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	Ms. Shannon Taitano Mr. Joseph Perez Assistant Attorney Generals C/O Marie Cruz Office of the Attorney General of Guam 590 S. Marine Corps Drive, Suite 706 Tamuning, Guam, 96913 Fax: (671) 472-2493	Pages:	13 (including cover page)
CC:	Mr. David Mair, Esq. Attorney for TakeCare Insurance Company, Inc. Mair & Mair, Attorneys at Law 238 Archbishop Flores St., Suite 801 Hagatna, Guam 96910 Fax: (671) 477-5206	Date:	July 18, 2018
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Re: OPA-PA-18-003 Decision and Order RE Appellant's Motion to Compel Production of Documents

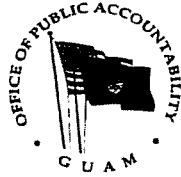
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 Jerrick Hernandez
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**OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS**

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6 IN THE APPEAL OF,

) **APPEAL NO: OPA-PA-18-003**

7 TAKECARE INSURANCE COMPANY,
8 INC.,

) **DECISION AND ORDER RE
APPELLANT'S MOTION TO COMPEL
PRODUCTION OF DOCUMENTS**

9 Appellant
10
11

12 **To: Purchasing Agency:**

Department of Administration, Government of Guam
C/O Shannon Taitano, Esq. & Joseph Perez, Esq.
Office of the Attorney General of Guam
Solicitor's Division
590 S. Marine Corps Drive, Ste 802
Tamuning, Guam, 96913
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17 **Appellant:**

18 TakeCare Insurance Company, Inc.
19 C/O Dave A. Mair, Esq.
Mair & Mair, Attorneys at Law
20 238 Archbishop Flores St., Suite 801
Hagåtña, Guam, 96910
21 Facsimile: (671) 477-5206

22 **THIS MATTER** came before the Hearing Officer on July 9, 2018 for a hearing on the
23 Appellant's June 15, 2018 Motion to Compel Production of Documents. ARVIN LOJO, Health
24 Planning Administrator, appeared on behalf of the Appellant and was represented by DAVID A.
25 MAIR, ESQ., Appellant's Counsel of Record. The Purchasing Agency was not present and was
26 represented by its counsels of Record, Assistant Attorney Generals SHANNON TAITANO,
27 ESQ., and JOSEPH PEREZ, ESQ. After reviewing the Parties' pleadings filed in this matter and
28

1 after considering the arguments made by the Parties, the Hearing Officer hereby FINDS and
2 ORDERS as follows:

3 **BACKGROUND**

4 On May 17, 2018, the Purchasing Agency filed a voluminous procurement record,
5 containing approximately one-thousand-one-hundred-sixty-six (1,166) pages, in this matter,
6 organized into fourteen (14) tabs. Tab 3 stated that there were no sound recordings of pre-bid
7 conferences, negotiations arising from a Request for Proposals (Hereafter referred to as “RFP”),
8 and discussions with vendors concerning small purchase procurement. Tab 10 was described as
9 “Communications with confidential communications filed under seal” and contained
10 approximately one-hundred-ninety-nine (199) pages, that were filed with the Office of Public
11 Accountability (Hereafter Referred to as “OPA”) but were not provided to the Appellant. Tab 14
12 was described as: “Government of Guam Health Insurance Negotiation Team information not
13 submitted pursuant to the prohibition in Public Law 32-083 to not divulge information contained
14 in Government of Guam Group Health Insurance Negotiating Team meetings to any person
15 outside of the Negotiating Team.” The documents in this tab were not filed, under seal or
16 otherwise, with the OPA, nor were they provided to the Appellant. Additionally, on May 17,
17 2018, the Purchasing Agency filed a log of the communications that it deemed were privileged
18 and confidential and it provided said list to the Appellant.

19 In its Motion to Compel Production of Documents, the Appellant alleges that the
20 aforementioned procurement record is are incomplete. Specifically, the Appellant is moving the
21 OPA to order the Purchasing Agency to disclose the following classes of documents that it
22 alleges are missing from the procurement record:

23 a) Tab 2: (1) March 3, 2018 email to AON about an RFP modification regarding
24 Guam Regional Medical Center (GRMC); and (2) A record of who GRMC Representative
25 FRANCIS SANTOS spoke to in person at the Department of Administration on March 30, 2018
26 concerning GRMC.

27 b) Tab 3: Recordings of the Purchasing Agency’s Negotiating Team meetings
28 concerning the development of the RFP.

1 c) Tab 4: Various communications the Purchasing Agency listed in its log of
2 privileged and confidential communications that it provided to the Appellant.
3

4 DISCUSSION

5 The Hearing Officer has the authority to order the Purchasing Agency to file a complete
6 procurement record and disclose the public portions of said record to the Appellant. The
7 Purchasing Agency must file with a OPA, a complete copy of the procurement record relevant to
8 the appeal within five (5) working days of receiving notice of an appeal. 2 G.A.R., Div. 4, Chap.
9 12, §12104(c)(3). Generally, the Hearing Officer has the authority to require parties to produce
10 for examination relevant documents under their control. 2 G.A.R., Div. 4, Chap. 12, §12109(c).
11 Hence, if the procurement record filed by the Purchasing Agency is not complete, the Hearing
12 Officer can order the Purchasing Agency to produce relevant documents that will make it
13 complete. Here, to determine whether the procurement record filed by the Purchasing Agency in
14 this matter is complete, the Hearing Officer will review each of the categories of documents the
15 Appellant claims were not properly included in the procurement record.
16

17 Documents Described in Tab 2 of the Procurement Record

18 The Appellant claims that the Purchasing Agency failed to produce all the documents it
19 described in Tab 2 of the procurement record. The Purchasing Agency described Tab 2 of the
20 Procurement Record as: “The log of all communications between government employees and
21 any member of the public, potential bidder, vender or manufacturer, which is in any way related
22 to the procurement.” See page 000004, Tab 2, Procurement Record filed on May 17, 2018. This
23 log, by itself, is a public record. 5 G.C.A. §5249(b) and §5251. Further, the Appellant claims
24 that two (2) communications described in the logs were not included in the rest of the
25 procurement file nor were they listed in the Purchasing Agency’s log of privileged and
26 confidential communications that the Appellant received on May 17, 2018. Appellant’s Motion
27 to Compel Production of Documents filed on June 15, 2018 (Hereafter Referred to as
28 “Appellant’s Motion”), page 3. Specifically, the Appellant alleges that: (1) A March 3, 2018
email to AON Insurance Company from the Purchasing Agency’s legal counsel regarding

1 various RFP amendments including those concerning GRMC; and (2) A record of who GRMC
2 Representative FRANCIS SANTOS spoke to in person at the Department of Administration on
3 March 30, 2018 concerning GRMC, are missing. Id. The Hearing Officer finds that the first
4 document was provided to the OPA under seal as pages 0001272-0001273 of the Purchasing
5 Agency's log of privileged communications. See the Purchasing Agency's Response to the
6 Motion to Compel Production of Documents (Hereafter Referred to as Purchasing Agency's
7 Response), page 5. However, only the aforementioned log was provided to the Appellant. The
8 issue of whether this document is a public document that can be provided to the Appellant, and
9 others like it concerning communications between the Purchasing Agency's legal counsel and
10 the Purchasing Agency's actuary consultant for the RFP, AON, will be resolved below.

11 The Hearing Officer further finds that the Purchasing Agency has adequately explained
12 that no documents exist to disclose to the Appellant concerning the log entry describing GRMC's
13 Representative FRANCIS SANTOS' March 30,2 2018 contact with the Purchasing Agency. The
14 Purchasing Agency stated that said log entry concerns GRMC Representative FRANCIS
15 SANTOS' visit to the Purchasing Agency's Employee Benefits Branch wherein he had a
16 conversation with LEO CANDASO concerning a new law that required the lowest cost option
17 and SANTOS' inquiry concerning what would occur if an exclusive carrier is selected and the
18 carrier does not have a GRMC network, and CANDASO's response that such information is
19 confidential and that the answer would be provided after the RFP was issued. Id. Based on this
20 representation, the Hearing Officer finds that there is no document concerning this log entry for
21 the Purchasing Agency to supplement the Procurement Record with.

22 23 **Recordings Described in Tab 3 of the Procurement Record**

24 The Appellant wants the Purchasing Agency to disclose the records identified in Tab 3 of
25 the Procurement Record. Appellant's Motion, page 6. Tab 3 of the Procurement Record
26 purports to contain sound recordings of all pre-bid conferences, negotiations arising from an
27 RFP, and discussions with vendors concerning small purchase procurement. Procurement
28 Record page 2. Generally, procurement officers must maintain a complete record of each
procurement that includes sound recordings of all pre-bid conferences, negotiations arising from

1 a request for proposals, and discussions with vendors concerning small purchase procurement
2 and, subject to existing laws and regulations, this record is a public record that any person may
3 inspect and copy. 5 G.C.A. §5249(c), and §5251, and 2 G.A.R., Div. 4, Chap. 3, §3129(3) and
4 §3131. Despite the Procurement Record's language describing the contents of Tab 3 mirroring 5
5 G.C.A. §5249(c) and 2 G.A.R., Div. 4, Chap. 3, §3129(3), the Procurement Officer finds that this
6 description is inaccurate. Specifically, because the solicitation in this matter is an RFP, there
7 will be no pre-bid conferences, which are used for sealed competitive bidding solicitations, nor
8 will there be any discussions with vendors concerning small purchase procurement. Hence, the
9 only item under Tab 3 that would be relevant are the negotiations arising from the RFP. The
10 deadline to submit proposals in response to the RFP was scheduled for May 7, 2018, however,
11 this event did not occur due to the Appellant filing its original protest on April 18, 2018, the
12 Purchasing Agency's denial of that protest on May 2, 2018, and this appeal being filed on May 4,
13 2018. Therefore, the Hearing Officer finds that there have been no proposal submissions and, as
14 a result, no sound recordings of negotiations arising from the RFP. Therefore, there are no sound
15 recordings to disclose to the Appellant under Tab 3 of the Procurement Record.

16 Despite this, the Appellant moves the OPA for an order compelling the disclosure of the
17 sound recordings or other documents arising from the meetings of the Purchasing Agency's
18 Negotiation Team wherein the final draft of the RFP was developed. Appellant's Motion, page
19 4. As stated above, these records are not public records pursuant to 5 G.C.A. §5249(c), and
20 §5251, and 2 G.A.R., Div. 4, Chap. 3, §3129(3) and §3131 because they are not sound
21 recordings of pre-bid conferences, or sound recordings of negotiations arising from a request for
22 proposals, or sound recordings of discussions with vendors concerning small purchase
23 procurement. The RFP at issue in this appeal is unique because it has its own statutes and
24 regulations that are applicable to it. The Purchasing Agency's Negotiation Team is required by
25 statute, in relevant part, to develop minimum qualifications for proposals to be submitted for
26 health insurance coverage, develop a ranking system to rank the proposals, and solicit both
27 exclusive and non-exclusive proposals from each health insurance provider and enter into
28 negotiations with the top three (3) ranked health insurance providers submitting qualified
proposals for health insurance coverage. 4 G.C.A. §4302(c)(5), (6), and (8). The Negotiating

1 Team is also authorized to develop its rules of procedure. 4 G.C.A. §4302(c)(4). The
2 Negotiating Team has done so and its rules of procedure have been approved via P.L. 32-083,
3 effective November 27, 2013. Hence, these additional statutes and the aforementioned rules of
4 procedure also apply to the RFP at issue here. The RFP recognizes this fact because it expressly
5 states that it is subject to the provisions of the rules governing RFP solicitations in Guam's
6 Procurement Laws and Regulations, and that the Negotiation Team is established pursuant to 4
7 G.C.A. §4302, and it states that 4 G.C.A. §4301 and §4302 require the acquisition of group
8 health insurance for government employees, retirees, and survivors by virtue of a RFP. RFP,
9 paragraph I.A., and B., page 000755, Procurement Record. To determine whether the OPA can
10 issue an order compelling the Purchasing Agency to disclose sound recordings or other records
11 of the Negotiating Team's meetings that developed the final draft of the RFP, the Hearing
12 Officer must review both sets of the laws, rules, and regulations.

13 One of the underlying purposes and policies of Guam's Procurement Laws and
14 Regulations is to require public access to all aspects of procurement consistent with the sealed
15 bid procedure and the integrity of the procurement process. 5 G.C.A. §5001(b)(8) and 2 G.A.R.,
16 Div. 4, Chap. 1, §1102(7). For an RFP solicitation, preservation of the integrity of the
17 procurement process requires that the Registrar of Proposals shall be opened to public inspection
18 only after award of the contract and the proposals of the offerors not awarded the contract shall
19 not be open to public inspection. 2 G.A.R., Div. 4, Chap. 3, §3114(h)(1). Additionally,
20 discussions between the Purchasing Agency and any offeror shall not disclose any information
21 derived from proposals submitted by other offerors until after award has been made and only the
22 proposal of the offeror awarded the contract shall be open to public inspection. 2 G.A.R., Div.
23 4, Chap. 3, §3114(i)(2). The Hearing Officer finds that none of these prohibitions to disclosure
24 apply to sound recordings or other records of the meetings of the Negotiation Team in this
25 matter. However, the members, delegates of members, consultants to the Negotiating Team,
26 and applicable Department of Administration staff, must adhere to the strictest of confidentiality.
27 Rule IV, Administrative Rules of Procedure for Government of Guam Health Insurance
28 Negotiating Team, P.L. 32-083, effective November 27, 2013 (Hereafter Referred to as:
"Negotiating Team Rules"). This strict confidentiality requires the members, delegates of

1 members, consultants to the Negotiating Team, and applicable Department of Administration
2 staff not to divulge information contained in the meetings to persons outside of the negotiation
3 team. Id. The Hearing Officer finds that the confidentiality requirements of Rule IV,
4 Negotiating Team rules prohibits the disclosure of the sound recordings or other records of its
5 meetings to develop a final draft of the RFP. Accordingly, the Appellant's motion for an order
6 from the OPA compelling the Purchasing Agency to disclose sound recordings or other records
7 of the Negotiation Team meetings wherein the final draft of the RFP was developed is hereby
8 DENIED.

9 The Hearing Officer finds that the Appellant's arguments that Rule IV, Negotiating Team
10 Rules only applies to proposals has no merit. Appellant's Motion, page 4. A plain reading of
11 that rule simply does not support these arguments. Specifically, the title of Rule IV is
12 "Confidentiality." Id. The relevant language in the rule mentioning the proposals of the offerors
13 states: "Members, delegates of members, consultants of the Negotiating Team, and applicable
14 Department of Administration staff as determined by the Director of Administration, must
15 adhere to the strictest of confidentiality **and acknowledge that the proposals received are**
16 **confidential in nature** (Bold Emphasis Added)." Id. The rule further states, in relevant part,
17 that: "Team members, delegates of members, consultants, and applicable Department of
18 Administration staff acknowledge that no information contained in the **proposals**, meetings, or
19 negotiations, can be divulged to any person outside of the Negotiating Team (Bold Emphasis
20 Added). Id. Read together, these relevant passages broaden the scope of the rule's
21 confidentiality to cover not only the proposals of the offerors, but the meetings and negotiations
22 of the Negotiating Team that are not related to the proposals as well.

23 The Hearing Officer does not agree with the Appellant's arguments that no public policy
24 reason exists to prevent the disclosure of the sound recordings or other records of the Negotiating
25 Team meetings resulting in the final draft of the RFP. Appellant's Motion, page 5. As set forth
26 above, the relevant underlying public policy is to require public access to all aspects of
27 procurement consistent with the integrity of the procurement process. 5 G.C.A. §5001(b)(8) and
28 2 G.A.R., Div. 4, Chap. 1, §1102(7). Here, the integrity of the RFP's procurement process
requires that the sound recordings and other records of the Negotiation Team's meetings in

1 which the development of the final draft of the RFP occurred be kept confidential. Rule IV,
2 Negotiating Team Rules. Hence, public policy mandates that the sound recordings of the
3 Negotiation Team meetings concerning the development of the final draft of the RFP be kept
4 confidential.

5 The Hearing Officer finds that the Appellant's arguments that the Purchasing Agency's
6 filing the sound recordings and other records of the Negotiating Team's meetings under seal is a
7 prohibited *ex parte* communication has no merit. Generally, no person directly or indirectly
8 involved in an appeal shall communicate with the Hearing Officer or the OPA staff regarding
9 any evidence, explanation, analysis, or advice, whether written or oral, regarding any matter at
10 issue in the appeal. 2 G.A.R., Div. 4, Chap. 12, §12107(a). However, papers provided for or
11 allowed by the rules governing procurement appeals before the OPA and by law are not *ex parte*
12 communications. 2 G.A.R., Div. 4, Chap. 12, §12107(a)(4). Here, the documents submitted to
13 the OPA under seal concern the Procurement Record for the RFP at issue in this appeal. As
14 stated above, the Purchasing Agency must file with a OPA, a complete copy of the procurement
15 record relevant to the appeal within five (5) working days of receiving notice of an appeal. 2
16 G.A.R., Div. 4, Chap. 12, §12104(c)(3). Further, the Public Auditor shall, upon written request,
17 make available to any interested party or member of the public, information submitted that bears
18 on the substance of the appeal except where information is proprietary, confidential, or otherwise
19 permitted or required to be withheld by law and regulation, and persons who wish to keep such
20 information submitted by them confidential shall so request by specifically identifying such
21 information within documents submitted. 2 G.A.R., Div. 4, Chap. 12, §12106. Here, the
22 documents filed under seal by the Purchasing Agency were all part of the procurement record,
23 and the Purchasing Agency identified the portions of the procurement record that it submitted
24 under seal as privileged and confidential. Therefore, the Purchasing Agency was authorized to
25 do this pursuant to 2 G.A.R., Div. 4, Chap. 12, §12107(a)(4) and §12106. However, the issues
26 raised by the Appellant as to the manner in which the Purchasing Agency filed these records
27 under seal will be addressed below.

1 **Tab 4; Privileged Communications**

2 The Appellant raises two (2) issues concerning the privileged communications identified
3 by the Purchasing Agency in this matter. First, the Appellant's alleges that the Purchasing
4 Agency has wrongfully withheld hundreds of pages of documents and audio records that are
5 required by law to be part of the Procurement Record. Appellant's Motion, page 1. The second
6 issue raised by the Appellant is the allegation that the documents filed under seal by the
7 Purchasing Agency in this matter, and the privileged communications log summarizing these
8 documents that the Appellant received from the Purchasing Agency is defective. Id., page 7.
9 The Hearing Officer will now review each of these issues.

10 The Hearing Officer finds that the Purchasing Agency has not provided substantial
11 portions of the Procurement Record to the OPA. The Purchasing Agency admits that due to the
12 confidentiality mandated by Rule IV, Negotiating Team Rules, it has withheld information from
13 the Negotiation Team's meetings, its actuarial consultant materials, and draft responses to
14 questions from the registered offerors from the Procurement Record that it filed in this matter.
15 Purchasing Agency's Response to Appellant's Motion to Compel Production of Documents
16 (Hereafter Purchasing Agency's Response), page 2-3. However, the Purchasing Agency states
17 that it will provide these records to the OPA if the OPA orders it to do so and if such disclosure
18 would not violate law. Id. Here, as set forth above, the filing of these documents with the OPA
19 is mandated because they are part of the procurement record and the Purchasing Agency is
20 required to file a complete copy of the Procurement Record with the OPA. 2 G.A.R., Div. 4,
21 Chap. 12, §12104(c)(3). Further, to preserve the confidentiality of the records concerning the
22 Negotiation Team meetings, the Purchasing Agency can file them under seal pursuant to 2
23 G.A.R., Div. 4, Chap. 12, §12106. Accordingly, pursuant to 2 G.A.R., Div. 4, Chap. 12,
24 §12109(c), the Hearing Officer hereby ORDERS, that no later than two (2) weeks after this
25 decision is issued, the Purchasing Agency shall supplement the Procurement Record in this
26 matter by filing with the OPA, the information the Purchasing Agency withheld concerning the
27 Negotiation Team's meetings, its actuarial consultant materials, and draft responses to questions
28 from the registered offerors, and the Purchasing Agency may file the portions of these records it

1 considers to be proprietary, confidential, or otherwise permitted or required to be withheld by
2 law and regulation, under seal pursuant to 2 G.A.R., Div. 4, Chap. 12, §12106.

3 The Hearing Officer finds that the Purchasing Agency's log of privileged
4 communications that it provided to the Appellant is defective. Specifically, the Appellant alleges
5 that the log of privileged communications is defective because it does not identify the attorney or
6 the client relating to any specific documents it mentions, it does not identify who drafted each
7 document, and it does not identify all the recipients of each documents, and it does not explain
8 why each document is privileged. Appellant's Motion, page 7. A review of the log provided to
9 the Appellant shows that the Purchasing Agency merely stated the date of the document, its Bate
10 Stamp Page Number, a description of the Client, and its subject matter. The Hearing Officer
11 hereby ORDERS the Purchasing Agency, no later than two (2) weeks after this decision is
12 issued, to update its privileged and communications log by describing: (1) Who the client is, i.e.,
13 "Department of Administration," instead of simply naming individuals, for those records that the
14 Purchasing Agency claims to be subject to the Attorney-Client Privilege; (2) Who the records
15 are from; (3) Who the recipients of the recordw are; and (4) What privilege, confidentiality, or
16 law and regulation prohibiting public disclosure of the record is applicable.

17 Finally, the Hearing Officer finds that the portions of the Procurement Record that
18 contain communications between AON, acting as consultant for the Negotiating Team, and the
19 Purchasing Agency that are not covered by Rule IV or any other applicable privilege, rule of
20 confidentiality, or a law or regulation prohibiting public disclosure, must be made public. The
21 Appellant argues that the Purchasing Agency has deemed all records concerning AON's work as
22 an actuarial consultant for the Negotiating Team as privileged without any legal authority.
23 Appellant's Reply Support of Motion to Compel Production of Documents, page 5. As set forth
24 above, only the information contained in the proposals, Negotiation Team meetings, or its
25 negotiations are confidential. Rule IV, Negotiating Team Rules. Therefore, any of records
26 concerning AON not falling within these categories, or any other privilege, confidentiality, or
27 law or regulation prohibiting disclosure would be public records, and the Hearing Officer hereby
28 ORDERS the Purchasing Agency to provide copies of these records to the Appellant no later
than two (2) weeks after this decision is issued.

1 **CONCLUSION**

2 Based on the foregoing, the Hearing Officer hereby determines the following:

3 1. The Appellant’s Motion to Compel Production of Documents is hereby GRANTED in
4 part and DENIED in part.

5 2. The Hearing Officer finds that the Purchasing Agency filed the March 3, 2018 email
6 to AON about an RFP modification regarding GRMC, with the Procurement Record under seal
7 as pages 0001272-0001273 of the Purchasing Agency’s log of privileged communications.

8 3. The Hearing Officer finds that the Purchasing Agency has adequately explained that
9 no documents exist to disclose to the Appellant concerning the log entry describing GRMC’s
10 Representative FRANCIS SANTOS’ March 30, 2018 contact with the Purchasing Agency.

11 4. The Appellant’s motion for an order from the OPA compelling the Purchasing
12 Agency to disclose sound recordings or other records of the Negotiation Team meetings wherein
13 the final draft of the RFP was developed is hereby DENIED.

14 5. Pursuant to 2 G.A.R., Div. 4, Chap. 12, §12109(c), the Hearing Officer hereby
15 ORDERS, that no later than two (2) weeks after this decision is issued, the Purchasing Agency
16 shall supplement the Procurement Record in this matter by filing with the OPA, the information
17 the Purchasing Agency withheld concerning the Negotiation Team’s meetings, its actuarial
18 consultant materials, and draft responses to questions from the registered offerors, and the
19 Purchasing Agency may file the portions of these records it considers to be proprietary,
20 confidential, or otherwise permitted or required to be withheld by law and regulation, under seal
21 pursuant to 2 G.A.R., Div. 4, Chap. 12, §12106.

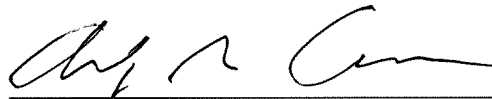
22 6. The Hearing Officer hereby ORDERS the Purchasing Agency, no later than two (2)
23 weeks after this decision is issued, to update its privileged and communications log by
24 describing: (1) Who the client is, i.e., “Department of Administration,” instead of simply naming
25 individuals, for those records that the Purchasing Agency claims to be subject to the Attorney-
26 Client Privilege; (2) Who the records are from; (3) Who the recipients of the document are; and
27 (4) What privilege, confidentiality, or law and regulation prohibiting public disclosure of the
28 record is applicable.

1 7. The Hearing Officer Orders the Purchasing Agency to provide copies of the records
2 concerning AON that are not subject to the confidentiality provisions of Rule IV, Negotiating
3 Team Rules, or any other privilege, confidentiality, or law or regulation prohibiting disclosure, to
4 the Appellant no later than two (2) weeks after this decision is issued.

5 8. To ensure that the Purchasing Agency has sufficient time to comply with the
6 aforementioned order, and to allow the Appellant sufficient time to review the public portions of
7 the supplemented Procurement Record and to respond, if required, to the Purchasing Agency's
8 revised log or privileged and confidential communications, the July 20, 2018 deadline to file
9 hearing briefs, the July 23, 2018 Hearing Re the Appellant's Appeal, and the July 27, 2018
10 deadline to file remedies briefs are hereby VACATED.

11 9. A Scheduling Conference shall be held on September 19, 2018 at 9:00 a.m.

12
13 **SO, ORDERED** this 17th day of July, 2018 by:

14
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16
17 

18 ANTHONY R. CAMACHO, ESQ.
19 Hearing Officer

20
21
22
23 **Acknowledgement Receipt:**

24
25 _____
26 Receiver's Signature

27 _____
28 Print Name