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OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS

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FILE NO. OPA-PA-010-004

* NOTE: 2nd Copy

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

8 IN THE MATTER OF APPEAL of
9
10 HARBOR CENTRE GUAM CO. LTD.
11 And HARBOUR CENTRE PORT
12 TERMINAL, INC.
13
14 Appellant.

APPEAL NO: OPA-PA-010-004

**SUBMISSION OF
PROCUREMENT RECORD**

15 The Jose D. Leon Guerrero Commercial Port, also known as the Port Authority of Guam,
16 the purchasing agency in the matter referenced above, hereby submits the following exhibits as
17 the procurement record to date in this case and other relevant documents:

- 19 1. Sound recording of pre-proposal conference (on CD) Exhibit 1
- 20 2. Determination of need as set out in PL29-23 and PL30-90 Exhibit 2
21 Bates Stamp Nos: LAP0002-0013
- 22 3. Agenda, Attendance Sheet, and Minutes for pre-proposal conference Exhibit 3
23 held on April 21, 2010; Site tour log sheet
Bates Stamp Nos: LAP0014-0029
- 24 4. Memorandum of May 27, 2010 re: recommendation and approval Exhibit 4
25 of evaluation committee; Summary of Evaluation Committee Meeting
26 held on 6/1/10
Bates Stamp Nos: LAP0030-0031
- 27 5. Advisory Memorandum to Evaluation Committee on 7/9/10 Exhibit 5
28 Bates Stamp Nos: LAP0032

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- 6. Email rescheduling Evaluation Committee Meeting to 7/14/10
Bates Stamp Nos: LAP0033-0034 Exhibit 6
- 7. Attendance Sheet, Evaluation Committee Meeting on 7/14/10
Bates Stamp Nos: LAP0035 Exhibit 7
- 8. Summary of Evaluation Meeting on 7/14/10
Bates Stamp Nos: LAP0036-0037 Exhibit 8
- 9. RFP PAG-010-003 and Addenda 1 – 4
Bates Stamp Nos: LAP0038-0329 Exhibit 9
- 10. Proposal of Appellant Harbour Centre Guam Ltd.
Bates Stamp Nos: LAP0330-0859 Exhibit 10

A copy of the Appellant's proposal is being provided to the Office of Public Accountability (OPA) pursuant to 2 GAR §12105(b). Appellant's proposal is exempt from public disclosure at this time pursuant to 2 GAR §3114(h). The Port therefore requests, pursuant to 2 GAR §§12104(c)(6) and 12106, that such information be sealed and protected from public disclosure by the OPA unless Appellant waives any claim regarding the non-public nature of the document.

This exhibit is being filed in a sealed envelope marked with the Exhibit Title and Number.

- 11. Proposal that is being considered for award Exhibit 11
Bates Stamp Nos: LAP0860-1396

A copy of the proposal that is being considered for award is being provided to the Office of Public Accountability pursuant to 2 GAR §12105(b). The proposal is exempt from public disclosure at this time pursuant to 2 GAR §3114(h). The Port therefore requests, pursuant to 2 GAR §§12104(c)(6) and 12106, that such information be sealed and protected from public disclosure by the OPA.

This exhibit is being filed in a sealed envelope marked with the Exhibit Title and Number.

- 12. Score sheets of Evaluation Committee Exhibit 12
Bates Stamp Nos: LAP1397-1461
- 13. Notes of Evaluation Committee Members Exhibit 13
Bates Stamp Nos: LAP1462-1485

Notes of the Evaluation Committee contain information which may reveal the substance of proposals submitted in response to the RFP. The Port therefore requests, pursuant to 2 GAR §§12104(c)(6) and 12106, that such information be sealed and protected from public disclosure by the OPA.

This exhibit is being filed in a sealed envelope marked with the Exhibit Title and Number.

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1 14. Evaluation Analysis and Recommendation with Abstract of Scores Exhibit 14
2 Bates Stamp Nos: LAP1486-1491

3 *The Evaluation Analysis and Recommendation with Abstract of Scores contain*
4 *information which may reveal the substance of proposals submitted in response to*
5 *the RFP. The Port therefore requests, pursuant to 2 GAR §§12104(c)(6) and*
6 *12106, that such information be sealed and protected from public disclosure by*
7 *the OPA.*

8 *This exhibit is being filed in a sealed envelope marked with the Exhibit Title and*
9 *Number.*

10 15. Appellant's Protest, dated August 2, 2010; Appellant Request for
11 Information related to protest dated August 2, 2010; Appellant
12 Request for Information under Sunshine Reform Act dated
13 August 2, 2010 Exhibit 15
14 Bates Stamp Nos: LAP1492-1502

15 16. Agency Response to Protest, dated August 27, 2010 Exhibit 16
16 Bates Stamp Nos: LAP1503-1510

17 17. Non-Disclosure Agreement and Warranty of Confidentiality
18 executed by Evaluation Committee Members Exhibit 17
19 Bates Stamp Nos: LAP1511-1520

20 18. Certification of Non-Disclosure and Confidentiality
21 executed by Evaluation Committee Members Exhibit 18
22 Bates Stamp Nos: LAP 1521-1530

23 19. Log of date, time, subject matter, and names of participants at
24 meetings relating to RFP PAG-010-003 Exhibit 19
25 Bates Stamp Nos: LAP1531-1544

26 20. Log of communication between Port employees and members of the
27 public, potential bidders, vendors, or manufacturers relating to the
28 subject procurement Exhibit 19
Bates Stamp Nos: LAP1531-1544

29 The Exhibits referenced above and submitted concurrently herewith are filed with the
30 Office of Public Accountability pursuant to 2 GAR §12104(c)(3), but are not being served on
31 Appellant as such service is not required under that regulation. Upon filing of the Agency
32 Report, Appellant will be served with certain of the Exhibits which are required to be included in
33 the Agency Report under §12104(c)(3).

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35 In the Matter of Appeal of Harbor Centre Guam Co. LTD. and Harbour Centre Port Terminal, Inc.
36 Appeal No. OPA-PA-010-004

37 Submission of Procurement Record


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Dated this 8th day of September, 2010.

Respectfully submitted,

LUJAN AGUIGUI & PEREZ LLP

By: 
REBECCA PEREZ SANTO TOMAS, ESQ.
Attorneys for
Jose D. Leon Guerrero Commercial Port