



Jerrick Hernandez <jhernandez@guamopa.com>

Proposed Scheduling Order - OPA-PA-24-003

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Wed, Nov 27, 2024 at 2:27 PM

Jerrick:


Please find attached the proposed scheduling order in OPA-PA-24-003.

Happy Thanksgiving,
Graham

Regards,
Graham Botha
General Services Agency (GSA)
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 **proposed scheduling order OPA-PA-24-003.pdf**
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6 Attorney for Appellant
TakeCare Insurance Company Inc.

8 OFFICE OF PUBLIC ACCOUNTABILITY

9 In the Appeal of

Appeal No. OPA-PA-24-003

10 TakeCare Insurance Company Inc.,

[Proposed]

Hearing Scheduling Order

11
12 Appellant.

13 The Parties hereby stipulate that the following dates have opposed issues for
14 the Office of Public Accountability's consideration.

15 Formulation and simplification of issues: On Appeal

16
17 1. Was the TakeCare Insurance Company Inc.'s ("TakeCare") response
18 to the Request for Proposal DOA/HRD/EB-FRP-GHI-25-001 ("RFP") the lowest
19 price bid and provided the territory a good use of public funds.

20 2. Whether the Department of Administration's ("DOA") RFP included
21 any expected cost information or any other information relating to it as
22 requested by the RFP.

23 3. Whether 4 GCA §4301, Group Insurance, provides that " (a) *I*
24 *Maga'haga* (the Governor) is authorized to enter contracts and reject proposals,
25 with the written concurrence of the Speaker of *I Liheslaturan Guahan* (the
26

1 Guam Legislature) or the Chief Justice of the Supreme court of Guam whose
2 consents may be withheld in their sole discretion, with insurance companies,
3 authorized to do business in Guam, for group insurance, including, but not
4 limited to, hospitalization, medical care, life, and accident, for all employees or
5 separate groups of employees, and foster children, of the government of Guam.”

6 4. Whether 4 GCA §4302(c)(9) requires the Negotiating Team to
7 “forward the three (3) highest ranking qualified proposals to *I Maga’hagan*
8 *Guahan* for consideration and selection of the most economical and beneficial
9 health insurance plan.”

10 5. Whether the Negotiating Team forwarded the three (3) highest
11 ranking qualified proposals, consisting of TakeCare, Calvo SelectCare and
12 Netcare, to the governor for her consideration and selection of the most
13 economical and beneficial health insurance plan pursuant to 4 GCA
14 §4302(c)(9).
15

16 6. Whether the governor could enter into a contract with Calvo
17 SelectCare and Netcare pursuant to 4 GCA §4301 and 4 GCA §4302(c)(9).

18 7. The Appellant will not move forward with it’s appeal of the violation
19 of the automatic stay.

20 The parties will stipulate to the authenticity of documents and admissions of
21 fact, and advance rulings from the Hearing Officer on the admissibility of
22 evidence;

23 a. The identification of witnesses and documents, the need and
24 schedule for filing and exchanging pretrial briefs;
25
26

1 The parties propose to submit their witnesses and exhibit lists by **January 6,**
2 **2025**, including exchange of trial briefs.

3 b. The disposition of pending motions; N/A

4 c. The need for adopting special procedures for managing potentially
5 difficult or protracted actions, complex issues, multiple parties, or unusual
6 problems; The Parties agree for video testimony for parties or witnesses residing
7 outside of Guam.

8
9 d. Establishing a reasonable limit on time allowed for presenting
10 evidence;

11 The parties propose that forty-five minutes per witness is more than sufficient
12 for testimony.

13 e. Such other matters as may facilitate the just, speedy, and
14 inexpensive disposition of the action.

15
16 f. The parties propose a hearing date after January 20, 2025.

17 Appellant: TakeCare Insurance Company, Inc.

18
19 
20 _____
Louie J. Yanza, Counsel for Appellant

21 Dated: 11/27/2024

22 Procuring agency: Department of Administration.

23 
24 _____
D. Graham Botha, Counsel for Department of Administration

25 Dated: 11/27/24
26