



Office of the Attorney General
Leonardo M. Rapadas
 Attorney General of Guam
Civil Division
 287 West O'Brien Drive
 Hagåtña, Guam 96910 • USA
 (671) 475-3324 • (671) 472-2493 (Fax)
 www.guamattorneygeneral.com

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 OFFICE OF PUBLIC ACCOUNTABILITY
 PROCUREMENT APPEALS
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 FILE NO. OPA-PA-12-007

Attorneys for the General Services Agency

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

IN THE APPEAL OF:)
)
 DATA MANAGEMENT RESOURCES, LLC.)
)
 Appellant.)
)
)
)
)
)

DOCKET NO. OPA-PA-12-007

**DECLARATION OF
 BRYAN J. CRUZ**

I, Bryan J. Cruz, an Investigator with the Office of the Attorney General, Civil/Solicitor's Division, hereby declare the following:

From 01 June to 17 June, 2012, I was on active duty with the U.S. Air Force Reserves and not available to the Office of the Attorney General to prepare and submit this declaration.

On May 15, 2012, I obtained a government owned iPad belonging to the General Surplus Agency (GSA) Chief Procurement Officer, namely, Claudia Acfalle. This device was reported to have been utilized to record meetings conducted at GSA in regards to the Procurement Record referenced as RFP/DOA-014-11, inclusive of e-mail communications.

ORIGINAL

I only discovered (2) two audio/video files on the government owned iPad that related to RFP/DOA-014-11:

1) The first audio/video file was a meeting of the Evaluation Committee that had taken place before RFP/DOA-014-11 was publicly announced.

2) The second audio/video file was a meeting of the Evaluation Committee inclusive of Data Management Resources, LLC(DMR) representative, Richard C. Taitano, which took place following the Government's First Counter Offer.

On May 22, 2012, GSA provided additional discovery, inclusive of each Evaluation Committee members individual folder contents and a flash memory drive, a.k.a., Thumb-drive. No handwritten notes were located within each of the committee members folders. The Thumb-drive contained a total of (6) six audio files, identified as:

1) POS MTG- this file is the same as the first audio/video discovered on the government owned iPad.

2) POS MTG 2- this file is the same as the second audio/video file discovered on the government owned iPad.

3) POS REC RCA DEV LTR A- this file is audio recording of the Mandatory Pre-Proposal Conference, which is barely audible.

4) POS REC RCA DEV LTR B- this file is an unrelated audio file.

5) POS REC RCA DEV LTR C1- this file is a recorded meeting of the Evaluation Committee discussing Bank of Guam questions relative to RFP/DOA-014-11.

6) POS REC RCA DEV LTR D- this file is a recorded meeting of the Evaluation Committee discussing DMR questions relative to RFP/DOA-014-11.

On May 23, 2012, I interviewed subject matter experts in the field of computers who informed me that the Fiber Optic cables connected underground between DMR and the GovGuam central data facility, located next to the Hagatna Police Precinct, is a high bandwidth (gigabit velocity) glass fiber cable that can provide DMR with high speed data transmission and continuous uncontrolled, unrestricted access to the GovGuam data center, enabling DMR to read and copy nearly all GovGuam line Agency data including stored finance balances, accounts, communications, contracts, purchase orders and payment records. I was also informed that this Fiber Optic cable could allow DMR to move, manipulate, alter, delete and otherwise edit vital, confidential and sensitive GovGuam data, digital records, accounts, etc.

On May 28, 2012, I obtained copies of (4) four GSA employee computer hard drives, namely:

- 1) Claudia Acfalle, a.k.a. "Chief"- GSA Chief Procurement Officer ***
- 2) Anita Cruz- GSA Buyer Supervisor
- 3) Euphrasia Lujan, a.k.a. "Frasia"- GSA Staff
- 4) Marissa Leon Guerrero- GSA Staff

***(Ms. Acfalle had (2) two separate computer hard drives that were copied)

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After reviewing all of the aforementioned data obtained in reference to RFP/DOA 014-11, I did not discover and/or locate any audio or video file of the Evaluation Committee's meeting conducted on August 25, 2011. Furthermore, I did not discover any other materials that make up a portion of this procurement record that has not already been included with the procurement record filed in this matter.

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 27th day of June, 2012.

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

By:



BRYAN J. CRUZ

Investigator