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9 *Appellant's Duly Authorized Representative*

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PROCUREMENT APPEALS

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FILE No. OPA-PA 09-010

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

9 IN THE APPEAL OF) APPEAL NO. OPA-PA-09-010
10 ASC TRUST CORPORATION,)
11 Appellant.) **APPELLANT ASC TRUST**
12) **CORPORATION'S LIST OF ISSUES**

13 Appellant **ASC TRUST CORPORATION** ("ASC") submits that the
14 following factual and legal issues require evidence or argument
15 to be presented at the Hearing in this appeal:

16 1. Did ASC's initial price proposal submitted in response
17 to the RFP offer to provide to the Government of Guam Retirement
18 Fund (the "Fund") the services required by it at a lower cost
19 than the price proposals initially submitted by Great-West
20 Retirement Services ("GWRS")?
21

22 a. What was the price of the services initially offered by
23 ASC?

24 b. What was the price of the services initially offered by
25 GWRS?

26 c. Which price was lower?
27
28

COPY

1 d. Which price was more favorable to the Fund and its
2 members?

3 2. The evaluation criteria set forth in the RFP provided
4 that price would be counted for 40% of the total evaluation
5 score. Did the RFP mean that a lower price to provide the
6 required services was more favorable to the Fund and would be
7 given a higher evaluation score or was there any other rational
8 interpretation of the RFP?
9

10 3. Why did Katherine Taitano assign a score of 9 out of a
11 possible 10 to GWRS' price proposal even though it would have
12 cost the Fund more than ASC's proposal?
13

14 4. Why did Katherine Taitano assign a score of 5 out of a
15 possible 10 to ASC's price proposal even though it would have
16 cost the Fund less than GWRS' proposal?

17 5. Was there any rational basis for Katherine Taitano's
18 relative scoring of the GWRS and ASC price proposals?

19 6. If Katherine Taitano had rationally scored GWRS' and
20 ASC's price proposals, would ASC have earned the highest combined
21 evaluation score and been deemed the best qualified offeror under
22 the RFP?
23

24 7. Did Katherine Taitano exhibit a bias in favor of GWRS
25 and against ASC?

26 8. Was Katherine Taitano's scoring of the price proposals
27 of GWRS and ASC arbitrary and capricious?
28

1 9. Was this procurement handled in a manner that promoted
2 the integrity of the procurement process and the purposes of the
3 Procurement Act?

4 10. Did the Fund, as the result of the actions of Katherine
5 Taitano, violate the terms of the RFP?


6 11. When did ASC learn the facts giving rise to its protest
7 and appeal?

8 12. Should or could ASC have learned of the facts giving
9 rise to its protest and appeal earlier than it did? If so, why,
10 how and by when?

11 ASC reserves the right to raise other factual and legal
12 issues not set forth herein which may be raised or implicated by
13 the evidence introduced at the hearing in this appeal.

14
15
16 **DATED** this 11th day of December, 2009.

17
18 **BLAIR STERLING JOHNSON**
19 **MARTINEZ & LEON GUERRERO**
20 **A PROFESSIONAL CORPORATION**

21 BY: 
22 **WILLIAM J. BLAIR**
23 *Appellant's Duly Authorized Representative*

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31 RE ASC TRUST CORPORATION.DOC