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OPA-PA-25-007 In the Appeal of ASC Trust, LLC

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Hafa Adai,

Please see the following attached for filing:

- ASC Trust LLC's Remedies Brief
- ASC Trust LLC's Proposed Findings of Fact and Conclusions of Law

Regards,

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2 attachments**ASC Remedies Brief 10.28.pdf**

165K

**ASC Proposed Findings of Fact and Conclusions of Law 10.28.pdf**

266K

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**BEFORE THE OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEAL**

In the Appeal of

ASC TRUST, LLC,

Appellant.

Docket No. OPA-PA-25-007

ASC TRUST, LLC’S REMEDIES BRIEF

COMES NOW, ASC Trust, LLC (“ASC”) through the undersigned counsel, who submits
ASC’s brief on remedies in this matter. Based on the testimony adduced at the hearing on September
29, 2025, the following facts are not in dispute.

1. ASC’s April 16, 2025 protest to GGRF’s RFP GGRF-RFP-002-25, seeking a provider of Plan Administration Services related to the Defined Contribution Retirement System 457(b) Deferred Compensation Plan and Welfare Benefit Plan was made pre-award.
2. GGRF-RFP-002-25 was and remains stayed pursuant to 5 G.C.A. Section 5425(g), until a final resolution of ASC’s protest and subsequent appeal in this matter.
3. The proposal submission deadline was stayed, and the RFP remains pending. If the stay is lifted, and GGRF proceeds with the procurement, the next stage would be proposal submission, followed by evaluations, ranking of offerors, negotiations with the best qualified offeror and contract award if terms and compensation are agreed to.

Therefore, because this matter is pre-award, and the procurement has been stayed prior to proposal submission, the Public Auditor should find in favor of ASC in this appeal. Specifically, the Public Auditor should find that GGRF's failure to apply Section 5008(d) to the RFP renders the solicitation in violation of Guam law.

Due to the procedural posture of this appeal, summarized above, the Public Auditor has authority to grant pre-award remedies under 5 G.C.A. Section 5451, which provides: "[i]f prior to award it is determined that a solicitation or proposed award of a contract is in violation of law, then the solicitation or proposed award shall be: (a) cancelled; or (b) revised to comply with the law."

Therefore, ASC requests that the Public Auditor find:

1. That GGRF's solicitation is in violation of the procurement law, specifically for failure to apply 5 G.C.A. Section 5008(d).
2. That GGRF must either cancel the RFP or revise it to comply with Guam law, specifically 5 G.C.A. Section 5008(d).

The Public Auditor should enter any other and further relief necessary to carry out the remedies outlined herein.

Respectfully submitted this 28th day of October, 2025.

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Attorneys for ASC Trust, LLC

By: 
WILLIAM B. BRENNAN