



Jerrick Hernandez <jhernandez@guamopa.com>

Notice of Appeal - In the Appeal of ASC Trust, LLC

Jamaica Nakama <jnakama@arriolafirm.com>
To: jhernandez@guamopa.com
Cc: William B Brennan <wbrennan@arriolafirm.com>

Wed, Apr 30, 2025 at 4:44 PM

Hafa Adai,

Please see the attached Notice of Appeal for filing.

Kind regards,

Jamaica Nakama

Legal Assistant to William B. Brennan, Esq.

ARRIOLA LAW FIRM, LLC

259 Martyr Street, Suite 201

Calvo-Arriola Building

Hagatna, Guam 96910

Tel: 671.477.9730/33

Email: jnakama@arriolafirm.com

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Notice of Appeal - GGRF RFP-002-25 4.30.2025.pdf
5106K

WILLIAM B. BRENNAN, ESQ.
ARRIOLA LAW FIRM, LLC
259 MARTYR STREET, SUITE 201
HAGATNA, GUAM 96910
TEL: (671) 477-9730/33
attorneys@arriolafirm.com

Attorneys for Appellant
ASC Trust, LLC

**BEFORE THE OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEAL**

PART I

In the Appeal of

Docket No. OPA-PA-25-_____

ASC TRUST, LLC,

Appellant.

NOTICE OF APPEAL

COMES NOW, ASC Trust, LLC (“ASC”), through the undersigned counsel, to give notice of its appeal from the Government of Guam Retirement Fund’s (“GGRF”) April 23, 2025 denial of a procurement protest.

PART II – Appellant Information

Appellant’s Name	ASC Trust, LLC
Appellant’s Mailing Address	120 Father Duenas Avenue Suite 110 Hagatna, Guam 96910
Appellant’s Business Address	120 Father Duenas Avenue Suite 110 Hagatna, Guam 96910
Email Address:	candy.okuhama@asctrust.com

Please direct all correspondence regarding this matter to ASC Trust, LLC’s counsel, the Arriola Law Firm, LLC at 259 Martyr St., Ste. 201, Hagatna, Guam 96910, attorneys@arriolafirm.com.

PART III – Appeal Information

- A. Purchasing Agency: Government of Guam Retirement Fund (“GGRF”)
- B. Procurement Number: GGRF RFP-002-25 seeking a provider of Plan Administration Services related to the Defined Contribution Retirement System 457(b) Deferred Compensation Plan and Welfare Benefit Plan (“RFP”).
- C. The decision being appealed was provided to Appellant on April 23, 2025. The Decision was made by the Executive Director of the GGRF Ms. Paula Blas.

Note: You must serve the Agency checked here with a copy of this Appeal within 24 hours of filing.

- D. Appeal is made from the decision to deny ASC’s Protest of Method, Solicitation or Award of the RFP.
- E. Names of Competing Offeror known to Appellant: unknown at this time.

PART IV – Form and Filing

A. GROUNDS FOR APPEAL

BACKGROUND

On March 17, 2025, GGRF issued the RFP, seeking a provider of Plan Administration Services related to the Defined Contribution Retirement System 457(b)Deferred Compensation Plan and Welfare Benefit Plan.

ASC timely submitted the following two written questions on March 31, 2025:

1. Will Guam-based offerors receive any preference in evaluation scoring? If so, how will such preference be quantified, and what documentation is required?
2. Will the incumbent’s exemption from transition requirements (due to existing systems and data integration) be considered an evaluation advantage? If so, how will GGRF balance that against innovation or service improvements proposed by other bidders?

On April 11, 2025, GGRF responded to question 1: that “Minimum qualifications are addressed in

Section V.B. and Evaluation Factors are addressed in Section VI.C. of the RFP. The evaluation criteria do not include any geographic preference or scoring advantage based on the offeror's location. Therefore, no additional documentation related to Guam-based status is required for evaluation purposes.”

GGRF responded to question 2: “Transition plans are not part of the formal evaluation criteria and will not be scored. However, non-incumbent offerors are required to provide a general outline of their proposed transition approach to demonstrate their ability to assume services effectively, if awarded the contract. The incumbent's exemption from this requirement – due to existing systems and data integration – will not be considered an evaluation advantage. All proposals will be evaluated strictly based on the established evaluation criteria, ensuring a level playing field for all offerors including consideration of innovation and service improvements.”

ASC subsequently protested the procurement, alleging (1) that the transition planning components of the required proposal unfairly advantaged the incumbent, and (2) that Guam law requires that GGRF give preference to local businesses that meet certain requirements. Ex. A. Procurement Protest (April 16, 2025).

On April 23, 2025, GGRF issued a decision on ASC's protest. GGRF amended the RFP to remove the transition planning related requirements. GGRF denied ASC's protest related to the local preference. GGRF also set an updated proposal submission deadline for April 28, 2025.¹

PROTEST

1. GGRF's failure to apply the local procurement preference violates Guam law.

¹ ASC subsequently protested GGRF's Addendum issued on April 23, 2025, setting a proposal submission deadline for violating the automatic stay imposed by ASC's April 16, 2025 protest. Ex. C. GGRF subsequently vacated the April 28, 2025 proposal submission deadline, affirming ASC's position in protest 2. See GGRF response to ASC Protest #2 attached hereto as Exhibit D. notwithstanding that its protest was not finally resolved.

The Guam legislature has codified a policy in favor of local procurement at 5 G.C.A. Section 5008. The law requires that procurement of supplies and services shall be made from businesses: (1) licensed to do business in Guam, (2) that maintain an office or other facility in Guam, (3) whenever a business that is willing to be a contractor is (*inter alia*): “A service business actually in business, doing a substantial portion of its business on Guam, and hiring at least 95% U. S. Citizens, lawfully admitted permanent residents or nationals of the United States, or persons who are lawfully admitted to the United States to work, based on their citizenship in any of the nations previously comprising the Trust Territory of the Pacific Islands.”

Procurement from “off Guam” is only allowed when “if no business for such supplies or services may be found on Guam or if the total cost F.O.B. job site, unloaded, of procurement from off island is no greater than eighty-five percent (85%) of the total cost F.O.B. job site, unloaded, of the same supplies or services when procured from a business licensed to do business on Guam that maintains an office or other facility on Guam and that is one of the above-designated businesses entitled to preference.” 5 G.C.A. § 5008(d). The procurement regulations confirm the local preference in the Guam procurement law. 2 GAR. Div. 4, Section 1104.

The procurement law recognizes that “services” includes those provided by consultants and attorneys. See 5 G.C.A. Section 5030, Comment 1.

Here, GGRF posits that the local preference does not apply to the qualifications-based selection process for professional services. Ex. B, Dec. on Procurement Protest (April 23, 2025). GGRF ignores that the Legislature is aware of how to excise professional services related solicitations from preference policies. See e.g., 5 G.C.A. Section 5011 (recognizing procurement policy in favor of awarding procurements to service-disabled veteran owned businesses “except for professional

services”). In contrast, the local procurement policy speaks to “all procurement of supplies and services”. GGRF also ignores the comment to the definition of services at Section 5030.

Additionally, GGRF advances an unreasonable interpretation of 5 G.C.A. Section 5008 where it concludes that Section 5008 is a price-based statute only. For a service-related business to meet the requirements of that section, the service-related business must:

- (1) be licensed to do business in Guam,
- (2) must maintain an office or other facility in Guam, and
- (3) must hire at least 95% U. S. Citizens, lawfully admitted permanent residents or nationals of the United States, or persons who are lawfully admitted to the United States to work, based on their citizenship in any of the nations previously comprising the Trust Territory of the Pacific Islands.”

5 G.C.A. Section 5008(d). If those requirements are met, Section 5008 mandates that the agency procuring supplies *or services* apply the local preference. GGRF’s determination that its RFP for professional services is not required to comply with the policy in favor of local procurement is therefore contrary to law.

B. STATEMENT SPECIFYING THE RULING REQUESTED

Based on the foregoing, ASC requests that the OPA find that: that GGRF’s RFP is not consistent with Guam law, specifically 5 G.C.A. Section 5008. ASC requests that the OPA order GGRF to reform the RFP to include and apply Guam’s policy in favor of local procurement at 5 G.C.A. Section 5008. In the alternative, ASC requests that the OPA order GGRF to cancel and resolicit the RFP in accordance with Guam law.

C. SUPPORTING EXHIBITS, EVIDENCE OR DOCUMENTS

The following Exhibits are referenced in this notice of appeal and are attached hereto:

1. Exhibit A. ASC’s April 16, 2025 protest to GGRF.
2. Exhibit B. GGRF’s April 23, 2025 decision on ASC’s protest.

3. Exhibit C. ASC's April 25, 2025 protest to GGRF.
4. Exhibit D. GGRF's response to ASC's April 25, 2025 protest.

PART V – Declaration re Court Action

Pursuant to 5 G.C.A. 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 30th day of April, 2025.

Respectfully submitted,
ARRIOLA LAW FIRM, LLC

By: _____


WILLIAM B. BRENNAN

VERIFICATION

I, Gabrielle Bamba, being duly sworn, hereby declare, that the undersigned is an Officer of ASC Trust, LLC. I have read the foregoing Notice of Appeal and I am aware of the factual allegations made therein. In my capacity as Officer of ASC Trust, LLC, I verify said factual allegations are true based on my own knowledge and belief, except as to those matters averred on information and belief. As to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of Guam that the foregoing is true and correct.

Dated this 30th day of April, 2025 at Hagatna, Guam.



GABRIELLE BAMBA
Officer, ASC Trust, LLC



PROCUREMENT PROTEST

April 16, 2025

Via Email & Hand Delivery:
Ms. Paula Blas
Director
Government of Guam Retirement Fund
424 Route 8
Maite, Guam 96910
pmbblas@ite.net

Re: Procurement Protest – GGRF-002-25

Dear Ms. Blas,

Pursuant to 5 G.C.A. Section 5425(a) ASC Trust, LLC (“ASC”) hereby files this **PROCUREMENT PROTEST** related to Government of Guam Retirement Fund (“GGRF”) RFP-002-25 (the “RFP”).

I. Background

On March 17, 2025, GGRF issued the RFP, seeking a provider of Plan Administration Services related to the Defined Contribution Retirement System 457(b)Deferred Compensation Plan and Welfare Benefit Plan.

The RFP requires significant and substantive transition and conversion related information should a non-incumbent offeror be awarded a contract. See RFP pp. 32-33, ¶¶ 183-191.

ASC timely submitted the following two written questions on March 31, 2025:

1. Will Guam-based offerors receive any preference in evaluation scoring? If so, how will such preference be quantified, and what documentation is required?
2. Will the incumbent's exemption from transition requirements (due to existing systems and data integration) be considered an evaluation advantage? If so, how will GGRF balance that against innovation or service improvements proposed by other bidders?



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Ms. Paula Blas
4/16/2025

On April 11, 2025, GGRF responded to question 1: that “Minimum qualifications are addressed in Section V.B. and Evaluation Factors are addressed in Section VI.C. of the RFP. The evaluation criteria do not include any geographic preference or scoring advantage based on the offeror’s location. Therefore, no additional documentation related to Guam-based status is required for evaluation purposes.”

GGRF responded to question 2: “Transition plans are not part of the formal evaluation criteria and will not be scored. However, non-incumbent offerors are required to provide a general outline of their proposed transition approach to demonstrate their ability to assume services effectively, if awarded the contract. The incumbent’s exemption from this requirement – due to existing systems and data integration – will not be considered an evaluation advantage. All proposals will be evaluated strictly based on the established evaluation criteria, ensuring a level playing field for all offerors including consideration of innovation and service improvements.”

II. Timeliness of Protest:

ASC raised this protest after GGRF’s written response to its question concerning local preference on April 11, 2025 thus lodges this protest within 14 days of when ASC knew or should have known of the facts giving rise thereto. Additionally, ASC reserves the right to amend and or supplement this protest should it discover any additional factual basis to do so.

III. Protest:

1. GGRF is required by Guam law to award the contract to an offeror based in Guam.

The Guam legislature has codified a policy in favor of local procurement at 5 G.C.A. Section 5008. The law requires that procurement of supplies and services shall be made from businesses:

- (1) licensed to do business in Guam,
- (2) that maintain an office or other facility in Guam,
- (3) whenever a business that is willing to be a contractor is (*inter alia*):
 - (d) “A service business actually in business, doing a substantial portion of its business on Guam, and hiring at least 95% U. S. Citizens, lawfully admitted permanent residents or nationals of the United States, or persons who are lawfully admitted to the United States to work, based on their citizenship in any of the nations previously comprising the Trust Territory of the Pacific Islands.”



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4/16/2025

Procurement from “off Guam” is only allowed when “if no business for such supplies or services may be found on Guam or if the total cost F.O.B. job site, unloaded, of procurement from off island is no greater than eighty-five percent (85%) of the total cost F.O.B. job site, unloaded, of the same supplies or services when procured from a business licensed to do business on Guam that maintains an office or other facility on Guam and that is one of the above-designated businesses entitled to preference.” 5 G.C.A. § 5008(d).

The procurement regulations confirm the local preference in the Guam procurement law. 2 GAR. Div. 4, Section 1104.

Here, GGRF’s response that “The evaluation criteria do not include any geographic preference or scoring advantage based on the offeror’s location” therefore is inconsistent with Guam law. GGRF must give preference to an offeror(s) that meets the requirements of 5 G.C.A. Section 5008 and 2 GAR Div. 4, Section 1104 over offerors who do not.

Based on the foregoing, ASC hereby protests GGRF’s failure to adhere to the local preference in the Procurement law. ASC hereby demands that GGRF amend the RFP to comply with 5 G.C.A. Section 5008 and 2 GAR Div. 4, Section 1104, or cancel this RFP.

2. The RFP unfairly advantages the incumbent provider who would not have to provide significant substantive transition related information.

GGRF seeks significant planning about the potential for a transition of services to a non-incumbent provider. The incumbent would presumably not have to address a transition and thus would be excused from the requirement. Non incumbent offerors risk their proposal being rejected as non responsive for failing to provide the requested transition information. RFP, p. 17 (**“Proposals that do not follow this question sequence and do not number their responses will not be considered”** (emphasis in original)).

This unfairly advantages the incumbent and therefore violates Guam law. See 5 G.C.A. Section 5265 (“All specifications shall seek to promote overall economy for the purposes intended and encourage competition in satisfying Guam’s needs, and shall not be unduly restrictive.”); see also, 2 GAR Div. 4, Section 4106(a) (“All specifications shall be written in such a manner as to describe the requirements to be met, without having the effect of exclusively requiring a proprietary supply, service, or construction item, or procurement from a sole source, unless no other manner of description will suffice.”).



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Here, GGRF's answer to ASC Question 2 ignores that the plain language of its RFP, that "the offeror's response to items mentioned in Subsections . . . D of this Section V together *shall* be considered the offeror's proposal." RFP, p. 17, Section D (emphasis added). Nothing in the RFP states that items 183-191 in Section D will not be measured as part of the Offeror's plan to provide the services. In fact, the plan itself is 10% of the total score available in the evaluation criteria.

Based on GGRF's April 11, 2025 answer to ASC's Question 2, ASC's protest is made within 14 days of the date it knows or should know of the facts giving rise thereto. GGRF must reform the RFP to eliminate the requirement that a non-incumbent offeror's plan include significant and substantive transition related information that an incumbent is not required to provide.

IV. Automatic Stay

No award has been made as the proposal deadline for this RFP is currently set for April 24, 2025. This protest therefore affects an automatic stay of the procurement until this pre-award protest is resolved finally. See 5 G.C.A. § 5425(g). To the extent a stay is not in place or is not put in place because of this protest, ASC hereby gives notice that it protests GGRF's decision related to the failure to impose a stay. Guam law mandates that solicitation or an award of a contract be stayed until all timely pre-award protests are resolved finally. ASC's protest is timely and pre-award. Therefore, the RFP must be stayed until this protest is resolved finally.

For the reasons set forth hereinabove, ASC brings this procurement protest.

Sincerely,
ASC Trust, LLC

A handwritten signature in black ink, appearing to read "Candy Okuhama", with a long horizontal flourish extending to the right.

Candy Okuhama
President & CEO

cc: Emma R. Reyes, GGRF Administrative Services Division, erreyes@ggrf.com
GGRF Procurement Office, procurement@ggrf.com



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EXHIBIT B



Lourdes A. Leon Guerrero
Governor

Joshua F. Tenorio
Lieutenant Governor

Paula M. Blas
Director

Trustees:

Antolina S. Leon Guerrero
Chair

George A. Santos
Vice Chair

Thomas H. San Agustin
Secretary

Artemio R.A. Hernandez, Ph.D.
Treasurer
Chair, Investment Committee

Katherine T.E. Taitano
Trustee
Chair, Members and Benefits Committee

David N. Sanford
Trustee

Vacant
Trustee

April 23, 2025

Via Email and Hand Delivery

Candy Okuhama, President & CEO
ASC Trust, LLC
120 Father Dueñas Avenue, Suite 110
Hagåtña, Guam 96910

Re: Response to Procurement Protest – RFP No. GGRF-002-25

Dear Ms. Okuhama:

The Government of Guam Retirement Fund (“GGRF”) acknowledges receipt of your April 16, 2025, letter regarding RFP No. GGRF-002-25, submitted on behalf of ASC Trust, LLC (“ASC”) as a pre-award protest pursuant to 5 GCA § 5425(a). We appreciate your participation in this procurement and provide the following response.

1. Local Procurement Preference – 5 GCA § 5008(d)

ASC asserts that GGRF’s RFP fails to comply with 5 GCA § 5008(d), which provides a local preference for qualified Guam-based service businesses under certain price conditions. While GGRF acknowledges and supports the policy favoring local businesses, we respectfully reject the protest’s contention that the statute mandates a preference in the qualifications-based selection process for professional services.

The services being procured under this RFP—plan administration and recordkeeping—are professional services governed by 5 GCA § 5216 and the implementing rules under 2 GAR § 3114. These provisions require the agency to evaluate and rank offerors based solely on qualifications and to negotiate with the most qualified firm first. If negotiations fail, the agency may only proceed to the next most qualified offeror.

Reading § 5008(d) to require awarding a contract to a lower-ranked local firm based solely on price would directly conflict with the structured process mandated under § 5216. If three firms are ranked higher based on professional qualifications, § 5008(d) could not reasonably operate without invalidating the statutory and regulatory ranking procedure. As such, § 5216 and 2 GAR § 3114 must control the selection process for professional services.

424 Route 8,
Maile, Guam 96910
Tel: 671.475.8900
Fax: 671.475.8922
www.ggrf.com

Accordingly, GGRF finds that 5 GCA § 5008(d) does not apply in a manner that alters or overrides the qualifications-based selection procedure required for this RFP. This portion of ASC's protest is, therefore, respectfully denied.

2. Transition Planning Requirements

ASC also raised concerns regarding the inclusion of transition-related questions in the RFP. GGRF has reviewed this issue and agrees that these questions, while intended to assess readiness, are not part of the evaluation criteria and will not be scored or ranked.

Requiring all offerors to respond at this stage may impose unnecessary effort. GGRF believes a more practical approach is to request this information from the top-ranked firm(s) once a selection has been made or during contract negotiations with the final awardee.

Therefore, GGRF will issue Amendment No. 2 to remove the transition-related questions from Section V of the RFP. Offerors will no longer be required to submit this information with their initial proposals. This amendment resolves this portion of the protest.

3. Automatic Stay

As this protest was timely filed prior to award, GGRF acknowledges that an automatic stay is in effect pursuant to 5 GCA § 5425(g). No award will be made under this RFP until the protest is fully resolved.

Conclusion

GGRF appreciates ASC's interest in this solicitation and its efforts to engage with the procurement process. Based on the foregoing, ASC's protest is hereby denied as to the application of 5 GCA §5008(d) and resolved in part by the forthcoming Amendment No. 2, which will formally remove the transition planning requirement from the proposal stage.

This is a final decision. In accordance with 5 GCA § 5425(e), ASC is advised of its right to appeal a denial of the protest to the Office of Public Accountability of Guam within fifteen (15) days after receipt of this decision.

Additionally, under 5 GCA § 5480, any person aggrieved by a final decision of the Office of Public Accountability or the head of the purchasing agency has the right to seek judicial review before the Superior Court of Guam.

Please do not hesitate to contact the GGRF Procurement Office for any additional questions.

Sincerely,



Paula M. Blas
Director



SECOND PROCUREMENT PROTEST

April 25, 2025

Via Email & Hand Delivery:
Ms. Paula Blas
Director
Government of Guam Retirement Fund
424 Route 8
Maite, Guam 96910
pmblas@ite.net

Re: Second Procurement Protest – GGRF-002-25

Dear Ms. Blas,

Pursuant to 5 G.C.A. Section 5425(a) ASC Trust, LLC (“ASC”) hereby files this second **PROCUREMENT PROTEST** related to Government of Guam Retirement Fund (“GGRF”) RFP-002-25 (the “RFP”).

I. Background

On March 17, 2025, GGRF issued the RFP, seeking a provider of Plan Administration Services related to the Defined Contribution Retirement System 457(b)Deferred Compensation Plan and Welfare Benefit Plan.

ASC subsequently filed its first procurement protest on April 16, 2025. On April 23, 2025, GGRF issued an addendum to the RFP indicating that the proposal submission deadline was updated to April 28, 2025. GGRF subsequently issued a decision denying in part and sustaining in part ASC’s protest. The decision informed ASC of its right to appeal to the Public Auditor within 15 days, as required by Guam law.

II. Timeliness of Protest:

ASC raises this protest after GGRF’s written response to its first procurement protest, which ASC received on April 23, 2025. ASC thus lodges this protest within 14 days of when ASC knew or should have known of the facts giving rise thereto. Additionally, ASC reserves the right to amend and or supplement this protest should it discover any additional factual basis to do so.



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Ms. Paula Blas
4/25/2025

III. Protest:

1. The automatic stay remains in place until ASC's first protest is resolved.

Guam law is clear. Where a timely, pre-award protest is filed, GGRF is required not to proceed further with "the solicitation or with the award" of a contract prior to final resolution of the protest. Final resolution does not occur until exhaustion of the appeals process or the interim period during which a party has a right to appeal a decision in the procurement protest and appeal scheme. See Teleguam Holdings, LLC v. Territory of Guam, 2015 Guam 13 ¶ 32.

Here, GGRF's decision on the protest was served to ASC on April 23, 2025. ASC has 15 days from April 23, 2025 to appeal GGRF's denial of its protest, to the Guam Office of Public Accountability ("OPA"). GGRF's proceeding with the solicitation by setting a proposal deadline for April 28, 2025 is not in compliance with the law. ASC demands that GGRF impose an automatic stay immediately, and vacate the April 28, 2025 submission deadline.

IV. Automatic Stay

No contract award has been made, and this protest is both timely and pre-award. This protest therefore reaffirms that an automatic stay of the procurement must remain in place. See 5 G.C.A. § 5425(g). To the extent a stay is not in place or is not put in place because of this protest, ASC hereby gives notice that it protests GGRF's decision related to the failure to impose a stay. Guam law mandates that a solicitation or an award of a contract be stayed until all timely pre-award protests are resolved finally. ASC's protest is timely and pre-award. Therefore, the RFP must be stayed until this protest is resolved finally.

For the reasons set forth hereinabove, ASC brings this second procurement protest.

Sincerely,
ASC Trust, LLC

A handwritten signature in black ink, appearing to read "Candy Okuhama".

Candy Okuhama
President & CEO

cc: Emma R. Reyes, GGRF Administrative Services Division, erreyes@ggrf.com
GGRF Procurement Office, procurement@ggrf.com



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EXHIBIT D

Lourdes A. Leon Guerrero
Governor

Joshua F. Tenorio
Lieutenant Governor

Paula M. Blas
Director



Antolina S. Leon Guerrero
Chair

George A. Santos
Vice-Chair

Thomas H. San Agustin
Secretary

Artemio R.A. Hernandez, Ph.D.
Treasurer

David N. Sanford
Trustee

Katherine T.E. Taitano
Trustee
Vacant
Trustee

LETTER OF TRANSMITTAL

To: Ms. Gabrielle Bamba, President & CEO
ASC Trust, LLC

Date: April 28, 2025

Re: RFP No. GGRF-002-25

(Response to Procurement Protest)

120 Father Dueñas Avenue
Suite 110
Hagåtña, Guam 96910

☐

Mailed

☒

Hand Delivered

☐


Fax

☐

Picked Up

THE FOLLOWING IS (ARE) TRANSMITTED HERewith:

- GGRF Response to Procurement Protest – RFP No.: GGRF-002-25
-

Lauria Taitano 
Print Name/ Sign
Date Received: 2:04 pm 4/28/25

**RECEIVED BY
ASC TRUST**

APR 28 2025 LT 



GOVERNMENT OF GUAM
RETIREMENT FUND
STABILITY · SECURITY · REWARDS

Lourdes A. Leon Guerrero
Governor

Joshua F. Tenorio
Lieutenant Governor

Paula M. Blas
Director

Trustees:

Antolina S. Leon Guerrero
Chair

George A. Santos
Vice Chair

Thomas H. San Agustin
Secretary

Artemio R.A. Hernandez, Ph.D.
Treasurer
Chair, Investment Committee

Katherine T.E. Taitano
Trustee
Chair, Members and Benefits Committee

David N. Sanford
Trustee

Vacant
Trustee

April 28, 2025

RECEIVED BY
ASC TRUST

APR 28 2025



Via Email and Hand Delivery

Candy Okuhama, President & CEO
ASC Trust, LLC
120 Father Dueñas Avenue, Suite 110
Hagåtña, Guam 96910
Email:

Re: Response to Second Procurement Protest – RFP No. GGRF-002-25

Dear Ms. Okuhama:

The Government of Guam Retirement Fund (“GGRF”) acknowledges receipt of ASC Trust, LLC’s (“ASC”) second procurement protest letter dated April 25, 2025, regarding RFP No. GGRF-002-25 for Plan Administration Services.

GGRF has reviewed ASC’s protest and the arguments presented regarding the automatic stay required under 5 GCA § 5425(g). After careful consideration, GGRF agrees that, consistent with Guam procurement law, the automatic stay remains in effect until the protest is fully resolved, including exhaustion of any applicable appeals to the Public Auditor or request for judicial review in the Superior Court of Guam.

Accordingly, GGRF agrees that the previously stated proposal submission deadline of April 28, 2025, set forth in Amendment No. 2, was issued prematurely. GGRF will therefore issue Amendment No. 3 to formally rescind the submission deadline contained in Amendment No. 2. All other provisions of Amendment No. 2, including the removal of the transition planning questions, will remain unchanged.

The proposal submission deadline will remain suspended until such time that the protest is fully resolved in accordance with the procedures established by 5 GCA § 5425.

This is a final decision. In accordance with 5 GCA § 5425(e), ASC is advised of its right to appeal to the Office of Public Accountability of Guam within fifteen (15) days after receipt of this decision.

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Ms. Candy Okuhama

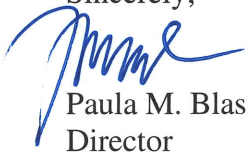
April 28, 2025

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Additionally, under 5 GCA § 5480, any person aggrieved by a final decision of the Office of Public Accountability or the head of the purchasing agency has the right to seek judicial review before the Superior Court of Guam.

Thank you for your engagement and participation in this procurement process. Please contact the GGRF Procurement Office at procurement@ggrf.com if you have any further questions.

Sincerely,



Paula M. Blas
Director