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PROCUREMENT APPEALS
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FILE NO. OPA-PA: 21-008

Attorney for Appellant
PTI PACIFICA INC. dba IT&E

THE OFFICE OF PUBLIC ACCOUNTABILITY

In the Procurement Appeal of) NOTICE OF PROCUREMENT APPEAL
)
PTI PACIFICA INC.,) Docket No. OPA-PA 21 - 008
)
Appellant.)
)
_____)

Appellant Information:

PTI PACIFICA INC. (IT&E)
PO Box 28881
Barrigada, Guam 96913

Tel: 777 7252
Fax: 649-4353

Appeal Information:

- A) Judiciary of Guam
- B) Invitation for Bid, Interne Service IFB No. 21-09.
- C) Decision being appealed is the Judiciary Denial of Protest, dated September 10, 2021, and Notice of Non-Selection dated September 21, 2021 . . .
- D) Appeal is made from a decision of denial of Agency level protest.
- E) Names of Competing Offerors: Pacific Data System and DOCOMO PACIFIC.

Form and Filing:

In IFB No. 21.-09, issued on August 6, 2021, the Judiciary sought bids for Internet services for several locations with additional optional requirements. The Judiciary issued Amendment No 1 on August 16, 2021 and Amendment No. 2 on August 23, 2021. The IFB required all bidders to acknowledge the Amendments as Part of its submission. At the bid opening on August 27, 2021, PDS failed to acknowledge Bid Amendment No. 2. On September 3, 2021, IT&E filed a protest challenging the PDS bid as non-responsive for failure to acknowledge Amendment No. 2. The IT&E protest was denied by the Judiciary in a letter September 10, 2021.

In a letter September 21, 2021 and received on September 23, 2021, the Judiciary issued a Notice of Non selection to IT&E. However, in addition to being non-responsive PDS is not the low bidder when the optional pricing is included and thus their bid is materially unbalanced. In the event of an award to PDS, the judiciary should be excluded from making additional awards for an increase in service as the optional pricing is much higher than the other competing bids resulting in higher overall costs to the judiciary

Accordingly, ITE respectfully protests that award and requests performance suspension until the protest is resolved.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. Carrara', written in a cursive style.


Steven Carrara
General Counsel

Declaration regarding court action:

IT&E confirms that an action in court has not been commenced.

Dated this 24th day of September 2021

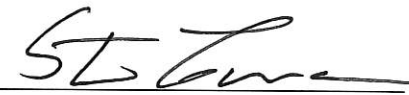
PTI Pacifica Inc.

By: 
Steven Carrara
General Counsel

VERIFICATION

I, Steven Carrara, General Counsel, for PTI Pacifica Inc dba IT&E hereby declare under penalty of perjury under the laws of Guam that I have read the foregoing Notice of Appeal and that it is true and correct of my own knowledge, except as to those matter alleged upon information and belief and as to those matters, I believe them to be true.

Dated this 24th day of September 2021.


Steven Carrara