

1 WILLIAM J. BLAIR
2 BLAIR STERLING JOHNSON
3 MARTINEZ & LEON GUERRERO
4 A PROFESSIONAL CORPORATION
5 SUITE 1008 DNA BUILDING
6 238 ARCHBISHOP F.C. FLORES STREET
7 HAGATÑA, GUAM 96910-5205
8 TELEPHONE: (671) 477-7857

9 *Appellant's Duly Authorized Representative*

RECEIVED
OFFICE OF THE PUBLIC AUDITOR
PROCUREMENT APPEALS

DEC 14 2009

TIME: 3:50 pm
BY: JH
FILE No. OPA-PA 09-010

10 **OFFICE OF PUBLIC ACCOUNTABILITY**
11 **PROCUREMENT APPEAL**

12 IN THE APPEAL OF) APPEAL NO. OPA-PA-09-010
13)
14 ASC TRUST CORPORATION,)
15) **APPELLANT ASC TRUST**
16) **CORPORATION'S EXHIBIT LIST**
17)
18 Appellant.)
19)

20 The following exhibits may be offered into evidence by
21 Appellant **ASC TRUST CORPORATION** ("ASC") at the hearing of this
22 appeal scheduled for December 21, 2009.

- 23 1. RFP No. GGRF-028-06 (Procurement Record Tab 1)
- 24 2. Fund Responses to Questions Relating to RFP No. GGRF-
25 028-06 (Procurement Record Tab 2)
- 26 3. Summary Evaluation Sheet and Evaluation Sheets of Joe
27 T. San Agustin, dated Feb. 2, 2007 (Procurement Record Tab 7)
- 28 4. Summary Evaluation Sheet and Evaluation Sheets of
Gerard A. Cruz, dated Feb. 2, 2007 (Procurement Record Tab 7)
5. Summary Evaluation Sheet and Evaluation Sheets of
Katherine T. E. Taitano, dated Feb. 2, 2007 (Procurement Record
Tab 7)
6. Summary of Evaluation Scores (Procurement Record Tab 8)

COPY

1 7. Appellant ASC's Pricing Proposal (Exhibit 5 to ASC
2 Notice of Appeal) (Procurement Record Tab 64)

3 8. Cost Proposal of Great-West Retirement Services
4 (Exhibit 6 to ASC Notice of Appeal) (Procurement Record Tab 64)

5 9. March 6, 2007 letter from Paula M. Blas to Gregory E.
6 Seller, Senior Vice President of GWRS. (Exhibit A to Notice of
7 Appeal in OPA Docket No. OPA-PA-07-006) (Procurement Record Tab
8 26 is the GWRS Notice of Appeal, but the Fund omitted the
9 exhibits to it.)

10 10. March 12, 2007 letter from Gregory E. Seller, Senior
11 Vice President of GWRS, to Paula M. Blas. (Exhibit B to Notice of
12 Appeal in OPA Docket No. OPA-PA-07-006) (Procurement Record Tab
13 26 is the GWRS Notice of Appeal, but the Fund omitted the
14 exhibits to it.)

15 11. March 21, 2007 letter from Gregory E. Seller, Senior
16 Vice President of GWRS, to Paula M. Blas. (Exhibit D to Notice of
17 Appeal in OPA Docket No. OPA-PA-07-006) (Procurement Record Tab
18 26 is the GWRS Notice of Appeal, but the Fund omitted the
19 exhibits to it.)

20 12. Termination of Negotiations Memorandum, dated April 30,
21 2007 (redacted version produced to ASC in response to Sunshine
22 Act request)

23 13. Notification of Award, dated August 21, 2009
24 (Procurement Record Tab 52)

1 14. September 3, 2009 letter from Paula M. Blas to ASC
2 responding to August 28, 2009 Sunshine Act request (exhibits
3 omitted)

4 15. Letter, dated September 10, 2009, from William J. Blair
5 to Paula M. Blas (Procurement Record Tab 53)

6 16. Letter, dated September 15, 2009, from Paula M. Blas to
7 William J. Blair (Procurement Record Tab 54)

8 17. Letter, dated September 21, 2009, from William J. Blair
9 to Paula M. Blas (Procurement Record Tab 55)

10 18. Letter, dated September 29, 2009, from Elyze McDonald
11 to William J. Blair (Procurement Record Tab 56)

12 19. Petition for Writ of Mandamus, filed October 5, 2009,
13 in Superior Court of Guam Special Proceeding Case No. SP 0193-09
14 (Procurement Record Tab 58)

15 20. Email message from William J. Blair to Elyze McDonald,
16 dated October 6, 2009

17 21. Letter, dated October 6, 2009, from Elyze McDonald to
18 William J. Blair (Procurement Record Tab 59)

19 22. Notice of Protest of Award of Contract, dated October
20 15, 2009 (Procurement Record Tab 61)

21 23. Fund Denial of Protest, dated October 26, 2009
22 (Procurement Record Tab 63)

23 24. Fund's Opposition to GWRS' Motion to Lift Seal and
24 Compel Production, filed August 17, 2007 in Docket No. OPA-PA-07-
25 006 (Procurement Record Tab 38)

1 25. Fund's Notice of Filing of Second Supplemental
2 Procurement Record and Confidential Portions of Procurement
3 Record, filed February 19, 2007 in Docket No. OPA-PA-07-006
4 (Procurement Record Tab 41)
5


6 26. Fund Audited Financial Statements for years ending
7 September 30, 2006 and 2005

8 27. Management Letter, dated February 1, 2008, sent to Fund
9 Board of Trustees for year ending September 30, 2007, by Burger &
10 Comer, P.C., Fund's outside auditors

11 Appellant reserves the right to introduce exhibits not
12 listed herein for rebuttal or other purposes.

13 DATED this 14th day of December, 2009.

14
15 **BLAIR STERLING JOHNSON**
16 **MARTINEZ & LEON GUERRERO**
17 **A PROFESSIONAL CORPORATION**

18 BY: 
19 **WILLIAM J. BLAIR**
20 *Appellant's Duly Authorized Representative*

21 G62\003079-02
22 G:\WORDDOC\PLD\WJB\174-EXHIBIT LIST RE ASC
23 TRUST CORPORATION.DOC
24
25
26
27
28