

Suite 401 DNA Building
 238 Archbishop Flores St.
 Hagåtña, Guam 96910



FAX

To:	Ms. Kristina L. Baird Administrator of the Courts Judiciary of Guam Guam Judicial Center 120 West O'Brien Drive Hagatna, Guam 96910 Phone: (671) 475-3544 Fax: (671) 477-3184 Email: kbaird@guamcourts.org	From:	Benjamin J.F. Cruz Public Auditor Office of Public Accountability
		Pages:	6 (including cover page)
CC:	Mr. Steven Carrara, General Counsel Appellant PTI Pacifica Inc. dba IT&E 122 W. Harmon Industrial Park Rd Tamuning, Guam 96913 Phone: (671) 777-7252 Fax: (671) 646-4723 Email: Steven.Carrara@itehq.net	Date:	September 27, 2021
		Phone: Fax:	(671) 475-0390 x. 204 (671) 472-7951

Re: OPA-PA-21-008 Notice of Receipt of Appeal

For Review
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Comments:

Please acknowledge receipt of this transmittal by re-sending this cover page along with your firm or agency's receipt stamp, date, and initials of receiver.

Thank you,
 Jerrick Hernandez, Auditor
jhernandez@guamopa.com



OFFICE OF PUBLIC ACCOUNTABILITY

Suite 401 Pacific News Building, 238 Archbishop Flores St., Hagåtña, Guam 96910

Phone: (671) 475-0390 / FAX: (671) 472-7951

September 27, 2021

Ms. Kristina L. Baird
Administrator of the Courts
Judiciary of Guam
Guam Judicial Center
120 West O'Brien Drive
Hagatna, Guam 96910

VIA FACSIMILE: (671) 477-3184

Re: Notice of Receipt of Appeal – OPA-PA-21-008

Dear Ms. Baird,

Please be advised that PTI Pacifica Inc. dba IT&E (hereinafter referred to as “IT&E” filed an appeal with the Office of Public Accountability (OPA) on September 17, 2021, regarding the Judiciary of Guam’s (Judiciary) response to IT&E’ protest of the procurement award for Invitation for Bid IFB No. 21-09, Internet Service. OPA has assigned this appeal case number OPA-PA-21-008.

Immediate action is required of the Judiciary pursuant to the Rules of Procedure for Procurement Appeals, found in Chapter 12 of the Guam Administrative Regulations (GAR). Copies of the rules, the appeal, and all filing deadlines are available at OPA’s office and on its website at www.opaguam.org. The first eight pages of the notice of appeal filed with OPA is enclosed for your reference.

Please provide the required notice of this appeal to the relative parties with instructions that they should communicate directly with OPA regarding the appeals. You are also responsible for giving notice to the Attorney General or other legal counsel for your agency. Promptly provide OPA with the identities and addresses of interested parties and a formal entry of appearance by your legal counsel.

Pursuant to 2 GAR, Div. 4, Ch. 12, §12104(3), the submission of one complete copy of the procurement record for the procurement solicitation above, as outlined in Title 5, Chapter 5, §5249 of the Guam Code Annotated is required no later than **Monday, October 4, 2021**, five work days following this Notice of Receipt of Appeal. We also request one copy of the Agency Report for each of the procurement solicitations cited above, as outlined in 2 GAR, Div. 4, Chap. 12, §12105, by **Monday, October 11, 2021**, ten work days following receipt of this notice.

When filing all other required documents with our office, please provide one original and one copy to OPA (electronic filings will be acceptable), and serve a copy to IT&E. Although the Guam

Procurement Law and Regulations require only one copy of the procurement record, OPA respectfully asks that the Judiciary provide one original and one electronic file of the said record, which will be distributed as follows: Copy-1: Master File; and Copy-2: Public Auditor and/or Hearing Officer.

Thank you for your prompt attention to this matter. Please contact Jerrick Hernandez at 475-0390 ext. 204 or jhernandez@guamopa.com should you have any questions regarding this notice.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Benjamin J.F. Cruz', with a stylized flourish at the end.

Benjamin J.F. Cruz
Public Auditor

Enclosure: First Three Pages of the Notice of Appeal – OPA-PA-21-008

Cc: Appellant IT&E's General Counsel

Steven Carrara
PTI PACIFICA INC., dba IT&E
P.O. Box 2881
Barrigada, Guam 96913
Telephone No. (671) 777-252
Fax No. (671) 646-4723
E-mail: Steven.Carrara@itehq.net

RECEIVED
OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS
DATE: 9/24/2021
TIME: 2:50 AM PM BY: JMP
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,




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

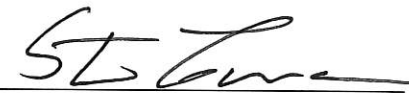
PTI Pacifica Inc.

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



Jerrick Hernandez <jhernandez@guamopa.com>

OPA-PA-21-008 Notice of Receipt of Appeal

Jerrick Hernandez <jhernandez@guamopa.com>

Mon, Sep 27, 2021 at 9:40 AM

To: kbaird@guamcourts.org, Steven Carrara <steven.carrara@itehq.net>

Cc: Joleen Cepeda <jjcepeda@guamcourts.org>, Marissa Antonio <mantonio@guamcourts.org>

Hafa Adai,

Please see attached Notice of Receipt of Appeal for OPA-PA-21-008. This email will serve as an official notice in lieu of a transmittal via Fax.

Please confirm receipt of this email and the attached document. Thank you.

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Regards,

Jerrick J.J.G. Hernandez, MA, CGAP, CICA

Auditor

Office of Public Accountability – Guam

www.opaguam.org

Tel. (671) 475-0390 ext. 204

Fax (671) 472-7951

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**21-008 Notice of Receipt of Appeal.pdf**

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