

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



TRANSMITTAL

To:	Paula Blas Director Government of Guam Retirement Fund 424 Route 8 Maite, Guam 96910 Phone: (671) 475-8900/01 Fax: (671) 475-8922 Email: pmbblas@ite.net	From:	Benjamin J.F. Cruz Public Auditor Office of Public Accountability
	Joanne L. Grimes, Esq., and Arsima A. Muller, Esq. Attorneys for GGRF Carlsmith Ball LLP 1001 Bishop Street, Suite 2100 Honolulu, HI 96813 Phone: 808-523-2500 Fax: 808-523-0842 Email: jgrimes@carlsmith.com ; amuller@carlsmith.com	Pages:	4 (including cover page)
CC:	William B. Brennan, Esq. Attorney for Appellant ASC Trust, LLC Arriola Law Firm 259, Martyr Street, Suite 201 Hagåtña, Guam 96910 Phone: (671) 477-9730/33 Fax: (671) 477-9734 Email: attorneys@arriolafirm.com ; wbrennan@arriolafirm.com	Date:	October 27, 2023
		Phone: (671) 475-0390 x. 204 Fax: (671) 472-7951	

Re: OPA-PA-23-005 and 23-006 Order Consolidating Appeals and Scheduling Order

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



**BEFORE THE PUBLIC AUDITOR
PROCUREMENT APPEALS
TERRITORY OF GUAM**

1
2
3
4
5
6
7 In the Appeal of) **Appeal No: OPA-PA-23-005**
8) **Appeal No: OPA-PA-23-006**
9 ASC Trust, LLC,) **ORDER CONSOLIDATING APPEALS**
Appellant.) **AND SCHEDULING ORDER**
_____)

10 To: **Purchasing Agency:**
11 Government of Guam Retirement Fund
12 C/O Joanne L. Grimes, Esq., and Arsima A. Muller, Esq.
13 Carlsmith Ball LLP
14 1001 Bishop Street, Suite 2100
Honolulu, HI 96813
Phone: 808-523-2500
Fax: 808-523-0842
Email: jgrimes@carlsmith.com; amuller@carlsmith.com

15 **Appellant:**
16 ASC Trust, LLC
17 C/O William B. Brennan, Esq.
Arriola Law Firm
259 Martyr Street, Suite 201
Hagatna, Guam 96910
Phone: (671) 477-9730/33
Email: attorneys@arriolafirm.com; wbrennan@arriolafirm.com

ORDER CONSOLIDATING APPEALS

20
21 On September 20, 2023, ASC Trust, LLC (“ASC”) filed a Notice of Appeal with the Office
22 of Public Accountability (“OPA”), wherein ASC appeals the decision of purchasing agency
23 Government of Guam Retirement Fund (“GGRF”), dated September 5, 2023, related to the
24 procurement for Plan Administration Services related to the Defined Retirement System (401(a)
25 Plan) Deferred Compensation Plan and Welfare Benefit Plan (GGRF RFP-002-22) (“the RFP”).
26 The appeal was docketed as OPA-PA-23-005.
27
28

1 On October 13, 2023, ASC filed another Notice of Appeal, docketed as OPA-PA-23-006,
2 appealing GGRF's decision dated September 29, 2023, denying ASC's second protest related to
3 the RFP.

4 On October 27, 2023, a Pre-Hearing Conference was held for OPA-PA-23-005, where the
5 parties stipulated to consolidate the two appeals. In addition, the parties filed a stipulated Motion
6 to Consolidate.
7

8 The Public Auditor has the authority to consolidate appeals for purposes including
9 efficiency and expediency in resolving appeals. 5 G.C.A. § 5701; 2 G.A.R. §§ 12101, 12108-
10 12109. As these two appeals arise from protests by ASC pertaining to the same RFP by GGRF,
11 the Public Auditor finds that consolidating these appeals will provide for efficient, expeditious
12 resolution of the appeals. Therefore, the Public Auditor ORDERS that these appeals, OPA-PA-23-
13 005 and OPA-PA-23-006, be and are consolidated and all matters pertaining to the appeals shall
14 be heard concurrently.
15

16 **SCHEDULING ORDER**

17 The Public Auditor ORDERS the following expedited schedule, but remains subject to
18 change at the discretion of the Public Auditor:

19 **Motion Filing**

20 **Deadline:** November 27, 2023 at 5:00 P.M.
(The initial Motion Filing deadline for OPA-PA-23-005
21 of October 30, 2023 has been vacated.)

22 **Opposition to Motions**

23 **Deadline:** December 4, 2023 at 5:00 P.M.

24 **Tentative Motion Hearing:**

December 15, 2023 at 10:00 A.M.
(To be held virtually via Zoom Meeting)

25 **Filing Deadline for**
26 **Hearing Materials:**

December 22, 2023 at 5:00 P.M.
Parties shall file and serve on the other parties, no later than
27 this date and time, their respective Witness Lists, Exhibit
28 Lists with four copies of all exhibits, Admissions of Fact and
List of Issues which require evidence or arguments to be
presented at the hearing. The Appellant's Exhibits shall be

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

marked with corresponding and sequential numbers. The Purchasing Agency’s Exhibits shall be marked with corresponding and sequential capital letters of the alphabet. The Parties may file stipulated joint witness, exhibit, and issues lists, and admissions of fact in lieu of filing such documents separately. The term “Exhibit List” as used in this paragraph refers to exhibits that any party will present to a witness for testimonial purposes during the hearing in this matter.

Filing Deadline for Hearing Briefs:

December 29, 2023 at 5:00 P.M.
The Parties shall file and serve on the other parties, their Hearing Briefs summarizing their arguments concerning contested issues no later than this date and time.

Hearing Date:

January 4, 2024 at 9:00 A.M.
The Hearing will proceed in the following order: (1) Opening Statements of the Parties; (2) Appellant’s Case in Chief; (3) The Purchasing Agency’s Case in Chief; (4) Closing Arguments of the Parties.

Filing Deadline for Brief RE Remedies:

January 11, 2024 at 5:00 P.M.
(One week after conclusion of Formal Hearing)
The Parties may, but are not required to, file and serve on the other parties, additional briefs on the issue of Remedies no later than this date and time.

SO ORDERED this 27th day of October 2023 by:



Benjamin J. F. Cruz
Public Auditor of Guam