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RECEIVED
 OFFICE OF PUBLIC ACCOUNTABILITY
 PROCUREMENT APPEALS
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 FILE NO OPA-PA: 20-002

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

IN THE APPEAL OF:)	DOCKET NO. OPA-PA-20-002
)	
GUAM MEDICAL REFERRAL SERVICES))	
)	
Appellant,)	GENERAL SERVICES AGENCY
)	LIST OF WITNESSES,
vs.)	EXHIBITS, AND ISSUES
)	
GENERAL SERVICES AGENCY,)	
)	
Purchasing Agency.)	

COMES NOW, the Purchasing Agency, General Services Agency, (“GSA”), by and through its undersigned counsel, and herein files its List of Witnesses, Exhibits, and Issues in the above-captioned matter.

- WITNESSES:**
1. Attorney Robert Kono (GSA)

ORIGINAL

GSA reserves the right to not call the witness designated above, the right to call any witnesses designated by Appellant, the right to call witnesses as required for impeachment or to rebut the testimony of any witness, as well as the right to supplement this list.

EXHIBITS:

1. Complete Agency Report (including Procurement Record already in evidence)


ISSUES:

1. Whether the **timing** of Amendment 1 fell **outside the scope** of the OPA's **jurisdiction** by not being mentioned in the underlying Protest or in the Appeal.
2. Whether Amendment 1 was **proper** based on 5 G.C.A. §5216(e), RFP Page 11 §X, 2 GAR, Div. 4, §3114(f)(2), and the best interests of the MRAO.
3. Whether the **offeror must devise the voucher system** based on 5 G.C.A. § 11.102(e)(1), the meaning of the word "this", the **plain meaning of** "proposal", RFP Page 2 §III and II(1), RFP Page 3, Guam Supreme Court precedent in *Sumitomo*, 2001 Guam 23 17 and 9th Circuit district precedent in *Raher*, 2001 WL 2014875, and an absurd application of Appellant's interpretation of §11.102(e)(1) to the remainder of the same statutory subsection.
4. Whether there are **hard facts** showing **actual bias** despite **speculative** language in Appeal; positive interaction with GSA to date (granting 2 protests, amending despite untimeliness of 3rd protest); lack of specific facts or affidavits or negative assessments per *Hudson Valley*, 1984 WL 46722; and reality that factors points, within GSA's discretion, must come from somewhere.

Respectfully submitted on this 17th day of June, 2020.

OFFICE OF THE ATTORNEY GENERAL
Leevin Taitano Camacho, Attorney General

By:


MATTHEW E. WOLFF
Assistant Attorney General