

Suite 401 DNA Building
 238 Archbishop Flores St.
 Hagåtña, Guam 96910



FAX

To:	Mr. Edward Birn Director Department of Administration P.O. Box 884 Hagåtña, Guam 96932 Fax: (671) 477-6788	From:	Anthony Camacho, Esq. Hearing Officer Office of Public Accountability
	Ms. Shannon Taitano Mr. Joseph Perez Assistant Attorney Generals C/O Marie Cruz Office of the Attorney General of Guam 590 S. Marine Corps Drive, Suite 706 Tamuning, Guam, 96913 Fax: (671) 472-2493	Pages:	4 (including cover page)
CC:	Mr. David Mair, Esq. Attorney for TakeCare Insurance Company, Inc. Mair & Mair, Attorneys at Law 238 Archbishop Flores St., Suite 801 Hagatna, Guam 96910 Fax: (671) 477-5206	Date:	November 5, 2018
	Arvin Lojo TakeCare Insurance Company, Inc. Baltej Pavilion, Suite 308 415 Chalan San Antonio Tamuning, Guam 96913 Fax: (671) 647-3559 arvin.lojo@takecareasia.com	Phone:	(671) 475-0390 x. 208
		Fax:	(671) 472-7951

Re: OPA-PA-18-003 and 18-005 Signed Stipulation and Order of Dismissal Without Prejudice

Urgent
 For Review
 Please Comment
 Please Reply
 Please Recycle

Comments:

Please acknowledge receipt of this transmittal by re-sending this cover page along with your firm or agency's receipt stamp, date, and initials of receiver..

Thank you,
 Jerrick Hernandez
 Auditor
 jhernandez@guamopa.com

This facsimile transmission and accompanying documents may contain confidential or privileged information. If you are not the intended recipient of this fax transmission, please call our office and notify us immediately. Do not distribute or disclose the contents to anyone. Thank you.



Office of the Attorney General
Elizabeth Barrett-Anderson
 Attorney General of Guam
Solicitor Division
 590 S. Marine Corps Drive
 ITC Bldg., Ste. 802
 Tamuning, Guam 96913 • USA
 Tel. (671) 475-3324 Fax. (671) 472-2493
 www.guamag.org
Attorneys for the Government of Guam

RECEIVED
 OFFICE OF PUBLIC ACCOUNTABILITY
 PROCUREMENT APPEALS

DATE: 11-05-18

TIME: 11:20 AM PM BY: JCB

FILE NO OPA-PA: 18-0031005

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

IN THE APPEAL OF:)
)
TAKECARE INSURANCE COMPANY,)
INC.,)
)
 Appellant,)
)
 and)
)
DEPARTMENT OF ADMINISTRATION,)
)
 Purchasing Agency.)
 _____)

DOCKET NO. OPA-PA-18-003
DOCKET NO. OPA-PA-18-005

**STIPULATION AND ORDER OF
 DISMISSAL WITHOUT PREJUDICE**

The Department of Administration, Government of Guam ("DOA") and TakeCare Insurance Company, Inc., ("TakeCare") (collectively "the Parties"), by and through their respective undersigned counsel, hereby jointly submit this Stipulation and Order. The Parties stipulate as follows:

ORIGINAL

1. The Negotiating Team has agreed to cancel the DOA/HRD-RFP-GHI-19-001 FY2019 Group Health Insurance Program and will promptly provide prospective offerors with notice of that fact once this Stipulation and Order is approved.

2. In light of the foregoing, the parties stipulate to vacate the formal hearing in this matter on November 13, 2018, and motions hearing on November 6, 2018, and dismiss all claims in the consolidated appeals without prejudice. Each party shall bear its own costs and fees.

3. The parties reserve the right to reassert in response to any future RFP, the factual and legal issues raised in the appeals being dismissed without prejudice.

4. The Parties are informed of their right to appeal from a Decision by the Public Auditor to the Superior Court of Guam, in accordance with 5 G.C.A. § 5481(a). The Parties agree that they shall not appeal, and hereby waive their right to appeal, this Stipulation and Order under 5 G.C.A. § 5481(a) or any other applicable statute. The Office of Public Accountability shall retain jurisdiction of this matter solely for the purpose of enforcing the terms and conditions of this Stipulation and Order. Nothing contained herein constitutes an admission of liability by either of the Parties.


SO STIPULATED:

MAIR AND MAIR
Attorneys at Law

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

By: 

DAVID A. MAIR
Attorney for TakeCare

By: 

SHANNON J. TAITANO
Assistant Attorney General

Dated: November 5, 2018


Dated: 5 Nov 2018

ORDER

Pursuant to the foregoing Stipulation made by the Parties, it is hereby ORDERED that this matter is dismissed by mutual stipulation by the Parties, and the formal hearing in this matter, scheduled to commence on November 13, 2018, and the hearing on the motions to compel and in limine, scheduled on November 6, 2018, are vacated. The Public Auditor's approval of this Stipulation and Order is a Final Administrative Decision. As acknowledged in this Stipulation above, the Parties are hereby informed of their right to appeal from a Decision by the Public Auditor to the Superior Court of Guam, in accordance with 5 G.C.A. § 5481(a). The parties have agreed not to appeal this Order, and knowingly waive said right to appeal.

A copy of this Stipulation and Order shall be provided to the Parties and their respective attorneys in accordance with 5 G.C.A. § 5702, and shall be made available for review on the OPA website at www.opaguam.org. The Public Auditor disqualified himself in these appeals on September 14, 2018 and appointed Hearing Officer Anthony R. Camacho, Esq., to preside over this matter. As a consequence, this Stipulation and Order is being executed by the Hearing Officer.

SO ORDERED this 5TH day of November, 2018.



ANTHONY R. CAMACHO, Esq.
Appointed by the Public Auditor
To Preside Over These Appeals

Broadcast Report

Date/Time
Local ID 1

11-05-2018
6714727951

03:59:47 p.m.

Transmit Header Text
Local Name 1

OFFICE OF THE PUBLIC AUDITOR

This document : Confirmed
(reduced sample and details below)
Document size : 8.5"x11"

Suite 401 DNA Building
238 Archbishop Flores St.
Hagåtña, Guam 96910



FAX

To:	Mr. Edward Birn Director Department of Administration P.O. Box 884 Hagåtña, Guam 96932 Fax: (671) 477-6788	From:	Anthony Camacho, Esq. Hearing Officer Office of Public Accountability
	Ms. Shannon Taitano Mr. Joseph Perez Assistant Attorney Generals C/O Marie Cruz Office of the Attorney General of Guam 590 S. Marine Corps Drive, Suite 706 Tamuning, Guam, 96913 Fax: (671) 472-2493	Pages:	4 (including cover page)
CC:	Mr. David Mair, Esq. Attorney for TakeCare Insurance Company, Inc. Mair & Mair, Attorneys at Law 238 Archbishop Flores St., Suite 801 Hagatna, Guam 96910 Fax: (671) 477-5206	Date:	November 5, 2018
	Arvin Lojo TakeCare Insurance Company, Inc. Baltaj Pavilion, Suite 308 415 Chalan San Antonio Tamuning, Guam 96913 Fax: (671) 647-3559 arvin.lojo@takecareasia.com	Phone:	(671) 475-0390 x. 208
		Fax:	(671) 472-7951

Re: OPA-PA-18-003 and 18-005 Signed Stipulation and Order of Dismissal Without Prejudice

Urgent
 For Review
 Please Comment
 Please Reply
 Please Recycle

Comments:

Please acknowledge receipt of this transmittal by re-sending this cover page along with your firm or agency's receipt stamp, date, and initials of receiver..

Thank you,
 Jerrick Hernandez
 Auditor
 jhernandez@guamopa.com

This facsimile transmission and accompanying documents may contain confidential or privileged information. If you are not the intended recipient of this fax transmission, please call our office and notify us immediately. Do not distribute or disclose the contents to anyone. Thank you.

Total Pages Scanned : 4

Total Pages Confirmed : 16

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	739	6714776788	03:49:49 p.m. 11-05-2018	00:01:16	4/4	1	EC	HS	CP14400
002	739	6714722493	03:49:49 p.m. 11-05-2018	00:02:01	4/4	1	EC	HS	CP9600
003	739	4775206	03:49:49 p.m. 11-05-2018	00:01:01	4/4	1	EC	HS	CP21600
004	739	6473559	03:49:49 p.m. 11-05-2018	00:01:33	4/4	1	EC	HS	CP14400