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 OFFICE OF PUBLIC ACCOUNTABILITY
 PROCUREMENT APPEALS
 MAY 15 2012
 TIME 4:55 PM BY [Signature]
 FILE NO. OPA-PA 12-007

Attorneys for the General Services Agency

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

IN THE APPEAL OF)	DOCKET NO. OPA-PA-12-007
)	
DATA MANAGEMENT RESOURCES,)	
LLC.,)	DECLARATION OF BRYAN J. CRUZ
)	SUPPORTING REBUTTAL TO
Appellant.)	APPELLANT'S COMMENT
)	

BRYAN J. CRUZ, hereby declares under penalty of perjury, to the best of my knowledge and belief:

1. I am employed by Government of Guam, Department of Law as an investigator for the Office of the Attorney General.
2. In the course of my said employment I have been assigned to look into the factual circumstances before and after solicitation RFP/DOA-014-1.
3. To date I have been informed of the following:
 - 3.1 At the time of the RFP, there was the approximate amount of \$383,000 consisting of re-programmed Federal Funds available to cover this procurement.

3.2 The Chief Procurement Officer, Claudia Acfalle stated to me that when she made the 28 September 2011 First Counter Offer in the amount of Two Million, Two Hundred Ninety Five Thousand, Five Hundred Eighty Two Dollars, and Sixty Nine Cents (\$2,295,582.69) to Appellant, it was with the prior knowledge and e-mail approval of the Department of Administration Director, Benita A. Manglona.

4. As of this date, I was able to obtain a government-owned I-Pad tablet computer from Ms. Acfalle, which contains video and audio recordings of Evaluation Committee meetings at which Ms. Acfalle and Appellant were present. Analysis thereof is at this point, a work-in-progress.

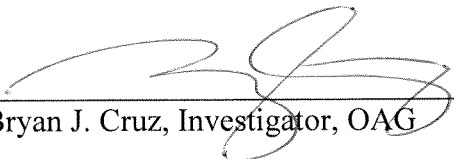
5. On the same I-Pad device there is numerous e-mail traffic between Ms. Acfalle, Appellant, Ms. Manglona and others involved in this procurement appeal. Review of same is also now on-going.

6. On 14 May 2012, I interviewed Ken C. Borja, a DOA accounting official, who stated that he was unaware of the 28 September 2011 First Counter Offer until now.

7. On this date I interviewed Ms. Rose Fejeran, Treasurer of Guam who stated that until 10 May 2012, she was unaware of the 28 September 2012 First Counter Offer.

8. My investigative work on this matter has only just begun and I would estimate that it may take another ten days if not more, to approach a conclusion.

DATED, this 15th day of May, 2012.


Bryan J. Cruz, Investigator, OAG