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OPA-PA-25-002: In the Appeal of Glimpses of Guam, Inc.

Christine Jackson <chrissy@mcdonald.law>

Wed, May 7, 2025 at 4:03 PM

To: Jerrick Hernandez <jhernandez@guamopa.com>

Cc: Dan Berman <djberman@pacificlawyers.law>, Charles McDonald <charles@mcdonald.law>, McDonald Law Office <guam@mcdonald.law>

Hafa Adai Mr. Hernandez,

Please see the attached ***Purchasing Agency's Motion to Dismiss, Purchasing Agency's Motion to Confirm Determination***, and ***Purchasing Agency's 2nd Supplemental Submission of Procurement Record*** for filing in the above-reference matter.

Kindly confirm receipt of this email and its attachment.

Sincerely,

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3 attachments

OPA-PA-25-002 - Purchasing Agency's Motion to Dismiss.pdf
401K



OPA-PA-25-002 - Purchasing Agency's Motion to Confirm Determination.pdf
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OPA-PA-25-002 - Purchasing Agency's 2nd Supplemental Submission of Procurement Record.pdf
1626K

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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.,

12 Appellant.

**PURCHASING AGENCY'S
MOTION TO CONFIRM
DETERMINATION; MEMORANDUM IN
SUPPORT**

13 **MOTION TO CONFIRM DETERMINATION OF NEED**

14 This is Purchasing Agency Guam Visitors Bureau's ("Bureau's," or "GVB's") Motion to
15 Confirm the Determination of Need made by GVB to award the contract for GVB Request for
16 Proposal 2025-002 to protect the substantial interests of Guam. Because GVB identified the
17 specific substantial interest of Guam and how that interest would be impaired by delay of the
18 award of the ICAESS contract to RIMS, the Public Auditor should confirm the determination.
19 This motion is brought through GVB legal counsel at the McDonald Law Office. It is supported
20 by the Memorandum of Law, *supra*, the record, attached/accompanying affidavits, exhibits,
21 publicly available information, and any evidence as may be heard by the OPA.
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MEMORANDUM OF LAW

I. BACKGROUND

On October 24, 2024 the Governor attended GVB's board meeting to urge GVB, its board of directors and members to take immediate action to change the trajectory of Guam's tourism industry, as it had lost market share to rival destinations post-Covid. At that meeting, the Governor presented the results of two studies and that painted a dim picture of Guam's large tourism industry. *See* https://www.postguam.com/news/local/guam-tourism-at-critical-juncture/article_b5e20b40-9405-11ef-86f9-7fdbf92a21a3.html (last visited 5/7/25). After the meeting, GVB set about acting on plans to turn tourism around. *See, generally,* <https://www.guamvisitorsbureau.com/tools-resources/industry-recovery-updates> (last visited 5/7/25).

On December 20, 2025, GVB made a Determination of Need and Record of Planning re Integrated Communications, Advertising and Event Support Services (hereinafter "ICAESS ") and issued GVB Request for Proposal ("RFP") 2025-002. GVB001313-GVB001315. Four bidders responded to the ICAESS RFP including the (i) Manhita Group ("Manhita"), a collaborative submission by Ruder Integrated Marketing Strategies ("RIMS"), (ii) Galaide Group LLC ("Galaide"), (iii) Glimpses of Guam, Inc. ("Glimpses") and (iv) The Greenlight Group ("Greenlight").

At noon on January 17, 2025, bid submissions were closed. *See* GVB0118. At 2:00 p.m. the bids were evaluated. *See* GVB0237. GVB evaluated these submissions and ranked Manhita first (271 points), Galaide a close second (261 points), Glimpses a distant third (220 points), and Greenlight fourth (215 points). GVB0239-0282. *Id.*

1 Glimpses protested the ICAESS RFP method, solicitation or award on February 4, 2025.
2
3 GVB0342-GVB0355. On February 14, 2024, GVB asked Glimpses to withdraw its protest.
4 GVB0357. On February 19, 2025, GVB's acting general manager Gerald Perez made a
5 Determination of Need to award the ICAESS contract without delay to protect the substantial
6 interests of Guam (hereinafter, the substantial interests determination or "SID"). On February
7 20, 2025, Deputy Attorney General Joseph Guthrie concurred on the SID. *See* GVB0365-
8 GVB0392. On February 24, 2025, Glimpses was notified of the SID. *See* GVB0393, GVB0394.
9 Glimpses did not protest the SID within two days' of notification. Instead, on March 11, 2025,
10 Glimpses filed the instant Procurement Appeal.
11

12 I. LAW

13 The Public Auditor (hereinafter "Pub. Aud.") has jurisdiction to review and determine *de*
14 *novo* any matter properly submitted at procurement appeal. 5 GCA § 5703 (a). No prior agency
15 determination is final or conclusive on a procurement appeal. *Id.* § 5703 (c). The Public
16 Auditor's jurisdiction is exercised to promote the integrity of the procurement process and the
17 purposes of the Procurement Law. *Id.* § 5703 (f). The Public Auditor's determination of issues
18 or findings of fact are final and conclusive unless arbitrary, capricious, fraudulent, clearly
19 erroneous, or contrary to law. *Id.* § 5704.
20

21 The standard of review for an agency's factual determinations is the substantial evidence
22 standard. Substantial evidence exists where there is such relevant evidence as a reasonable mind
23 might accept as adequate to support a conclusion. *Perez v. Civil Serv. Comm'n*, 2018 Guam 25;
24 *see also* 5 GCA § 9239 (agency decisions must be made in accordance with law and supported
25 by substantial evidence). Substantial evidence is more than a mere scintilla but less than a
26 preponderance. *Port Auth. of Guam v. Civil Serv. Comm'n*, 2018 Guam 1.
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1 A protesting party has two (2) days to seek confirmation of an agency determination that
2 has the concurrence of the Attorney General ("AG") or designated Deputy Attorney General
3 (hereinafter the designated "Dep. AG"), that, it is necessary to make an award of a contract
4 without delay to protect the substantial interests of Guam. Procurement Law § 5425 (g).¹
5

6 Administrative exhaustion is not purely jurisdictional; it is necessary that the opportunity
7 is afforded to agencies to correct mistakes and to promote administrative efficiency. *DFS*, 2020
8 Guam 20 ¶¶ 50, 63 (citations omitted).
9

10 To confirm the determination of need to award without delay, the determination must
11 identify the state interests implicated and how those interests would be impaired by delay. *CARL*
12 *Corp. v. State Dept. of Educ.*, 946 P.2d 1, 22-24 (Haw. 1997); *see also Guam Imaging Consult.,*
13 *Inc. v. Guam Mem. Hosp Auth.*, 2004 Guam 15 ¶ 41 (explaining that for analogous GMHA
14 regulations, necessity must be shown and the AG must concur on the determination).
15

16 II. DISCUSSION

17 A. PUBLIC AUDITOR'S *DE NOVO* REVIEW TO CONFIRM DETERMINATION 18 OF NEED

19 In the interests of the integrity of the procurement process and the purposes of the
20 Procurement Law, GVB seeks the Public Auditor's *de novo* review of the SID notwithstanding
21

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23
24 ¹ While the Superior Court has jurisdiction "over an action between Guam and a bidder, offeror,
25 or contractor, either actual or prospective, to determine whether a solicitation or award of a contract is in
26 accordance with the statutes, regulations, and the terms and conditions of the solicitation," Procurement
27 Law § 5480 (a), it does not appear that the Superior Court has jurisdiction over the Pub. Aud.'s
28 **confirmation** of a determination that award is necessary to protect substantial interests of Guam. *C.f.*
Procurement Law § 5480 (a) (providing for Superior Court jurisdiction over actions involving § 5425 (e)
appeals of § 5425 (c) decisions) *with id.* § 5425 (g) (3) (providing for the Pub. Aud.'s jurisdiction to
confirm a determination of a need to protect substantial interests of Guam).

1 lack of jurisdiction over the subject matter articulated by Glimpses.² Under § 5425 (g), after a
2 protest, further action regarding a procurement is void unless (1) a determination of need to
3 award without delay is made by the responsible official, (2) the determination has the
4 concurrence of the Attorney General or designated Dep. AG, and (3) either after two days' notice
5 of the determination seeks its confirmation in which case the Public Auditor must undertake to
6 confirm the determination. *Id.*

7
8 Principles of law and equity supplement the Procurement Law. Procurement Law
9 § 5002. The Public Auditor is entitled to fashion an appropriate remedy in deciding on an appeal
10 involving the method of selection, solicitation or award of a contract. *Data Mgt. Resources, LLC*
11 *v. Office of Pub. Accountability*, 2013 Guam 27 ¶ 48-51. At the time GVB notified Glimpses of
12 the SID, GVB determined that award of the ICAESS contract without delay was necessary to
13 protect a substantial interest of Guam. *See Guam Imaging Consult., Inc. v. Guam Mem. Hosp.*
14 *Auth.*, 2004 Guam 15 ¶¶ 23, 41 (determining validity of a substantial interest determination).
15 The integrity of the procurement process and the purposes of the Procurement Law would be
16 served by confirming the SID. Accordingly, the Public Auditor in a *de novo* review may confirm
17 GVB's determination of need to award the ICAESS contract without delay to protect a
18 substantial interest of Guam. 5 GCA § 5703 (f).
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23 ² The underlying protest was submitted to GVB on February 4, 2025. Notice of the SID was
24 provided to Glimpses on February 24, 2025. Glimpses filed the instant appeal on March 11, 2025. An
25 agency decision in response to Glimpses' February 4 protest was provided to Glimpses on March 21,
26 2025. GVB1202-GVB1206. Jurisdiction over particular claims in a procurement appeal must stem from
27 the underlying protest, where the agency has an opportunity to respond on the administrative record in a
28 § 5425 (c) decision, through to a § 5425 (e) procurement appeal. *DFS Guam LP v. A.B. Won Pat Guam*
Int'l Airport Auth., 2020 Guam 20 ¶ 61-63. It is factually impossible for Glimpses to have protested on
February 4 a determination that was issued on March 24. Accordingly, there is no subject matter
jurisdiction over Glimpses instant appeal insofar as it articulates grounds related to the SID.

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2 B. GVB'S STATUTORY PURPOSE; URGENT FORMATION OF
3 TOURISM RECOVERY PLAN; DETERMINATION OF NEED; ICAESS RFP

4 In 2019, tourism accounted for \$2.4 B of economic activity, tourists spent \$1.9 B, the
5 tourism sector generated 23,100 jobs and tax revenue was \$253 M. *See* GVB Short-Term
6 Tourism Recovery Plan at 52 (available at
7 [https://www.guamvisitorsbureau.com/sites/default/files/12-23-24_master_gvb -](https://www.guamvisitorsbureau.com/sites/default/files/12-23-24_master_gvb_-_guam_tourism_sitrep_and_recovery_plan.pdf)
8 [guam_tourism_sitrep_and_recovery_plan.pdf](https://www.guamvisitorsbureau.com/sites/default/files/12-23-24_master_gvb_-_guam_tourism_sitrep_and_recovery_plan.pdf), last visited 5/6/25). By FYE 9/30/24, it had
9 become clear that Guam's tourism sector, as measured by visitor arrivals, had not recovered from
10 pre-Covid levels. In fact, FY 2024 total visitor arrivals were 54.8% worse than 2019's total
11 visitor arrivals. *See*
12 [https://www.guamvisitorsbureau.com/sites/default/files/october_2024_preliminary_arrival_sum](https://www.guamvisitorsbureau.com/sites/default/files/october_2024_preliminary_arrival_summary_draft.pdf)
13 [mary_draft.pdf](https://www.guamvisitorsbureau.com/sites/default/files/october_2024_preliminary_arrival_summary_draft.pdf) (last visited 5/5/25).

15 GVB's chief purposes are to promote Guam's visitor industry; provide and disseminate
16 information and materials promoting Guam as a visitor destination; and engage in all lawful
17 activities reasonable or incidental to the promotion of tourism. 12 GCA § 9104 (a), (i). GVB's
18 promotional purposes serve Guam's interest in its tourism industry.

20 After the end of the Covid-19 pandemic, Guam's tourism industry did not recover as
21 quickly as anticipated. The tourism industry's poor performance prompted the Governor to
22 attend GVB's October 24, 2024 board meeting, where she urged immediate action by the Bureau
23 to boost Guam's main economic driver, tourism. *See* GVB Board Meeting of Oct. 24, 2024
24 (available at [minute_1734323532_BOD MM 10242024.pdf](#); last visited 5/5/25). At the meeting,
25 the Governor cited to a Tourism Study which identified issues with the industry and
26 recommendations. *See* GVB0401-GVB0421.
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1
2 In response to the Governor's call to action, in early December 2025, GVB developed a
3 Tourism Recovery Plan to urgently reverse substantial declines in visitor arrivals and restore
4 market share. See GVB Short-Term Tourism Recovery Plan (available at
5 [https://www.guamvisitorsbureau.com/sites/default/files/12-23-24_master_gvb -](https://www.guamvisitorsbureau.com/sites/default/files/12-23-24_master_gvb_-_guam_tourism_sitrep_and_recovery_plan.pdf)
6 [_guam tourism sitrep and recovery plan.pdf](https://www.guamvisitorsbureau.com/sites/default/files/12-23-24_master_gvb_-_guam_tourism_sitrep_and_recovery_plan.pdf); last visited 5/7/25). The tourism focus group
7 study was incorporated into Guam's tourism recovery plan to inform and shape strategic
8 marketing, branding, and product development efforts aimed at revitalizing Guam's tourism
9 economy. The study provided qualitative insights into post-pandemic travel motivations,
10 behaviors, and destination preferences from key source markets. The insights from the study
11 were explicitly linked to the need for a new marketing strategy.
12

13 On December 20, 2024, to address the recovery plan, GVB memorialized a
14 Determination of Need and Record of Planning for Integrated Communications, Advertising and
15 Events Support Services (the "Determination of Need"; alternatively "DON"). See GVB001313-
16 GVB001315. The DON explicitly identifies the need for an RFP to align with the recovery
17 plan's focus on improving visitor experience and destination appeal through enhanced service
18 and engagement. The scope of work defined in the DON includes marketing and
19 communications consultation, creative development, event management, media planning, and
20 stakeholder communications-all essential to implementing the short-term marketing campaigns
21 and signature events outlined in the recovery plan. The DON emphasizes cultural preservation
22 and promotion through festivals, events, and campaigns, directly supporting the recovery plan's
23 priority to renew emphasis on authentic CHamoru culture and traditions as a unique selling
24 point. The DON identifies tourism development through events, which the short-term plan
25 identifies as vital to reinvigorating the destination, attracting visitors, and generating interest.
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1 The DON mandates the development of communications plans with budget projections, key
2 performance indicators (KPIs), and regular reporting, ensuring that recovery activities are
3 measurable and accountable, which is critical for the short-term plan's success and ongoing
4 refinement. It describes detailed event management services, sponsorship solicitation, public
5 relations, social media management, and creative development, all of which are necessary to
6 execute the recovery plan's signature events and supplemental marketing campaigns effectively.
7
8 *See* Exh. A ¶ 4 (*Aff. of G Perez*).

9
10 In essence, the Determination of Need operationalizes key components of the recovery
11 plan, ensuring that Guam's tourism revival is supported by professional, coordinated, and
12 culturally authentic communication and event management services.

13 On December 20, 2024, GVB issued the ICAESS RFP. The ICAESS RFP enables GVB
14 to effectively execute the short-term recovery plan by procuring comprehensive integrated
15 communications, advertising, and event support services that are essential to implementing the
16 plan's urgent tactical initiatives. The ICAESS RFP solicits proposals for marketing and
17 communications consultation, creative development, media planning and buying, public
18 relations, and stakeholder communications. This professional expertise is critical to crafting and
19 executing the bold, fresh marketing campaigns outlined in the recovery plan to reposition
20 Guam's brand and boost visibility in key source markets. It helps ensure that GVB develops and
21 implements targeted marketing tactics that highlight Guam's unique selling points, which are
22 core to attracting visitors and reversing the decline in arrivals. The ICAESS RFP includes
23 detailed event management services covering budgeting, vendor coordination, permit acquisition,
24 program development, public safety coordination, sponsorship solicitation, and marketing for
25 events. These services allow GVB to organize and promote events and other festivals that are
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1 vital to stimulating demand and enhancing Guam's appeal. By outsourcing these complex event
2 logistics and marketing tasks, GVB can ensure professional, large-scale events that generate
3 media buzz, attract diverse traveler segments, and foster community engagement as prioritized in
4 the short-term plan. The ICAESS RFP mandates the development of communications plans with
5 budget projections, performance indicators, and regular reporting. This structured oversight
6 ensures that marketing and event activities are aligned with recovery goals and allows for timely
7 adjustments based on performance data. The RFP also enables GVB to leverage digital
8 marketing, social media, influencer partnerships, and storytelling to amplify Guam's cultural
9 uniqueness and event offerings to global audiences. *See id.* ¶ 5.
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11

12 By awarding the ICAESS RFP, GVB operationalizes the short-term recovery plan's
13 strategic initiatives, enabling immediate, coordinated, and effective actions to halt the decline in
14 visitor arrivals and set Guam on a path toward sustainable tourism growth. The ICAESS
15 contract, then, directly serves Guam's interest in its tourism economy.
16

17 C. EVALUATION OF SUBMISSIONS TO MEET GUAM'S INTERESTS IN ITS
18 TOURISM ECONOMY

19 RIMS' Manhita proposal was evaluated to be superior to all other entrants. It addresses
20 the ICAESS RFP by aligning closely with the comprehensive scope of work and strategic goals
21 outlined in the RFP. It proposes end-to-end services to fulfill the RFP's requirement for a
22 professional service provider capable of developing and executing an overall advertising and
23 promotional strategy that communicates GVB's core messages and recovery strategies
24 effectively. RIMS' Manhita proposal includes comprehensive event management services to
25 meet the RFP's scope. RIMS Manhita proposal emphasizes partnering with local talent to ensure
26 authenticity, which aligns with the RFP's key goal to highlight and preserve CHamoru culture.
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1 It also focuses on digital marketing and storytelling to amplify Guam's visibility globally. The
2 Manita proposal commits to providing a communications plan with budget projections, clearly
3 defined indicators, regular reports and summaries to help ensure transparency and accountability
4 as required by the RFP. The Manhita Team proposal comprehensively addresses the RFP's
5 scope of work by offering integrated communications, advertising, and event management
6 services. This alignment positions the Manhita Team as a capable partner to help GVB
7 implement its short-term tourism recovery plan effectively and sustainably. *See* Exh. B (N. Leon
8 Guerrero Aff.) ¶ 4.
9

10
11 Glimpses' proposal is critically weak compared to Manhita's. First, the ICAESS RFP
12 emphasizes cultural preservation, strategic brand positioning, and sustainable community-centric
13 growth. Manhita explicitly ties cultural promotion to partnerships with local artisans/historians
14 and positioned Guam as a premium destination blending U.S. accessibility with Asian cultural
15 immersion. Glimpses focuses on generic marketing capabilities (e.g., "nearly five decades of
16 experience") without articulating how its strategies would advance Guam's post-pandemic
17 recovery or differentiate its offering. Cultural preservation is mentioned but lacks concrete
18 examples of community collaboration.
19

20 Second, the ICAESS RFP seeks detailed event logistics, public safety coordination,
21 sponsorship solicitation, and post-event cleanup. Manhita includes granular plans for flagship
22 events (e.g., eco-tourism summits, cultural festivals) with other agency coordination, volunteer
23 management, and sponsor relationship frameworks. Glimpses merely lists event services (e.g.,
24 budgeting, vendor coordination) but provides no evidence of experience managing large-scale,
25 culturally significant events like FestPac or Pacific Mini Games. No mention of public safety
26 protocols or sponsor development strategies.
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1 Third, the ICAESS RFP seeks crisis communications plans and collaboration with
2 government/community stakeholders. Manhita will dedicate crisis management protocols and
3 structured partnerships with GPD, DPR, and village mayors. Glimpses makes no mention of
4 crisis communications. Stakeholder engagement is limited to vague references to "community
5 outreach" without specifics on how local agencies would be integrated.
6

7 Fourth, the ICAESS RFP requires performance indicators, customer relationship
8 management (CRM) integration, and weekly/monthly reporting. Manhita's proposal shows a
9 commitment to CRM-driven activity tracking, weekly performance reports, and a final contract
10 term audit. Glimpses merely promises "weekly progress meetings" and generic reports but lacks
11 defined KPIs or a transparent framework to measure campaign effectiveness or event ROI.
12

13 Fifth, the ICAESS RFP requires social media, influencer partnerships, and storytelling to
14 amplify Guam's global visibility. Manhita proposed drone videography, geo-targeted influencer
15 campaigns, and interactive digital content tailored to key markets. Glimpses relies on traditional
16 methods without innovative tactics or platform-specific strategies or leveraging emerging
17 technologies or data analytics.
18

19 Sixth, the ICAESS RFP seeks to reposition Guam from a budget destination to a
20 premium offering. Manhita proposed curated luxury packages (e.g., cultural immersion tours,
21 VIP event access) and partnerships with high-end brands. Glimpses focused on mass-market
22 promotions (e.g., "value-added campaigns") without addressing premium traveler segments or
23 Guam's upscale potential. *See id.* ¶ 5.
24

25 While Glimpses has institutional knowledge and general marketing competence, its
26 proposal fails to address Guam's urgent need for a culturally authentic, data-driven, and
27 recovery-focused strategy. The Manhita Team's submission outperforms Glimpses by providing
28

1 actionable plans aligned with the RFP's scope, emphasizing measurable outcomes, community
2 collaboration, and innovative tactics to rebuild Guam's tourism sector post-Covid. The
3 evaluations demonstrate that the RIMS' Manhita Team submission outperformed Glimpses
4 across all critical criteria, justifying the award decision.
5

6 IV. SUBSTANTIAL INTEREST DETERMINATION

7 The SID establishes that Guam's tourism economy, tax revenues, and employment base
8 constitute vital interests and that action without delay was needed to change the trajectory of
9 Guam's main economic driver. The ICAESS RFP was specifically intended to get the recovery
10 underway, especially after the Governor's urging. A selection was made after RIMS' Manhita
11 submission was evaluated to be far more responsive as compared to Glimpse's, addressing key
12 parts of the overall recovery undertaking. Glimpses submission was inferior not just to RIMS'
13 but also Galaide's. Glimpses' protest had no merit but would delay actions by GVB to effect its
14 statutory purposes to promote Guam and develop its tourism industry. It is clear that Guam's
15 tourism recovery plan and Guam's tourism industry were to be impaired if GVB did not urgently
16 engage the service provider who submitted the highest ranked bid to address key areas of need
17 for Guam's tourism recovery. *CARL*, 946 P.2d 1, 22-24; *Guam Imaging*, 2004 Guam 15 ¶ 41.
18
19

20 V. CONFIRMATION

21 GVB correctly determined that it was necessary to award the ICAESS RFP to the far
22 superior RIMS' Manhita bid submission without delay to protect Guam's interest in its tourism
23 industry and post-Covid recovery. In its determination, GVB identified the specific substantial
24 interest of Guam and how that interest would be impaired by delay of the award of the ICAESS
25 contract to RIMS. *Id.* The interests of the integrity of the procurement process and purposes of
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1 the Procurement Law would be served by confirmation of the substantial interest determination.

2
3 5 GCA § 5703 (f). Accordingly, the Public Auditor should confirm the determination.

4 **RESPECTFULLY SUBMITTED THIS** 7th day of May, 2025.

5 **McDONALD LAW OFFICE, LLC**

6 Attorneys for Purchasing Agency

7 *Guam Visitors Bureau*

8 By: _____

9 JOSEPH B. MCDONALD

EXHIBIT

“A”

**AFFIDAVIT OF
GERALD S.A. PEREZ**

I, **GERALD S.A. PEREZ**, being first duly sworn, depose and state as follows:

1. I am the Vice President of the Guam Visitors Bureau (hereinafter "GVB").
2. The Governor attend GVB's October 24, 2024 board meeting to urge immediate action by the Bureau to boost tourism. At the meeting, the Governor introduced a Tourism Study which identified issues with the industry and recommendations.
3. In early December 2025, GVB produced a short-term recovery plan based in part on the Tourism Study.
4. On December 20, 2025, I, as acting general manager for GVB, made a Determination of Need and Record of Planning re Integrated Communications, Advertising and Event Support Services (hereinafter "ICAESS"). The determination identifies the need to align the recovery plan's focus on improving visitor experience and destination appeal through enhanced service and engagement. The scope of work defined in the determination includes marketing and communications consultation, creative development, event management, media planning, and stakeholder communications-all essential to implementing the short-term marketing campaigns and signature events outlined in the recovery plan. The determination emphasizes cultural preservation and promotion through festivals, events, and campaigns, directly supporting the recovery plan's priority to renew emphasis on authentic CHamoru culture and traditions as a unique selling point. The determination identifies tourism development through events, which the short-term plan identifies as vital to reinvigorating the destination, attracting visitors, and generating interest. The determination mandates the development of communications plans with budget projections, key performance indicators (KPIs), and regular reporting, ensuring that recovery activities are measurable and accountable, which is critical for the short-term plan's

success and ongoing refinement. It describes detailed event management services, sponsorship solicitation, public relations, social media management, and creative development, all of which are necessary to execute the recovery plan's signature events and supplemental marketing campaigns effectively.

5. On December 20, 2025, GVB issued Request for Proposal ("RFP") 2025-002. The RFP enables GVB to effectively execute the short-term recovery plan by procuring comprehensive integrated communications, advertising, and event support services that are essential to implementing the plan's urgent initiatives. The RFP solicits proposals for marketing and communications consultation, creative development, media planning and buying, public relations, and stakeholder communications. This professional expertise is critical to crafting and executing the bold, fresh marketing campaigns outlined in the recovery plan to reposition Guam's brand and boost visibility in key source markets. It helps ensure that GVB develops and implements targeted marketing tactics that highlight Guam's unique selling points, which are core to attracting visitors and reversing the decline in arrivals. The RFP includes detailed event management services covering budgeting, vendor coordination, permit acquisition, program development, public safety coordination, sponsorship solicitation, and marketing for events. These services allow GVB to organize and promote events and other festivals that are vital to stimulating demand and enhancing Guam's appeal. By outsourcing these complex event logistics and marketing tasks, GVB can ensure professional, large-scale events that generate media buzz, attract diverse traveler segments, and foster community engagement as prioritized in the short-term plan. The RFP mandates the development of communications plans with budget projections, performance indicators, and regular reporting. This structured oversight ensures that marketing and event activities are aligned with recovery goals and allows for timely adjustments based on performance data. The RFP also

enables GVB to leverage digital marketing, social media, influencer partnerships, and storytelling to amplify Guam's cultural uniqueness and event offerings to global audiences.

6. On January 21, 2025, GVB notified bidders of its intent to award the ICAESS RFP.

7. On February 4, Glimpses of Guam, Inc. submitted a procurement protest.

8. On February 14, 2024, GVB asked Glimpses of Guam Inc. to withdraw its protest.

9. On February 19, 2025, I made a Determination of Need to award the ICAESS contract without delay to protect the substantial interests of Guam. The determination identified Guam's substantial interests and how those interests would be impaired by delay of Glimpses' protest.

10. On February 20, 2025, Deputy Attorney General Joseph Guthrie concurred on the SID.

11. On February 24, 2025, Glimpses was notified of the SID.

12. Glimpses did not protest the SID within two days' of notification.

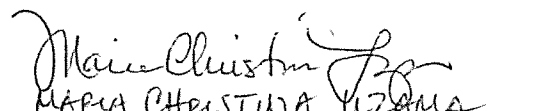
FURTHER AFFIANT SAYETH NAUGHT.



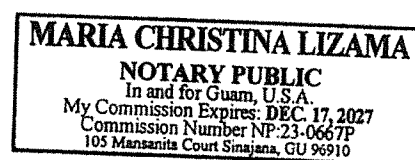
GERALD S.A. PEREZ

GUAM, U.S.A.)
) SS:
CITY OF TAMUNING)

SWORN AND SUBSCRIBED to before me this 7th day of May, 2025, by
GERALD S.A. PEREZ.



MARIA CHRISTINA LIZAMA
NOTARY PUBLIC



EXHIBIT

“B”

**AFFIDAVIT OF
NADINE LEON GUERRERO**

I, NADINE LEON GUERRERO, being first duly sworn, depose and state as follows:

1. I am the Director of Global Marketing of the Guam Visitors Bureau (hereinafter “GVB”).
2. Four bidders responded to the GVB RFP 2025-002 (hereinafter, the “ICAESS RFP”) including the (i) Manhita Group (“Manhita”), a collaborative submission from Ruder Integrated Marketing Strategies (“RIMS”), (ii) Galaide Group LLC (“Galaide”), (iii) Glimpses of Guam, Inc. (“Glimpses”) and (iv) The Greenlight Group (“Greenlight”).
3. I, together with other evaluators, ranked Manhita first (271 points), Galaide a close second (261 points), Glimpses a distant third (220 points), and Greenlight fourth (215 points). *See* GVB0239-0282.
4. RIMS’ Manhita proposal addresses the ICAESS RFP by aligning closely with the comprehensive scope of work and strategic goals outlined in the RFP. It proposes to provide end-to-end agency services including marketing and communications consultation, creative development, media planning and buying, public relations, and stakeholder communications. This directly fulfills the RFP’s requirement for a full agency capable of developing and executing an overall advertising and promotional strategy that communicates GVB’s core messages and recovery strategies effectively. The Manhita proposal includes comprehensive event management services such as budgeting, vendor coordination, permit acquisition, stage and lighting management, public safety coordination, volunteer management, and post-event cleanup. This matches the RFP’s detailed event support scope, enabling the execution of flagship events, cultural festivals, and eco-tourism summits that are critical to Guam’s tourism development and visibility. The proposal emphasizes partnering with local artisans, performers,

and historians to ensure authenticity in cultural promotion, which aligns with the RFP's key goal to highlight and preserve CHamoru culture through festivals, culinary events, and educational campaigns. The Manhita proposal incorporates strategic brand positioning of Guam as "America in Asia," leveraging its geopolitical significance and accessibility, consistent with the RFP's marketing themes of adventure, relaxation, and cultural immersion. It also focuses on digital marketing and storytelling through social media campaigns, video content, and influencer partnerships to amplify Guam's visibility globally. The Manhita Team's approach includes community-centric growth strategies and sustainable tourism practices, reflecting the RFP's emphasis on involving local communities to foster pride and shared responsibility in tourism recovery. The Manita proposal commits to providing a communications plan with budget projections, clearly defined Key Performance Indicators (KPIs), weekly activity reports, monthly summaries, and a final contract term report. This ensures transparency and accountability as required by the RFP. The Manhita Team plans to manage daily activities through GVB's CRM system, supporting efficient coordination and documentation of marketing campaigns, media buys, trade activities, and public relations efforts. The Manhita proposal includes development and management of sponsorship programs, agreements, and relationships, which supports the RFP's goal to enhance event funding and partnerships. The Manhita Team will develop the overall look and feel for event promotional materials, advertising campaigns, signage, and merchandise such as event shirts, fulfilling the RFP's creative development requirements. The Manhita proposal includes strategic counsel for crisis communications and escalation processes to manage any negative perceptions or emergencies, as specified in the RFP. The Manhita Team proposal comprehensively addresses the RFP's scope of work by offering integrated communications, advertising, and event management services that deliver full agency marketing

and communications expertise, manage and execute cultural and signature events aligned with Guam's tourism recovery goals; emphasize authentic promotion of CHamoru culture and strategic brand positioning; incorporate sustainability and community engagement initiatives; provide rigorous metrics, reporting, and accountability frameworks; and support sponsorship development, crisis communications, and public safety coordination. This alignment positions the Manhita Team as a capable partner to help GVB implement its short-term tourism recovery plan effectively and sustainably.

5. By comparison, Glimpses' proposal was not as strong as Manhita's. The ICAESS RFP emphasizes cultural preservation, strategic brand positioning ("America in Asia"), and sustainable community-centric growth. Manhita explicitly ties cultural promotion to partnerships with local artisans/historians and positioned Guam as a premium destination blending U.S. accessibility with Asian cultural immersion. Glimpses focuses on generic marketing capabilities (e.g., "nearly five decades of experience") without articulating how its strategies would advance Guam's post-pandemic recovery or differentiate its CHamoru culture. Cultural preservation is mentioned but lacks concrete examples of community collaboration.

6. The ICAESS RFP seeks detailed event logistics, public safety coordination, sponsorship solicitation, and post-event cleanup. Manhita includes granular plans for flagship events (e.g., eco-tourism summits, cultural festivals) with other agency coordination, volunteer management, and sponsor relationship frameworks. Glimpses merely lists event services (e.g., budgeting, vendor coordination) but provides no evidence of experience managing large-scale, culturally significant events like FestPac or Pacific Mini Games. No mention of public safety protocols or sponsor development strategies.

7. The ICAESS RFP **seeks** crisis communications plans and collaboration with government/community stakeholders. Manhita will **dedicate** crisis management protocols and structured partnerships with GPD, DPR, and village mayors. Glimpses makes no mention of crisis communications despite Guam's vulnerability to typhoons/pandemics. Stakeholder engagement is limited to vague references to "community outreach" without specifics on how local agencies would be integrated.

8. The ICAESS RFP requires clear KPIs, customer relationship management (CRM) integration, and weekly/monthly reporting. Manhita's proposal shows a commitment to CRM-driven activity tracking, weekly KPI reports, and a final contract term audit. Glimpses merely promises "weekly progress meetings" and generic reports but lacks defined KPIs or a transparent framework to measure campaign effectiveness or event ROI.

9. The ICAESS RFP requires social media, influencer partnerships, and storytelling to amplify Guam's global visibility. Manhita proposed drone videography, geo-targeted influencer campaigns, and interactive digital content tailored to key markets (Japan/Korea/Taiwan). Glimpses relies on traditional methods (e.g., managing "30 social media accounts") without innovative tactics or platform-specific strategies. No mention of leveraging emerging technologies or data analytics.

10. The ICAESS RFP seeks to reposition Guam from a budget destination to a premium offering. Manhita proposed **curated** luxury packages (e.g., cultural immersion tours, VIP event access) and partnerships with high-end brands. Glimpses focused on mass-market promotions (e.g., "value-added campaigns") without addressing premium traveler segments or Guam's upscale potential.

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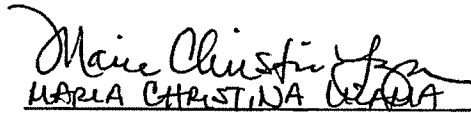
FURTHER AFFIANT SAYETH NAUGHT.



NADINE LEON GUERRERO

GUAM, U.S.A.)
)
CITY OF TAMUNING) ss:

SWORN AND SUBSCRIBED to before me this 7th day of May, 2025, by NADINE
LEON GUERRERO.



MARIA CHRISTINA LIZAMA
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