# ORIGINAL

# RAZZANO WALSH & TORRES, P.C.

JOSEPH C. RAZZANO JOSHUA D. WALSH SUITE 100, 139 MURRAY BLVD. HAGÅTÑA, GUAM 96910 TELEPHONE: (671) 989-3009 FACSIMILE: (671) 989-8750

# PROCUREMENT APPEAL OF DENIAL OF PROCUREMENT PROTEST IN THE OFFICE OF PUBLIC ACCOUNTABILITY

### PART I.

In the Appeal of	NOTICE OF APPEAL
Guahan Ventures Inc. dba Turfco,	
Appellant.	

RECEIVED OFFICE OF PUBLIC ACCOUNTABILITY						
			APPEALS			
DATE:	П	q	2021			
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EMENO CPA	PA:		21-003			

### PART II: APPELLANT INFORMATION

Appellant's Name	Guahan Ventures Inc. dba Turfco
Appellant's Mailing Address	809 Chalan Pasaheru Unit 1 Tamuning, Guam 96913
Appellant's Business Address	809 Chalan Pasaheru Unit 1 Tamuning, Guam 96913
Appellant Representative's Direct Email Address	info@turfcoguam.com

Appellant is represented by legal counsel in this appeal. For purposes of this appeal, please direct correspondence to Guahan Ventures Inc. dba Turfco's ("Turfco") counsels, Joshua D. Walsh and Edwin J. Torres of Razzano Walsh & Torres, P.C.

Counsel's Mailing Address	139 Murray Blvd. Ste. 100, Hagatna, Guam 96910
Counsel's Telephone	671-989-3009
Counsel's Facsimile	671-989-8750
Counsel's Direct Email Address	jdwalsh@rwtguam.com etorres@rwtguam.com

## PART III: APPEAL INFORMATION

- A. Purchasing Agency: General Services Agency.
- B. Solicitation Number: Request for Quotation (REQ) 21002179.
- C. The Decision being appealed was provided to the Appellant on June 25, 2021.
  The Decision was made by the Chief Procurement Officer, Claudia S. Acfalle.
- D. This Appeal is made from the Denial of Procurement Protest provided to Turfco on June 25, 2021.
- E. The names of competing offerors known to Appellant are:
  - 1. Guam Auto Spot ("Auto Spot"); and
  - 2. Royal Pacific Motors ("RPM").

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#### PART IV: STATEMENT OF GROUNDS FOR APPEAL

#### A. THE GROUNDS FOR APPEAL

### 1. Relevant Procedural and Factual History

The General Services Agency ("GSA") issued a Request for Quote for Requisition No. Q210280170 on June 14, 2021, seeking golf carts.¹ Q210280170 stated that a quote was required no later than June 17, 2021, before close of business at 5pm.² There was no delivery date originally indicated in the quotation. On June 14, 2021, GSA informed bidders that the "preferred ETA is 30 days from the date of purchase order award."³ Other offerors prepared their bids later that day, and the next day Turfco prepared its quote for golf carts with a delivery date of 30 days out from a firm order.⁴ On June 16, 2021, at 5:43pm — after working hours and a day before the deadline for submission of quotes — GSA sent an email to offerors stating "See attached Request for Quote....Please note that this is an 'Emergency Procurement' and Delivery Require is 'IMMEDIATE'" Which was entered on the last page of the RFQ Request. Thank you for your attention please acknowledge receipt of this email." (internal quotations and ellipses in original).⁵ The RFQ was changed to RFQ21002179.

<sup>&</sup>lt;sup>1</sup> The request for quotation is attached to this Notice of Appeal as Attachment A.

 $<sup>^2</sup>$  A copy of the email sent to Turfco indicating the due date is attached to this Notice of Appeal as **Attachment B**.

<sup>&</sup>lt;sup>3</sup> A copy of the email sent by Krystel Elaine F. Tahimik, Buyer I of GSA, to Turfco stating the delivery timeframe is 30 days from the date of purchase order award is attached as **Attachment C.** 

<sup>&</sup>lt;sup>4</sup> A copy of Turfco's submission is attached to this Appeal as Attachment D.

<sup>&</sup>lt;sup>5</sup> A copy of the email sent to Turfco changing the delivery date is attached to this Notice of Appeal as Attachment E.

On June 22, 2021, Turfco requested information as to the award of RFQ21002179. The Bid Abstract for this requisition was sent to Turfco on June 24, 2021.<sup>6</sup> Although Turfco was the lowest responsive bidder, the Abstract declared instead that Guam Auto Spot was selected for Award.<sup>7</sup> On June 24, 2021, GSA informed Turfco that Turfco was not selected because Guam Auto Spot could deliver the golf carts "immediately" — a specification change that was added the day before the quote was due and after all offerors had prepared their bids.<sup>8</sup> On June 24, 2021, Turfco protested GSA's award to Guam Auto Spot based upon the improper late addition of the "immediate delivery" specification that was not contained in the original bid requirements, and that was only added after-hours in the waning moments of the bid submission window, after all offerors had already prepared their bids.<sup>9</sup> GSA denied the protest on June 25, 2021.<sup>10</sup> This Notice of Appeal followed.

2. GSA's substantive Change to the Request for Quotation a Day Before the Bid Quotation, and after all quotes had been submitted, Violates Guam Procurement Law.

Q210280170's change to RFQ21002179 requiring "immediate delivery" is a violation of Guam law. It was unfair for GSA to change the required specification for delivery in the evening hours a day before the bid was due, and to make that specification after all parties had prepared their bids. Guam procurement law exists

<sup>&</sup>lt;sup>6</sup> A copy of the email sent to Turfco with the bid abstract is attached as **Attachment F**.

<sup>&</sup>lt;sup>7</sup> A copy of the bid abstract is attached as **Attachment G**.

<sup>&</sup>lt;sup>8</sup> A copy of the email explanation is attached as Attachment H.

<sup>&</sup>lt;sup>9</sup> A copy of Turfco's agency level protest is attached as **Attachment I**.

<sup>&</sup>lt;sup>10</sup> A copy of the denial is attached as Attachment J.

to, inter alia, "provide for increased public confidence in the procedures followed in public procurement" as well as to "ensure the fair and equitable treatment of all persons who deal with the procurement system of this Territory" 5 G.C.A. § 5001. This is in keeping with the command of 5 G.C.A. § 5625 that "Public employees must discharge their duties impartially so as to assure fair competitive access to governmental procurement by responsible contractors. Moreover, they should conduct themselves in such a manner as to foster public confidence in the integrity of the territorial procurement organization." Altering bid specifications just hours before the end of the bid invitation period, and after confirming a 30 day delivery period, and after the parties all prepared their bids, calls into serious question the fairness and propriety of the procurement conducted by GSA here. More, altering bid delivery specifications after confirming another bid delivery specification calls into question the integrity of this procurement, and suggests improper conduct designed to drive this solicitation to one particular offeror. 11 Such inequitable conduct by the procuring agency results in a decrease in public confidence in the procurement procedures of the Territory.

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The bidder AutoSpot had, curiously, prepared a bid offering with an immediate delivery specification before the immediate delivery specification was implemented by the agency in the waning hours of the bid submission period. Again, this immediate delivery specification came just two days after GSA had confirmed to offerors that a 30-day delivery period was specified. Appellant Turfco reserves all rights to supplement its appeal as needed based upon what the procurement record reveals about the justification for the late specification change, and to seek discovery on that matter if so warranted.

# 3. GSA's Change to "Immediate Delivery" Amounts to a Sole Source Procurement in Violation of Guam Law.

GSA's after business hours change to the specifications appear to be an attempt to shoehorn the procurement into a sole source procurement, and guaranty an award to offeror Autospot. Auto Spot prepared its price quotation of \$73,970.00 on June 14, 2021. Turfco, the appellant here, prepared its price quotation of \$53,150 on June 15, 2021. After the close of business on the following day, GSA changed the specifications to require an offeror provide the solicited items with "immediate delivery." This change was ordered despite the fact that just two days earlier a clarification was provided to bidders explaining that delivery should occur in 30 days. At the time GSA issued this specification calling for "immediate delivery," it appears that all the bids under this solicitation were already prepared, with one party — AutoSpot — declaring that immediate delivery was possible despite that not being a bid requirement. GSA then changed the bid specifications to match Autospot's immediate delivery option, and to prevent an award to Turfco who had a much lower price and was responsive to all specifications in existence at the time its bid was submitted. This later alteration of the specifications constituted an attempt to drive the territory toward using Autospot as the sole source for the golf carts sought by the GSA. This violates Guam procurement law.

# B. RULING Requested

Turfco respectfully requests that the Office of Public Accountability Order the following:

(1) That GSA rescind the Notice of Award to AutoSpot issued in this

procurement, and instead issue an Award to Turfco as the lowest priced responsible and responsive offeror under this procurement;

- (2) That the existence of the automatic stay in this matter be confirmed, and that GSA be ordered to take no further action in this procurement until the matter has been completely resolved;
- (3) That Turfco be awarded its fees and costs in this matter to the extent allowed by law; and
- (4) Such further relief as the OPA deems appropriate.

# C. SUPPORTING EXHIBITS, EVIDENCE OR DOCUMENTS

Submitted with this appeal are the following supporting exhibits, evidence, and documents:

- (1) The Request for Quote for Requisition No. Q210280170 on June 14, 2021, seeking golf carts is attached as **Attachment A**.
- (2) A copy of the email sent to Turfco indicating the due date is attached as **Attachment B**.
- (3) A copy of the email sent by Krystel Elaine F. Tahimik, Buyer I of GSA, to Turfco stating the delivery timeframe is 30 days from the date of purchase order award is attached as **Attachment C**.
- (4) A copy of Turfco's quote for golf carts submission is attached as Attachment D.
- (5) A copy of the email sent to Turfco changing the delivery date is attached as **Attachment E**.
- (6) A copy of the email sent to Turfco with the bid abstract is attached as **Attachment F**.
- (7) A copy of the bid abstract is attached as Attachment G.
- (8) A copy of the email explanation is attached as Attachment H.
- (9) A copy of Turfco's agency level protest is attached as Attachment I.
- (10) A copy of the denial of the protest is attached as Attachment J.

Turfco anticipates providing further documentation to substantiate its claims as GSA submits the full contracting procurement record to the OPA, and allows

Turfco and its counsel to review the procurement record in full.

PART V: DECLARATION RE COURT ACTION

Pursuant to 5 G.C.A. Chapter 5, unless the court requests, expects, or otherwise expresses interest in a decision by the Public Auditor, the Office of Public

Accountability will not take action on any appeal where action concerning the protest

or appeal has commenced in any court. The undersigned party does hereby confirm

that to the best of his knowledge, no case or action concerning the subject of this

Appeal has been commenced in court. The undersigned party agrees to notify the

Office of Public Accountability within 24 hours if court action commences regarding

this Appeal or the underlying procurement action.

Respectfully submitted this 9th day of July, 2021.

RAZZANO WALSH & TORRES, P.C.

 $\mathbf{B}\mathbf{y}$ :

JOSHUA D. WALSH EDWIN J. TORRES

Attorneys for Appellant

Guahan Ventures Inc. dba Turfco

# ATTACHMENT A

: Tahimik, Krystel F

BUYER

BRAKE

## PLEASE RESPOND BACK WITH QUOTE OR NO QUOTE SIYU'US MA'ASE

### REQUEST FOR QUOTATION

- GSA

TELEPHONE: 475-1717 FAX NO.: 475-1727	
Please respond as soon possible   Requisi but no later than: 6/17/2021   RFQ #:	RFQ21002179   Date: RFQ21002179   6/14/2021
VENDOR: TURFCO TG036611 809 CHALAN PASAHERU UNIT 1 TAMUNING, GU 96913  info@turfcoguam.com Phone (671) 482-7055 Fax (671) 633-6737	PLEASE FURNISH PRICE QUOTE, DELIVERY TIME AND TERMS BASED ON F.O.B. DESTINATION FOR THE ITEMS LISTED BELOW. PLEASE RESPOND BY THE ABOVE DATE.
Quoted by Print/Signature:	Quote Date:   Phone Number:
** Delivery Date Offered:   said bidde	making the foregoing bid is genuine and that a grees, that they are fully aware and is in with Title 5 G.C.A. Chapter 5 - 5801 and 5802
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1. Offering Recycle Products ()YES () 2. Offering Biodegradable Products () Y Please separate your offer of recyclable from regular products.  THIS IS N	ES ( ) NO
   ITEM  DESCRIPTION - OR EQUAL	UNIT   TOTAL   AVAILA-
1  GOLF CART-A827 SERIES 4 SEATER  -MAINTENANE FREE BATTERY   150Ah 8V  -LIGHTING SYSTEM HINGED   WINDSHIELD GRAY SEATS,   SPEED METER, DOUBLE USB PORT   SIDE MIRRORS  -FOUR WHEEL HYDRAULIC DISC	

BACK WITH QUOTE OR NO QUOTE SIYU'US MA'ASE

### REQUEST FOR QUOTATION

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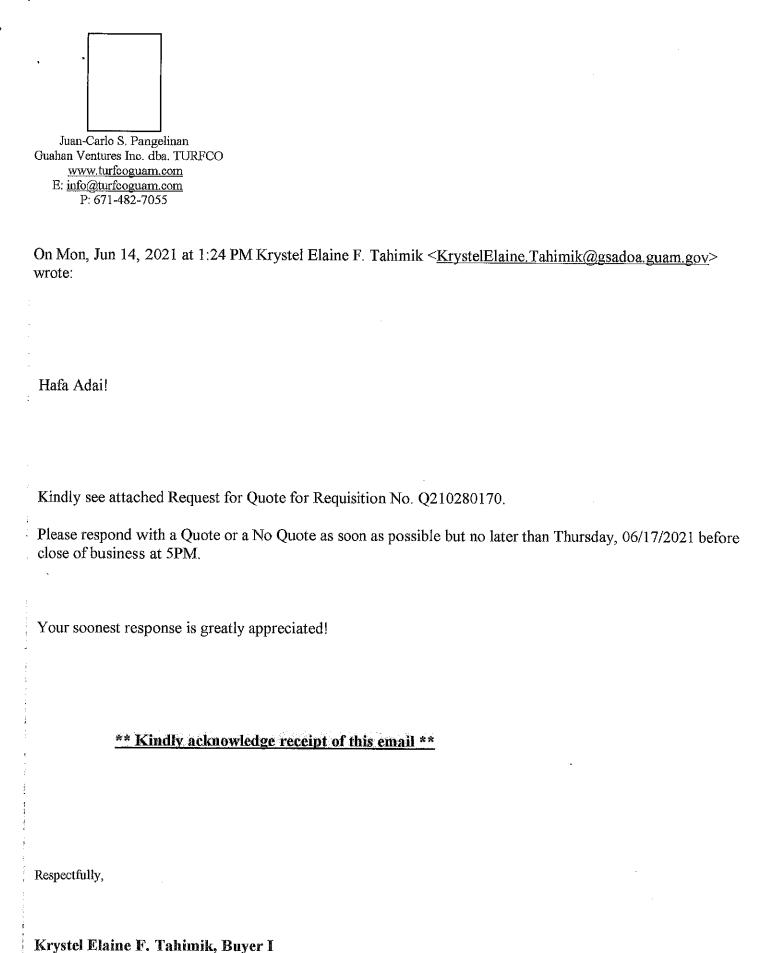
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PLEASE RESPOND BACK WITH QUOTE OR NO QUOTE SIYU'US MA'ASE

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# ATTACHMENT B



General Services Agency (GSA)

Tel No. 671-475-1711

Fax No. 671-475-1727/475-4217

Email: krystelelaine.tahimik@gsadoa.guam.gov

www.doa.guam.gov



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# ATTACHMENT C

### Krystel Elaine F. Tahimik

From:

Krystel Elaine F. Tahimik

Sent:

Monday, June 14, 2021 4:12 PM

To:

'Carlo Pangelinan'

Cc:

gsaprocurement

Subject:

RE: Quote Request RFQ21002179 to T0036611 - Golf Cart (Emergency)

Importance:

High

Mr. Carlo,

Thank you for taking my call.

Attached is the brochure that the end-user provided. You may provide us with your quote equivalent or better. Also, preferred ETA is 30 days from the date of purchase order award. Please ensure to include delivery date of this item.

Hope this helps. If you seek further information for proper quotation, please let me know.

Respectfully,

# Krystel Elaine F. Tahimik, Buyer I

General Services Agency (GSA) Department of Administration

Tel: (671) 475-1711



From: Carlo Pangelinan [mailto:info@turfcoguam.com]

Sent: Monday, June 14, 2021 3:42 PM

To: Krystel Elaine F. Tahimik

Cc: gsaprocurement

Subject: Re: Quote Request RFQ21002179 to T0036611 - Golf Cart (Emergency)

Hafa Adai,

RFQ received. I would like to speak to someone regarding the specifications. I am a distributor for the 827 model golf carts, and the description on the RFQ is too vague to provide an accurate quotation.

Please call me back @ 482-7055

Best Regards,

Carlo

# ATTACHMENT D

PLEASE RESPOND BACK WITH QUOTE OR NO QUOTE SIYU'US MA'ASE

### REQUEST FOR QUOTATION

Please respond as soon possible Requisition Num	ber: Q21028017	9	Date:
but no later than: 6/17/2021   RFQ #: RFQ21002	179		6/14/2021 
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info@turfcoguam.com   Phone (671) 482-7055 Fax (671) 633-6737			
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Juan-Carlo Pangelinan 6/15		671-482	
** Delivery Date Required:   The party making the said bidder agrees   said bidder agrees   compliance with Time 30-75 days from the date of firm order   Wage Determination   Terms:   recent issued by U   NET 30   to implement the respective process   specification.   Therefore, under perfect stated above   Signature   Signature   Signature   The separate your offer of recyclable and/or if from regular products.   The second stated above   The second state	that they are the 5 G.C.A. Control of the control o	e fully awa hapter 5 - attached i the positi e as per th ary, I cert Date:	re and is in 5801 and 5802 s the most ons required e following
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: Tahimik, Krystel F

1. Offering Recycle Products ( )YES ( ) NO 2. Offering Biodegradable Products ( ) YES ( ) NO

from regular products.

EUYER

PLEASE RESPOND BACK WITH QUOTE OR NO QUOTE SIYU'US MA'ASE

#### REQUEST FOR QUOTATION

- GSA

TELEPHONE: 475-1717 FAX NO.: 475-	1727	
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info@turfcoguam.com		
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Quoted by Print/Signature:	Quote Date:	Phone Number:
Juan-Carlo Pangelinan	6/15/21	671-482-7055
	party making the foregoing bidder agrees, that they a	
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#### THIS IS NOT AN ORDER

Please separate your offer of recyclable and/or biodegradable products

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## PLEASE RESPOND BACK WITH QUOTE OR NO QUOTE SIYU'US MA'ASE

### REQUEST FOR QUOTATION

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### PLEASE RESPOND BACK WITH QUOTE OR NO QUOTE SIYU'US MA'ASE

#### REQUEST FOR QUOTATION

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### PLEASE RESPOND BACK WITH QUOTE OR NO QUOTE SIYU'US MA'ASE

#### REQUEST FOR QUOTATION

Please respond as soon possible   Requisiti	on Number: Q210280170   Date:
	Q21002179   6/14/2021
VENDOR: TURFCO TO036611 S09 CHALAN PASAHERU UNIT 1 TAMUNING, GU 96913	PLEASE FURNISH PRICE QUOTE, DELIVERY TIME AND TERMS BASED ON F.O.B. DESTINATION FOR THE ITEMS LISTED BELOW. PLEASE RESPOND BY THE ABOVE DATE.
info@turEcoguam.com   Phone (671) 482-7055 Fax (671) 633-6737   	
Quoted by Frint/Signature:	Quote Date:   Phone Number:
Juan-Carlo Pangelinan	6/15/21 671-482-7055
	king the foregoing bid is genuine and that agrees, that they are fully aware and is in
** Delivery Date Offered:   compliance w	ith Title 5 G.C.A. Chapter 5 - 5801 and 5802 nation, and that the attached is the most
Terms:   recent issue     to implement   Prices good for: Days   specification	d by U.S. D.O.L. for the positions required the required service as per the following
i facts stated	above are true.
Signature	Date: 6/15/21
1. Offering Recycle Products () YES () NO 2. Offering Biodegradable Products () YES Please separate your offer of recyclable a from regular products.	( ) NO
THIS IS NO	T AN ORDER
*	UNIT   TOTAL   AVAILA-
ITEM DESCRIPTION - OR EQUAL	QTY   UOM   PRICE   PRICE   BILITY
2 GOLF CART-A827 SERIES 6 SEATER 4+2 Seat Arrangment 150AH 8V Rows For Lighting System, Hinged Facing, Company Seats Back Facing, Company Seats Back Facing Speed Meter, Double USB PORT SIDE MIRRORS FOUR WHEEL HYDRAULIC DISC BRAKE AND ELECTROMAGNETIC BRAKE	ent. 2     Order rward

PLEASE RESPOND BACK WITH QUOTE OR NO QUOTE SIYU'US MA'ASE

#### REQUEST FOR QUOTATION

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# ATTACHMENT E

#### **Anita Cruz**

From:

Anita Cruz

Sent:

Wednesday, June 16, 2021 5:43 PM

To:

'info@turfcoguam.com'

Cc:

gsaprocurement

Subject:

FW: RFQRFQ21002179 - Quote Request to T0036611

Attachments:

Q210280170 - RFQ21002179 - To TURFCO - Assigned to GSATAHIK - 6-16-2021 5 30

04 PM.tif

See attached Request for Quote.... Please note that this is an "Emergency Procurement" and Delivery Requirement is "IMMEDIATE"

Which was entered on the last page of the RFQ request. Thank you for your attention please acknowledge receipt of this email

Anita Cruz

Buyer Supervisor, GSA

----Original Message-----

From: gsaprocurement@gsadoa.guam.gov <gsaprocurement@gsadoa.guam.gov>

Sent: Wednesday, June 16, 2021 5:35 PM

To: INFO@TURFCOGUAM.COM

Cc: Anita Cruz < Anita. Cruz@gsadoa.guam.gov>

Subject: RFQRFQ21002179 - Quote Request to T0036611

#### Hafa adai Turfco:

Please see attached RFQ for Requisition No. Q210280170. Please reply with a Quote or No Quote no later than 6/17/2021.

Sincerely, GSA Procurement Government of Guam

<sup>\*\*</sup> Please acknowledge receipt of this email. \*\*

# ATTACHMENT F

On Thu, Jun 24, 2021 at 9:35 AM Ovita A. Nauta <Ovita.Nauta@gsadoa.guam.gov> wrote:

Hafa Adai Mr. Pangelinan. This is in response to your June 22, 2021 email request with regard to award information for RFQ21002179 - Golf Cart (emergency).

As guided by our Procurement Counsel, attached is the Bid Abstract for this requisition.

Kind regards,



Ovita A. Nauta, Administrative Services Officer

GENERAL SERVICES AGENCY (GSA)

Tel: (671) 475-1720; Fax: (671) 472-4217

CONFIDENTIALITY NOTICE: This email message is for sole use of intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, distribution, or copying is prohibited. If you are not the intended recipient, please contact the sender by replying to this email and destroy/delete all copies of this email message.

From: Carlo Pangellnan <info@turfcoguam.com>
Sent: Wednesday, June 23, 2021 10:14 AM
To: Ovita A. Nauta <Ovita.Nauta@gsadoa.guam.gov>
Subject: Re: FW: Award Information for RFQ21002179 to T0036611 - Golf Cart (Emergency)

Hafa Adai,

Q210280170

Best Regards,

Carlo



Juan-Carlo S. Pangelinan

Guahan Ventures Inc., dba. TURFCO

www.turfcoguam.com

E: info@turfcoguam.com P: 671-482-7055

On Wed, Jun 23, 2021 at 9:48 AM Ovita A. Nauta < Ovita. Nauta@gsadoa.guam.gov> wrote:

Regarding your request, what is the Requisition number to this RFQ?

Thank you,

# ATTACHMENT G

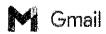
I CERTIFY THAT THE FOREGOING STATEMENT OF INFORMAL QUOTATION DOCUMENT NO.: Q210280170 APPROPRIATION NO.: 5100C210280E0027450 IS TRUE AND CORRECT AND PRICES CHANGED ARE JUST, FAIR AND REASONABLE, AND THE BEST OBTAINABLE FOR THE DESCRIBED BELOW.

Tahimik, Krystel F - GSA 6/18/2021 BUYER DATE REHARKS: RUTHORITY CODE: 1113 (EMERGENCY PROCUREMENT) **PLEASE SEE ATTACHED JUSTIFICATION FOR THIS PROCUREMENT			Vendor Name:   GUAN AUTO SPOT   P.O. BOX 3550   HAGATNA, GU 96932			Vend CYCI 647 NAIT	lor No: CODS lor Name: JES PLUS, LL ROUTE 6 TE, GU 96910	c	Vendor No: ROD98663     Vendor Name;			
VENDOR SELECTION IS BASED ON IMMEDIATE DELIVERY THIS PROCURRENT URGENCY VENDOR: GIAM AUTO SPOT DELIVERY; IMMEDIATE	IN LIEU (	İ	DELI. Dete Phone	A DE CASTRO : 6/14 e: 671 478 9: 671 472	1/2021 3-2886 2-1417	NO F Date Phon	at of Contac RESPONSE : : : : : : : : : : : : : : : : : : :	2-8326 7-6503	SATI   Date:   Phone	6/16 : 671 477 : 671 477	5/2021 -1776	
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GOLF CART-A627 SERIES 4 SEATER  -MAINTENAME FREE BATTERY  1 SOAA 6V  -LIGHTING SYSTEM HINGED  UINDSHILLD GRAY SEATS,  SPEED METER, DOUBLE USE PORT  SIDE MIRRORS  -FOUR UHEEL HYDRAULIC DISC  BRAKE AND ELECTROMAGNETIC  BRAKE	2 	E&   			21990.00  Selected   		t    - 	UOTE * *	2                          	10498,000	20996,00	
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I CERTIFY THAT THE FOREGOING STATEMENT OF INFORMAL QUOTATION
IS TRUE AND CORRECT AND PRICES CHARGED ARE JUST, FAIR AND
REASONABLE, AND THE BEST OBTAINABLE FOR THE DESCRIBED BELOW.

Tabimir, Krystel F - GSA BUYER  REMARKS: AUTHORITY CODE: 3113 (EMERGENCY PROCUREMENT) **PLEASE SEE ATTACHED JUSTIFICATION FOR THIS P VENDOR SELECTION IS BASED ON IMMEDIATE DELIVER THIS PROCUREMENT URGENCY VENDOR: GUAR AUTO SPOT DELIVERY: IMMEDIATE		)21 OF	Vendo   TURFO   809 O   TAMU     Poin   JUAN-   Date   Phone   Fax	CHALAN FASA NING, GU 96 t of Contac -CARLO PANG	HERU UNIT 913 t: ELINAN 7/2021 2-7055 3-6737	Vend 	ne:	 :c:	Vend	le; #1		::	
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# ATTACHMENT H



Carlo Pangelinan <info@turfcoguam.com>

						·
Re:	Award Info	rmation for	RFQ21002179 to	T0036611 -	Golf Cart /Emerge	new

Thu, Jun 24, 2021 at 10:52 PM

From: Carlo Pangelinan [mailto:info@turfcoguam.com] Sent: Thursday, June 24, 2021 3:10 PM To: Ovita A. Nauta <ovita.nauta@gsadoa.guam.gov> Co: Robert Kono <robert.kono@gsa.guam.gov>; Claudia Acfalle <claudia.acfalle@gsadoa.guam.gov>; Melinda L. Taitano <melinda.taitano@gsadoa.guam.gov> Subject: Re: FW: Award Information for RFQ21002179 to T0036611 - Golf Cart (Emergency)</melinda.taitano@gsadoa.guam.gov></claudia.acfalle@gsadoa.guam.gov></robert.kono@gsa.guam.gov></ovita.nauta@gsadoa.guam.gov>
Please see the RFQ that I received from GSA on the Mon, Jun 14, at 1:24 PM.
It does not show "immediate delivery" is required, and as a matter of fact there is no required delivery date at all. Please clarify.
Best Regards,
Carlo
$\cdot$
On Thu, <b>Jun 24</b> , 2021 at 2:25 PM Ovita A. Nauta ≺Ovita.Nauta@gsadoa.guam.gov> wrote:
Mr. Pangelinan, the RFQ was sent out as "immediate delivery".
Kind regards,

# ATTACHMENT I

#### Ovita A. Nauta

From:

Carlo Pangelinan <info@turfcoguam.com>

Sent:

Thursday, June 24, 2021 3:53 PM

To: Cc: Claudia Acfalle; gsaprocurement

Subject:

robert.kono@gsa.guam.gov; Ovita A. Nauta; Melinda L. Taitano Protest of Requisition # Q210280170 RFQ21002179 to T0036611 - Golf Cart

(Emergency)

Attachments:

Q210280170 - RFQ21002179 - To TURFCO - Assigned to GSATAHIK - 6-14-2021 1 16

17 PM.pdf

• .

Hafa Adai Chief Acfalle,

I am writing to formally protest the award of Requisition# Q210280170 RFQ21002179, as it appears on the surface that the vendor was not awarded on the lowest cost to the government, but based on "immediate delivery". Immediate delivery was not listed as a requirement on the original RFQ I received from GSA on Mon, Jun 14, at 1:24 PM.

ť

Based on the Freedom of Information Act, I hereby request copies of all vendor responses and documentation related to this award.

We reserve the right to amend our protest based upon further review of additional documents provided by GSA.

Please confirm receipt of this email with a reply.

Best Regards,

Carlo



Juan-Carlo S. Pangelinan Guahan Ventures Inc. dba. TURFCO www.turfcoguam.com

E: <u>info@turfcoguam.com</u> P: 671-482-7055

# ATTACHMENT J



LOURDES A. LEON GUERRERO GOVERNOR

> JOSHUAF, TENORIO LIEUTENANT GOVERNOR

#### DEPARTMENT OF ADMINISTRATION

DEPATTAMENTON ATMENESTRASION P.O. Box 884 Hagatna, Guam 96932

#### GENERAL SERVICES AGENCY

AHENSIAN SETBISION HINIRAT WEBSITE: WWW.GSA.DQA.GUAM.GQV

CLAUDIA S. ACFALLE, CHIEF PROCUREMENT OFFICER



EDWARD M. BIRN DIRECTOR

BERNADINE C. GINES DEPUTY DIRECTOR

June 25, 2021

Memorandum

Mr. Juan-Carlo S. Pangelinan Guahan Ventures Inc. dba Turfco 809 Chalan Pasaheru Unit 1 Tamuning, Guam 96913

Re: Protest on Request for Quotation (REQ) 21002179

We are in receipt of your email dated June 24, 2021, in which you are protesting the award on the above quotation given to Guam Auto Spot. The basis of your complaint is that the award was given based on "Immediate Delivery" rather than cost. Any that the initial REQ did not mention "immediate delivery" as the important issue on this REQ.

GSA Response: You are correct in stating that the initial REQs that went out on June 14,2021, to the possible vendors on these items did not indicate "Immediate Delivery" as a basis for award. However, on June 16,2021 at 5:43 pm, an update on this RFQ was submitted to all possible bidders informing them that this was an "Emergency" and that "Delivery" was an immediate factor in the bid (Attachment1) This email superseded the email of June 14th which did not indicate the delivery was to be "Immediate".

Based upon the above, your protest is denied. You have the right to seek any administrative or judicial review authorized by law.

Chief Procurement Officer

# ORIGINAL

RAZZANO WALSH & TORRES, P.C.

JOSEPH C. RAZZANO JOSHUA D. WALSH SUITE 100, 139 MURRAY BLVD. HAGÅTÑA, GUAM 96910 TELEPHONE: (671) 989-3009 FACSIMILE: (671) 989-8750

# PROCUREMENT APPEAL OF DENIAL OF PROCUREMENT PROTEST IN THE OFFICE OF PUBLIC ACCOUNTABILITY

### PART I.

In the Appeal of	NOTICE OF APPEAL
Guahan Ventures Inc. dba Turfco,	
Appellant.	

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			APPEAL	
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# PART II: APPELLANT INFORMATION

Appellant's Name	Guahan Ventures Inc. dba Turfco
Appellant's Mailing Address	809 Chalan Pasaheru Unit 1 Tamuning, Guam 96913
Appellant's Business Address	809 Chalan Pasaheru Unit 1 Tamuning, Guam 96913
Appellant Representative's Direct Email Address	info@turfcoguam.com

Appellant is represented by legal counsel in this appeal. For purposes of this appeal, please direct correspondence to Guahan Ventures Inc. dba Turfco's ("Turfco") counsels, Joshua D. Walsh and Edwin J. Torres of Razzano Walsh & Torres, P.C.

Counsel's Mailing Address	139 Murray Blvd. Ste. 100, Hagatna, Guam 96910
Counsel's Telephone	671-989-3009
Counsel's Facsimile	671-989-8750
Counsel's Direct Email Address	jdwalsh@rwtguam.com etorres@rwtguam.com

# PART III: APPEAL INFORMATION

- A. Purchasing Agency: General Services Agency.
- B. Solicitation Number: Request for Quotation (REQ) 21002179.
- C. The Decision being appealed was provided to the Appellant on June 25, 2021.
  The Decision was made by the Chief Procurement Officer, Claudia S. Acfalle.
- D. This Appeal is made from the Denial of Procurement Protest provided to Turfco on June 25, 2021.
- E. The names of competing offerors known to Appellant are:
  - 1. Guam Auto Spot ("Auto Spot"); and
  - 2. Royal Pacific Motors ("RPM").

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### PART IV: STATEMENT OF GROUNDS FOR APPEAL

#### A. THE GROUNDS FOR APPEAL

### 1. Relevant Procedural and Factual History

The General Services Agency ("GSA") issued a Request for Quote for Requisition No. Q210280170 on June 14, 2021, seeking golf carts.¹ Q210280170 stated that a quote was required no later than June 17, 2021, before close of business at 5pm.² There was no delivery date originally indicated in the quotation. On June 14, 2021, GSA informed bidders that the "preferred ETA is 30 days from the date of purchase order award."³ Other offerors prepared their bids later that day, and the next day Turfco prepared its quote for golf carts with a delivery date of 30 days out from a firm order.⁴ On June 16, 2021, at 5:43pm — after working hours and a day before the deadline for submission of quotes — GSA sent an email to offerors stating "See attached Request for Quote....Please note that this is an 'Emergency Procurement' and Delivery Require is 'IMMEDIATE'" Which was entered on the last page of the RFQ Request. Thank you for your attention please acknowledge receipt of this email." (internal quotations and ellipses in original).⁵ The RFQ was changed to RFQ21002179.

<sup>&</sup>lt;sup>1</sup> The request for quotation is attached to this Notice of Appeal as Attachment A.

 $<sup>^2</sup>$  A copy of the email sent to Turfco indicating the due date is attached to this Notice of Appeal as **Attachment B**.

<sup>&</sup>lt;sup>3</sup> A copy of the email sent by Krystel Elaine F. Tahimik, Buyer I of GSA, to Turfco stating the delivery timeframe is 30 days from the date of purchase order award is attached as **Attachment C.** 

<sup>&</sup>lt;sup>4</sup> A copy of Turfco's submission is attached to this Appeal as **Attachment D.** 

<sup>&</sup>lt;sup>5</sup> A copy of the email sent to Turfco changing the delivery date is attached to this Notice of Appeal as **Attachment E**.

On June 22, 2021, Turfco requested information as to the award of RFQ21002179. The Bid Abstract for this requisition was sent to Turfco on June 24, 2021.<sup>6</sup> Although Turfco was the lowest responsive bidder, the Abstract declared instead that Guam Auto Spot was selected for Award.<sup>7</sup> On June 24, 2021, GSA informed Turfco that Turfco was not selected because Guam Auto Spot could deliver the golf carts "immediately" — a specification change that was added the day before the quote was due and after all offerors had prepared their bids.<sup>8</sup> On June 24, 2021, Turfco protested GSA's award to Guam Auto Spot based upon the improper late addition of the "immediate delivery" specification that was not contained in the original bid requirements, and that was only added after-hours in the waning moments of the bid submission window, after all offerors had already prepared their bids.<sup>9</sup> GSA denied the protest on June 25, 2021.<sup>10</sup> This Notice of Appeal followed.

2. GSA's substantive Change to the Request for Quotation a Day Before the Bid Quotation, and after all quotes had been submitted, Violates Guam Procurement Law.

Q210280170's change to RFQ21002179 requiring "immediate delivery" is a violation of Guam law. It was unfair for GSA to change the required specification for delivery in the evening hours a day before the bid was due, and to make that specification after all parties had prepared their bids. Guam procurement law exists

 $<sup>^6</sup>$  A copy of the email sent to Turfco with the bid abstract is attached as **Attachment F**.

<sup>&</sup>lt;sup>7</sup> A copy of the bid abstract is attached as **Attachment G**.

<sup>&</sup>lt;sup>8</sup> A copy of the email explanation is attached as Attachment H.

<sup>&</sup>lt;sup>9</sup> A copy of Turfco's agency level protest is attached as Attachment I.

<sup>&</sup>lt;sup>10</sup> A copy of the denial is attached as Attachment J.

to, inter alia, "provide for increased public confidence in the procedures followed in public procurement" as well as to "ensure the fair and equitable treatment of all persons who deal with the procurement system of this Territory" 5 G.C.A. § 5001. This is in keeping with the command of 5 G.C.A. § 5625 that "Public employees must discharge their duties impartially so as to assure fair competitive access to governmental procurement by responsible contractors. Moreover, they should conduct themselves in such a manner as to foster public confidence in the integrity of the territorial procurement organization." Altering bid specifications just hours before the end of the bid invitation period, and after confirming a 30 day delivery period, and after the parties all prepared their bids, calls into serious question the fairness and propriety of the procurement conducted by GSA here. More, altering bid delivery specifications after confirming another bid delivery specification calls into question the integrity of this procurement, and suggests improper conduct designed to drive this solicitation to one particular offeror. 11 Such inequitable conduct by the procuring agency results in a decrease in public confidence in the procurement procedures of the Territory.

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<sup>11</sup> The bidder AutoSpot had, curiously, prepared a bid offering with an immediate delivery specification before the immediate delivery specification was implemented by the agency in the waning hours of the bid submission period. Again, this immediate delivery specification came just two days after GSA had confirmed to offerors that a 30-day delivery period was specified. Appellant Turfco reserves all rights to supplement its appeal as needed based upon what the procurement record reveals about the justification for the late specification change, and to seek discovery on that matter if so warranted.

# 3. GSA's Change to "Immediate Delivery" Amounts to a Sole Source Procurement in Violation of Guam Law.

GSA's after business hours change to the specifications appear to be an attempt to shoehorn the procurement into a sole source procurement, and guaranty an award to offeror Autospot. Auto Spot prepared its price quotation of \$73,970.00 on June 14, 2021. Turfco, the appellant here, prepared its price quotation of \$53,150 on June 15, 2021. After the close of business on the following day, GSA changed the specifications to require an offeror provide the solicited items with "immediate delivery." This change was ordered despite the fact that just two days earlier a clarification was provided to bidders explaining that delivery should occur in 30 days. At the time GSA issued this specification calling for "immediate delivery," it appears that all the bids under this solicitation were already prepared, with one party — AutoSpot — declaring that immediate delivery was possible despite that not being a bid requirement. GSA then changed the bid specifications to match Autospot's immediate delivery option, and to prevent an award to Turfco who had a much lower price and was responsive to all specifications in existence at the time its bid was submitted. This later alteration of the specifications constituted an attempt to drive the territory toward using Autospot as the sole source for the golf carts sought by the GSA. This violates Guam procurement law.

#### B. RULING Requested

Turfco respectfully requests that the Office of Public Accountability Order the following:

(1) That GSA rescind the Notice of Award to AutoSpot issued in this

procurement, and instead issue an Award to Turfco as the lowest priced responsible and responsive offeror under this procurement;

- (2) That the existence of the automatic stay in this matter be confirmed, and that GSA be ordered to take no further action in this procurement until the matter has been completely resolved;
- (3) That Turfco be awarded its fees and costs in this matter to the extent allowed by law; and
- (4) Such further relief as the OPA deems appropriate.

### C. SUPPORTING EXHIBITS, EVIDENCE OR DOCUMENTS

Submitted with this appeal are the following supporting exhibits, evidence, and documents:

- (1) The Request for Quote for Requisition No. Q210280170 on June 14, 2021, seeking golf carts is attached as **Attachment A**.
- (2) A copy of the email sent to Turfco indicating the due date is attached as **Attachment B**.
- (3) A copy of the email sent by Krystel Elaine F. Tahimik, Buyer I of GSA, to Turfco stating the delivery timeframe is 30 days from the date of purchase order award is attached as **Attachment C**.
- (4) A copy of Turfco's quote for golf carts submission is attached as **Attachment D**.
- (5) A copy of the email sent to Turfco changing the delivery date is attached as **Attachment E**.
- (6) A copy of the email sent to Turfco with the bid abstract is attached as **Attachment F**.
- (7) A copy of the bid abstract is attached as **Attachment G**.
- (8) A copy of the email explanation is attached as Attachment H.
- (9) A copy of Turfco's agency level protest is attached as Attachment I.
- (10) A copy of the denial of the protest is attached as Attachment J.

Turfco anticipates providing further documentation to substantiate its claims as GSA submits the full contracting procurement record to the OPA, and allows

Turfco and its counsel to review the procurement record in full.

PART V: DECLARATION RE COURT ACTION

Pursuant to 5 G.C.A. Chapter 5, unless the court requests, expects, or

otherwise expresses interest in a decision by the Public Auditor, the Office of Public

Accountability will not take action on any appeal where action concerning the protest

or appeal has commenced in any court. The undersigned party does hereby confirm

that to the best of his knowledge, no case or action concerning the subject of this

Appeal has been commenced in court. The undersigned party agrees to notify the

Office of Public Accountability within 24 hours if court action commences regarding

this Appeal or the underlying procurement action.

Respectfully submitted this 9th day of July, 2021.

RAZZANO WALSH & TORRES, P.C.

By:

JOSHUA D. WALSH EDWIN J. TORRES

Attorneys for Appellant

Guahan Ventures Inc. dba Turfco

# ATTACHMENT A

# PLEASE RESPOND BACK WITH QUOTE OR NO QUOTE SIYU'US MA'ASE

### REQUEST FOR QUOTATION

BUYER : Tahimik, Krystel F - GSA TELEPHONE: 475-1717 FAX NO.: 475-1727

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Please respond as soon possil			Q21028	)170	Į D	ate:
but no later than: 6/17/2023	l   RFQ #: RE	7Q21002179			1	6/14/2021
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T0036611 809 CHALAN PASAHER	ku unit 1 💢	AND TERMS	BASED (	N F.O.B.	DESTINAT	ION FOR
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		THE ABOVE	DATE.		•	
info@turfcoguam.com						
Phone (671) 482-7055 Fax (673	L) 633-6737					
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BRAKE

# **BACK WITH QUOTE OR** NO QUOTE SIYU'US MA'ASE

#### REQUEST FOR QUOTATION

BUYER : Tahimik, Krystel F - G TELEPHONE: 475-1717 FAX NO.: 475-1727	GSA	
Please respond as soon possible   Requis but no later than: 6/17/2021   RFQ #:	• • • • • • • • • • • • • • • • • • • •	Date:   6/14/2021
VENDOR: TURFCO T0036611 809 CHALAN PASAHERU UNIT 1 TAMUNING, GU 96913  info@turfcoguam.com Phone (671) 482-7055 Fax (671) 633-6737	PLEASE FURNISH PRICE QUOTE, AND TERMS BASED ON F.O.B. DI THE ITEMS LISTED BELOW. PLEA THE ABOVE DATE.	ESTINATION FOR
Quoted by Print/Signature:	Quote Date:   Phone 1	Number:
said bidd	making the foregoing bid is gen der agrees, that they are fully a se with Title 5 G.C.A. Chapter 5	aware and is in
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2 GOLF CART-A827 SERIES 6 SEATER  -MAINTENANCE FREE BATTERY   150AH 8V  -LIGHTING SYSTEM, HINGED   WINDSHIELD GRAY SEATS   SPEED METER, DOUBLE USB PORT   SIDE MIRRORS  -FOUR WHEEL HYDRAULIC DISC   BRAKE AND ELECTROMAGNETIC		and the same order when then door class to

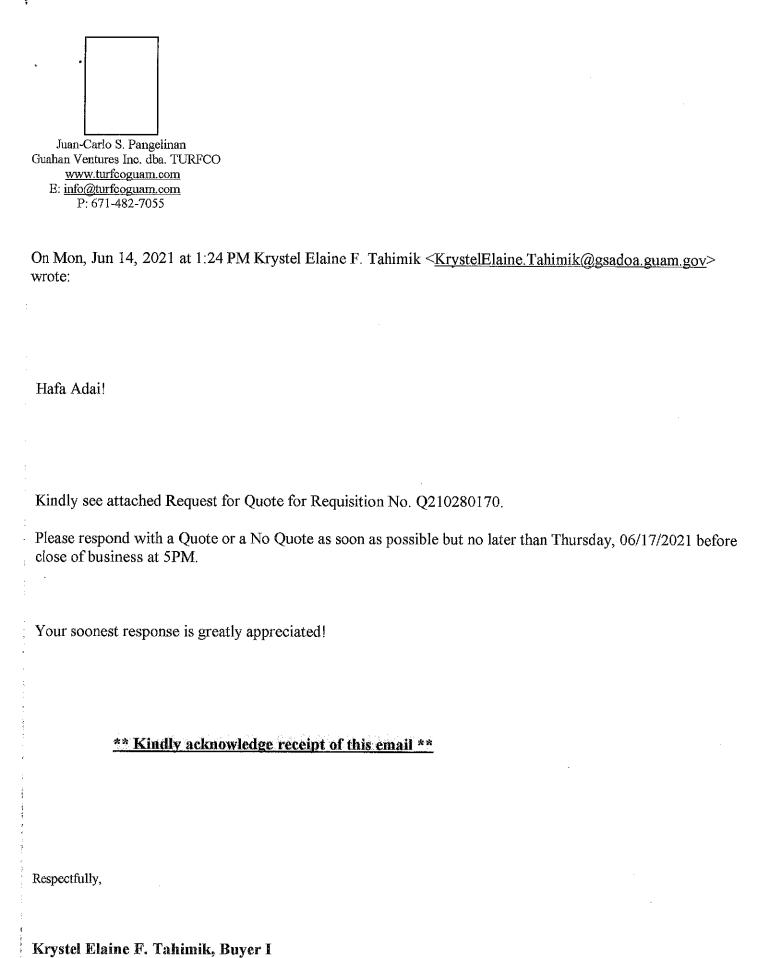
PLEASE RESPOND BACK WITH QUOTE OR NO QUOTE SIYU'US MA'ASE

### REQUEST FOR QUOTATION

BUYER : Tahimik, Krystel F - GSA TELEPHONE: 475-1717 FAX NO.: 475-1727

Please respond as soon possible   Requisit:		
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	aking the foregoing bid is genuine and the	
	agrees, that they are fully aware and is	
	with Title 5 G.C.A. Chapter 5 - $5801$ and $3$	
	ination, and that the attached is the most	
Terms:   recent issue	ed by U.S. D.O.L. for the positions requir	ced
to implement	t the required service as per the following	ıg
Prices good for: Days   specification	on.	
Therefore, w	under penalty of perjury, I certify that t	che
/ facts stated	d above are true.	
Signature	Date:	
<u> </u>		
1. Offering Recycle Products ( ) YES ( ) NO	0	
2. Offering Biodegradable Products ( ) YE:		
Please separate your offer of recyclable		
from regular products.		
THIS IS NO	OT AN ORDER	
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-10 INC ALUMINUM WHEEL RIMS		
AND 205/65		
	1111111	

# ATTACHMENT B



General Services Agency (GSA)

Tel No. 671-475-1711

Fax No. 671-475-1727/475-4217

Email: krystelelaine.tahimik@gsadoa.guam.gov

www.doa.guam.gov



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# ATTACHMENT C

## Krystel Elaine F. Tahimik

From:

Krystel Elaine F. Tahimik

Sent:

Monday, June 14, 2021 4:12 PM

To: Cc: 'Carlo Pangelinan' gsaprocurement

Subject:

RE: Quote Request RFQ21002179 to T0036611 - Golf Cart (Emergency)

Importance:

High

Mr. Carlo,

Thank you for taking my call.

Attached is the brochure that the end-user provided. You may provide us with your quote equivalent or better. Also, preferred ETA is 30 days from the date of purchase order award. Please ensure to include delivery date of this item.

Hope this helps. If you seek further information for proper quotation, please let me know.

Respectfully,

Krystel Elaine F. Tahimik, Buyer I

General Services Agency (GSA) Department of Administration

Tel: (671) 475-1711



From: Carlo Pangelinan [mailto:info@turfcoguam.com]

Sent: Monday, June 14, 2021 3:42 PM

To: Krystel Elaine F. Tahimik

Cc: gsaprocurement

Subject: Re: Quote Request RFQ21002179 to T0036611 - Golf Cart (Emergency)

Hafa Adai,

RFQ received. I would like to speak to someone regarding the specifications. I am a distributor for the 827 model golf carts, and the description on the RFQ is too vague to provide an accurate quotation.

Please call me back @ 482-7055

Best Regards,

Carlo

# ATTACHMENT D

# PLEASE RESPOND BACK WITH QUOTE OR NO QUOTE SIYU'US MA'ASE

### REQUEST FOR QUOTATION

BUYER : Tahimik, Krystel F - GSA TELEPHONE: 475-1717 FAX NO.: 475-1727

Please respond as soon possible Requisition	n Number: 0210280	170	ı in	ate:
but no later than: 6/17/2021   RFQ #: RFQ	•			 6/14/2021
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VENDOR: TURFCO	PLEASE FURNISH PR	ICE QUOTE	, DELIVE	RY TIME
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TAMUNING, GU 96913	THE ITEMS LISTED	BELOW. PL	ease resi	POND BY
ń	THE ABOVE DATE.			
info@turfcoguam.com				
Phone (671) 482-7055 Fax (671) 633-6737				
Quoted by Print/Signature:	Quote Date:	1 Phone	Number:	
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Juan-Carlo Pangelinan	6/15/21	671	-482-705	5
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Signature		Dat	e: 6/15	/04
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1   GOLF CART-A827 SERIES 4 SEATER 2 Rows Fac  -MAINTENANE FREE BATTERY Forward Se		\$8,375 I	\$16,750	1 Special
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: Tahimik, Krystel F

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# PLEASE KESPUND BACK WITH QUOTE OR NO QUOTE SIYU'US MA'ASE

#### REQUEST FOR QUOTATION

- GSA

Please respond as soon possible   Requisition Nubut no later than: 6/17/2021   RFQ #: RFQ2100		Ö	,	ite: 5/14/2021
T0036611 809 CHALAN PASAHERU UNIT 1   AND TAMUNING, GU 96913   THE	SE FURNISH PRIC FERMS BASED ON ITEMS LISTED BE ABOVE DATE.	F.O.B.	DESTINATI	ON FOR
Phone (671) 482-7055 Fax (671) 633-6737				
Quoted by Frint/Signature:   Quot	e Date:	Phone	Number:	
11	5/21	. *	-482-705	
** Delivery Date Required:   The party making :   said bidder agree:   said bidder agree:   compliance with T:   Wage Determination	s, that they ar itle 5 G.C.A. (	e fully hapter	y aware ar 5 - 5801	nd is in and 5802
Terms:   recent issued by to implement the	U.S. D.O.L. for	the po	sitions 1	equired
Prices good for: Days   specification.   Therefore, under   facts stated above   Signature		ury, I Dat	_	
1. Offering Recycle Products ()YES () NO 2. Offering Biodegradable Products () YES () I Please separate your offer of recyclable and/or from regular products.		product	:8	
THIS IS NOT	AN ORDER	<u> </u>		
ITEM DESCRIPTION - OR EQUAL		UNIT ; RICE !	TOTAL PRICE	AVAILA-
2   GOLF CART-A827 SERIES 6 SEATER 3 Rows Facing   -MAINTENANCE FREE BATTERY Forward Seating   150AH 8V Arrangment   -LIGHTING SYSTEM, HINGED   WINDSHIELD GRAY SEATS   SPEED METER, DOUBLE USB PORT   SIDE MIRRORS   -FOUR WHEEL HYDRAULIC DISC   BRAKE AND ELECTROMAGNETIC	·	9,100 II	\$36,400	Special Order

: Tahimik, Krystel F

|-10 INC ALUMINUM WHEEL RIMS

| AND 205/65

BUYER

# PLEASE RESPOND BACK WITH QUOTE OR NO QUOTE SIYU'US MA'ASE

### REQUEST FOR QUOTATION

- GSA

Please respond as soon possible but no later than: 6/17/2021	Requisiti   RFQ #: RF	•		70	Date:   6/14/2021
VENDOR: TURFCO T0036611 809 CHALAN PASAHERU TAMUNING, GU 96913  info@turfcoguam.com Phone (671) 482-7055 Fax (671)		AND TERM	AS BASED ON AS LISTED E	F.O.B. DE:	DELIVERY TIME STINATION FOR SE RESPOND BY
Quoted by Print/Signature:	2007	Quote Da	ite:	Phone No	mber:
Juan-Carlo Pangelinan		6/15/2	1	671-48	32-7055
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# PLEASE RESPOND BACK WITH QUOTE OR NO QUOTE SIYU'US MA'ASE

#### REQUEST FOR QUOTATION

BUYER : Tahimik, Krystel F - GSA TELEPHONE: 475-1717 FAX NO.: 475-1727

Please respond as soon possible   Requisition Num   but no later than: 6/17/2021   RFQ #: RFQ21002		Date:   6/14/2021
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Quoted by Print/Signature: Quote	Date:	Phone Number:
Juan-Carlo Pangelinan 6/15	5/21	671-482-7055
said bidder agrees   x* Delivery Date Offered:   compliance with Ti   30-75 days from the date of firm order   Wage Determination   Terms:   recent issued by U   NET 30   to implement the r   Prices good for:   30 Days   specification.	that they are the 5 G.C.A. Cha , and that the a .S. D.O.L. for the equired service enalty of perjurare true.	is genuine and that fully aware and is in pter 5 - 5801 and 5802 ttached is the most the positions required as per the following by, I certify that the Date:  6/15/21
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ITEM DESCRIPTION - OR EQUAL	UN   QTY   UOM   PRI 	CE PRICE BILITY
1   GOLF CART-A827 SERIES 4 SERIER 2+2 Seating  -MAINTENANE FREE BATTERY Arrangment. One   150Ab 8V Row Forward  -LIGHTING SYSTEM HINGED Facing, One Row   WINDSHIELD GRAY SEATS, Rear Facing   SPEED METER, DOUBLE USB FORT   SIDE MIRRORS  -FOUR WHEEL HYDRAULIC DISC   BRAKE AND ELECTROMAGNETIC   BRAKE		Special Order

## PLEASE RESPOND BACK WITH QUOTE OR NO QUOTE SIYU'US MA'ASE

#### REQUEST FOR QUOTATION

BUYER : Tahimik, Krystel F - GSA TELEPHONE: 475-1717 FAX NO.: 475-1727

Please respond as soon possible   Requisition Nur	The state of the s
but no later than: 6/17/2021   RFQ #: RFQ21002	2179   6/14/2021
T0036611 809 CHALAN PASAHERU UNIT 1   AND 3   TAMUNING, GU 96913   THE 3   THE 3	SE FURNISH PRICE QUOTE, DELIVERY TIME FERMS BASED ON F.O.B. DESTINATION FOR ITEMS LISTED BELOW. PLEASE RESPOND BY ABOVE DATE.
info@turfcoguam.com   Phone (671) 482-7055 Fax (671) 633-6737   	
Quoted by Print/Signature:   Quote	Date:   Phone Number:
	5/21 671-482-7055
	he foregoing bid is genuine and that
** Delivery Date Offered:   compliance with Ti	s, that they are fully aware and is in the 5 G.C.A. Chapter 5 - 5801 and 5802 i, and that the attached is the most
to implement the r	J.S. D.O.L. for the positions required required service as per the following
facts stated above	penalty of perjury, I certify that the
Signature	Date: 6/15/21
1. Offering Recycle Products ()YES () NO 2. Offering Biodegradable Products () YES () NO Please separate your offer of recyclable and/or from regular products.	
THIS IS NOT A	N ORDER
1	I I UNIT   TOTAL   AVAILA-
ITEM DESCRIPTION - OR EQUAL	QTY   UOM   PRICE   FRICE   BILITY
2 GOLF CART-AB27 SERIES 6 SEATER 4+2 Seating -MAINTENANCE FREE BATTERY Arrangment. 2 Rows Forward -LIGHTING SYSTEM, HINGED Facing, One Row WINDSHIELD GRAY SEATS Back Facing SPEED METER, DOUBLE USB PORT SIDE MIRRORS -FOUR WHEEL BYDRAULIC DISC BRAKE AND ELECTROMAGNETIC BRAKE	4 EA \$8,790 \$35,160 Special Order

## PLEASE RESPOND BACK WITH QUOTE OR NO QUOTE SIYU'US MA'ASE

#### REQUEST FOR QUOTATION

BUYER : Tabimik, Krystel F - GSA TELEPHONE: 475-1717 FAX NO.: 475-1727

Please respond as soon possible   Req	uisition Number: Q210280170   Date:								
but no later than: 6/17/2021   RFQ	#: RFQ21002179   6/14/2021								
[									
VENDOR: TURFCO	PLEASE FURNISH PRICE QUOTE, DELIVERY TIME								
T0036611 809 CHALAN PASAHERU UNIT									
TAMUNING, GU 96913	THE ITEMS LISTED BELOW. PLEASE RESPOND BY								
	THE ABOVE DATE.								
info@turfcoguam.com	75-24-96.								
Phone (671) 482-7055 Fax (671) 633-6	737								
Quoted by Print/Signature:	Quote Date:   Phone Number:								
quoted by Frincisignature:	Quote Date:   Phone Number:								
Juan-Carlo Pangelinan	6/15/21 671-482-7055								
	aking the foregoing bid is genuine and that								
	idder agrees, that they are fully aware and is in								
	ance with Title 5 G.C.A. Chapter 5 - 5801 and 5802								
	etermination, and that the attached is the most								
*	issued by U.S. D.O.L. for the positions required   lement the required service as per the following								
	ication.								
·	under penalty of perjury, I certify that the {								
	stated above are true.								
Signati	ore Date:								
	6/15/21								
1. Offering Recycle Products ( ) YES	I) NO								
2. Offering Blodegradable Products (	) YES ( ) NO								
Please separate your offer of recycla	able and/or biodegradable products								
from regular products.									
THIS IS	NOT AN ORDER								
*	UNIT   TOTAL   AVATLA-								
ITEM: DESCRIPTION - OR EQUAL	QTY   UOM   PRICE   FRICE   BILITY								
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-10 INC ALUMINUM WHEEL RIMS	Special								
AND 205/65	Order								
	11111								

# ATTACHMENT E

### **Anita Cruz**

From:

Anita Cruz

Sent:

Wednesday, June 16, 2021 5:43 PM

To:

'info@turfcoguam.com'

Cc:

gsaprocurement

Subject:

FW: RFQRFQ21002179 - Quote Request to T0036611

Attachments:

Q210280170 - RFQ21002179 - To TURFCO - Assigned to GSATAHIK - 6-16-2021 5 30

04 PM.tif

See attached Request for Quote.... Please note that this is an "Emergency Procurement" and Delivery Requirement is "IMMEDIATE"

Which was entered on the last page of the RFQ request. Thank you for your attention please acknowledge receipt of this email

Anita Cruz

Buyer Supervisor, GSA

----Original Message----

From: gsaprocurement@gsadoa.guam.gov <gsaprocurement@gsadoa.guam.gov>

Sent: Wednesday, June 16, 2021 5:35 PM

To: INFO@TURFCOGUAM.COM

Cc: Anita Cruz < Anita. Cruz@gsadoa.guam.gov>

Subject: RFQRFQ21002179 - Quote Request to T0036611

#### Hafa adai Turfco:

Please see attached RFQ for Requisition No. Q210280170. Please reply with a Quote or No Quote no later than 6/17/2021.

Sincerely,

**GSA Procurement** 

Government of Guam

<sup>\*\*</sup> Please acknowledge receipt of this email. \*\*

# ATTACHMENT F

On Thu, Jun 24, 2021 at 9:35 AM Ovita A. Nauta <Ovita.Nauta@gsadoa.guam.gov> wrote:

Hafa Adai Mr. Pangelinan. This is in response to your June 22, 2021 email request with regard to award information for RFQ21002179 - Golf Cart (emergency).

As guided by our Procurement Counsel, attached is the Bid Abstract for this requisition.

Kind regards,



Ovita A. Nauta, Administrative Services Officer

GENERAL SERVICES AGENCY (GSA)

Tel: (671) 475-1720; Fax: (671) 472-4217

CONFIDENTIALITY NOTICE: This email message is for sole use of intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, distribution, or copying is prohibited. If you are not the intended recipient, please contact the sender by replying to this email and destroy/delete all copies of this email message.

From: Carlo Pangelinan <info@turfcoguam.com>
Sent: Wednesday, June 23, 2021 10:14 AM
To: Ovita A. Nauta <Ovita.Nauta@gsadoa.guam.gov>
Subject: Re: FW: Award Information for RFQ21002179 to T0036611 - Golf Cart (Emergency)

Hafa Adai,

Q210280170

Best Regards,

Carlo



Juan-Carlo S. Pangelinan

Guahan Ventures Inc. dba, TURFCO

www.turfcoguam.com

E: info@turfcoguam.com P: 671-482-7055

On Wed, Jun 23, 2021 at 9:48 AM Ovita A. Nauta <Ovita.Nauta@gsadoa.guam.gov> wrote:

Regarding your request, what is the Requisition number to this RFQ?

Thank you,

# ATTACHMENT G

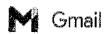
I CERTIFY THAT THE FOREGOING STATEBENT OF INFORMAL QUOTATION DOCUMENT NO.: Q210280170 APPROPRIATION NO.: 5100C21028DE0027450 IS TRUE AND CORRECT AND PRICES CHARGED ARE JUST, FAIR AND REASONABLE, AND THE BEST OBTAINABLE FOR THE DESCRIBED BELOW.

TARIMIK, KRYSTEL F - GSA 6/18/2021 BUYER DATE REMARKS: AUTHORITY CODE: 11.13 [EMERGENCY PROCUREMENT] **PLEASE SEE ATTACHED JUSTIFICATION FOR THIS PROCUREMENT JENDOR SELECTION IS BASED ON INHEDIATE DELIVERY IN LIEU OF JETH'S PROCUREMENT URGENCY VENDOR: GUAH AUTO SPOT DELIVERY: IMMEDIATE		)21	Vendor Neme:     GUAM AUTO SPOT     P.O. BOX 3550			Vendor Neme:   GYCLES PLUS, LLC   547 ROUTE 6   HAITE, GU 95910 			Vendor No: ROD98650   Vendor Name:     RO74L PACIFIC HOTORS(YAN     256 EAST MARINE CORPS DR     HAOATNA, GU 96910   		
DESCRIPTION	QTY	UNIT	QTY	UNIT PRICE	EXTENSION	QTY					
GOLF CART-A827 SERIES 4 SEATER   -MAINTENAME FREE BATTERY   18DAN 6W     1-LIGHTING SYSTEM HINGED   WINDSHIELD GRAY SEATS,   SPEED MITER, DOUBLE USD PORT   SIDE MIRRORS   -FOUR WHEEL HYDRAULIC DISC   BRAKE AND ELECTROMAGNETIC   BRAKE		EA		10995.000	21990.00	ŧ		UOTE * *		1049B.000)	
OOLF CART-A827 SERIES 6 SEATER  - HAINTENANCE FREE BATTERY 1 SOAH 8V  - LIGHTING SYSTEM, HINGED 1 UNIDSHIELD GRAY SEATS SPEED HETER, DOUBLE USB PORT 5 IDE MIRRORS - FOUR WHEEL HYDRAULIC DISC BRAKE AND RIECTRONAGNETIC BRAKE - IO INC ALUMINUM WHEEL RIES AND 203/65  PURSUANT TO THE EXECUTIVE CROPE 2021-12 EMERGENCY RESPONSE TO MOVEL COVID-19 SIGNED & PROBULGATED 05/28/21.	2 4 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	EA	4-1 3 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	12995,000	51980.00 Selected   		* N O O	UOTE**	4	12 <b>499.</b> 000	49996.00
**EMERGENCY PROCUREMENT   DELIVERY: INHEDIATE   AUTHORIZED PERSONNEL:   PATRICK LEON GUERRERO   JOEL VALEMZUELA   JOHN HOCOMALD   NARIE QUENGA   NICHELLE GALANG   HICHAEL TAIJERON   ** NOTHING FOLLOWS ***	 		                 	1	; ; ; ; ; ; ;			1 1 1 1 1 1 1 1 1			
 	Hat. Cos Amt. Dis Loc.Pref Loc.Pref	o,   .10   .15			73970.00   				          		

I CERTIFY THAT THE FOREGOING STATEMENT OF INFORMAL QUOTATION
IS TRUE AND CORRECT AND PRICES CHARGED ARE JUST, FAIR AND
REASONABLE, AND THE BEST OSTAINABLE FOR THE DESCRIBED BELOW.

Tehimik, Krystel F - GSA 6/18/2021 BUYER DATE UNTHORITY CODE; 1:13 (EMERGENCY PROCUREMENT) **PLEASE SEE ATTACHED JUSTIFICATION FOR THIS PROCUREMENT TEMBOR SELECTION IS BASED ON IMMEDIATE DELIVERY IN LIEU OF MISS PROCUREMENT UNGENCY EMBOR: GUAN AUTO SPOT ELIVERY: IMMEDIATE			Vendor Name:   TURFCO   809 CHALAN FASAHERU UNIT   TAHUNING, GU 96913 			Vendor Name;			Vendo: No:   Vendor Name; 		
DESCRIPTION	1 277	UNIT	QTY	UNIT PRICE	EXTENSION	QTY	UNIT PRICE	EXTENSION	QTY	UNIT PRICE	EXTENSION
GOLF CART-A827 SERIES 4 SEATER -MAINTENAME PREE BATTERY 1 SOAA 89 -LIGHTING SYSTEM HINGED UNINDENIELD GRAY SEATS, SPEED HETER, DOUBLE USE PORT SIDE HIRRORS -FOUR WHEEL HYDRAULIC DISC BRAKE AND ELECTROHAGNETIC BRAKE	2                   	EA	2	8375.000	16750.00	*	* NO Q	UOTE * *	* *	NO QU	〇丁 E * * * * * * * * * * * * * * * * * *
GOLF CART-AB27 SERIES 6 SEATER  - HAINTENANCE FREE BATTERY  1 SOAH 90  - LIGHTING SYSTEM, HINGED  UTMOSHIELD GRAY SEATS  SPEED HETER, DOUBLE USB PORT  SIDE HIRRORS  - FOUR WEEEL HYDRAULIC DISC  BRAKE AND ELECTROMAGNETIC  BRAKE  - 10 INC ALURINUM WHEEL RIES  AND 205/65  PURSUANT TO THE EXECUTIVE  ORDER 2021-12 REERGENCY  RESPONSE TO NOVEL COVID-19  SIGNED & PROMULGATED DS/20/21.	; 4 	EA	4          1   1   1   1   1   1	9100.000	36400.00	*	* N O Q '	VOTE * *	* #	NO QU	OTE * *
DELIVERY: IMMEDIATE    AUTHORIZED PERSONNEL:   PATRICK LEON GUERRERO   JOEL VALENZUELA   JOHN HODONALD   MARIE QUENGA   HICHELLE GALANG   MICHAEL TAIJERON   ** NOTHING FOLLOUS **			 	               			; ! ! ! ! ! ! ! !			 	i I I I I I I
 	Mat. Cos   Amt. Dis   Loc.Pref   Loc.Pref   Net Tota	c.   .10   .15			       				       		

# ATTACHMENT H



Carlo Pangelinan <info@turfcoguam.com>

Re: Award Information	for RFQ21002179 to	T0036611 - Golf Cart	(Emergency)
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Thu, Jun 24, 2021 at 10:52 PM

From: Carlo Pangelinan [malito:info@turfcoguam.com] Sent: Thursday, June 24, 2021 3:10 PM To: Ovita A. Nauta <ovita.nauta@gsadoa.guam.gov> Cc: Robert Kono <robert.kono@gsa.guam.gov>; Claudia Acfalle <claudia.acfalle@gsadoa.guam.gov>; Melinda L. Taltano <melinda.taitano@gsadoa.guam.gov> gov&gt; Subject: Re: FW: Award Information for RFQ21002179 to T0036611 - Golf Cart (Emergency)</melinda.taitano@gsadoa.guam.gov></claudia.acfalle@gsadoa.guam.gov></robert.kono@gsa.guam.gov></ovita.nauta@gsadoa.guam.gov>	
Please see the RFQ that I received from GSA on the Mon, Jun 14, at 1:24 PM.	
It does not show "immediate delivery" is required, and as a matter of fact there is no required delivery date at all. Please clarify.	
Best Regards,	
Carlo	
$\cdot$	
Dn Thu, Jun 24, 2021 at 2:25 PM Ovita A. Nauta <ovita.nauta@gsadoa.guam.gov> wrote:</ovita.nauta@gsadoa.guam.gov>	
Mr. Pangelinan, the RFQ was sent out as "immediate delivery".	
Kind regards,	

# ATTACHMENT I

#### Ovita A. Nauta

From:

Carlo Pangelinan <info@turfcoguam.com>

Sent:

Thursday, June 24, 2021 3:53 PM

To:

Claudia Acfalle; gsaprocurement

Cc:

robert.kono@gsa.guam.gov; Ovita A. Nauta; Melinda L. Taitano

Subject:

Protest of Requisition # Q210280170 RFQ21002179 to T0036611 - Golf Cart

(Emergency)

Attachments:

Q210280170 - RFQ21002179 - To TURFCO - Assigned to GSATAHIK - 6-14-2021 1 16

17 PM.pdf

Hafa Adai Chief Acfalle,

I am writing to formally protest the award of Requisition# Q210280170 RFQ21002179, as it appears on the surface that the vendor was not awarded on the lowest cost to the government, but based on "immediate delivery". Immediate delivery was not listed as a requirement on the original RFQ I received from GSA on Mon, Jun 14, at 1:24 PM.

Based on the Freedom of Information Act, I hereby request copies of all vendor responses and documentation related to this award.

We reserve the right to amend our protest based upon further review of additional documents provided by GSA.

Please confirm receipt of this email with a reply.

Best Regards,

Carlo



Juan-Carlo S. Pangelinan
Guahan Ventures Inc. dba. TURFCO
www.turfcoguam.com
E: info@turfcoguam.com

P: 671-482-7055

# ATTACHMENT J



LOURDES A. LEON GUERRERO GOVERNOR

> JOSHUA F. TENORIO LIEUTENANT GOVERNOR

### DEPARTMENT OF ADMINISTRATION

DEPATTAMENTON ATMENESTRASION P.O. Box 884 Hagatna, Guam 96932

#### **GENERAL SERVICES AGENCY**

AHENSIAN SETBISION HINIRAT WEBSITE: WWW.GSA.DOA.GUAM.GOV

CLAUDIA S. ACFALLE, CHIEF PROCUREMENT OFFICER



EDWARD M. BIRN DIRECTOR

BERNADINE C. GINES DEPUTY DIRECTOR

June 25, 2021

Memorandum

Mr. Juan-Carlo S. Pangelinan Guahan Ventures Inc. dba Turfco 809 Chalan Pasaheru Unit 1 Tamuning, Guam 96913

Re: Protest on Request for Quotation (REQ) 21002179

We are in receipt of your email dated June 24, 2021, in which you are protesting the award on the above quotation given to Guam Auto Spot. The basis of your complaint is that the award was given based on "Immediate Delivery" rather than cost. Any that the initial REQ did not mention "immediate delivery" as the important issue on this REQ.

GSA Response: You are correct in stating that the initial REQs that went out on June 14,2021, to the possible vendors on these items did not indicate "Immediate Delivery" as a basis for award. However, on June 16,2021 at 5:43 pm, an update on this RFQ was submitted to all possible bidders informing them that this was an "Emergency" and that "Delivery" was an immediate factor in the bid (Attachment1) This email superseded the email of June 14<sup>th</sup> which did not indicate the delivery was to be "Immediate".

Based upon the above, your protest is denied. You have the right to seek any administrative or judicial review authorized by law.

CLAUDIA S. ACFALLE Chief Procurement Officer