



Jerrick Hernandez <jhernandez@guamopa.com>

In the Appeal of ASC Trust, LLC OPA-PA-23-005 - GGRF - GGRF Agency Report and Agency Statement

Arsima A. Muller <amuller@carlsmith.com>

Thu, Oct 5, 2023 at 11:40 AM

To: Jerrick Hernandez <jhernandez@guamopa.com>, William B Brennan <wbrennan@arriolafirm.com>, "William B. Brennan Esq. (attorneys@arriolafirm.com)" <attorneys@arriolafirm.com>

Cc: "Joanne L. Grimes" <jgrimes@carlsmith.com>, "Diane E. DePortillo" <ddeportillo@carlsmith.com>, "Colleen E.K. Tam" <ctam@carlsmith.com>

Dear Mr. Hernandez and Mr. Brennan:

Please find attached Government of Guam Retirement Fund's Agency Report and Agency Statement in the above matter. Kindly confirm your receipt.

Thank you.

Arsima

ARSIMA A MULLER
Partner | Carlsmith Ball LLP**Carlsmith Ball** LLP
A LIMITED LIABILITY LAW PARTNERSHIP1001 Bishop Street, Suite 2100
Honolulu, HI 96813
Tel: 808.523.2597 Fax: 808.523.0842
Honolulu · Hilo · Kona · Maui
www.carlsmith.com**IMPORTANT/CONFIDENTIAL:**

This message from the law firm of Carlsmith Ball LLP, A Limited Liability Law Partnership, contains information which may be confidential, privileged, and/or exempt from disclosure under applicable law. If you are not the addressee (or authorized to receive for the addressee), you are hereby notified that the copying, use or distribution of any information or materials transmitted in or with this message is strictly prohibited. If you received this message in error, please immediately notify me (the sender) by replying to this email, then promptly destroy the original message. Thank you.

2 attachments



2023-10-05 Agency Report.pdf
441K



2023-10-05 Agency Statement; Exh 1.pdf
565K

CARLSMITH BALL LLP

JOANNE L. GRIMES
jgrimes@carlsmith.com
ARSIMA A. MULLER
amuller@carlsmith.com
1001 Bishop Street, Suite 2100
Honolulu, HI 96813
Telephone No. 808.523.2500
Facsimile No. 808.523.0842

Attorneys for
THE GOVERNMENT OF GUAM RETIREMENT FUND

BEFORE THE OFFICE OF PUBLIC AUDITOR
PROCUREMENT APPEAL
TERRITORY OF GUAM

In the Appeal of

ASC TRUST, LLC,

Appellant.

and

THE GOVERNMENT OF GUAM
RETIREMENT FUND

Purchasing Agency.

Docket No. OPA-PA-23-005

AGENCY REPORT

AGENCY REPORT

The Purchasing Agency, the Government of Guam Retirement Fund ("GGRF"), by and through its attorneys, Carlsmith Ball LLP, hereby submit its Agency Report, pursuant to 2 GAR Div. 4 § 12105:

- (a) A copy of the protest: **Submitted to the Office of Public Accountability ("OPA") by GGRF in its Procurement Record filed herein. See GGRF PR000480 to GGRF PR000506.**
- (b) A copy of the bid or offer submitted by the Appellant and a copy of the bid or offer that is being considered for award or whose bid or offer is being protested, if any has been submitted prior to the protest: **Proposals submitted by offerors, including Appellant, are not available for public inspection because the Purchasing Agency has not completed negotiations with the best qualified offeror for the required services at compensation determined in writing to be fair and**

reasonable. See 2 GAR Div. 4 § 3114(l) (Negotiation and Award of Contract); see also 2 GAR Div. 4 § 3114(h)(1) (“proposals of offerors who are not awarded the contract shall not be opened to public inspection”).

- (c) A copy of the solicitation, including the specifications or portions thereof relevant to the protest: **Submitted to OPA by GGRF in its Procurement Record filed herein. See GGRF PR000023 to GGRF PR000094.**
- (d) A copy of the abstract of bids or offers or relevant portions to the protest: **Not applicable.**
- (e) Any other documents which are relevant to the protest; including the contract, if one has been awarded, pertinent amendments, and plans and drawings: **Not applicable.**
- (f) The decision from which Appeal is taken, if different from the decision submitted by Appellant: **Submitted to OPA by GGRF in its Procurement Record filed herein. See GGRF PR000508 to GGRF PR000511.**
- (g) A statement answering the allegation of the Appeal and setting forth findings, actions, and recommendations in the matter together with any additional evidence or information deemed necessary in determining the validity of the Appeal. The statement shall be fully responsive to the allegations of the Appeal: **Please see attached Agency Statement.**
- (h) If award after receipt of the protest, the report will include the determination required under 2 GAR § 9101(e): **Not applicable.**
- (i) A statement in substantially the same format as Appendix B to this Chapter, indicating whether the matter is the subject of a court proceeding: **Submitted to OPA by GGRF in its Procurement Record filed herein on September 28, 2023.**

Respectfully submitted this 5th day of October, 2023.

CARLSMITH BALL LLP



JOANNE L. GRIMES
ARSIMA A. MULLER
Attorneys for
THE GOVERNMENT OF GUAM
RETIREMENT FUND