

Office of the Attorney General
Elizabeth Barrett-Anderson
Attorney General of Guam
Solicitor Division
590 S. Marine Corps Drive
ITC Bldg., Ste. 802
Tamuning, Guam 96913 • USA
Tel. (671) 475-3324 Fax. (671) 472-2493
www.guamag.org
Attorneys for the Government of Guam

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OFFICE OF PUBLIC ACCOUNTABILITY PROCUREMENT APPEALS

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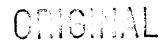
FILE NO OPA-PA: 18-003

IN THE OFFICE OF PUBLIC ACCOUNTABILITY PROCUREMENT APPEAL

IN THE APPEAL OF:) DOCKET NO. OPA-PA-18-003
TAKECARE INSURANCE COMPANY, INC.,)))
Appellant,) DEPARTMENT OF ADMINISTRATION
AND	AGENCY REPORT
DEPARTMENT OF ADMINISTRATION,))
Purchasing Agency.)))

Comes now, the Department of Administration (DOA) by and through its counsel, and files its Agency Report and Statement pursuant to 2 GAR § 12105(g) in response to the appeal by TakeCare Insurance Company, Inc. (TakeCare) of their protest of the inclusion of the Guam Medical Regional City (GRMC) as a network provider in the FY 2019 Government of Guam Group Health Insurance Program Request for Proposal, Procurement No. DOA/HRD-RFP-GHI-19-001 (RFP).

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Further, pursuant to 2 GAR § 12105 DOA's Agency Report is providing the following:

(a) A copy of the protest

A copy of protest is found in DOA's Procurement Record Tab 11, Bates Stamp No.

001107-001114.

(b) A copy of the bid or offer submitted by the Appellant

No offers have been submitted.

(c) A copy of the solicitation

A copy of the solicitation, including the specifications or portions thereof relevant to

the protest is found in DOA's Procurement Record Tab 7, Bates Stamp No. 00751-

000899.

(d) A copy of the abstract of bids or offers

No offers have been submitted.

(e) Any other documents which are relevant to the protest

None.

(f) The decision from which the Appeal is taken

The decision from which the Appeal is taken is the same as the decision submitted

by Appellant and found in DOA's Procurement Record Tab 10, Bates Stamp No.

001098-001099.

(g) A statement answering the allegation of the Appeal

Bill No. 21-34 was introduced and withdrawn prior to the enactment of Public Law

34-83 which requires the lowest cost option of either the exclusive or nonexclusive

proposal be forwarded to I Maga'låhen Guåhan for consideration. Public Law 34-83

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changed the requirements of the solicitation and forwarding the most economical and

beneficial healthcare insurance proposal plan for government of Guam employees,

retirees, their dependents, and foster children of exclusive and nonexclusive

proposals to I Maga'låhen Guåhan for consideration. As described in FY19

Government of Guam Health Insurance Negotiating Team's decision to deny

TakeCare's protest, the inclusion of the GRMC is neither contrary to law nor lacking

a rational basis. See DOA's Procurement Record Tab 10, Bates Stamp No. 001098-

001099 and incorporated herein as part of DOA's statement answering TakeCare's

appeal.

(h) Award made

Not applicable as no award has been made.

(i) A statement indicating whether the matter is subject of a court proceeding

A statement indicating whether the matter is the subject of a court proceeding was filed

with the Office of Public Accountability on May 17, 2018.

Submitted this 24th day of May, 2018.

OFFICE OF THE ATTORNEY GENERAL

Elizabeth Barrett-Anderson, Attorney General

By:

SHANNON TAITANO

Assistant Attorney General