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RECEIVED
 OFFICE OF PUBLIC ACCOUNTABILITY
 PROCUREMENT APPEALS
 DATE: 10/19/12
 TIME: 332 AM PM BY: MH
 FILE NO OPA-PA: 12-013

**OFFICE OF PUBLIC ACCOUNTABILITY
 PROCUREMENT APPEAL**

| | | |
|--|---|--------------------------------------|
| In the Appeal of |) | Docket No. OPA-PA-12-013 |
| |) | |
| Tokio Marine Pacific Insurance Limited and |) | |
| |) | DETAILED INDEX OF PROPRIETARY |
| Calvo's Insurance Underwriters, |) | |
| |) | Or CONFIDENTIAL PROCUREMENT |
| Appellant. |) | |
| |) | RECORDS |
| |) | |

Detailed Index of Proprietary or Confidential Procurement Records

From Volume III of Filed Procurement Record.

- I. Planning the Procurement**
 - A. Renewal contract with Hay Group
None.
 - B. Drafts of Request for Proposals
None
 - C. Team Members Memos
None

ORIGINAL

D. Emails

| | | |
|---------|----------------------------------|------------------------------|
| 2/29/12 | Email to or from J. Weisenberger | Bate Stamp # 001608 – 001609 |
| 3/1/12 | Legal memo from attorney | Bate Stamp # 001610 – 001615 |
| 3/1/12 | Email to or from J. Weisenberger | Bate Stamp # 001616 – 001619 |
| 3/15/12 | Email to or from J. Weisenberger | Bate Stamp # 001620 – 001621 |
| 3/5/12 | Legal memo from attorney | Bate Stamp # 001622 – 001623 |
| 3/7/12 | Legal memo from attorney | Bate Stamp # 001624 – 001634 |
| 3/6/12 | Email to or from J. Weisenberger | Bate Stamp # 001635 – 001638 |
| 4/17/12 | Email to or from J. Weisenberger | Bate Stamp # 001639 – 001642 |
| 4/17/12 | Email to or from J. Weisenberger | Bate Stamp # 001643 – 001653 |
| 4/19/12 | Email to or from J. Weisenberger | Bate Stamp # 001654 |
| 4/24/12 | Email to or from J. Weisenberger | Bate Stamp # 001655 – 001656 |
| 4/30/12 | Email to or from J. Weisenberger | Bate Stamp # 001657 – 001659 |
| 5/18/12 | Email to or from J. Weisenberger | Bate Stamp # 001660 – 001666 |
| 5/22/12 | Email to or from J. Weisenberger | Bate Stamp # 001667 – 001674 |
| 5/23/12 | Email to or from J. Weisenberger | Bate Stamp # 001675 – 001684 |
| 7/17/12 | Email to or from J. Weisenberger | Bate Stamp # 001688 – 001689 |

II. Publication of Request for Proposals

A. Requests for Proposals

No date Attorney Work Product on Questions from Offerors
Bate Stamp # 001690 – 001724

B. Advertisements

None.

C. Acknowledgements/Amendments/Inquiries

None.

D. Correspondence/Emails

| | | |
|---------|------------------------------------|------------------------------|
| 6/14/12 | Email to or from J. Weisenberger | Bate Stamp # 001742 – 001745 |
| 6/8/12 | Email to or from J. Weisenberger | Bate Stamp # 001746 – 001747 |
| 6/8/12 | Email to or from J. Weisenberger | Bate Stamp # 001751 – 001789 |
| 6/20/12 | Email to or from J. Weisenberger | Bate Stamp # 001790 – 001791 |
| 6/28/12 | Email to or from J. Weisenberger | Bate Stamp # 001792 |
| 7/2/12 | Email to or from J. Weisenberger | Bate Stamp # 001794 – 001795 |
| 7/9/12 | Email to or from J. Weisenberger | Bate Stamp # 001796 – 001797 |
| 7/10/12 | Email from Aetna-proprietary rates | Bate Stamp # 001803 – 001806 |
| 7/10/12 | Email to or from J. Weisenberger | Bate Stamp # 001807 – 001808 |
| 7/31/12 | Email to or from J. Weisenberger | Bate Stamp # 001810 – 001813 |
| 7/25/12 | Email to or from J. Weisenberger | Bate Stamp # 001814 – 001817 |
| 7/28/12 | Email to or from J. Weisenberger | Bate Stamp # 001818 – 001839 |
| 7/27/12 | Email to or from J. Weisenberger | Bate Stamp # 001840 - 001841 |
| 7/29/12 | Email to or from J. Weisenberger | Bate Stamp # 001842 – 001844 |
| 7/31/12 | Email to or from J. Weisenberger | Bate Stamp # 001845 – 001848 |
| 7/30/12 | Email to or from J. Weisenberger | Bate Stamp # 001849 – 001852 |
| 7/31/12 | Email to or from J. Weisenberger | Bate Stamp # 001853 – 001855 |
| 8/1/12 | Email to or from J. Weisenberger | Bate Stamp # 001856 – 001860 |
| 8/3/12 | Email to or from J. Weisenberger | Bate Stamp # 001861 – 001867 |

E. Notes

No date Attorney Work Product on Answers to Questions from Offerors

III. Proposals

- A.** Tokio Marine Pacific Insurance Company and Calvo's Insurance Company
Entire Proposal located in **Volume V.**

- B.** Aetna International
Entire Proposal located in **Volume VI.**

- C.** TakeCare Insurance Company
Entire Proposal located in **Volume VII.**

- D.** Island home Insurance Company
Entire Proposal located in **Volume VIII.**

IV. Evaluation

- A.** Preliminary Evaluation
None.

B. Spreadsheets

- No date Hay spreadsheet – Materials directly from Offeror proposals
Bate Stamp # 003657 – 003694

- 7/22/12 Email to or from Hay discussing Offeror rates and rate attachment
Bate Stamp # 003695 – 003697

- No date Evaluator notes on Hay spreadsheet Bate Stamp # 003698 – 003765

- No date Evaluator notes on Hay spreadsheet Bate Stamp # 003766 – 003773

No date Evaluator notes on Hay spreadsheet Bate Stamp # 003774 – 003817

No date Evaluator notes on Hay spreadsheet Bate Stamp # 003818 – 003820

C. Tally Sheets – First evaluation

None.

D. Cumulative scoring Sheets – First Evaluation

None.

E. Tally Sheets – Second Evaluation

None.

F. Cumulative Scoring Sheets – Second Evaluation

None.

G. Evaluation Memorandum

No date Attorney Work Product Bate Stamp # 003824 – 003861

H. Evaluation Memorandum Drafts

7/24/12 Evaluator memo with Offeror rates Bate Stamp # 003914 – 003919

I. Audio Record on Compact Disc

7/19 to 8/8/12 Negotiation Team discussions of proposals and Rate Quotes

Bate Stamp – None.

J. Correspondence

| | | |
|---------|--|------------------------------|
| 8/1/12 | TakeCare letter w/ confidential Attachment | Bate Stamp # 003924 – 003981 |
| 7/31/12 | Draft letter Attorney work product | Bate Stamp # 003982 – 003986 |
| 7/26/12 | Legal Memo from attorney | Bate Stamp # 003987 – 003989 |
| 7/25/12 | Hay Analysis of Rate Quotes | Bate Stamp # 003990 – 003992 |
| 7/25/12 | Draft letter attorney work product | Bate Stamp # 003993 |
| 8/3/12 | Email to or from J. Weisenberger | Bate Stamp # 004017 – 004018 |

K. Email

| | | |
|---------|---|------------------------------|
| 7/23/12 | Email to or from J. Weisenberger | Bate Stamp # 004019 – 004021 |
| 7/18/12 | Email from SelectCare part of rate and price proposal | Bate Stamp # 004022 – 004025 |
| 7/11/12 | Email from Leonora Candaso with rates and price proposals | Bate Stamp # 004026 – 004031 |
| 8/3/12 | Email to or from J. Weisenberger | Bate Stamp # 004032 |
| 8/4/12 | Email to or from J. Weisenberger | Bate Stamp # 004033 |
| 8/4/12 | Email to or from J. Weisenberger | Bate Stamp # 004034 – 004036 |
| 8/6/12 | Email to or from J. Weisenberger | Bate Stamp # 004037 – 004041 |
| 8/6/12 | Email to or from J. Weisenberger | Bate Stamp # 004042 – 004048 |
| 8/6/12 | Email to or from J. Weisenberger | Bate Stamp # 004049 – 004053 |
| 8/7/12 | Email to or from J. Weisenberger | Bate Stamp # 004054 – 004064 |
| 8/10/12 | Email to or from J. Weisenberger | Bate Stamp # 004065 – 004074 |
| 8/10/12 | Email to or from J. Weisenberger | Bate Stamp # 004075 – 004085 |
| 8/24/12 | Email to or from J. Weisenberger | Bate Stamp # 004088 – 004090 |

8/10/12 Email to or from J. Weisenberger Bate Stamp # 004091 – 004092

L Notes

8/1/12 Notes with Rates of Offerors Bate Stamp # 004093

From Volume IV of Filed Procurement Record.

V. Negotiations

A. TakeCare Insurance

8/5/12 Email to or from J. Weisenberger Bate Stamp # 004104 – 004107

8/6/12 Email to or from J. Weisenberger Bate Stamp # 004108 – 004114

B. Aetna International

8/7/12 Hay Memo on Negotiation Strategy Bate Stamp # 00004115 – 004119

C. Notes

8/7 & 8/8/12 Notes from Aetna negotiations Bate Stamp # 004120 – 004143

No dates Notes from evaluation and negotiation

Bate Stamp # 004144 – 004151

No dates Notes from legal counsel on Qualifying Certificates

Bate Stamp # 004152 – 004153

VI Protests

A. TakeCare Insurance Company

None.

B. Tokio Marine Pacific Insurance Company

None.

C. Island Home Insurance Company

None.

D. Notice of Decision

| | | |
|----------|--|------------------------------|
| No dates | Drafts of Notice of Decision – attorney work product | Bate Stamp # 004389 – 004401 |
| 9/5/12 | Email to or from J. Weisenberger | Bate Stamp # 004402 – 004403 |
| No dates | Drafts of Notice of Decision – attorney work product | Bate Stamp # 004404 – 004430 |

E. Email/Correspondence

| | | |
|---------|--|------------------------------|
| 9/6/12 | Email to or from J. Weisenberger | Bate Stamp # 004433 – 004436 |
| 7/17/12 | Email to or from J. Weisenberger | Bate Stamp # 004437 – 004442 |
| No date | Drafts of Notice of Decision – attorney work product | Bate Stamp # 004443 |
| 8/10/12 | Email to or from J. Weisenberger | Bate Stamp # 004457 – 004458 |
| 8/4/12 | Email to or from J. Weisenberger | Bate Stamp # 004463 – 004464 |
| 8/14/12 | Email to or from J. Weisenberger | Bate Stamp # 004465 |
| 8/14/12 | Email to or from J. Weisenberger | Bate Stamp # 004466 – 004468 |
| 8/20/12 | Email to or from J. Weisenberger | Bate Stamp # 004469 |
| 8/14/12 | Email to or from J. Weisenberger | Bate Stamp # 004470 – 004471 |

| | | |
|---------|----------------------------------|------------------------------|
| 8/14/12 | Email to or from J. Weisenberger | Bate Stamp # 004472 – 004473 |
| 8/15/12 | Email to or from J. Weisenberger | Bate Stamp # 004480 – 004481 |
| 8/16/12 | Email to or from J. Weisenberger | Bate Stamp # 004482 – 004483 |
| 8/16/12 | Email to or from P. Mason | Bate Stamp # 004484 – 004485 |
| 8/16/12 | Email to or from P. Mason | Bate Stamp # 004486 – 004490 |
| 8/17/12 | Email to or from P. Mason | Bate Stamp # 004491 – 004493 |
| 8/17/12 | Email to or from P. Mason | Bate Stamp # 004494 – 004495 |
| 8/18/12 | Email to or from J. Weisenberger | Bate Stamp # 004496 – 004498 |
| 8/17/12 | Email to or from J. Weisenberger | Bate Stamp # 004499 – 004504 |
| 8/20/12 | Email to or from J. Weisenberger | Bate Stamp # 004505 – 004523 |
| 8/21/12 | Email to or from J. Weisenberger | Bate Stamp # 004524 – 004531 |
| 8/21/12 | Email to or from J. Weisenberger | Bate Stamp # 004532 – 004534 |
| 8/23/12 | Email to or from J. Weisenberger | Bate Stamp # 004537 – 004545 |
| 8/23/12 | Email to or from J. Weisenberger | Bate Stamp # 004547 – 004548 |
| 8/23/12 | Email to or from J. Weisenberger | Bate Stamp # 004549 |
| 8/23/12 | Email to or from J. Weisenberger | Bate Stamp # 004545 – 004551 |
| 8/20/12 | Legal memo from attorney | Bate Stamp # 004552 – 004553 |
| 8/24/12 | Email to or from J. Weisenberger | Bate Stamp # 004561 |
| 8/24/12 | Email to or from J. Weisenberger | Bate Stamp # 004562 – 004563 |
| 8/24/12 | Email to or from J. Weisenberger | Bate Stamp # 004564 – 004565 |
| 8/24/12 | Email to or from J. Weisenberger | Bate Stamp # 004571 – 004574 |
| 8/24/12 | Email to or from J. Weisenberger | Bate Stamp # 004575 – 004578 |
| 8/24/12 | Email to or from J. Weisenberger | Bate Stamp # 004579 – 004583 |
| 8/24/12 | Email to or from J. Weisenberger | Bate Stamp # 004584 – 004588 |
| 8/24/12 | Email to or from J. Weisenberger | Bate Stamp # 004589 – 004591 |

| | | |
|---------|----------------------------------|------------------------------|
| 8/27/12 | Email to or from J. Weisenberger | Bate Stamp # 004592 – 004594 |
| 8/27/12 | Email to or from J. Weisenberger | Bate Stamp # 004595 – 004596 |
| 8/27/12 | Email to or from J. Weisenberger | Bate Stamp # 004597 – 004598 |
| 8/27/12 | Email to or from J. Weisenberger | Bate Stamp # 004599 – 004600 |
| 8/27/12 | Email to or from J. Weisenberger | Bate Stamp # 004601 – 004609 |

VII. Sunshine Reform Act of 1999 Request.

A. Request

None.

B. Respmse

None.

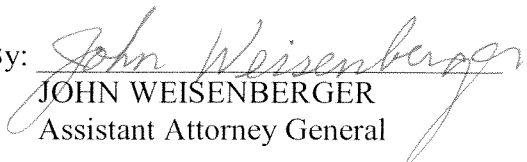
Legal Basis for the unavailability of these records to Appellant and Interested Parties

- The compact disc that contains audio recordings (**IV. Evaluation, I.** Audio Record on Compct Disc) is comprised of meetings of the government Negotiating Team while discussing in detail with its consultant the contents of each proposal and the rates quoted by each offeror, and discussions with legal counsel on various matters coming before the Negotiating Team during either the evaluation or negotiating phases of the process. Any materials that included parts or all of an offeror’s proposal are not included, and any materials that would contain the pre-decisional impressions of an evaluator with regard to a part or all of an offer or offers are confidential. 2 GAR, Div. 4 §§ 3114(h) (1); 3114(i) (2). In addition, these include pre-decisional materials covered by the deliberative process privilege.

- The proposals of the offerors and any materials containing confidential information from the proposals of the offerors (for example, Spreadsheets prepared by the Hay Group, at **IV. Evaluation, B.**) are confidential and/or proprietary. 2 GAR, Div. 4 §§ 3114(h) (1); 3114(i) (2).
- Emails by and between Negotiating Team, Department of Administration staff, the Hay consultant, to and from the assigned attorney for the Negotiating Team or in which the assigned attorney provides a response pertaining to the subject matter of the email, the email string is confidential. Rule 1.6, Guam Rules of Professional Conduct.
- Legal memoranda of the assigned attorney for the Negotiating Team is confidential. Rule 1.6, Guam Rules of Professional Conduct.
- Drafts of materials prepared by the assigned attorney for the Negotiating Team are confidential. Rule 1.6, Guam Rules of Professional Conduct.
- Evaluator notes found on documents that are otherwise confidential and/or proprietary, such as Hay spreadsheets, or notes that contain material, such as offeror quoted rates, are confidential and/or proprietary. 2 GAR, Div. 4 §§ 3114(h) (1); 3114(i) (2).

Respectfully Submitted,

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

By: 
JOHN WEISENBERGER
Assistant Attorney General

10/19/12