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RECEIVED
OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS

AUG 03 2011

TYPE: 106 BY: mmv
FILE NO. OPA-PA: 11-010

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

In the Appeal of:

DATA MANAGEMENT RESOURCES,
LLC,

Appellant.

) Docket No.: OPA-PA-11-010
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**AGENCY'S REBUTTAL TO
APPELLANT'S COMMENTS ON
AGENCY'S REPORT**

The Bureau of Information Technology (BIT) refutes any allegation that the entire procurement record has not been submitted to the Office of Public Accountability. The only records that were not submitted were the other proposals that were deemed non-responsive by BIT. Appellant was found to be the only responsive vendor submitting a proposal.

Appellant opens their comment by making an allegation that they "filed with the OPA a Notice and Request setting forth certain information missing from the procurement record submitted by the agency..." BIT nor the Office of the Attorney General were served with such request. A search on the OPA's web page has no indication that such a document has been

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filed. Furthermore, despite Appellant's allegation of files being withheld BIT represents that all files regarding RFP-OOG-023 has been submitted to the OPA.

Currently email range from no charge to \$33.00 per user per year. Averaged out the current monthly charge per user for the entire Government of Guam is less than a dollar (\$1.00) per user. Appellant has stated in their comment that their best offer has been \$39.00.

CONCLUSION

All procurement files regarding this matter as explained above have been submitted to the OPA thus Appellant's request for an order to compel BIT to produce more documents should be denied. The digital recordings WS400105/116/121-133 which Appellant requests are not part of the RFP-OOG-023 procurement file. The recorder is a personal recording device of Mary Mendiola which she uses to record her classes or training and delete thereafter. (See attachment A) If Appellant is aware of a meeting date that was not presented as part of the record then the specific date should be brought to the BIT's attention.

Submitted this 3rd day of August, 2011.

OFFICE OF THE ATTORNEY GENERAL
Leonardo M. Rapadas, Attorney General

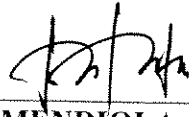
By:


FRED NISHIHIRA
Assistant Attorney General

4. I am not aware of any other recorded meetings regarding RFP-OOG-023-10.
5. WS400105, WS400116 through WS400119, and WS400121 through WS400133 are not recordings related to RFP-OOG-023-10, but my personal recordings for classes, trainings... a copy of which I delete to free up memory space.
6. All recording regarding RFP-OOG-023-10 were archived on an optical media (CD ROM) and remain as part of the official procurement record.

Dated this 1st day of August, 2011.

By:



MARY MENDIOLA
Computer Systems Analyst
Data Process Division
Department of Administration