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BEFORE THE OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS

IN THE APPEAL OF

ALVAREZ & MARSAL PUBLIC
SECTOR SERVICES, LLC,

Appellant.

) APPEAL NO. OPA-PA-16-012
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) **DECLARATION OF TIM MEIGHAN IN**
) **SUPPORT OF APPELLANT**
) **ALVAREZ & MARSAL PUBLIC SECTOR**
) **SERVICES, LLC'S OPPOSITION TO**
) **GUAM DEPARTMENT OF EDUCATION'S**
) **MOTION FOR EXPEDITED APPEAL**
)
)
)

TIM MEIGHAN declares:

1. I am a Senior Director at Alvarez & Marsal Public Sector Services, LLC, the Appellant in the above-captioned matter. I make this Declaration in support of A & M's Opposition to Guam Department of Education's Motion for Expedited Appeal. I have personal knowledge of the facts contained herein and if called as a witness I could and would testify competently thereto.

2. A & M was awarded the bid in RFP11-2010 to provide Third Party Fiduciary Agent services to administer USDOE grant funds. These services were required because USDOE placed GDOE on a "high risk grantee" status in 2003 due to GDOE's

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inability to prove that it can properly manage and account for all the federal money it receives for the island's public schools. As a condition for receipt of the federal funds, USDOE required GDOE to hire a third party fiduciary agent, acceptable to USDOE, to manage some \$60 million in total federal grant monies that GDOE receives annually. A & M's Third Party Fiduciary Agent agreement ("TPFA") was executed in 2010 for a one-year term and was renewed in succeeding years. The current agreement is due to expire on October 31, 2016.

3. Throughout the term of the TPFA, A & M, GDOE and USDOE representatives have held bi-weekly conference calls or meetings to discuss GDOE's progress and administration of the TPFA. In November 2015, on either a conference call or meeting, USDOE reminded GDOE that GDOE needed to begin the RFP process for a TPFA as soon as possible. Nothing was done by GDOE, however, until March 2016 when GDOE commenced the RFP process for a TPFA.

4. A & M had been the Third Party Fiduciary Agent in the U.S. Virgin Islands since August 25, 2006, under circumstances similar to Guam, where the U.S.V.I. was placed on a "high risk" grantee status by the USDOE. In November 2008, when a new TPFA agreement with U.S.V.I. was out for bid, A & M lost the bid. Although A & M's TPFA was due to expire in March 2009, the U.S.V.I. amended and extended A & M's TPFA a total of six (6) times in order to allow for contract negotiations between the winning bidder, Thompson, Cobb, Bazilio and Associates ("TCBA") and U.S.V.I. and to allow for a sufficient transition period for A & M to assist TCBA in taking over the TPF services. The extensions and amendments to A & M's TPFA in the U.S.V.I. eventually expired on

October 30, 2010. TCBA ended up hiring A & M on November 15, 2010 to train them and to assist them fulfilling their obligations under their TPFA with U.S.V.I.

5. Like the situation in U.S.V.I., there need not be any lapse in service or in access to USDOE monies. None of the USDOE grant funds, employee salaries, and other services are in jeopardy if GDOE obtains an extension and amendment of the A & M TPFA for as long as is necessary.

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

Dated this 31st day of August, 2016.



TIM MEIGHAN