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RECEIVED
OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS

JUL 19 2012

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FILE NO. 12-007

Attorneys for the Government of Guam

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

IN THE APPEAL OF)

DOCKET NO. OPA-PA-12-007

DATA MANAGEMENT RESOURCES, LLC.)

DECLARATION OF BENJAMIN M.
ABRAMS AMENDING MOTION TO
DISMISS APPEAL AND TO
VACATE PROCUREMENT

Appellant.)

I, Benjamin M. Abrams, under penalty of perjury, do hereby declare:

1. I am an Assistant Attorney General and I am representing the government of Guam in the above-captioned matter.
2. I prepared and caused to have filed on June 14, 2012 the Motion to Dismiss Appeal and Vacate Procurement in this matter.

ORIGINAL

3. Based upon documentation provided to the government of Guam by Data Management Resources, I amend the Motion To Dismiss at paragraph 8, page 4 of 5, by striking the statement in the first sentence: "...without any apparent authorization, took it upon itself to lay ...", and add in substitution the word "was granted access to" so that the first sentence of paragraph 8 now reads, in full:

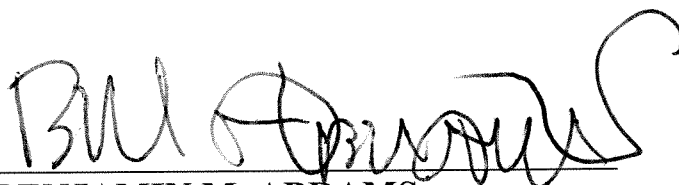
"8. During a period exceeding the last two years, Appellant had access to an underground short haul fiber optic cable between its Hagatna headquarters at 284 West Chalan Santo Papa and the GovGuam central data facility two blocks away, next to the Guam Police Department."

4. The May 6, 2009 Memorandum from the Director of Administration to the Director of Public Works, filed by the appellant on June 21, 2012 supporting the Declaration of Richard Taitano, permitting the installation of the subject fiber optic cable, is the first and only documentation received by the Office of the Attorney General that established any purported authorization for this cable connection.
5. Prior to the filing of the Motion to Dismiss and Vacate Procurement on June 21, 2012, the Office of the Attorney General had made inquiries of the Department of Administration and the Bureau of Information Technology about the origination of, and the installation of, the fiber optic cable. Neither the memorandum of May

6, 2009, nor any other documentation or explanation for the existence of the fiber optic cable was produced.

Dated, this 19th day of July 2012.

OFFICE OF THE ATTORNEY GENERAL
Lenny M. Rapadas, Attorney General

By: 
BENJAMIN M. ABRAMS
Assistant Attorney General