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OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS

JUN 14 2012
TIME 4:20 PM BY [Signature]
FILE NO. OPA-12-007

11 **THE OFFICE OF PUBLIC ACCOUNTABILITY – GUAM**
12 **HAGÁTÑA, GUAM**

13 In the Appeal of

14 DATA MANAGEMENT RESOURCES, LLC,
15 Appellant.

) DOCKET NUMBER. **OPA-PA-12-007**
)
)
) **DECLARATION OF JACQUELINE TERLAJE**
) **IN SUPPORT OF APPELLANT’S MOTION**
) **FOR DISCOVERY and MOTION TO**
) **ENLARGE TIME FOR HEARING**
)
)
)

16 _____
17 JACQUELINE TAITANO TERLAJE hereby deposes and states as follows:

18 1. I am counsel for the Appellant, DATA MANAGEMENT RESOURCES, LLC. (“DMR”) in the
19 above-captioned matter.

20 2. I make this declaration of my own personal knowledge in support of Appellant’s Motion for
21 Discovery and Motion to Enlarge Time for Hearing.

22 3. On or about May 4, 2012, I caused to be filed a Motion for Order to Disclose Procurement
23 Record. Specifically, an audio of a cost-negotiation meeting on or about August 25, 2011.

24 4. On or about May 17, 2012, attorney Benjamin Abrams of the Office of the Attorney General,
25 appearing on behalf of the General Services Agency, admitted that certain recordings were not produced
26
27
28

ORIGINAL

1 as part of the procurement record in the above-captioned matter, that further investigation was ongoing,
2 and that all records related to this matter would be disclosed no later than May 31, 2012.

3 5. On or about June 1, 2012, I received a copy of the First Augmentation by the Appellee filed with
4 the Office of Public Accountability at 5:25 p.m., as indicated by the stamp-filing date, and served on my
5 office on June 1, 2012.

6 6. On or about May 31, 2012, I was informed by attorney Abrams that any audio/video recording of
7 the August 25, 2012 cost-negotiation cannot be located or “doesn’t exist.”
8

9 7. Over the course of these proceedings, the Appellee has provided the following records in this
10 matter:

11 (1) Procurement Record of RFP/DOA-14-11 (Point of Sale) (Apr. 10, 2012);

12 (2) Agency Report (Apr. 17, 2012);

13 (3) First Augmentation to Procurement Record (Jun. 1, 2012);

14 (4) Errata (Jun. 1, 2012); and

15 (5) Second Augmentation to Procurement Record (Jun. 1, 2012).
16

17 Nearly TWO THOUSAND DOCUMENTS, in addition to over FOUR HOURS of audio recordings
18 were produced. However, absent from the procurement record provided was the recording of the cost-
19 negotiation on held on August 25, 2011.

20 8. On or about March 5, 2012, I caused a Sunshine Reform Act/Freedom of Information Request to
21 be delivered upon the Department of Revenue & Taxation and requested for the disclosure of the
22 Procurement Record in RFP/DOA-014-11.
23

24 9. On or about April 19, 2012, the Department of Revenue & Taxation produced email
25 correspondence between Kenneth Borja and Euphrasia Lujan in response to my request. A true and
26 correct copy of Bates Stamped “19Apr12_DRT FOIA_000166” attached hereto was produced. Notably,
27 this email correspondence was not produced as part of the Procurement Record, Agency Report, First
28

1 Augmentation, Errata or Second Augmentation submitted. By the failure of the Appellee to produce
2 this document previously produced in response to the Sunshine Reform Act request calls into question
3 the adequacy and completeness of the Procurement Record submitted to the Hearings Officer. While
4 this is one document amongst over three thousand (3000) pages of documents, I have had less than eight
5 (8) business days in which to review the volumes of documents. The fact that there is a document that
6 has not been produced coupled with the Government's lack of confidence of whether the entire record
7 has produced clearly indicates the lack of a complete record.
8

9 I declare under penalty of perjury under the laws of Guam that the foregoing is true and correct
10 to the best of my knowledge.

11 EXECUTED on this 14th day of June, 2012.

12
13 
14 **JACQUELINE TAITANO TERLAJE**

Lorraine Guerrero

From: Kenneth C. Borja <ken.c.borja@doa.guam.gov>
Sent: Thursday, September 29, 2011 9:10 AM
To: 'Euphrasia Lujan'; 'Ashe, Thomas'; 'Camacho, Benigno'; Geraldine S. Delgado; 'Duenas, Annie'; 'Fejarang, Elaine'; Rosita T Fejeran; 'Guerrero, Lorraine'; Joseph C. Manibusan; Maryann T San Nicolas
Subject: RE: POS RFP/DOA-014-11 Point of Sale

Frasia,

I have a couple of questions.

What is the \$3M total at the bottom of the cost breakdown? Please verify the bottom line total.

Is that the cost of the receipt printer without validation? \$600.60 for a receipt printer? Maybe I missed that the last meeting.

Kenneth C. Borja

Management Analyst IV
Department of Administration
P.O. Box 884 Hagatna, Guam 96932
Tel: 671-475-1117 Fax: 671-472-8483
Email: ken.c.borja@doa.guam.gov

From: Euphrasia Lujan [mailto:euphrasia.lujan@gsa.guam.gov]
Sent: Wednesday, September 28, 2011 11:12 PM
To: Ashe, Thomas; Borja, Kenneth C; Camacho, Benigno; Delgado, Geraldine; Duenas, Annie; Fejarang, Elaine; Fejeran, Rosita; Guerrero, Lorraine; Manibusan, Joey; San Nicolas, MaryAnn
Subject: Re: POS RFP/DOA-014-11 Point of Sale

Please sent back a comment if everything is okay on the report for the CPO to proceed with the negotiation.

Thanks

Frasia

On Wed, Sep 28, 2011 at 11:06 PM, Euphrasia Lujan <euphrasia.lujan@gsa.guam.gov> wrote:
Please see the attached document on the negotiated rate for the POS. The CPO would like to hold a meeting on Wednesday October 5, 2011 at 2:00 pm. She would like the evaluation Team to be all there.

You can e-mail me if there is a conflict with this schedule.

Thank you.

Frasia

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Euphrasia S.L. Lujan (Frasia)
GovGuam - DOA/GSA
Contact # (671) 475-1720 / 1707
Fax #: (671) 475-1727 / 475-1716 / 472-4217

19Apr12_DRT FOIA_000166