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Attorneys for Interested Party TakeCare
Insurance Company, Inc.

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

In the Appeal of)	DOCKET NO. OPA-PA-12-013
)	
TOKIO MARINE PACIFIC INSURANCE)	
LIMITED and CALVO'S INSURANCE)	STIPULATION AND
UNDERWRITERS, INC.)	[PROPOSED] ORDER FOR
)	DISMISSAL OF PROCUREMENT
Appellants.)	APPEAL
_____)	

Interested Party TakeCare Insurance Company, Inc. ("TakeCare"), Appellants Tokio Marine Pacific Insurance Limited and Calvo's Insurance Underwriters, Inc. ("SelectCare"), Interested Party Island Home Insurance Company ("Island Home"), and the Department of Administration, Government of Guam ("DOA") hereby jointly submit this stipulation for dismissal of this procurement appeal.

I.

RECITALS

WHEREAS, on September 19, 2012, SelectCare filed the instant appeal of the September 7, 2012 Notice of Decision ("Notice of Decision") by the Director of Administration in Request for Proposals DOA/HRD-RFP-GHI-13-001 (the "RFP") which was a solicitation for group health and dental insurance for Government of Guam employees and retirees for Fiscal Year 2013; and

WHEREAS, in response to the three (3) protests filed by TakeCare, SelectCare, and Island Home, DOA indicated that due to meritorious claims within these protests, the RFP will be cancelled; and

WHEREAS, the instant procurement appeal by SelectCare requests, among other things, that the Office of Public Accountability, Guam (“OPA”) direct DOA to void the cancellation and reinstitute the RFP; and

WHEREAS, with nearly half of Fiscal Year 2013 having passed, SelectCare, TakeCare, Island Home, and DOA have together determined that no matter which party prevails in the instant appeal, and no matter which party prevails in any court proceedings which may follow this appeal, it is no longer economically feasible for any health insurance provider to enter into a new Fiscal Year 2013 contract for Government of Guam employees; and

WHEREAS, in light of this fact, the parties believe it would serve no purpose to continue litigating this appeal and that it is in the best interest of the Government of Guam and its employees that this appeal be dismissed so that the government may re-focus its attention and resources on a well-planned and properly implemented Fiscal Year 2014 solicitation – which must be issued and concluded all within the next few months.

II.

STIPULATION FOR DISMISSAL

Now, therefore, TakeCare, SelectCare, Island Home, and DOA hereby stipulate and agree as follows:


1. The parties agree that the instant procurement appeal shall be DISMISSED.
2. The parties agree that no action will be taken by any party to solicit, procure, or otherwise negotiate, a new group health and dental insurance contract for Government of Guam employees for Fiscal Year 2013.

3. The parties agree that the dismissal of the instant appeal shall not be construed as an admission or affirmation by any party of the merits of any assertion made, or any issue raised or argued, by any other party in these proceedings.

4. Each party agrees to be responsible for its own costs and expenses, including attorneys' fees, incurred in connection with this appeal.

SO STIPULATED.

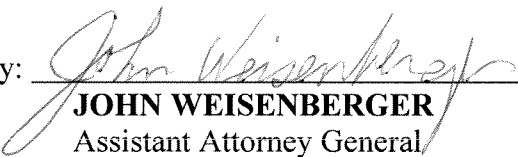
CALVO FISHER & JACOB LLP
Attorneys for Appellants
Tokio Marine Pacific Insurance Limited
and Calvo's Insurance Underwriters, Inc.

By: 

JANALYNN CRUZ DAMIAN

Date: 2/25/13

**OFFICE OF THE ATTORNEY GENERAL
OF GUAM**
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GENERAL
Attorneys for Department of Administration

By: 

JOHN WEISENBERGER
Assistant Attorney General

Date: 2/25/13

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Attorneys for Interested Party
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By: 

CATRINA CAMPANA

Date: 2/25/13


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By: 

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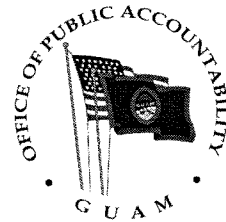
Date: Feb. 25, 2013

SO ORDERED: 2/25/13



~~Peter C. Perez, Hearing Officer~~ **DORIS FLORES BREA**
Office of Public Accountability **PUBLIC AUDITOR**

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 238 Archbishop Flores St.
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FAX

To:	Mr. John Weisenberger, Esq. Office of the Attorney General	From:	Doris Flores Brooks Guam Public Auditor Office of Public Accountability
Phone: Fax:	475-3324/ 646-9355 472-2493/ 646-9403	Pages:	4 (including cover page)
CC:	Benita Manglona Director Department of Administration Frank Campillo Plan Administrator Calvo Insurance Underwriters, Inc. David A. Mair, Esq. Mair, Mair, Spade & Thompson LLC. Attorneys for TakeCare Insurance Company, Inc. Catrina M. Campana, Esq. Cabot Mantanona LLP Attorneys for Island Home Insurance Company	Date:	February 25, 2013
Phone: Fax:	479-7959/ 475-1101/ 472-2089/ 646-2001 477-4141/ 477-6788/ 477-5206/ 646-0777	Phone: Fax:	475-0390 x. 206 472-7951

Re: OPA-PA-12-013 – Stipulation and Order for Dismissal of Procurement Appeal - Approved

Urgent For Review Please Comment Please Reply Please Recycle

Comments:

See attached for reference. Please acknowledge receipt of this transmittal by re-sending this cover page along with your firm or agency's receipt stamp, date, and initials of receiver.

Thank you,
 Rachel Field
 Auditor
rfield@guamopa.org

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