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RECEIVED
OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS
DATE: June 1, 2016
TIME: 4:30 AM PM BY: Chris
FILE NO OPA-PA: 16-003

8 BEFORE THE OFFICE OF PUBLIC ACCOUNTABILITY
9 HAGÁTÑA, GUAM

10 IN THE APPEAL OF) OPA-PA-16-003
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TLK MARKETING CO., LTD.
Appellant

**RESPONSE TO A MOTION FOR
AN ORDER TO SUPPLEMENT
THE PROCUREMENT RECORD;
MOTION FOR DISCOVERY**

26 **COMES NOW APPELLEE** Guam Visitors Bureau and Responds to
27 Appellant TLK Marketing's Motion for to Supplement the Procurement Record;
28 Motion for Discovery.

29 ***** Response*****

30 TLK has asked that the Guam Visitors Bureau supplement the
31 procurement record by providing a log of all communication which is related to
32 the procurement, audio recordings of negotiations, audio recordings of the

ORIGINAL

1 presentations made by offerors and all documents relating to the solicitation.

2 *See Motion at pp. 2 and 3.*¹

3
4 According to law, a procurement record consists of ;

5 (a) the date, time, subject matter and names of participants at any meeting
6 including government employees that is in any way related to a particular
7 procurement;

8 (b) a log of all communications between government employees and any
9 member of the public, potential bidder, vendor or manufacturer which is
10 in any way related to the procurement;

11 (c) sound recordings of all pre-bid conferences; negotiations arising from
12 a request for proposals and discussions with vendors concerning small
13 purchase procurement;

14 (d) brochures and submittals of potential vendors, manufacturers or
15 contractors, and all drafts, signed and dated by the draftsman, and other
16 papers or materials used in the development of specifications; and

17 (e) the requesting agency's determination of need.

18 *5 Guam Code Ann. §5249.*

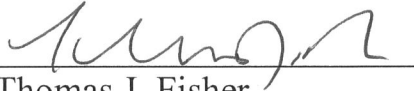
19 A review of the submitted Agency Procurement Record Vols. I-III and
20 Supplement indicates the Visitors Bureau has complied with this law. There
21 was no pre-proposal conference so there is no sound recording of course.

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23
24 ¹ Please note that TLK has incorrectly paginated their Motion. References by
25 the Appellee to page numbers refer to the actual page.

1 Records of negotiations that exist are provided; if there are un-provided
2 attachments to emails, the Bureau will produce them. The Visitors Bureau has
3 not created a “log” of communications, we have taken the further step of
4 providing the actual communication. In the event TLK is still dissatisfied, the
5 Visitors Bureau is happy to have TLK inspect the record and note anything they
6 wish to have copied. Please note though that 5 Guam Code Ann. §10203 may
7 apply. In the event that the Visitors Bureau believes a thing or document need
8 not be produced or disclosed, we will inform TLK of this, describe that thing or
9 document, and explain why we think so.
10
11

12 ***** Conclusion *****
13

14 The Guam Visitors Bureau has complied with the requirements of the law
15 in this matter. If there remain things related to this procurement that TLK
16 wishes to inspect and copy and are not otherwise protected, we will arrange a
17 convenient time to do so.
18

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20 
21 Thomas J. Fisher
22 Legal Counsel
23 Guam Visitors Bureau
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