

1 **GUAM DEPARTMENT OF EDUCATION**
2 JAMES L.G. STAKE, Legal Counsel
3 500 Mariner Avenue
4 Barrigada, Guam 96913
5 Telephone (671) 300-1537
6 Email: legal-admin@gdoe.net

7 *Attorney for Guam Department of Education*

RECEIVED
OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS

DATE: 08-29-16

TIME: 4:05 AM PM BY: JMY

FILE NO OPA-PA: 16-012

8 **BEFORE THE OFFICE OF PUBLIC ACCOUNTABILITY**

9 IN THE APPEAL OF

APPEAL NO.: OPA-PA-16-012

10 ALVAREZ & MARSAL PUBLIC SECTOR
11 SERVICES, LLC,

12 Appellant.

**GUAM DEPARTMENT OF
EDUCATION'S NOTICE OF FILING
PROCUREMENT RECORD UNDER
SEAL; PROCUREMENT RECORD
INCLUDES NON-PUBLIC DOCUMENTS
TO BE VIEWED BY AUTHORIZED
PERSONS ONLY**

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15 COMES NOW the Guam Department of Education ("GDOE"), the purchasing agency in
16 the above-captioned matter, and hereby gives notice that it is filing a complete copy of the
17 procurement record relevant to this appeal with the Public Auditor, including GDOE's Agency
18 Report. *See* Title 2 Guam Administrative Rules and Regulations ("GAR") § 12104(c)(3). GDOE
19 further gives notice that it shall subsequently furnish only a copy of its Agency Report (and not a
20 complete copy of the procurement record) to the Appellant. *Id.*

21 GDOE maintains that **THE PROCUREMENT RECORD INCLUDES NON-PUBLIC**
22 **DOCUMENTS TO BE VIEWED BY AUTHORIZED PERSONS ONLY.** GDOE hereby
23 advises that RFP 005-2016, which is the subject procurement in this matter, has not been awarded
24 and thus the procurement record related thereto is confidential and shall not be disclosed to
25 unauthorized persons, pursuant to 2 GAR §3114(i)(2). Specifically, 2 GAR §3114(i)(2) states
26 that the agency conducting the procurement (here, GDOE) shall not disclose any information
27 contained in any proposals until after award of the proposed contract has been made. In addition,
28 2 GAR §3114(h)(1) states that such proposals shall not be opened publicly nor disclosed to

ORIGINAL

1 unauthorized persons. Therefore, consistent with the procurement regulations referenced above,
2 GDOE consequently provides this Notice of Filing Procurement Record Under Seal because
3 GDOE is prohibited from disclosing the information to certain unauthorized persons, separate
4 from this disclosure to the Public Auditor, which disclosure is required by law.

5 Dated: August 29, 2016.

6 Respectfully submitted,

7 **GUAM DEPARTMENT OF EDUCATION**

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9 By: 
10 **JAMES L.G. STAKE**
11 *Legal Counsel*

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