

CARLSMITH BALL LLP

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Attorneys for Purchasing Agency
Government of Guam Retirement Fund

RECEIVED
OFFICE OF THE PUBLIC AUDITOR
PROCUREMENT APPEALS
DEC 11 2009
TIME: 4:10 pm
BY: Mich
FILE No. OPA-PA 09-010

OFFICE OF PUBLIC ACCOUNTABILITY - GUAM

IN THE APPEAL OF

ASC TRUST CORPORATION,

Appellant.

APPEAL NO. OPA-PA-09-010

**NOTICE OF FILING OF DOCUMENTS
RELATIVE TO NEGOTIATION
BETWEEN GOVERNMENT OF GUAM
RETIREMENT FUND AND GREAT
WEST RETIREMENT SERVICES, INC.**

Appellee Government of Guam Retirement Fund ("GGRF"), by and through undersigned counsel, hereby files with the Office of Public Auditor the following documents relative to the negotiations between GGRF and Great West Retirement Services, Inc. ("GWRS") during the period of April 2008 to July 9, 2009, as requested by the Public Auditor of Guam during the November 30th Status and Scheduling Conference in the above-captioned matter.

CHRONOLOGY OF EVENTS

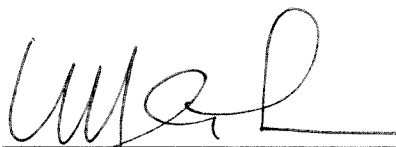
TAB

December 7, 2009	Letter dated December 7, 2009, from Maria T. Cenzon of Carlsmith Ball LLP to Doris F. Brooks, Public Auditor, The Office of the Public Accountability re Request for Documents Related to Negotiations Between GGRF and GWRS	73
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December 9, 2009	Email response to Carlsmith Ball LLP letter dated December 7, 2009 from Anne Camacho of the Office of the Public Accountability re Request for Documents Related to Negotiations Between GGRF and GWRS	74
December 11, 2009	The PRIVATE VERSION of the Confidential Records Covering the Period From April 2008 to July 2009, as requested by Doris Flores-Brooks, Public Auditor of Guam, Office of Public Accountability, at the Status and Scheduling Conference held on November 30, 2009, are being filed under seal.	75

DATED: Hagåtña, Guam, December 11, 2009.

CARLSMITH BALL LLP



ELYZE J. McDONALD
 MARIA TERESA B. CENZON
 Attorneys for Purchasing Agency
 Government of Guam Retirement Fund

TAB 73

CARLSMITH BALL LLP

A LIMITED LIABILITY LAW PARTNERSHIP

BANK OF HAWAII BLDG., SUITE 401
134 WEST SOLEDAD AVENUE
HAGÁTÑA, GUAM 96932-5027
TELEPHONE 671.472.6813 FAX 671.477.4375
WWW.CARLSMITH.COM

DIRECT EXTENSION NO:
X304

MCENZON@CARLSMITH.COM

OUR REFERENCE NO.:
039415-00028

December 7, 2009

VIA HAND DELIVERY

Ms. Doris F. Brooks
Public Auditor
The Office of Public Accountability
Suite 401, DNA Building
238 Archbishop Flores Street
Hagåtña, Guam 96910

RECEIVED
OFFICE OF THE PUBLIC AUDITOR
PROCUREMENT & DEBTS

DEC 07 2009

TIME: 10:55
BY: Rgm
FILE No. OPA-PA-09-010

Re: Request for Procurement Documents: Contract between Great-West Retirement Services and the Government of Guam Retirement Fund

Dear Ms. Brooks:

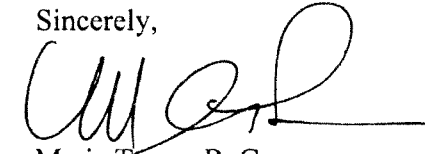
On November, 30, 2009, during the Scheduling Conference in the matter of the Appeal of ASC Trust Corporation, Office of Public Accountability Procurement Appeal No. OPA-PA-09-010, you requested that the Government of Guam Retirement Fund ("GGRF") submit to you the procurement record relating to the negotiations between Great West Retirement Services, Inc. ("GWRS") and GGRF. Specifically, you noted that there was nothing submitted in the ASC appeal relating to the negotiations between GWRS and GGRF for the time period from April, 2008 until July, 2009.

The Fund and counsel have begun to gather the communications and documents relating to your request, but we have already located over a thousand pages of emails and numerous versions of agreements exchanged during the course of that time period. As such, we request clarification of your request for non-privileged communications between GWRS and GGRF, and documents exchanged thereto, from the period commencing April 14, 2008, (the date of the Amended Decision in the *Great West* appeal which ordered GGRF to continue its negotiations with GWRS), to the date on which the contract with GWRS was made effective, August 21, 2009, relating to the negotiations leading to contract.

Doris F. Brooks
December 7, 2009
Page 2

This request is also being made pursuant to 2 G.A.R. Div. 4 Section 12107 and seeks clarification of a matter that is not related to the substance of the pending appeal.

Sincerely,



Handwritten signature of Maria Teresa B. Cenon in black ink, featuring a large, stylized initial 'M' and a horizontal line extending to the right.

Maria Teresa B. Cenon

cc: William Blair, Esq., Blair Sterling Johnson, Martinez & Leon Guerrero, P.C.

4852-4213-7093.1.039415-00028

TAB 74

June M.C. Borja

From: Maria Teresa B. Cenzon
Sent: Friday, December 11, 2009 10:40 AM
To: June M.C. Borja
Subject: FW: Response to Letter Dated 12/07/09 re: Procurement Record
Attachments: 09-010_Carlsmith_Ltr_12-07-09_re_Procurement_Record.pdf

From: Anne Camacho [mailto:acamacho@guamopa.org]
Sent: Wednesday, December 09, 2009 4:44 PM
To: Maria Teresa B. Cenzon
CC: 'Robert Cruz'; 'Doris Flores Brooks'; rmarquez@guamopa.org
Subject: Response to Letter Dated 12/07/09 re: Procurement Record

Good afternoon Ms. Cenzon,

Thank you for your inquiry relative to appeal no. OPA-PA-09-010 dated December 7, 2009. Copy is attached for reference.

This transmittal responds to your letter relative to submission of Procurement Records, specifically the records covering the period from April 2008 to July 2009, requested by the Public Auditor at November 30th status and scheduling conference.

Please note that pursuant to 2 GAR, Div 4, Chapter 12, Section 12104(c)(3), which reads in part: "the Purchasing Agency shall submit to the Public Auditor a complete copy of the procurement record relative to the appeal", the OPA notifies your office that ALL procurement record documents relative to this appeal must be submitted to the OPA, and further note that the number of pages is not a factor for non-compliance with this mandated requirement.

The complete Procurement Record was due to the OPA on November 9, 2009. Please submit any records your office has not already submitted by Friday, December 11, 2009, 5:00 PM.

If you have further questions, please contact Mrs. Rodalyn Marquez at 475-0390 x 204, or me at 475-0390 x 219.

Thank you,
Anne Camacho
OPA Procurement Appeals

CARLSMITH BALL LLP

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OUR REFERENCE NO.:
039415-00028

December 7, 2009

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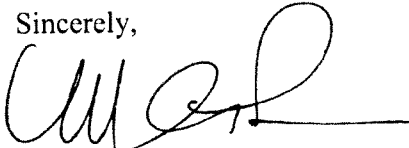
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