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OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS

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FILE NO. OPA-PA: 11-015

Attorney for Appellee, Guam Community College

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

In the Matter of Appeal of)	Docket Number: OPA-PA-11-015
)	
DATA MANAGEMENT RESOURCES,)	FIRST SUPPLEMENTAL
LLC,)	PROCUREMENT RECORD:
)	DISCLOSURES REGARDING
Appellant)	ARRA FUNDING
)	
)	
)	

Appellee Guam Community College, (hereinafter "GCC"), by and through its attorney, Catrina M. Campana, of Cabot Mantanona LLP, respectfully submits this first supplemental procurement record per the Order After Hearing RE Supplemental Disclosures From Purchasing Agency dated September 6, 2011 in order to provide supplemental disclosures regarding the funding of GCC-FB-11-007.

GCC notes that following the Pre-Hearing Conference held on September 6, 2011, the parties participated in a settlement conference regarding the issues of this appeal and that a Stipulation and Order to Dismiss Appeal for OPA-PA-11-015 was filed with OPA on September 8, 2011.

At the Pre Hearing Conference held on September 6, 2011 the Purchasing Agency GCC represented that GCC-FB-11-015 was intended to be funded using GCC institutional funds, not ARRA funds.

In response to that assertion, counsel for DMR referenced the General Terms and Conditions for GCC-FB-11-007 No. 45 which states that contractor shall acknowledge and comply with ARRA requirements as demonstrative that this is an ARRA funded project.

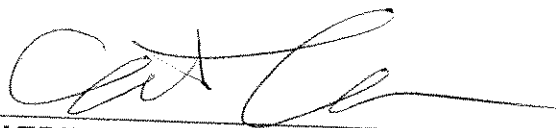
GCC's response is that the condition that the contractor conform to ARRA requirements was a prophylactic measure to ensure ARRA compliance in the event ARRA funds became available as an alternate funding source. GCC's intent is to fund this project with institutional funds, not ARRA funds. However, GCC believes it is in the best interest of the territory, given the unascertainable nature of the availability of ARRA funding relative to the timing of the funding of projects, to request that contractors be compliant so that in the event the funds became available the contractor would not be precluded from doing the work based upon their lack of ARRA compliance.

GCC hereby submits the list of projects which were referenced by GCC President Mary Okada at the Pre-Hearing Conference as projects "proposed" to be funded by ARRA funds as a back-up measure to their primary funding in case the ARRA funds materialized. See attached list of projects marked and attached at Exhibit "A".

Respectfully submitted this 8th day of September, 2011.

CABOT MANTANONA LLP
Attorney for Guam Community College

By:



CATRINA M. CAMPANA



Proposed Activities for
American Recovery and
Reinvestment Act (ARRA)
funds

- 1 Renovation & Modernization
of ACD Testing Lab
- 2 Enhancing the Accounting
Students Learning Experience
- 3 Classroom Upgrade Project
- 4 Enhancing the 21st Century
Computer Science Students
Experience
- 5 Cosmetology Equipment
Upgrade & Supply
Replenishment
- 6 Learning Resource Center
Project
- 7 Multipurpose Auditorium
Upgrade Project
- 8 Project AIM
- 9 Science
- 10 Computer Labs Systems
Upgrades & Replacement
Project