2021-003
7 for Project Support Services (the “PSS Contract”). Pursuant to a term in the PSS Contract, it was
8 terminated for convenience on December 26, 2024, after which GVB issued RFP 2025-002 for
9 Integrated Communications, Advertising and Events Support Services (the “ICAESS RFP”). Four
10 bidders responded to the ICAESS RFP, including the Manhita Group (“Manhita”), a partnership
11 formed by Ruder Integrated Marketing Strategies (“RIMS”) and Big Fish Creative, Inc. (“Big
12 Fish”), two marketing strategy firms, Galaide Group LLC (“Galaide”), Glimpses of Guam, Inc.
13 (“Glimpses”) and The Greenlight Group (“Greenlight”). GVB evaluated these submissions and
14 ranked Manhita first (271 points), Galaide as a close second (261 points), Glimpses as a distant
15 third (220 points), and Greenlight as fourth (215 points).
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18 Glimpses protested the ICAESS RFP method, solicitation or award on February 4,
19 2025. GVB determined that award of the contract without delay was necessary to protect the
20 substantial interests of Guam, obtained the concurrence of the designated Deputy Attorney
21 General’s, and thereafter notified Glimpses of the SID on February 24, 2025. Glimpses did not
22 protest the SID within two days of its being notified of the SID, nor did it not seek GVB’s decision
23 on its Protest of the ICAESS RFP. Instead, Glimpses filed the instant Procurement Appeal on
24 March 11, 2025. GVB responded to Glimpses’ Protest on March 21, 2025, denying it. Glimpses’
25 Appeal to the Office of Public Accountability (“OPA”) followed.
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2 b. Public Auditor’s Jurisdiction; Standards of Review. The Public Auditor
3 reviews and determines *de novo* any matter properly submitted at procurement appeal. No prior
4 agency determination is final or conclusive on a procurement appeal. The Public Auditor’s
5 jurisdiction is exercised to promote the integrity of the procurement process and the purposes of
6 the Procurement Law. 5 GCA § 5703. The Public Auditor’s determination of issues or findings
7 of fact are final and conclusive unless arbitrary, capricious, fraudulent, clearly erroneous, or
8 contrary to law. *Id.* § 5704.

9
10 The standard of review for an agency’s factual determinations is the substantial
11 evidence standard. Substantial evidence exists where there is such relevant evidence as a
12 reasonable mind might accept as adequate to support a conclusion. *Perez v. Civil Serv. Comm’n*,
13 2018 Guam 25; *see also* 5 GCA § 9239 (agency decisions must be made in accordance with law
14 and supported by substantial evidence). Substantial evidence is more than a mere scintilla but less
15 than a preponderance. *Port Auth. of Guam v. Civil Serv. Comm’n*, 2018 Guam 1.

16
17 Review of a substantial interest determination, when properly protested, is to
18 confirm the agency’s determination. 5 GCA § 5425 (g). Such determination must identify the
19 interests involved and give reasons why it is necessary to protect those interests. *Guam Imaging*
20 *Consultants, Inc. v. Guam Mem. Hosp. Auth.*, 2004 Guam 15.

21 c. Jurisdictional Statement.

22 (i) Glimpses failed to exhaust administrative remedies with respect to the
23 Substantial Interest Determination made under 2 GARR Div. 4 § 9101(e) (the “SID”) because its
24 appeal here was filed at the OPA more than two days after Glimpses was notified that award of
25 the contract in GVB RFP 2025-002 without delay was necessary to protect the substantial interests
26 of Guam. 5 GCA § 5425 (g); *DFS Guam LP v. A.B. Won Pat Guam Int’l Airport Auth.*, 2020
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Guam 20. The OPA, therefore, lacks jurisdiction to decide any issue of law or fact related to the SID.

(ii) Glimpses failed to exhaust administrative remedies with respect to its February 4, 2025 Procurement Protest (hereinafter, the “Protest”). Glimpses filed this Procurement Appeal on March 11, 2025, but GVB had not as of that date responded to the Procurement Appeal. Exhaustion of administrative remedies requires that each and every basis for a protest make its way from the agency to the OPA and thereafter to the courts. 2020 Guam 20 ¶ 60. As there is no agency decision on Glimpses’ Procurement Protest properly before the OPA, the Public Auditor lacks jurisdiction to decide any issue of law or fact related to it. *Id.*

(iii) Assuming arguendo that the OPA decides it has the jurisdiction over Glimpses’ Appeal (which GVB contends would be error), Glimpses brings arguments/bases for protest/claims (hereinafter individually and collectively referred to as “claims”) to appeal that were not presented in its Protest. Glimpses’ never-before raised claims are as follows:

- (A) No state of public emergency existing to warrant a sole source emergency contract. Protest, 4.
- (B) There was no Objective Evaluation because GVB’s response to a FOIA allegedly missed a document. Protest, 5.
- (C) GVB failed and refused to notify Glimpses of its right to review and appeal under 5 GCA § 5425 (c). Protest, 6.
- (D) The evaluation criteria GVB used was ambiguous and unfair specification. Protest, 8.
- (E) The ICAESS solicitation was supposed to be in the form of an invitation for bid, not a request for proposal. Protest, 8.

1 Glimpses has not exhausted administrative remedies with respect to the foregoing claims as they
2 were not raised in its Protest. Not only has GVB not been afforded the opportunity to address
3 them, Glimpses' failure in this regard leaves the OPA, should it take up the merits of this Appeal
4 (which GVB contends would be error), without jurisdiction over them.
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6 d. Findings.

7 No findings were made with respect to Glimpses' Protest prior to the filing of this Appeal.

8 GVB provided specific factual determinations and conclusions in the SID as to GVB's
9 importance to Guam's tourism economy, challenges facing the tourism economy, events from the
10 November 2024 board meeting attended by the Governor, notable issues and recommendations
11 from the Governor's report, the cancellation of RFP 2021-003, a comparison with RFP 2025-002,
12 and the rationale for the urgency of the award.
13

14 GVB's Importance to Guam's Tourism Economy:

- 15 • **Factual Determination:** GVB is the primary government entity responsible for
16 promoting and developing Guam's tourism industry, which is a critical economic driver
17 for the island. Its duties include marketing Guam as a tourist destination, encouraging
18 local engagement in tourism, promoting CHamoru culture and local products,
19 collecting visitor data, and implementing strategic tourism plans.
20
- 21 • **Conclusion:** Guam has a substantial interest in its tourism industry, which generates
22 hundreds of millions of dollars in gross island product, supports approximately 20,000
23 jobs (with each job sustained by 70-75 visitors), and contributes tens of millions in tax
24 revenues. GVB's role is pivotal in sustaining and growing this economic pillar.
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26 Challenges Facing Guam's Tourism Economy:
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- **Factual Determination:** Guam’s tourism sector is struggling to recover post-COVID-19, exacerbated by weak currencies in key source markets. Visitor arrivals remain significantly below pre-pandemic levels, with fiscal year 2024 recording 775,000 passenger arrivals through July (projected at 900,000 for the full year), representing only 55.6% of pre-COVID numbers.

- **Conclusion:** Persistent slack industry conditions threatens economic stability, as tourism’s performance limits job creation and tax revenue, necessitating urgent action.

November 2024 Board Meeting:

- **Factual Determination:** At the GVB Board Meeting on November 7, 2024, visitor arrival data was reported: fiscal year 2023 had 602,594 arrivals, and fiscal year 2024 (up to July) recorded 775,000 passenger arrivals. This meeting followed Gov. Leon Guerrero’s October 24, 2024 presentation of a tourism study highlighting the industry’s struggles and prompting increased focus on recovery strategies.

- **Conclusion:** The data underscored a stark conditions, with arrivals far below pre-COVID levels, signaling the need for enhanced marketing and event strategies—key factors in GVB’s decision to seek a new vendor via RFP 2025-002.

Notable Issues from the Report Presented by the Governor:

- **Factual Determination:** The Governor’s tourism study, presented on October 24, 2024, identified several issues:
 - Lack of a unique “must-see” attraction, making Guam interchangeable with other tropical destinations.
 - Weak association with CHamoru culture and cuisine, missing a destination distinction opportunity.

- 1 ○ Mixed perceptions of Guam’s U.S. territory status—seen as safe by some, but
- 2 overly Americanized or unappealing to others.
- 3
- 4 ○ Limited activities beyond swimming and shopping; a destination that lacks diverse
- 5 cultural or adventure options.
- 6 ○ Perception of “replaceable beauty” and small size, suggesting Guam can be fully
- 7 explored in one day.
- 8

- 9 • **Conclusion:** These issues indicate Guam’s tourism brand is waning, requiring a strategic
- 10 overhaul to enhance its appeal and competitiveness, which RFP 2025-002 aims to address.

11 Recommendations to Address Tourism Problems:

- 12 • **Factual Determination:** The Governor’s report offered six key recommendations:
 - 13 1. Enhance Guam’s unique identity via CHamoru culture promotion (e.g., cultural
 - 14 tours, workshops) and local cuisine elevation (e.g., food festivals, culinary tours).
 - 15 2. Address Americanized U.S. territory perceptions by emphasizing cultural fusion
 - 16 and safety while targeting American-experience seekers.
 - 17 3. Diversify activities with adventure tourism, cultural tours, and local shopping
 - 18 promotion.
 - 19 4. Combat “replaceable beauty” perceptions with unique natural feature marketing
 - 20 and multi-day itineraries.
 - 21 5. Address price sensitivity with value-added packages and affordable options,
 - 22 targeting less exchange-rate-sensitive markets.
 - 23 6. Improve promotion through targeted digital marketing, influencer partnerships, and
 - 24 showcasing Guam cuisine in key markets.
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- **Conclusion:** Implementing these recommendations requires a capable vendor to execute sophisticated marketing, communications, and event strategies, justifying the shift to the ICAESS RFP.

5 Comparison of RFP 2021-003 and RFP 2025-002:

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- **Factual Determination:**
 - 7 ○ **RFP 2021-003 (the PSS RFP):** Focused on pandemic-era issues, including
 - 8 educating residents and source markets on health/safety measures and promoting
 - 9 tourism benefits.
 - 10
 - 11 ○ **RFP 2025-002 (the ICAESS RFP):** Emphasizes CHamoru culture promotion,
 - 12 tourism development through events, strategic brand positioning, community
 - 13 involvement, and digital marketing/storytelling to boost Guam’s digital footprint.
 - 14 • **Conclusion:** The ICAESS RFP represents an evolved scope, aligning with the Governor’s
 - 15 recovery plan and current tourism challenges, requiring a vendor with advanced
 - 16 capabilities beyond the PSS Contract’s scope.

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18 Need for award without delay:

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- **Factual Determinations:**
 - 20 ○ **Vendor Selection:** RIMS was selected as the highest-rated offeror after a
 - 21 comprehensive evaluation. Its proposal was complete, visually compelling, and
 - 22 leveraged partnerships with Big Fish Creative, Inc., and SKIFT in the Manhita
 - 23 proposal, offering strategic expertise and resources seen lacking in Glimpses’
 - 24 submission.
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 - 26 ○ **Glimpses’ Inferior Proposal:** Glimpses’ bid lacked professional attention to
 - 27 details, and its late payments to subvendors suggested limited capacity.
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2 ○ **Protest Issues:** Glimpses’ Protest claimed the ICAESS RFP’s scope matched its
3 canceled contract and had ambiguous specifications. The ICAESS and PSS RFPs
4 represent different needs, and its Protest untimely because specifications were
5 known since December 27, 2024, as well as, improper and meritless, as it
6 challenged the cancellation of the PSS contract rather than the method, solicitation
7 or award in RFP 2025-002.

8 ○ **Economic Urgency:** Tourism supports 20,000 jobs and significant revenue, but
9 ongoing delays due to Glimpses’ protest hinder recovery efforts.

10
11 • **Conclusion:** Awarding RFP 2025-002 to RIMS without delay is necessary because:

12 ○ RIMS offers superior strategic and operational capabilities to implement strategies
13 and recommendations deemed critical for reversing tourism decline.

14 ○ Glimpses’ protest lacks legal grounding and stalls progress, risking further
15 economic setbacks.

16 ○ Immediate action is vital to protect Guam’s substantial interests—its tourism-
17 driven economy—given the industry’s fragility and the need for rapid recovery.

18
19 e. Actions.

20 After lapse of the time for Glimpses to protest the SID with the OPA, GVB entered into a
21 contract for ICAESS with RIMS.

22 f. Responses to the allegations.

23 (1) Glimpses failed to exhaust administrative remedies in protesting the SID, and, as a
24 result, the OPA lacks jurisdiction and should dismiss this Procurement Appeal.

25 (2) Glimpses failed to exhaust administrative remedies with respect to its Protest, and,
26 as a result, the OPA lacks jurisdiction and should dismiss this Procurement Appeal.
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2 (3) Should the OPA determine that it has jurisdiction over the instant Appeal, five
3 claims are raised for the first time: (a) no public emergency exists to warrant a sole source
4 emergency contract; (b) there was no objective evaluation because Glimpses FOIA allegedly did
5 not include certain documents; (c) failure to notify Glimpses of its right to appeal the SID; (d)
6 ambiguous and unfair specification regarding evaluation criteria; and (e) improper use of request
7 for proposal, which should have been an invitation for bid. Assuming the Appeal proceeds further;
8 these five claims were not made in its Protest, Glimpses failed to exhaust administrative remedies
9 on them, and the OPA lacks jurisdiction over, and should dismiss, these claims.
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11 (4) Should the OPA determine that, despite the jurisdictional defects asserted *supra*, it
12 will entertain Glimpses' claims as stated in its Procurement Appeal, GVB responds as follows:

13 (i) Background. GVB generally agrees with Glimpses' factual background except as
14 stated herein. First, the characterization of the services contemplated in its PSS Contract is not
15 correct.. The ICAESS RFP was specifically intended to allow Guam to pivot from pandemic-era
16 market conditions to adapt and evolve to meet the industry's post-Covid challenges. Differing
17 markedly with the PSS RFP, the ICAESS RFP's focus is CHamoru culture, and centers on tourism
18 development through events, strategic brand positioning, involvement of local communities to
19 build pride and ensure events align, and digital marketing and storytelling to increase Guam's
20 digital footprint and showcase Guam's culture.
21

22 Next, Glimpses is charged with knowledge of the contents of RFP 2025-002/the
23 ICAESS RFP when it was issued on December 27, 2025. Glimpses failed to timely seek
24 clarification on any parts of the ICAESS RFP. Three other bidders had sufficient information to
25 provide a responsive bid.
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1 Next, Glimpses contests RIMS'/Manhita's bid submission but not Galaide's.
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3 Assuming arguendo that RIMS/Manhita was disqualified and or had an unresponsive or inferior
4 bid submission, Galaide would have been selected since it came in second and had a significantly
5 higher ranking (261 points) than Glimpses (220 points).

6 Next, the FOIA requested by Glimpses is not a relevant issue for a procurement appeal.
7
8 To the extent the issue remains a consideration, GVB fully complied with the request for the FOIA,
9 made records available for inspection and provided RIMS submission, which was made on behalf
10 of the Manhita Group. Glimpses failed to identify any deficiency with the records it was provided.

11 Next, Glimpses contends that RIMS was a lesser qualified bidder. Here, like with
12 nearly all of its claims, Glimpses makes no factual assertions and only gives opinions. A protesting
13 party's opinion without sufficient factual basis makes an insufficient showing to support a claim
14 in a procurement controversy. *See DFS*, 2020 Guam 20 ¶ 92-94 (specific facts are required to
15 establish a procurement claim). Three evaluators analyzed bid submissions and found that
16 RIMS/Manhita's submission was responsive and superior to Galaide's submission, which was
17 ranked second, and superior to Glimpses' submission as well. Driven by business necessity arising
18 from industry conditions and the Governor's imploring action to turn the industry around; these
19 evaluators' scores took account of the competing bidders' qualifications and experience,
20 demonstrated capability and capacity to respond, quality and responsiveness, plan of performance
21 – approach and strategy and gave objective evaluations. Glimpses' Protest failed to provide
22 reasoning or evidence to suggest that the evaluators' scoring was deficient on any of the stated
23 criteria. Comparison of submissions shows that the RIMS/Manhita submission was to consist of
24 the combined efforts of RIMS as the lead agency, Big Fish, the creative strategist, and Skift, a
25 global tourism strategy firm engaged by RIMS and Big Fish to provide additional support.
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1 Manhita’s presentation was visually appealing, in-depth, comprehensive and responsive to GVB’s
2 solicitation. Manhita’s submission more favorably meets the intent behind the ICAESS RFP and
3 GVB’s needs. There is sufficient basis, therefore, to decide that RIMS’s submission was superior
4 by 10 points to Galaide and 51 points to Glimpses.
5

6 Next, Glimpses contends that there was no declared public emergency to circumvent
7 the automatic stay imposed under § 5425 (g). A plain reading shows that no emergency is required.
8 What is required is a determination that award is necessary to protect a substantial interest of
9 Guam. It is uncontroverted and glaring that Glimpses fails to take issue even at this juncture with
10 any facts or conclusions in the SID. The ICAESS RFP was borne of the record at GVB’s meetings
11 and the necessity to quickly bring about a turnaround in the island’s tourism industry.
12

13 (ii) GVB’s acceptance of RIMs’ bid violated the RFP. Here, Glimpses claims that the
14 scope of work in the ICAESS RFP was almost identical to the PSS Contract. Not correct. The
15 PSS RFP focused on pandemic-era issues, including educating residents and source markets on
16 health/safety measures and promoting tourism benefits, while the ICAESS RFP emphasizes
17 CHamoru culture promotion, tourism development through events, strategic brand positioning,
18 community involvement, and digital marketing/storytelling to boost Guam’s digital footprint.
19 Furthermore, whether a new RFP is required is solely at the discretion of GVB, who, when faced
20 with deteriorated industry conditions and the report of the Governor, acted within the terms of the
21 PSS Contract, cancelled it for convenience, and issued a solicitation that is more closely matched
22 to its present reality.
23

24 a. No state of public emergency exists. Glimpses’ claim here is vague and
25 cobbles together different ideas that are at odds. Throughout its Appeal it stresses there is no
26 emergency but in this part of its claim, it acknowledges the “urgency of a public emergency”
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1 requiring the services sought in the ICAESS RFP. Furthermore, with mere opinion but no fact, it
2 alleges that the ICAESS RFP was not a fair procurement and seeks to place the onus on GVB's
3 management and employees to develop and form Guam's tourism strategy. Given GVB's
4 assessment of conditions, the record developed at its public meetings, and its powers and purposes
5 under the Guam Visitors Bureau Act, the Bureau decided it was necessary to develop and issue
6 the ICAESS RFP. Any deficient understanding of the requirements was waived by Glimpses
7 failure to timely question the terms of the solicitation. That three other bidders were able to give
8 responsive bids also belies this claim.
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11 b. No objective evaluation. Here, again, Glimpses claims a biased evaluation
12 of its bid on mere opinion but without facts. The ICAESS bid submissions were evaluated by
13 GVB's Director of Destination Development, Director of Global Marketing, and Senior
14 Destination Specialist, each of whom affirmed they had no conflicts regarding their participation
15 in the evaluation of the bid submissions. These evaluators ranked the submissions and scored
16 Manhita as first, Galaide as second, Glimpses as third and Greenlight last. RIMS/Manhita's
17 submission was responsive and superior to Galaide's submission and Glimpses'. The evaluators'
18 scores took account of the competing bidders' qualifications and experience, demonstrated
19 capability and capacity to respond, quality and responsiveness, plan of performance – approach
20 and strategy and gave objective evaluations. Glimpses' Protest failed to provide reasoning or
21 evidence to suggest that the evaluators' scoring was deficient on any of the stated criteria.
22 Comparison of submissions shows that the RIMS/Manhita submission was to consist of the
23 combined efforts of RIMS as the lead agency, Big Fish, the creative strategist, and Skift, a global
24 tourism strategy firm engaged by RIMS and Big Fish to provide additional support. Manhita's
25 presentation was visually appealing, in-depth, comprehensive and responsive to GVB's
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1 solicitation. Manhita’s submission more favorably meets the intent behind the ICAESS RFP and
2 GVB’s needs. There is sufficient basis, therefore, to decide that RIMS’s submission was superior
3 by 10 points to Galaide and 51 points to Glimpses.
4

5 Glimpses also seems to claim that RIMS and Manhita are unrelated. Manhita’s
6 submission clearly shows that it is comprised of RIMS and Big Fish with support from SKIFT.

7 (iii) Failure and refusal to notify Glimpses of Right to Review and Appeal. Glimpses
8 claims that GVB failed to give it notice of its right to appeal as required by 5 GCA § 5425 (c).
9 This is correct but unavailing. The Agency Decision regarding Glimpses’ Protest was given on
10 March 21, so there was no appealable decision prior to its receipt. Glimpses’ claim here shows it
11 failed to exhaust its administrative remedies.
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13 (iv) Ambiguous and unfair specifications. Glimpses claims insufficient detail in what
14 was required in the ICAESS RFP. First, Glimpses is charged with knowledge of what was required
15 in the solicitation from December 27, 2025 and had actual knowledge of it when it obtained a copy
16 of the ICAESS RFP on January 3, 2025. Any claim regarding the specifications in the bid is
17 untimely. 5 GCA § 5425 (a); *DFS*, 2020 Guam 20. More to the substance against Glimpses claim
18 in this regard is that it was asked to create a hypothetical scenario with very little guidance on
19 budget, expected performance outcomes, or relevant criteria for judgment. All other bidders were
20 allowed access to the solicitation packet as early as Dec. 27, 2024 and can be charged with
21 knowledge of the contents of the ICAESS RFP on that date. Glimpses obtained a copy of the
22 solicitation packet on Jan. 3, 2025 and had actual knowledge what a responsive bid would entail
23 from that date. It is clear that all other bidders obtained information sufficient to complete and
24 submit their responses, with Manhita and Galaide having enough understanding of what was
25 required for bidders’ submissions. A protest begins to run when it obtains knowledge of the facts
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1 giving rise to a protest: “[A] protest filed more than 14 days after the disappointed offeror or bidder
2 had notice of the grounds for the protest is barred as untimely. This is true ‘even if no contract has
3 yet been awarded, even if the protest was filed within [14] days of the agency’s selection of bidders
4 or offerors, and even if the protestant did not subjectively understand or appreciate the ground for
5 protest.’” 2020 Guam 20 ¶ 87 (citations omitted). As to Glimpses’ contention that it had little
6 guidance to create a hypothetical scenario; to the extent that may be true—which can be doubted
7 because Manhita and Galaide had superior responses—it bears responsibility for failure to timely
8 ask for clarification regarding the requirements of the ICAESS RFP or to seek another
9 accommodation from GVB so that it could address any issues it perceived with the solicitation.
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12 (v) An invitation for bid should have been issued instead of a request for proposal. This
13 claim, too, is too late to be a ground for appeal because Glimpses knew of the method and source
14 selection for the ICAESS RFP beginning on December 27, 2025. It is undisputed that competitive
15 selection under § 5216 is not restricted to professional accountants, lawyers and medical/dental
16 practitioners, and a plain reading of the law shows that the provision is not restricted solely to such
17 professionals, only that, if these professionals are to be procured, then an RFP must be used. For
18 GVB, faced with deteriorated tourism industry conditions, its reliance on specialized firms is borne
19 of necessity and is appropriate.
20

21 g. Recommendations. GVB recommends that the Public Auditor dismiss the instant
22 Appeal for lack of jurisdiction over the Substantial Interest Determination as Glimpses’ protest of
23 the SID is untimely. Alternatively, GVB recommends that the Public Auditor dismiss the instant
24 Appeal because Glimpses failed to exhaust administrative remedies since no decision on its Protest
25 had been made at the time this Appeal was filed. Alternatively, GVB recommends that the Public
26 Auditor dismiss those claims which are made for the first time in the instant Appeal. Otherwise,
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1 GVB recommends that the Public Auditor find no merit to any of Glimpses claims and issue a
2 decision accordingly.
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4 7. GVB filed the Determination under 2 GAR § 9101(e) with the Procurement Record.
5 *See* GVB0358 to GVB0392.

6 8. A statement indicating whether the matter is the subject of a court proceeding is
7 attached as Exhibit B.

8 **RESPECTFULLY SUBMITTED THIS** 26th day of March, 2025.
9

10 **McDONALD LAW OFFICE, LLC**
11 Attorneys for Purchasing Agency
12 *Guam Visitors Bureau*

13 By: 
14 **CHARLES H. McDONALD II**

BEFORE THE GUAM VISITORS BUREAU

IN THE PROTEST OF

GLIMPSES OF GUAM, INC.

Protestant.

GVB RFP NO. 2025-002

DECISION DENYING PROTEST

This is the Guam Visitors Bureau’s Decision Denying Glimpses of Guam Inc.’s Protest of Method, Solicitation and Award (“Glimpses Protest”). The facts and bases for GVB’s decision denying Glimpses’ Protest follow:

1. Guam faces significant challenges in its recovery from slack tourism sector performance after the Covid pandemic. At its Oct. 24, 2024 Board Meeting, Gov. Lourdes A. Leon Guerrero presented a report that showed Guam’s tourism industry needed improvement and challenged GVB to work with industry to turn tourism around before it was too late. At its Nov. 7, 2024 Board Meeting, GVB forecasted FY2025 to attain to only 55.6% of pre-Covid arrivals.

2. Glimpses was awarded a contract by GVB for RFP 2021-003 for Project Support Services (the “PSS RFP”) on Nov. 29, 2023. The PSS RFP centered on the Bureau’s tourism focus during the Covid pandemic through education of residents on health and safety measures, providing information to source markets on Guam’s health and safety measures, and education of the general public on the benefits of tourism. The PSS Contract was terminated for convenience on December 26, 2024.

3. On December 27, 2024, GVB issued RFP 2025-002 for Integrated Communications, Advertising and Event Support Services (the “ICAESS RFP”). The ICAESS RFP was specifically intended to allow Guam to pivot from pandemic-era market conditions to adapt and evolve to meet the industry’s post-Covid challenges. Differing markedly with the PSS RFP, the ICAESS RFP’s focus is CHamoru culture, and centers on tourism development through events,

EXHIBIT A

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2 strategic brand positioning, involvement of local communities to build pride and ensure events
3 align, and digital marketing and storytelling to increase Guam’s digital footprint and showcase
4 Guam’s culture.

5 4. Beginning on Dec. 27, 2025, several prospective bidders for the ICAESS RFP requested
6 copies of the RFP. Glimpses obtained the ICAESS RFP packet on Jan. 3, 2025 and, accordingly,
7 had knowledge of its contents on that date.

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9 5. Two amendments were made to the ICAESS RFP. The deadline for submission of
10 questions for clarification of the ICAESS RFP was Jan. 2, 2025. Only Ruder Integrated
11 Marketing Strategies (“RIMS”) and Big Fish Creative, Inc. (“Big Fish”) timely submitted
12 questions to GVB, which GVB answered. Galaide Group. LLC (“Galaide”) submitted questions
13 after the end of the business day deadline which GVB did not answer. Glimpses submitted no
14 questions.

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16 6. With the second amendment, bid submissions for the ICAESS RFP were made due Jan.
17 17, 2025. Responses of note; Big Fish and RIMS partnered and submitted their proposal as
18 coming from the Manhita Group, a formal partnership, formed to respond to the ICAESS RFP,
19 while Galaide and Glimpses submitted their own individual proposals as did the Greenlight Group
20 (“Greenlight”).

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22 7. Bids responding to the ICAESS RFP were opened on Jan. 17, 2025, with Galaide,
23 Glimpses, RIMS and Greenlight’s submissions being evaluated by GVB’s Director of Destination
24 Development, Director of Global Marketing, and Senior Destination Specialist. These evaluators
25 ranked the submissions and scored them as follows: First – Manhita, 271; Second – Galaide, 261;
26 Third – Glimpses, 220; Fourth – Greenlight, 215.

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2 8. GVB notified all bidders of its intent to award the ICAESS contract to RIMS on Jan. 21,
3 2025.

4 9. On Jan. 27, 2025, Glimpses FOIA'd the ICAESS RFP procurement record and was given
5 access to it on Jan. 31, 2025.

6 10. On Feb. 4, 2025, Glimpses protested GVB's method, solicitation or award of the ICAESS
7 RFP stating the grounds that follow below.

8 11. A determination was made by GVB on Feb. 19, 2025, and on Feb. 20, 2025, the
9 designated Deputy Attorney General concurred that, award of the contract for the ICAESS RFP
10 without delay was necessary to protect the substantial interest of Guam.

12 12. GVB notified Glimpses on Feb. 24, 2025 that award of the contract for the ICAESS RFP
13 was necessary without delay to protect the substantial interest of Guam.

14 13. Glimpses failed to appeal GVB's determination of substantial interest in accordance with
15 5 GCA § 5425 (g).

16 14. GVB executed the ICAESS contract with RIMS on Mar. 4, 2025.

17 15. Glimpses' main complaint in its Protest is that RIMS/Manhita was a lesser qualified
18 bidder. Three evaluators analyzed bid submissions and found that RIMS' submission was
19 responsive and superior to Galaide's submission, which was ranked second, and superior to
20 Glimpses' submission as well. Driven by business necessity arising from industry conditions and
21 the Governor's imploring action to turn the industry around; these evaluators' scores took account
22 of the competing bidders' qualifications and experience, demonstrated capability and capacity to
23 respond, quality and responsiveness, plan of performance – approach and strategy and gave
24 objective evaluations. Glimpses' Protest failed to provide reasoning or evidence to suggest that
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1 the evaluators' scoring was deficient on any of the stated criteria. Comparison of submissions
2 shows that the RIMS/Manhita submission was to consist of the combined efforts of RIMS as the
3 lead agency, Big Fish, the creative strategist, and Skift, a global tourism strategy firm engaged by
4 RIMS and Big Fish to provide additional support. Manhita's presentation was visually appealing,
5 in-depth, comprehensive and responsive to GVB's solicitation. Manhita's submission more
6 favorably meets the intent behind the ICAESS RFP and GVB's needs. There is sufficient basis,
7 therefore, to decide that RIMS's submission was superior by 10 points to Galaide and 51 points to
8 Glimpses. Protest on this basis is denied.
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11 16. Glimpses next Protest basis was that, despite the PSS contract being renewed in
12 Sep. 2024, and there being no indication of unsatisfactory work associated with that procurement,
13 the scoring was unfairly biased in favor of Manhita. Glimpses appears substantively to be
14 protesting a contract controversy involving the PSS RFP under 5 GCA § 5427 and not the
15 method, solicitation, or award of the ICAESS RFP under 5 GCA § 5425. Also, Glimpses'
16 reasoning fails to account for the intent for the ICAESS RFP, only relying on the design of the
17 PSS RFP, which is insufficient for GVB's and the tourism industry's present business reality.
18 Furthermore, each of the evaluators affirmed they had no conflicts regarding their participation in
19 the evaluation of the ICAESS RFP bid submissions. Based on the foregoing reasons, Glimpses
20 Protest this basis is denied.
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22 17. Glimpses' next Protest basis was that it was asked to create a hypothetical scenario with
23 very little guidance on budget, expected performance outcomes, or relevant criteria for judgment.
24 All other bidders were allowed access to the solicitation packet as early as Dec. 27, 2024 and can
25 be charged with knowledge of the contents of the ICAESS RFP on that date. Glimpses obtained a
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2 copy of the solicitation packet on Jan. 3, 2025 and had actual knowledge what a responsive bid
3 would entail from that date. Its Feb. 4, 2025 protest on this specific point was untimely.
4 Nevertheless, it is clear that all bidders obtained information sufficient to complete and submit
5 their responses, with Manhita and Galaide having enough understanding of what was required for
6 bidders' submissions. As to Glimpses' contention that it had little guidance to create a
7 hypothetical scenario; to the extent that may be true—which can be doubted because Manhita and
8 Galaide had superior responses—it bears responsibility for failure to timely ask for clarification
9 regarding the requirements of the ICAESS RFP or to seek another accommodation so that it could
10 address any issues it perceived with the procurement. For the foregoing reasons, this basis of
11 Glimpses' Protest is denied.
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13 18. GVB having decided against each basis of Glimpses Protest, denies the protest for the
14 reasons stated herein.

15 Dated this 21st day of March 2025 by:

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19 GERALD S. A. PEREZ
20 for DEPUTY GENERAL MANAGER
21 GUAM VISITORS BUREAU
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8 *Guam Visitors Bureau*

9 **BEFORE THE OFFICE OF PUBLIC ACCOUNTABILITY**

10 IN THE APPEAL OF

Appeal No. OPA-PA-25-002

11 GLIMPSES OF GUAM, INC.,

DECLARATION OF COUNSEL

12 Appellant.

13 Pursuant to 5 GCA Chapter 5, unless the court requests, expects, or otherwise expresses
14 interest in a decision by the Public Auditor, the Office of the Public Auditor will not take action
15 on any appeal where action concerning the protest or appeal has commenced in any court.

16 The undersigned party does hereby confirm that to the best of his or her knowledge, no
17 case or action concerning the subject of this Appeal has been commenced in court. All parties are
18 required to and the undersigned party agrees to notify the Office of the Public Auditor within 24
19 hours if court action commences regarding this Appeal or the underlying procurement action.

20 **RESPECTFULLY SUBMITTED THIS 26th day of March, 2025.**

21 **McDONALD LAW OFFICE, LLC**
22 Attorneys for Purchasing Agency
23 *Guam Visitors Bureau*

24 By:



25 **CHARLES H. MCDONALD II**