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**RECEIVED**  
 OFFICE OF PUBLIC ACCOUNTABILITY  
 PROCUREMENT APPEALS

DATE: 05-24-18  
 TIME: 3:05  AM  PM BY: [Signature]  
 FILE NO OPA-PA: 18-003

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

<b>IN THE APPEAL OF:</b>	)	<b>DOCKET NO. OPA-PA-18-003</b>
	)	
<b>TAKECARE INSURANCE COMPANY, INC.,</b>	)	
	)	
<b>Appellant,</b>	)	
	)	<b>DEPARTMENT OF ADMINISTRATION</b>
<b>AND</b>	)	<b>AGENCY REPORT</b>
	)	
<b>DEPARTMENT OF ADMINISTRATION,</b>	)	
	)	
<b>Purchasing Agency.</b>	)	
	)	

**Comes now**, the Department of Administration (DOA) by and through its counsel, and files its Agency Report and Statement pursuant to 2 GAR § 12105(g) in response to the appeal by TakeCare Insurance Company, Inc. (TakeCare) of their protest of the inclusion of the Guam Medical Regional City (GRMC) as a network provider in the FY 2019 Government of Guam Group Health Insurance Program Request for Proposal, Procurement No. DOA/HRD-RFP-GHI-19-001 (RFP).

**ORIGINAL**

Further, pursuant to 2 GAR § 12105 DOA's Agency Report is providing the following:

**(a) A copy of the protest**

A copy of protest is found in *DOA's Procurement Record Tab 11, Bates Stamp No. 001107-001114.*

**(b) A copy of the bid or offer submitted by the Appellant**

No offers have been submitted.

**(c) A copy of the solicitation**

A copy of the solicitation, including the specifications or portions thereof relevant to the protest is found in *DOA's Procurement Record Tab 7, Bates Stamp No. 00751-000899.*

**(d) A copy of the abstract of bids or offers**

No offers have been submitted.

**(e) Any other documents which are relevant to the protest**

None.

**(f) The decision from which the Appeal is taken**

The decision from which the Appeal is taken is the same as the decision submitted by Appellant and found in *DOA's Procurement Record Tab 10, Bates Stamp No. 001098-001099.*

**(g) A statement answering the allegation of the Appeal**

Bill No. 21-34 was introduced and withdrawn prior to the enactment of Public Law 34-83 which requires the lowest cost option of either the exclusive or nonexclusive proposal be forwarded to *I Maga'låhen Guåhan* for consideration. Public Law 34-83

changed the requirements of the solicitation and forwarding the most economical and beneficial healthcare insurance proposal plan for government of Guam employees, retirees, their dependents, and foster children of exclusive and nonexclusive proposals to *I Maga'låhen Guåhan* for consideration. As described in FY19 Government of Guam Health Insurance Negotiating Team's decision to deny TakeCare's protest, the inclusion of the GRMC is neither contrary to law nor lacking a rational basis. See *DOA's Procurement Record Tab 10, Bates Stamp No. 001098-001099 and incorporated herein as part of DOA's statement answering TakeCare's appeal.*

**(h) Award made**

Not applicable as no award has been made.

**(i) A statement indicating whether the matter is subject of a court proceeding**

A statement indicating whether the matter is the subject of a court proceeding was filed with the Office of Public Accountability on May 17, 2018.

Submitted this 24<sup>th</sup> day of May, 2018.

OFFICE OF THE ATTORNEY GENERAL  
Elizabeth Barrett-Anderson, Attorney General

By:



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**SHANNON TAITANO**  
Assistant Attorney General