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FILE No. OPA-PA 08-008

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6 **BEFORE THE OFFICE OF THE PUBLIC AUDITOR**
7 **PROCUREMENT APPEAL**

8 IN THE APPEAL OF LATTE TREATMENT) Docket No. OPA-PA-08-008
9 CENTER, INC.)
10 Procurement Appeal No. OPA-AP-06-003)
11 OPA-PA-08-008)
12)

**MOTION TO COMPEL PRODUCTION
OF A PROCUREMENT RECORD**

13 **MOTION**

14 An appeal in this matter was filed by Latte Treatment Center, LLC with the Public
15 Auditor on May 30th, 2008. Pursuant to 2 GAR §12104(c)(3) the Department of Mental
16 Health and Substance Abuse (hereinafter "agency") was required to file with the Public
17 Auditor its procurement record in the matter by June 6th, 2008. It did not do so.

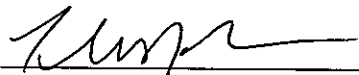
18 On June 27th, 2008 the agency filed its agency report pursuant to 2 GAR §12105¹. In
19 this report the agency stated it had filed all documents required by 2 GAR §12105 as part of
20 the filed procurement record. *See Agency Report filed June 27th, 2008 at p.1.* The required
21 documents include a copy of the protest, a copy of the offer being protested, an abstract of
22 offers and any other relevant document. *See 2 GAR §12105(a)-(f).* Upon information and
23 belief, no such documents, and no procurement record have ever been filed.

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25 ¹ This report was filed two weeks late and only upon order of the Hearing Officer.

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Issues in this appeal involve multiple publications of requests for proposals, multiple cancellations of requests for proposal and requirements within the requests evolving to benefit the party ultimately awarded a contract. It is self evident that the procurement record is both relevant, see 2 GAR §3115(d)(3) and required by law to be produced. Because the agency has not complied with the law, Appellant is deprived of the opportunity to fully comment upon the agency report.

WHEREFORE Appellant respectfully prays the Hearing Officer order the production of the procurement record and grant the Appellant sufficient time to incorporate any potential comments based upon said record in its comments.

By: 
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