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**RECEIVED**  
OFFICE OF PUBLIC ACCOUNTABILITY  
PROCUREMENT APPEALS

OCT 13 2010

DATE: 9/14 BY: h. m. v.  
FILE NO. OPA-PA: 13-04

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

IN THE MATTER OF THE APPEAL OF	)	APPEAL NO.: OPA-PA-010-004
	)	
	)	<b>AFFIDAVIT OF ROBERT KONO</b>
	)	
HARBOR CENTER GUAM CO. LTD.,	)	
And HARBOUR CENTRE PORT	)	
TERMINAL, INC.	)	
_____		
GUAM, U.S.A.	)	
	(ss:	
TAMUNING	)	

I, ROBERT KONO, being first duly sworn, attest and say:

1. I obtained a bachelors degree from the University of Washington in Seattle, Washington in 1978.
2. I obtained a Juris Doctor from Antioch University in Washington D.C. in 1981.
3. From 1985 to 2002 I was an Assistant Attorney General at the Office of the Attorney General of Guam in the Solicitor Division. In that role, I specialized in procurement matters for the Government of Guam, and I represented the General Services Agency, and other Guam agencies throughout the procurement process.

**COPY**

4. In my role as an Assistant Attorney General, I received specialized procurement training at George Washington University in Washington D.C. and obtained Continuing Legal Education Credits.
5. I am intimately familiar with Guam Procurement laws and I have authored many formal opinions as well as informational opinions on Guam Procurement Law as an Assistant Attorney General.
6. I currently work for the Guam General Services Agency, and I assist Chief Procurement Officer Claudia Acfalle in procurement matters, among other things.
7. I have been involved as an evaluation committee member in other Guam procurement matters.
8. As a specialist on Guam Procurement law, I am familiar with the Standard Operating Procedures, industry standards, and the procurement practices of the various Guam agencies (collectively hereinafter "Guam procurement laws and agency standards").
9. I am familiar with the facts of this procurement appeal.
10. Based upon my information, belief, and personal knowledge of the Guam procurement laws and agency standards, Guam agencies allow individual evaluation committee members to independently evaluate proposals, but they do so in a group setting and supervised by procurement officials in order to ensure compliance with the law.
11. Based upon my information, belief, and personal knowledge of the Guam procurement laws and agency standards, until this case, no Guam agency has ever

allowed individual evaluation committee members to take home proposals and independently evaluate them. This is because the purpose of the procurement law is fairness and impartiality. Evaluators are not supposed to lie, cheat, or divulge certain information. It is not possible to ensure compliance with the procurement laws when evaluators are allowed to take home proposals and evaluate them unsupervised.

12. Based upon my information, belief, and personal knowledge of the Guam procurement laws and agency standards, Guam agencies select individual evaluators based on their experience that is relevant to the specific type of bid or proposal. For example, in construction contracts, Guam agencies normally select evaluators that are engineers, architects, contract management supervisors or directors and are qualified to evaluate a construction contract.

13. Based upon my information, belief, and personal knowledge of the Guam procurement laws and agency standards, Guam agencies do not select evaluators who lack the education, experience and expertise in the relevant areas to evaluate bids or proposals.

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Further your affiant sayeth naught.

Executed this 12th day of Oct., 2010.

Robert H. Kono  
ROBERT KONO

SUBSCRIBED & SWORN to before me this 12th day of October, 2010, by

Robert Kono.

Kasteen B. Mafnas  
NOTARY PUBLIC

