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RECEIVED
 OFFICE OF PUBLIC ACCOUNTABILITY
 PROCUREMENT APPEALS

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 FILE NO OPA-PA: 18-003/005

**IN THE OFFICE OF PUBLIC ACCOUNTABILITY
 PROCUREMENT APPEAL**

IN THE APPEAL OF:)	DOCKET NO. OPA-PA-18-003
)	DOCKET NO. OPA-PA-18-005
TAKECARE INSURANCE COMPANY,)	
INC.,)	
)	
Appellant,)	
)	DOA'S RESPONSE TO
and)	MOTION IN LIMINE
)	
DEPARTMENT OF ADMINISTRATION,)	
)	
Purchasing Agency.)	

The Department of Administration (“DOA”) does not dispute that Guam law prohibits the disclosure of information contained in meetings. Section IV of Public Law 32-83 provides that “no information contained in proposals, meetings or negotiations can be divulged to any person outside of the Negotiating Team.”

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ORIGINAL

A stay has been imposed on the procurement of the FY2019 Health Insurance Program Request for Proposal (“RFP”) due to this appeal filed by TakeCare Insurance Company, Inc. (“TakeCare”). Proposals have not been submitted due to the stay. Confidential information has been filed under seal with the Office of Public Accountability.

TakeCare’s primary issue with the RFP is the requirement that an offeror include the Guam Regional Medical City (“GRMC”) in the provider network to be considered as the exclusive provider. The Negotiating Team responded to TakeCare’s protest explaining the reasons for the minimum requirement including affordable access to both hospitals. Meeting information to support the determination to request GRMC as a minimum requirement will be made available as provided in Guam law. TakeCare will not be prejudiced or denied due process as it will have 14 days from when it discovers or should have discovered grounds to protest. *See 5 G.C.A. § 5425(a)*.

For DOA, the remaining issue is a question of law on whether the Negotiating Team is authorized to make such a request in the solicitation for group health insurance. The Government’s group benefits law, Article 3 of Chapter 4 of Title 4 of the Guam Code Annotated, and the procurement law and regulations, Chapter 5 of Title 5 of the Guam Code Annotated and Division 4 of Title 2 of the Guam Administrative Rules, permit the Negotiating Team to procure group health insurance services they determine is needed for GovGuam families.

Submitted this 19th day of October, 2018.

OFFICE OF THE ATTORNEY GENERAL
Elizabeth Barrett-Anderson, Attorney General



By:

SHANNON TAITANO
Assistant Attorney General