

15

Bureau of Statistics and Planning

Clarification on Bid Specifications

January 08, 2010

BUREAU OF STATISTICS AND PLANS

(Bureau of Planning)

Government of Guam



Felix P. Camacho
Governor of Guam

Michael W. Cruz, M.D.
Lieutenant Governor

P.O. Box 2950 Hagåtña, Guam 96932

Tel: (671) 472-4201/3

Fax: (671) 477-1812

Alberto "Tony" Lamorena V
Director

JAN 08 2010

MEMORANDUM

TO: Chief Procurement Officer, General Services Agency

FROM: Director, Bureau of Statistics and Plans

SUBJECT: *Clarification on Bid Specifications for Prospective Census Phone Requirements*

Following yesterday's meeting and based upon further review of the Pacific Data Systems (PDS) bid and specification package, the Bureau of Statistics and Plans (BSP) confirms that PDS can provide the necessary telephone equipment and services for the Guam Local Census Office (LCO).

The LCO telephone system should be digitally based. It was our impression that a digitally based system would require digital handsets. For obvious reasons, the vendor-selected telephone system and handsets must be interoperable. The latter, however, need not be digital if the telephone system and handsets will function properly together.

We hope the information provided will assist your agency in moving forward in the final determination and selection of a vendor for the much-needed telephone equipment and services required by the Guam LCO.

If you have any questions or comments regarding this matter, please do not hesitate to contact our office at 472-4201/2.

A handwritten signature in black ink, appearing to read 'Alberto A. Lamorena V'.

ALBERTO A. LAMORENA V

cc: Cecile B. Suda, LCO Manager
Justin McLaughlin, Census Advisor

et

Michael S. Cruz – DOA Data Processing – Jan 20, 2010

1. What does the requesting agency want?
2. What was the requesting agency's intent?
3. Did they write the Bid specifications? If not, who did?
4. I am providing my best opinion only at the request of GSA. I am not an expert on telephonic terminology.

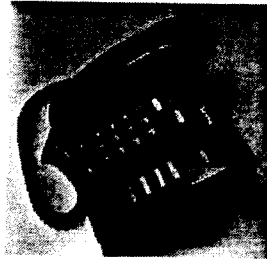
Analog Phone

Analog phones are the same kind of phones that you've been using for years. The phones in your house are, quite likely, analog phones. That means they're extremely reliable, familiar and very easy to use. You just plug them in, and they do what they've always done.

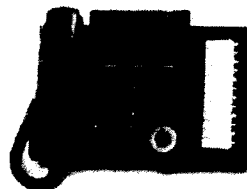
Digital Phone

A telephone that converts an analog voice signal to a digital voice signal, so that the signal is in digital format for transmission.

Analog



Digital



Analog & Digital Signals

In general, there are two types of telecommunication transmission--Analog transmission and Digital transmission.

Analog Transmission

Analog transmission uses signals that are exact replicas of a sound wave or picture being transmitted. Signals of varying frequency or amplitude are added to carrier waves with a given frequency of electromagnetic current to produce a continuous electric wave. The term "analog signal" came about because the variations in the carrier waves are similar, or analogous, to that of the voice itself.

For example, in analog transmission, say a telephone system, an electric current or the reproduction of patterned sound waves are transmitted through a wire and into the telephone receiver. Once this is completed, they are then converted back into sound waves.

Digital Transmission

In digital transmission the signals are converted into a binary code, which consists of two elements—positive and non-positive. Morse code and the "on and off" flashing of a light are basic examples. Positive is expressed as the number 1, while non-positive is expressed as the number 0. Numbers that are expressed as a string of 0s and 1s are called binary numbers. Every digit in a binary number is referred to as a bit and represents a power of two. For example, in the binary number 101, the 1 at the right represents 1×2^0 ; the 0 in the middle represents 0×2^1 ; and the 1 to the far left represents 1×2^2 . The decimal equivalent of 101 is $(1 \times 2^2) + (0 \times 2^1) + (1 \times 2^0) = 4 + 0 + 1 = 5$. In a standard code used by most computers, the letter "A" is expressed in 8 bits as 01000001.

As an example of digital transmission, in a type of digital telephone system, coded light signals produced by a rapidly flashing laser travels through optical fibers (thin strands of glass) and are then decoded by the receiver. When transmitting a telephone conversation, the light flashes on and off about 450 million times per second. This high rate enables two optical fibers to carry about 15,000 conversations simultaneously.

Digital format is ideal for electronic communication as the string of 1s and 0s can be transmitted by a series of "on/off" signals represented by pulses of electricity or light. A pulse "on" can represent a 1, and the lack of a pulse "off" can represent a 0. Information in this form is very much easier to store electronically. Furthermore, digital transmission is usually faster and involves less noise and disturbances as compared to analog data transmission.

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BUREAU OF STATISTICS AND PLANS

(Bureau of Planning)

Government of Guam



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Governor of Guam

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Michael W. Cruz, M.D.
Lieutenant Governor

Alberto "Tony" Lamorena V
Director

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Gi

JAN 08 2010

*Attn: Becky Cuyam
475-1727*

MEMORANDUM

TO: Chief Procurement Officer, General Services Agency
FROM: Director, Bureau of Statistics and Plans
SUBJECT: *Clarification on Bid Specifications for Prospective Census Phone Requirements*

Following yesterday's meeting and based upon further review of the Pacific Data Systems (PDS) bid and specification package, the Bureau of Statistics and Plans (BSP) confirms that PDS can provide the necessary telephone equipment and services for the Guam Local Census Office (LCO).

The LCO telephone system should be digitally based. It was our impression that a digitally based system would require digital handsets. For obvious reasons, the vendor-selected telephone system and handsets must be interoperable. The latter, however, need not be digital if the telephone system and handsets will function properly together.

We hope the information provided will assist your agency in moving forward in the final determination and selection of a vendor for the much-needed telephone equipment and services required by the Guam LCO.

If you have any questions or comments regarding this matter, please do not hesitate to contact our office at 472-4201/2.

ALBERTO A. LAMORENA V

cc: Cecile B. Suda, LCO Manager
Justin McLaughlin, Census Advisor

GENERAL SERVICE AGENCY

CPO Route Slip# F410-166

18/10

Document Subject: DSP - Clarification on Bid Spec

From: for prospective census phone Reg

- Chief Procurement Officer
- Asst Chief Procurement Officer

Date: _____

- | | |
|---|---|
| <input type="checkbox"/> Admin. Support | <input type="checkbox"/> Action/Attention |
| <input type="checkbox"/> Administrative Assistant | <input type="checkbox"/> Circulate |
| <input type="checkbox"/> Buyer Supervisor, GSA | <input type="checkbox"/> Represent GSA |
| <input type="checkbox"/> IMO | <input type="checkbox"/> Post Bulletin Board |
| <input type="checkbox"/> Buyer Supervisor, DOE | <input type="checkbox"/> File/Info |
| <input type="checkbox"/> SASP Administrator | <input type="checkbox"/> Prepare Draft Reply |
| <input type="checkbox"/> Other: | <input type="checkbox"/> Mild / Medium / Strong |
| | <input type="checkbox"/> See Me NLT: _____ |
| | <input type="checkbox"/> Due Date: _____ |

Comments:

Scan letter to Ben Canach, 1/14/10
Telephone spike at work BOP 1/14/10 10:15am by [unclear]
for Terry C.

CODES: 1-CPO, 01-ACPO, 011-A0

2-APB

3-ACB

4-OB

5-SASP

16

Memorandum from Bureau of Statistics and Plans

January 25, 2010

BUREAU OF STATISTICS AND PLANS

(Bureau of Planning)

Government of Guam



Felix P. Camacho
Governor of Guam

Michael W. Cruz, M.D.
Lieutenant Governor

P.O. Box 2950 Hagåtña, Guam 96932
Tel: (671) 472-4201/3
Fax: (671) 477-1812

Alberto "Tony" Lamorena V
Director

MEMORANDUM

JAN 25 2010

TO: Chief Procurement Officer, General Services Agency

FROM: Director, Bureau of Statistics and Plans

SUBJECT: *Request Expedition of Procurement of Phone Lines for Local Census Office*

As a follow-up to our January 8th memorandum to your office, let me reiterate the fact that based upon further review of the Pacific Data Systems (PDS) bid and specification package, the Bureau of Statistics and Plans (BSP) confirms that PDS can provide the necessary telephone equipment and services for the Guam Local Census Office (LCO).

There was some confusion regarding the requirement of the telephone system being needed. The LCO telephone system should be digitally based. It was our impression that a digitally based system would require digital handsets. For obvious reasons, the vendor-selected telephone system and handsets must be interoperable. The latter, however, need not be digital if the telephone system and handsets will function properly together. For this reason, we have come to the determination that PDS can meet the telephone requirements of the LCO.

We understand that there is currently a delay in the procurement of phone lines for the LCO due to a protest from one of the vendors. In addition, one of the potential options to resolve this procurement issue is to cancel and re-bid the procurement of phone lines for the LCO. Let me stress that the cancellation and re-bid for the procurement of phone lines for the LCO is not a viable option. Any further delay will jeopardize the completion of the Census 2010 on Guam.

Please be mindful, pursuant to the contract between the Government of Guam and the U.S. Census Bureau, authorizing \$9.3 million in federal funds to complete the Census 2010 on Guam, also stipulated that the Government of Guam would have a Local Census Office, with all corresponding operational requirements such as utilities, up and running by October 1st, 2009. The lack of phone lines is severely impeding operations at the LCO. The U.S. Census Bureau **cannot and will not** send the computer systems needed by the LCO to implement the Guam Census, until such time phone lines are installed. To compound the matter, the Group Quarters phase of the Guam Census is underway and the LCO staff hired to conduct this phase are unable to make the required phone calls because of the lack of phone lines installed at the LCO.

The Guam LCO is significantly behind schedule and the lack of phone lines is compounding the issue. Let me stress the fact that there are **NO** extensions for this project and the Enumeration phase of the Guam Census project will begin on April 1st, 2010 without fail, and must be completed by September 30th, 2010. Without the required phone lines needed by the LCO, there will be a "domino effect" in regards to being able to complete the Guam Census. If the phone lines are not installed immediately, the U.S. Census Bureau will not send the computers needed by the LCO, ultimately affecting the operation and successful completion of the Guam Census. Looking at it from a bigger picture, without the successful completion of the Guam Census, millions of the dollar in federal funds will be impacted.

Based on the aforementioned, I am respectfully requesting that GSA lift the stay on PDS, since they meet the specifications on the bid award. This would be the most expeditious option to get the much-needed phones into the Guam LCO. Your kind consideration in this matter would be very much appreciated.

If you have any questions or comments regarding this matter, please do not hesitate to contact our office at 472-4201/2.


ALBERTO A. LAMORENA V

cc: Attorney General, Department of Law
Cecile B. Suda, LCO Manager
Justin McLaughlin, Census Advisor



17

Memorandum to Teleguam Holdings, LLC (GTA)

January 25, 2010

Felix P. Camacho
Governor



GENERAL SERVICES AGENCY

(Ahensian Setbision Hinirat)
Department of Administration
Government of Guam

148 Route 1 Marine Drive, Piti, Guam 96915

Tel: (671) 475-1707 thru 1729 • Fax Nos: (671) 472-4217/475-1727/475-1716

Michael W. Cruz, M.D.
Lt. Governor

Lourdes M. Perez
Director
Department of Administration

Joseph C. Manibusan
Deputy Director
Department of Administration

January 25, 2010

Mr. Dan Tydingco
Vice President for Regulatory
GTA
624 North Marine Corps Drive
Tamuning, Guam 96913

Re: Protest of GSA Bid 004-010

Dear Mr. Tydingco:

We are in receipt of your memorandum dated December 16, 2009, in which your company is protesting GSA Bid 004-10 "Telephone Service and Equipment".

Your letter indicated that the basis for your protest was the belief that the awarded bidder submitted an "Aastra 480" telephone equipment. It was your further belief that the Aastra 480 is not compatible with a digital phone system and is a VOIP phone.

It is the practice of the General Services Agency (GSA) to confirm that upon the submission of any bid to have the using agency review and concur that the submitted equipment requested for, meets the specifications submitted. In this case, the Director of the Bureau of Statistics and Plans did respond on November 13, 2009, and did concur that the submitted specifications of the winning vendor did meet the requirements stated in the bid, including that any "PBX-based service VOIP is strictly prohibited. Also, the Bureau of Statistics and Plans reconfirmed that the bid did meet specifications on January 8, 2010.

Further, GSA called the President of Pacific Data System to inquiry whether the Aastra 480 is a digital phone along with Analog capabilities. The response received was affirmative.

Based upon the above, we have determined that your protest is without merit and the bid process will continue. Pursuant to 5 GCA Section 5425(c), you may seek any administrative or judicial review provided to you by law.

ACKNOWLEDGEMENT COPY

RECEIVED BY: _____

DATE: 1/25/10


for: **ROBERT H. KONO**
Chief Procurement Officer, Acting

18

Memorandum Lifting Stay of Procurement

Pacific Data Systems

Bureau of Statistics and Planning

January 25, 2010

Felix P. Camacho
Governor



GENERAL SERVICES AGENCY

(Ahensian Setbision Hinirat)
Department of Administration
Government of Guam

148 Route 1 Marine Drive, Piti, Guam 96915

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Michael W. Cruz, M.S.
Lt. Governor

Lourdes M. Perez
Director
Department of Administration

Joseph C. Manibusan
Deputy Director
Department of Administration

January 25, 2010

Memorandum

Mr. John Day
General Manager
Pacific Data Systems
185 Illipog Drive
HBC 204A
Tamuning, Guam 96913-0185

Re: Lifting of Stay of Procurement on GSA B id 004-10
(Telephone Service and Equipment)

Dear Mr. Day:

The General Services Agency received a protest on the above stated bid on December 16, 2009, and had issued a Stay of Procurement effective that day. This is to inform you that the General Services Agency has determined that the protest is without merit.

You are hereby informed that you may continue with the processing of this bid, subject to any further action by us.

If you have any questions, please feel free to contact Ms. I sable Camacho at 475-1707.


ROBERT H. KONO
Acting

ACKNOWLEDGEMENT COPY

RECEIVED BY: Robert Clark

DATE: 1/25/10

Felix P. Camacho
Governor



GENERAL SERVICES AGENCY

(Ahensian Setbision Hinirat)
Department of Administration
Government of Guam

148 Route 1 Marine Drive, Piti, Guam 96915

Tel: (671) 475-1707 thru 1729 • Fax Nos: (671) 472-4217/475-1727/475-1716

Michael W. Cruz, M.J.
Lt. Governor

Lourdes M. Perez
Director
Department of Administration

Joseph C. Manibusa
Deputy Director
Department of Administration

January 25, 2010

Memorandum

To: Director, Bureau of Statistics and Planning
From: Chief Procurement Officer, Acting
Subject: Lifting of the Stay of Award on GSA Bid Number 004-10 (Telephone Service and Equipment)

This is to inform you that the protest that was lodged on the above-stated Bid on December 16, 2009 was hereby determined to be without merit. Therefore, the stay of procurement is hereby lifted.

The Bureau is hereby authorized to continue with the bid.

If you have any questions, please contact Ms. Isabel Camacho at 475-1707.


for: ROBERT H. KONO
Acting

ACKNOWLEDGEMENT COPY

RECEIVED BY: Theresa Aguirre

DATE: 01/25/2010

Notice of Appeal Filed by Teleguam Holdings, LLC
(GTA)

February 01, 2010

FEB 01 2010

TIME: 4:15 PM

BY: AC

FILE No. OPA-PA 10-002

IN THE OFFICE OF PUBLIC ACCOUNTABILITY

PROCUREMENT APPEAL

IN THE APPEAL OF

**TELEGUAM HOLDINGS, LLC
D/B/A GTA TELECOM
APPELLANT**

) **Docket No. OPA-PA**

) **NOTICE OF PROCUREMENT APPEAL**

APPELLANT INFORMATION

The Appellant is GTA TeleGuam, LLC 624 North Marine Corps Drive, and 96913,
Telephone Number of 644-0011.

APPEAL INFORMATION

- A.) Purchasing Agency: Bureau of Statistics
- B.) Identification/number of procurement: GSA-004-010
- C.) The Decision being appealed was made on January 26, 2010 by the Chief Procurement Officer Claudia S. Acfalle
- D.) This appeal is made from a Decision on protest of Award
- E.) Names of Competing Bidders: Pacific Data Systems

STATEMENT OF GROUNDS FOR APPEAL

A. FACTUAL BACKGROUND INFORMATION

- 1.) On October 29, 2009 an Invitation for Bid was issued for Telephone Service and Equipment.

The pages of the Bid to this dispute are attached as Exhibit 1.

- 2.) On November 13, 2009, GTA Telecom, LLC submitted its bid and is attached as Exhibit 2.

- 1 3.) The other Bid from Pacific Data Systems submitted November 13, 2009 is attached as
2 Exhibit 3.
- 3 4.) On November December 15, 2009, GTA TELEGUAM Holdings, LLC received a Bid Status
4 notification from General Services Agency of Guam, dated December 15, 2009 and
5 signed by Claudia S. Acfalle, Chief Procurement Office stating that "Bid
6 Recommended for Award to Pacific Data Systems in the amount of \$23,069.00 The Bid
7 Status notification is attached as Exhibit 4.
- 8 5.) GTA filed a protest of Award of Bid to Ms. Claudia Acfalle, Chief Procurement Officer on
9 December 16, 2009 and said letter is attached as Exhibit 5.
- 10 6.) On January 25, 2009 GTA's Executive Vice President, Daniel J. Tydingco received a letter
11 from Chief Procurement Office responding to the GTA protest and its determination to
12 deny the GTA request for reconsideration and is attached as Exhibit 6.

13
14
15 **B. ARGUMENT**

16 The Bid award to Pacific Data Systems is defective because the winning bidder proposed a
17 phone system that was not within specification as specified in the Bid. GTA is the only bidder
18 that proposed a phone system within specifications of the Bid. As defined in:

19 Item No. 1.1 Telephone Service, Specifications: Telephone Services "PBX-based
20 service VOIP is strictly prohibited for this implementation"

21 Item 2.1 Specifications of the Bid

22 Item 3.1 Digital Business Conference (speaker) system

23 Item 4.1 Operator Console digital business phone system with appropriate expansion
24 units(s)

25 Item (s) 5.1/, 6.1, and /7.1 Further, the Bid criteria defined in Schedule and

26 Scalability Considerations for "Analog lines supporting 12 digital business phone
27
28

1 systems...”

2 After reviewing Pacific Data Systems submission it is evident that Pacific Data Systems
3 submission was defective. Specifically Pacific Data Systems in Section(s) 2.1 and 4.1 of its
4 submission identified that its Bid included an Aastra 480 with Operator Call Manager, which is
5 not a digital phone as defined in the Bid criteria and can only be a VOIP or Analog type phone
6 device. Further evidence of deficiency can be found in Section 4 of the Pacific Data Systems
7 Bid response “Product Literature” Section contained within Exhibit 3. The Pacific Data
8 Systems response included product literature that appears was obtained from the manufacturer’s
9 website in which the literature defines the Aastra 480e phone as an analog phone. Further if
10 Pacific Data Systems were to advocate that it was supplying the Bid through the Aastra 480i
11 phone, it is clear to see from Aastra’s product information that the phone is a Voice-over IP
12 (VOIP) handset, which is prohibited as outlined in Section 1.1 of the Bid.
13
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15 GTA rebuts the declaration of Mr. John Day outlined in the response from the Chief
16 Procurement Officer in Exhibit 6. GTA contacted the manufacturer to obtain specifications
17 regarding the VOIP or analog capabilities of the Aastra 480 phone.
18

19 Specifically GTA asked the manufacturer if the particular phone represented by Pacific Data
20 Systems was capable of providing digital service or if the phone could be enhanced to provide
21 digital phone service. GTA provides in Exhibit 7 that Aastra confirmed that the phone was not
22 digital capable and that it could not be converted to become a digital phone. Further evidence to
23 support GTA’s protest can be found within Exhibit 8 with more product details and operational
24 manuals obtain from the manufacture’s website.
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26 In closing, the bid submitted by Pacific Data Systems was defective. It did not meet the
27 phone equipment specifications as outlined in the Invitation to Bid. The phone equipment
28 proposed by Pacific Data Systems is not compatible with a digital phone system. GTA’s bid

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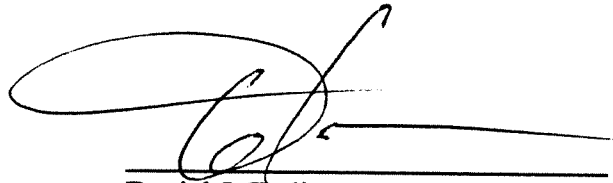
was the only responsive bid to the Invitation to Bid. Pacific Data Systems bid was defective and therefore not responsive in the bid specification. GTA requests that PDS bid be deemed non-complaint and the award be made to GTA, the only responsive bidder to provide a digital telephone system.

DECLARATION RE COURT ACTION

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. All parties are required to and the undersigned party agrees to notify the Office of the Public Auditor within 24 hours if court action commences regarding this Appeal or the underlying procurement action. Pursuant to 2 GAR §12108(a), the undersigned party does hereby request a hearing on the appeal stated above.

Dated this 1st day of February 2010

Respectfully Submitted,



Daniel J. Tydingco
Executive Vice President – Legal Affairs
GTA Telecom, LLC

Exhibit 1

INVITATION FOR BID

ISSUING OFFICE:

**GENERAL SERVICES AGENCY
GOVERNMENT OF GUAM
P.O. BOX PG
AGANA, GUAM 96910**


**CLAUDIA S. ACFALLE
Chief Procurement Officer**

DATE ISSUED: October 29, 2009

BID INVITATION NO: GSA-004-10

BID FOR: Telephone Service and Equipment

SPECIFICATION: See Attached Specifications

DESTINATION: Bureau of Statistics

REQUIRED DELIVERY DATE: To effectuate on November 17, 2009 thru September 30, 2010

INSTRUCTION TO BIDDERS:

INDICATE WHETHER: INDIVIDUAL PARTNERSHIP CORPORATION

INCORPORATED IN: _____

This bid shall be submitted in duplicate and sealed to the issuing office above no later than (Time)10:00AM, Date: Nov. 13, 2009, and shall be publicly opened. Bid submitted after the time and date specified above shall be rejected. See attached General Terms and Conditions, and Sealed Bid Solicitation for details.

The undersigned offers and agrees to furnish within the time specified, the articles and services at the price stated opposite the respective items listed on the schedule provided, unless otherwise specified by the bidder. In consideration to the expense of the Government in opening, tabulating, and evaluating this and other bids, and other considerations, the undersigned agrees that this bid remains firm and irrevocable within 90 calendar days from the date opening to supply any or all the items which prices are quoted.

NAME AND ADDRESS OF BIDDER:

**SIGNATURE AND TITLE OF PERSON
AUTHORIZED TO SIGN THIS BID:**

AWARD: CONTRACT NO.: _____ AMOUNT: _____ DATE: _____

ITEM NO(S). AWARDED: _____

CONTRACTING OFFICER:

**CLAUDIA S. ACFALLE
Chief Procurement Officer**

NAME AND ADDRESS OF CONTRACTOR:

**SIGNATURE AND TITLE OF PERSON
AUTHORIZED TO SIGN THIS CONTRACT:**

GSA GENERAL SERVICES AGENCY
(Ahaonian Sathision Hhirst)
Government of Guam
148 Rt. 1 Marine Drive Piti, Guam 96915
Tel: 475-1713 * Telefax: 472-4217; 475-1716; 475-1727

Accountability * Impartiality * Competence * Openness * Value

INVITATION FOR BID (IFB) NO. : GSA-004-10

DESCRIPTION: Telephone Service and Equipment

SPECIFICATION REMINDER TO PROSPECTIVE BIDDERS

Bidders are reminded to read the Sealed Bid Solicitation and Instructions, and General Terms and conditions attached to the IFB to ascertain that all of the following requirements checked below are submitted in the bid enveloped, in duplicate, at the date and time for bid opening.

- BID GUARANTEE (15% of Bid Amount) May be in the form of;**
Reference #11 on the General Terms and Conditions
- a. **Cashier's Check or Certified Check**
 - b. **Letter of Credit**
 - c. **Surety Bond - Valid only if accompanied by:**
 - 1. **Current Certificate of Authority issued by the Insurance Commissioner;**
 - 2. **Power of Attorney issued by the Surety to the Resident General Agent;**
 - 3. **Power of Attorney issued by two (2) major officers of the Surety to whoever is signing on their behalf.**
- STATEMENT OF QUALIFICATIONS**
- SAMPLES;**
- BROCHURES/DESCRIPTIVE LITERATURE;**
- AFFIDAVIT OF DISCLOSURE OF MAJOR SHAREHOLDERS - Must comply with the following requirements:**
- a. **The affidavit must be notarized and dated on the same month as the bid opening;**
 - b. **Date of signature of the person authorized to sign the bid and the notary date must be the same.**
- OTHER REQUIREMENTS:**
Non-Collusion Affidate, U.S. D.O.L. Wage Determination & Sexual Offenders Affidate

This reminder must be signed and returned in the bid envelope together with the bid. Failure to comply with the above requirements will mean a disqualification and rejection of the bid.

On this _____ day of _____, 2009, I, _____
authorized representative of _____ acknowledges receipt of this special
reminder to prospective bidders with the above referenced IFB.

Bidder Representative's Signature

Item NO.	Description	QTY	UOM	Monthly PRICE	Annual PRICE
1.1	Telephone Service As per the following Specifications.	12	Mo.	\$ _____	\$ _____

SPECIFICATIONS:

Telephone Services:

PBX-based service VOIP is strictly prohibited for this implementation

ISDN/PRI for PSTN trunking supporting 37 total extensions at time of highest utilization.

Unique telephone numbers for each of 37 extensions at the time of highest utilization.

Analog backup lines at times of higher utilization

Fax line with dedicated number

Main telephone line. Preferred extension: 671-642-2010.

Auto-attendant functionality for main line

Caller ID

Voice Mail

Native conference capability sufficient to accommodate up to six separate callers

Authentication code prompt for all long distance calling. (Single code for all users)

Detailed billing of long distance usage on all lines to support management audits/reviews.

BIDDING ON/REMARKS:

Telephone Equipments:

ITEM NO.	Description	QTY	UOM	UNIT PRICE	EXTENDED PRICE
2.1	Digital business Phone systems	35	Ea.	\$ _____	\$ _____
3.1	Digital business conference (Speaker) system	1	Ea	\$ _____	\$ _____
4.1	Operator console digital business phone system with appropriate expansion unit(s).	1	Ea	\$ _____	\$ _____

Schedule and Scalability Considerations:

- 5.1 November 16, 2009 through January 15, 2010 1 Lot \$ _____ \$ _____
 Analog lines supporting 12 digital business phone systems, 1 digital business conference (speaker) system, 1 operator console digital business phone system, and including 1 fax line with dedicated number.
 (Locations to be determined.)

- 6.1 January 15, 2010 through March 15, 2010 1 Lot \$ _____ \$ _____
 ISDN/PRI for trunking supporting 24 digital business phone systems, 1 digital business conference (speaker) system, 1 operator console digital business phone system, and including 1 fax line with dedicated number.
 (Locations to be determined.)

- 7.1 March 5, 2010 through June 30, 2010 1 Lot \$ _____ \$ _____
 ISDN/PRI for trunking supporting 35 digital Business phone systems, 1 digital business Conference (speaker) system, 1 operator console Digital business phone system, and including 1 fax line with dedicated number.
 (Locations to be determined.)

8.1 June 30, 2010 through August 31, 2010 1 Lot \$ _____ \$ _____
ISDN/PRI for trunking supporting 24 digital
Business phone systems, 1 digital business
Conference (speaker) system, 1 operator console
Digital business phone system, and including
1 fax line with dedicated number.
(Locations to be determined.)

9.1 September 1, 2010 through September 30, 2010 1 Lot \$ _____ \$ _____
5 analog lines supporting 12 digital business
phone systems, 1 digital business conference
(speaker) system, 1 operator console digital
business phone system, and including 1 fax
line with dedicated number.
(Locations to be determined.)

MAJOR SHAREHOLDERS DISCLOSURE AFFIDAVIT

TERRITORY OF GUAM)
)ss:
 AGANA GUAM)

I, the undersigned, _____, being first
 (a partner or officer of the company of, etc.)

Duly sworn, deposes and says:

1. That the persons who have held more than ten percent (10%) of the company's shares during the past twelve months are as follows:

Name	Address	Percentage of Shares held
_____	_____	_____
_____	_____	_____
_____	_____	_____
Total Number of Shares		_____

2. Persons who have received or are entitled to receive a commission, gratuity or Other compensation for procuring or assisting in obtaining business related to The bid for which this Affidavit is submitted are as follows:

Name	Address	Amount of Gratuity or Other Compensation
_____	_____	_____

Further, affiant sayeth naught.

Date: _____

 Signature or individual if bidder is a sole proprietorship; Partner, if the bidder is a partnership; Officer, if the bidder is a corporation.

Subscribed and sworn to before me this _____ day of _____, 20_____

By: _____

Notary Public _____
 In and for the Territory of Guam
 My commission expires _____

Felix F. Camacho

Governor



GENERAL SERVICES AGENCY

(Abaniano Sebastian Elnirat)

Government of Guam
148 Route 1, Marine Drive
P.O. Box 95025

Michael W. Cruz,

Lt. Governor

Lourdes M. Perez
Director, Dept. of Administration

Joseph C. Manibasan
Deputy Director

FORM OF NON-COLLUSION AFFIDATE

AFFIDATE

(Prime Proposer)

STATE OF _____)
) SS.
CITY OF _____)

_____ , being first duly sworn

That he/she is _____
(a Partner or Officer of the Firms of, etc.)

The party making the foregoing proposal or bid, that such proposal or bid is genuine and not collusive or sham, that said bidder has not colluded, conspired, connived or agreed, directly or indirectly, with any bidder or person, to put in a sham or to refrain from bidding, and has not in any manner, directly or indirectly, sought by agreement or collusion, or communication or conference, with any person, to fix the bid price of affiant or any other bidder, or to fix any overhead, profit or cost element of said bid price, or of that of any other bidder, or to secure any advantage against the General Services Agency or any person interested in the proposed contract, and that all statements in said proposal or bid are true.

Signature of Bidder

_____ Date

Proposer, if an individual;
Partner, if a partnership;
Officer, if a corporation.

Subscribed and sworn before me this _____ day of _____, 20_____.

Notary Public

ETHICAL STANDARDS AFFIDAVIT

AFFIDAVIT (Proposer)

TERRITORY OF GUAM)
)
HAGATNA, GUAM)

SS.

_____, being first duly sworn, deposes and says:

That I am (the Sole Proprietor, a Partner or Officer of the Offeror)

The Offeror making the foregoing Proposal, that neither he or nor of the Offeror's officers, representatives, agents, subcontractors, or employees of the Offeror have knowingly influenced any government of Guam employee to breach any of the ethical standards set forth in 5 GCA Chapter 5 Article 11, and promises that neither he nor any officer, representative, agent, subcontractor, or employee of Offeror will knowingly influence any government of Guam employee to breach any ethical standard set for in 5 GCA Chapter 5 Article 11.

**Signature of individual if Proposer is a sole Proprietorship;
Partner, if the Proposer is a Partnership;
Officer, if the Proposer is a Corporation.**

SUBSCRIBED AND SWORN to before me this ____ day of _____, 20__

**Notary Public
In and for the Territory of Guam
My Commission Expires:**

NO GRATUITIES OR KICKBACKS AFFIDAVIT

AFFIDAVIT (Offeror)

TERRITORY OF GUAM)
)
HAGATNA, GUAM) SS.

_____ , being first duly sworn, deposes and says:

As the duly authorized representative of the Offeror, that neither I nor of the Offeror's officers, representatives, agents, subcontractors, or employees has or have offered, given or agreed to give any government of Guam employee or former employee, any payment, gift, kickback, gratuity or offer of employment in connection with Offeror's proposal.

Signature of individual if Proposer is a sole Proprietorship;
Partner, if the Proposer is a Partnership;
Officer, if the Proposer is a Corporation.

SUBSCRIBED AND SWORN to before me this ____ day of _____, 20__

Notary Public
In and for the Territory of Guam
My Commission Expires:

Felix P. Canacho

GENERAL SERVICES AGENCY

Michael W. Cruz

Governor



(Abansian Sethison Elnirot)

Lt. Governor

Government of Guam

148 Route 1, Marine Drive

FHM, Guam 96925

Lourdes M. Perez

Director, Dept. of Administration

Joseph C. Mankuan

Deputy Director

**FORM COMPLIANCE WITH
U.S. D.O.L. WAGE DETERMINATION AFFIDATE**

AFFIDATE

(Prime Proposer)

STATE OF _____)

) SS.

CITY OF _____)

_____ being first duly sworn

That he/she is _____

(a Partner or Officer of the Firms of, etc.)

The party making the foregoing bid, that such bid is genuine and that said bidder agrees, that they are fully aware and is in compliance with Title 5 G.C.A. Chapter 5 §5801 and §5802 Wage Determination, and that the attached is the most recent issued by U.S. D.O.L. for the positions required to implement the required service as per specification on Bid No. _____ for _____ services.

Therefore, under penalty of perjury, I certify that the facts stated above are true.

Signature of Bidder _____

Date _____

Proposer, if an individual;

Partner, if a partnership;

Officer, if a corporation.

Subscribed and sworn before me this _____ day of _____, 20____.

Notary Public _____

Note: Bidders are required to attach the most recent wage determination issued by the U.S. D.O. L. for Guam.

**SPECIAL PROVISION
FOR
MAJOR SHAREHOLDERS DISCLOSURE AFFIDAVIT**

All bidders are required to submit a current affidavit as required below, failure to do so will mean disqualification and rejection of the bid.

Excerpt from P.L. 18-44

Section 44. a new Section 6961.3 is added to the Government Code to read.

"Section 6961.3. Disclosure of major shareholders. As a condition of bidding, any partnership, sole proprietorship or corporation doing business with the Government of Guam shall submit an affidavit executed under oath that lists the name and address of any person who has held more than ten percent (10%) of outstanding interest or shares in said partnership, sole proprietorship or corporation at any time during the twelve (12) month period immediately preceding submission of a bid. The affidavit shall contain the number of shares or the percentage of all assets of such partnership, sole proprietorship or corporation which have been held by each such person during the twelve (12) month period. In addition, the affidavit shall contain the name and address of any person who has received or is entitled to receive a commission, gratuity or other compensation for the procuring or assisting in obtaining business related to the bid for the bidder and shall also contain the amounts of any such commission, gratuity or other compensation. The affidavit shall be open and available to the public for inspection and copying"

EXAMPLE:

1. A bidder intends to participate in a bid opening on October 15, and submits his/her bid on September 12, the affidavit dated September 10 is acceptable.

NOTE: If the affidavit is a copy, indicate the Bid No. and where it is filed.

GOVERNMENT OF GUAM

GENERAL SERVICES AGENCY
148 Route 1, Marine Drive
Piti, Guam 96925

BID BOND
NO. _____

KNOW ALL MEN BY THESE PRESENTS that _____, as Principal
Hereinafter called the Principal, and (Bonding Company), _____
A duly admitted insurer under the laws of the Territory of Guam, as Surety, hereinafter called the Surety are
Held firmly bound unto the Territory of Guam for the sum of _____ Dollars (\$ _____), for
Payment of which sum will and truly to be made, the said Principal and the said Surety bind ourselves, our
heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for (Identify project by number and brief description)

NOW, THEREFORE, if the Territory of Guam shall accept the bid of the Principal and the Principal shall
enter into a Contract with the Territory of Guam in accordance with the terms of such bid, and give such bond
or bonds as may be specified in bidding or Contract Documents with good and sufficient surety for the faithful
performance of such Contract and for the prompt payment of labor and material furnished in the prosecution
thereof, or in the event of the failure of the Principal to enter such Contract and give such bond or bonds, if the
Principal shall pay to the Territory of Guam the difference not to exceed the penalty hereof between the
amounts specified in said bid and such larger amount for which the Territory of Guam may in good faith
contract with another party to perform work covered by said bid or an appropriate liquidated amount as
specified in the Invitation for Bids then this obligation shall be null and void, otherwise to remain full force and
effect.

Signed and sealed this _____ day of _____ 20_____.

(PRINCIPAL) (SEAL)

(WITNESS)

(TITLE)

(MAJOR OFFICER OF SURETY)

(TITLE)

(MAJOR OFFICER OF SURETY)

(TITLE)

(RESIDENT GENERAL AGENT)

SEE INSTRUCTIONS IN BACK PAGE FOR SUPPORTING DOCUMENTS REQUIRED.

GOVERNMENT OF GUAM

GENERAL TERMS AND CONDITIONS

SEALED BID SOLICITATION AND AWARD

Only those Boxes checked below are applicable to this bid.

1. **AUTHORITY:** This solicitation is issued subject to all the provision of the Guam Procurement Act (SOCA, Chapter 5) and the Guam Procurement Regulations (copies of both are available at the Office of the Comptroller of Laws, Department of Law, copies available for inspection at General Services Agency). It requires all parties involved in the Preparation, negotiation, performance, or administration of contracts to act in good faith.
2. **GENERAL INTENTION:** Unless otherwise specified, it is the declared and acknowledged intention and meaning of these General Terms and conditions for the bidder to provide the Government of Guam (Government) with specified services or with materials, supplies or equipment completely assembled and ready for use.
3. **TAXES:** Bidders are cautioned that they are subject to Guam Income Taxes as well as all other taxes on Guam Transactions. Specific information on taxes may be obtained from the Director of Revenue and Taxation.
4. **LICENSING:** Bidders are cautioned that the Government will not consider for award any offer submitted by a bidder who has not complied with the Guam Licensing Law. Specific information on Licenses may be obtained from the Director of Revenue and Taxation.
5. **LOCAL PROCUREMENT PREFERENCE:** All procurement of supplies and services where possible, will be made from among businesses licensed to do business on Guam in accordance with section 3008 of the Guam Procurement Act (SOCA, Chapter 5) and Section 1-104 of the Guam Procurement Regulations.
6. **COMPLIANCE WITH SPECIFICATIONS AND OTHER SOLICITATION REQUIREMENTS:** Bidders shall comply with all specifications and other requirements of the Solicitation.
7. **"ALL OR NONE" BIDS:** Unless otherwise allowed under this Solicitation, "all or none" bids may be deemed to be non-responsive. If the bid is so limited, the Government may reject part of such proposal and award on the remainder.

NOTE: By checking this item, the Government is requesting all of the bid items to be bid or none at all. The Government will not award on an itemized basis. Reference: Section 3-101.06 of the Guam Procurement Regulations.

8. **INDEPENDENT PRICE DETERMINATION:** The bidder, upon signing the Invitation for Bid, certifies that the prices in his bid were derived at without collusion, and acknowledge that collusion and anti-competitive practices are prohibited by law. Violations will be subject to the provision of Section 3451 of that of the Guam Procurement Act. Other existing civil, criminal or administrative remedies are not impaired and may be in addition to the remedies in Section 3451 of the Government code.
9. **BIDDER'S PRICE:** The Government will consider not more than two (2) (Base and Alternate) item prices and the bidder shall explain fully each price if supplies, materials, equipment, and/or specified services offered comply with specifications and the products origin. Where base or alternate bid meets the minimum required specification, cost and other factors will be considered. Failure to explain this requirement will result in rejection of the bid.
10. **BID ENVELOPE:** Envelope shall be sealed and marked with the bidder's name, Bid number, time, date and place of Bid Opening.
11. **BID GUARANTEE REQUIREMENT:** Bidder is required to submit a Bid Guarantee Bond or readily irrevocable Letter of Credit or Certified Check or Cashier's Check in the same bid envelope to be held by the Government pending award. The Bid Guarantee Bond, Letter of Credit, Certified Check or Cashier's Check must be issued by any local surety or banking institution licensed to do business on Guam and made payable to the Treasurer of Guam in the amount of fifteen percent (15%) of his highest total bid offer. The Bid Bond must be submitted on Government Standard Form BB-1 (copy enclosed). Personal Checks will not be accepted as Bid Guarantee. If a successful Bidder (contractor) withdraws from the bid or fails to enter into contract within the prescribed time, such Bid guarantee will be forfeited to the Government of Guam. Bids will be disqualified if not accompanied by Bid Bond, Letter of Credit, Certified Check or Cashier's check. Bidder must include in his/her bid, valid copies of a Power of Attorney from the Surety and a Certificate of Authority from the Government of Guam to show proof that the surety company named on the bond instrument is authorized by the Government of Guam and qualified to do business on Guam. For detailed information on bonding matters, contact the Department of Revenue and Taxation. Failure to submit a valid Power of Attorney and Certificate of Authority on the surety is cause for rejection of bid. (GPR Section 3-202.03.5) Pursuant to Public Law 27-127, all competitive sealed bidding for the procurement of supplies or services exceeding \$25,000.00 a 1% Bid Security of the total bid price must accompany the bid package.
12. **PERFORMANCE GUARANTEE:** Bidders who are awarded a contract under this solicitation, guarantee that goods will be delivered or required services performed within the time specified. Failure to perform the contract in a satisfactory manner may be cause for suspension or debarment from doing business with the Government and to enforce Section 23 of these General Terms and Conditions. In addition, the Government will hold the Vendor liable and will enforce the requirements as set forth in Section 41 of these General Terms and Conditions.
13. **SURETY BONDS:** Bid and Performance Bonds coverage must be signed or countersigned in Guam by a foreign or alien surety's resident general agent. The surety must be an insurance Company, authorized by the government of Guam and qualified to do business in Guam. Bids will be disqualified if the Surety Company does not have a valid Certificate of Authority from the Government of Guam to conduct business in Guam.
14. **COMPETENCY OF BIDDERS:** Bids will be considered only from the such bidders who, in the opinion of the Government, can show evidence of their ability, experience, equipment, and facilities to render satisfactory service.
15. **DETERMINATION OF RESPONSIBILITY OF BIDDERS:** The Chief Procurement Officer reserves the right for securing from bidders information to determine whether or not they are responsible and to inspect plant site, place of business and supplies and services as necessary to determine their responsibility in accordance with Section 15 of these General Terms and Conditions (GPR Section 3-401).

- [X] 16. STANDARD FOR DETERMINATION OF LOWEST RESPONSIBLE BIDDER:** In determining the lowest responsible offer, the Chief Procurement Officer shall be guided by the following:
- a) Price of items offered.
 - b) The ability, capacity, and skill of the Bidder to perform.
 - c) Whether the Bidder can perform promptly or within the specified time.
 - d) The quality of performance of the Bidder with regards to awards previously made to him.
 - e) The previous and existing compliance by the Bidder with laws and regulations relative to procurement.
 - f) The solvency of the financial resources and ability of the Bidder to perform.
 - g) The ability of the bidder to provide future maintenance and services for the subject of the award.
 - h) The compliance with all of the conditions to the Solicitation.
- [X] 17. TIE BIDS:** If the bids are for the same unit price or total amount in the whole or in part, the Chief Procurement Officer will determine award based on Section 3.202.15.2, or to reject all such bids (GPR Section 3-202.15.2).
- [X] 18. BRAND NAMES:** Any reference in the Solicitation to manufacturer's Brand Names and number is due to lack of a satisfactory specification of commodity description. Such reference is intended to be descriptive, but not restrictive and for the sole purpose of indicating prospective bidders a description of the article or services that will be satisfactory. Bids on comparable items will be considered provided the bidder clearly states in his bid the exact articles he is offering and how it differs from the original specification.
- [X] 19. DESCRIPTIVE LITERATURE:** Descriptive literature(s) as specified in this solicitation must be furnished as a part of the bid and must be received at the date and time set for opening bids. The literature furnished must clearly identify the item(s) in the Bid. The descriptive literature is required to establish, for the purpose of evaluation and award, details of the product(s) the bidder proposes to furnish including design, materials, components, performance characteristics, methods of manufacture, construction, assembly or other characteristics which are considered appropriate. Rejection of the Bid will be required if the descriptive literature(s) do not show that the product(s) offered conform(s) to the specifications and other requirements of this solicitation. Failure to furnish the descriptive literature(s) by the time specified in the Solicitation will require rejection of the bid.
- [] 20. SAMPLES:** Sample(s) of item(s) as specified in this solicitation must be furnished as a part of the bid and must be received at the date and time set for opening bids. The sample(s) should represent exactly what the bidder proposes to furnish and will be used to determine if the item(s) offered complies with the specifications. Rejection of the Bid will be required if the sample(s) do not show that the product(s) offered conform(s) to the specifications and other requirements of this solicitation. Failure to furnish the sample(s) by the time specified in the Solicitation will require rejection of the Bid.
- [] 21. LABORATORY TEST:** Successful bidder is required to accompany delivery of his goods with a Laboratory Test Report indicating that the product he is furnishing the Government meets with the specifications. This report is on the Bidder's account and must be from a certified Testing Association.
- [X] 22. AWARD, CANCELLATION, & REJECTION:** Award shall be made to the lowest responsible and responsive bidder, whose bid is determined to be the most advantageous to the Government, taking into consideration the evaluation factors set forth in this solicitation. No other factors or criteria shall be used in the evaluation. The right is reserved as the interest of the Government may require to waive any minor irregularity in bid received. The Chief Procurement Officer shall have the authority to award, cancel, or reject bids, in whole or in part for any one or more items if he determines it is in the public interest. Award issued to the lowest responsible bidder within the specified time for acceptance as indicated in the solicitation, results in a bidding contract without further action by either party. In case of a error in the extension of price, unit price will govern. It is the policy of the Government to award contracts to qualified local bidders. The Government reserves the right to increase or decrease the quantity of the items for award and make additional awards for the same type items and the vendor agrees to such modifications and additional awards based on the bid prices for a period of thirty (30) days after original award. No award shall be made under this solicitation which shall require
- [] 23. MARKING:** Each outside container shall be marked with the Purchase Order number, item number, brief item description and quantity. Letter marking shall not be less than 3/4" in height.
- [X] 24. SCHEDULE FOR DELIVERY:** Successful bidder shall notify the General Services Agency, Telephone Nos. 475-1707 or 475-713, at least twenty-four (24) hours before delivery of any item under this solicitation.
- [] 25. BILL OF SALE:** Successful supplier shall render Bills of Sale for each item delivered under this contract. Failure to comply with this requirement will result in rejection of delivery. The Bill of Sale must accompany the items delivered but will not be considered as an invoice for payment. Supplier shall bill the Government in accordance with billing instructions as indicated on the Purchase Order.
- [] 26. MANUFACTURER'S CERTIFICATE:** Successful bidder is required, upon delivery of any item under this contract, to furnish a certificate from the manufacturer indicating that the goods meet the specifications. Failure to comply with this request will result in rejection of delivery payment. Supplier shall bill the Government in accordance with billing instructions as indicated on the Purchase Order.
- [X] 27. INSPECTION:** All supplies, materials, equipment, or services delivered under this contract shall be subject to the inspection and/or test conducted by the Government at destination. If in any case the supplies, materials, equipment, or services are found to be defective in material, workmanship, performance, or otherwise do not conform with the specifications, the Government shall have the right to reject the items or require that they be corrected. The number of days required for correction will be determined by the Government.
- [] 28. MOTOR VEHICLE SAFETY REQUIREMENTS:** The Government will only consider Bids on motor vehicles which comply with the requirements of the National Traffic and Motor Vehicle safety Act of 1966 (Public Law 89-563) and Clean Air Act as amended (Public Law 88-306), that are applicable to Guam. Bidders shall state if the equipment offered comply with these aforementioned Federal Laws.
- [] 29. SAFETY INSPECTION:** All motor vehicles delivered under this contract must pass the Government of Guam Vehicle Inspection before delivery at destination.

- [X] 30. GUARANTEE:**
- a) **Guarantee of Vehicle Type of Equipment:**
The successful bidder shall guarantee vehicular type of equipment offered against defective parts, workmanship, and performance, for a period of not less than one (1) year after date of receipt of equipment. Bidder shall also provide service to the equipment for at least one (1) year. Service to be provided shall include, but will not be limited to tune ups (change of spark plugs, contact points and condensers) and lubrication (change of engine and transmission oil). All parts and labor shall be at the expense of the bidder. All parts found defective and not caused by misuse, negligence or accident within the guarantee period shall be repaired, replaced, or adjusted within six (6) working days after notice from the Government and without cost to the Government. Vehicular type of equipment as used in this contract shall include equipment used for transportation as differentiated from tractors, backhoes, etc.
 - b) **Guarantee of Other Type of Equipment:**
The successful bidder shall guarantee all other types of equipment offered, except those mentioned in 31a, above, against defective parts, workmanship, and performance for a period of not less than three (3) months after date of receipt of equipment. Bidder shall also provide service to the equipment for at least three (3) months. All parts found defective within that period shall be repaired or replaced by the Contractor without cost to the Government. Repairs, adjustments or replacements of defective parts shall be completed by the contractor within six (6) working days after notice from the Government.
 - c) **Compliance with this Section is a condition of this Bid.**
- [X] 31. REPRESENTATION REGARDING ETHICS IN PUBLIC PROCUREMENT:** The bidder or contractor represents that it has not knowingly influenced and promises that it will not knowingly influence a Government employee to breach any of the ethical standards and represents that it has not violated, is not violating, and promises that it will not violate the prohibitions against gratuities and kickbacks set forth on Chapter 11 (Ethics in Public Contracting) of the Guam Procurement Act and in Chapter 11 of the Guam Procurement Regulations.
- [X] 32. REPRESENTATION REGARDING CONTINGENT FEES:** The contractor represents that it has not retained a person to solicit or secure a Government contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except for retention of bona fide employees or bona fide established commercial selling agencies for the purpose of securing business (GPR Section 11-207).
- [X] 33. EQUAL EMPLOYMENT OPPORTUNITY:** Contractors shall not discriminate against any employee or applicant of employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that employees are treated equally during employment without regards to their race, color, religion, sex, or national origin.
- [X] 34. COMPLIANCE WITH LAWS:** Bidders awarded a contract under this Solicitation shall comply with the applicable standard, provisions, and stipulations of all pertinent Federal and/or local laws, rules, and regulations relative to the performance of this contract and the furnishing of goods.
- [X] 35. CHANGE ORDER:** Any order issued relative to awards made under this solicitation will be subject to and in accordance with the provisions of Section 6-101-03.1 of the Guam Procurement Regulations.
- [X] 36. STOP WORK ORDER:** Any stop work order issued relative to awards made under this solicitation will be subject to and in accordance with the provisions of Section 6-101-04.1 of the Guam Procurement Regulations.
- [X] 37. TERMINATION FOR CONVENIENCE:** Any termination order for the convenience of the Government issued relative to awards made under this solicitation will be subject to and in accordance with the provisions of Section 6-101.10 of the Government Procurement Regulations.
- [X] 38. TIME FOR COMPLETION:** It is hereby understood and mutually agreed by and between the contractor and the Government that the time for delivery to final destination or the timely performance of certain services is an essential condition of this contract. If the contractor refuses or fails to perform any of the provisions of this contract within the time specified in the Purchase Order (from the date Purchase Order is acknowledged by vendor), then the contractor is in default. Defaults will be treated subject to and in accordance with the provisions of Section 6-101-08 of the Guam Procurement Regulations.
- [X] 39. JUSTIFICATION OF DELAY:** Bidders who are awarded contracts under this Solicitation, guarantee that the goods will be delivered to their destination or required services rendered within the time specified. If the bidder is not able to meet the specified delivery date, he is required to notify the Chief Procurement Officer of such delay. Notification shall be in writing and shall be received by the Chief Procurement Officer at least twenty-four (24) hours before the specified delivery date. Notification of delay shall include an explanation of the causes and reasons for the delay including statement(s) from supplier or shipping company causing the delay. The Government reserves the right to reject delay justification if, in the opinion of the Chief Procurement Officer, such justification is not adequate.
- [X] 40. LIQUIDATED DAMAGES:** When the contractor is given notice of delay or nonperformance as specified in Paragraph 1 (Default) of the Termination for Default Clause of this contract and fails to cure in the time specified, the contractor shall be liable for damages for delay in the amount of one-fourth of one percent (1%) of outstanding order per calendar day from date set for cure until either the territory reasonable obtains similar supplies or services if the contractor is terminated for default, or until the contractor provides the supplies or services if the contractor is not terminated for default. To the extent that the contractor's delay or nonperformance is excused under Paragraph 40 (Excuse for Nonperformance or Delayed Performance) of the Termination for Default Clause of this contract, liquidated damages shall not be due the territory. The contractor remains liable for damages caused other than by delay (GPR Section 6-101-08.1).
- [X] 41. PHYSICAL LIABILITY:** If it becomes necessary for the Vendor, either as principal, agent or employee, to enter upon the premises or property of the Government of Guam in order to construct, erect, inspect, make delivery or remove property hereunder, the Vendor hereby covenants and agrees to take, use, provide and make all proper, necessary and sufficient precautions, safeguards and protections against the occurrence of any accidents, injuries or damages to any person or property during the progress of the work herein covered, and to be responsible for, and to indemnify and save harmless the Government

of Guam from the payment of all sums of money by reason of all or any such accidents, injuries or damages that may occur upon or about such work, and fines, penalties and loss incurred for or by reasons of the violations of any territorial ordinance, regulations, or the laws of Guam or the United States, while the work is in progress. Contractor will carry insurance to indemnify the Government of Guam against any claim for loss, damage or injury to property or persons arising out of the performance of the Contractor or his employees and agents of the services covered by the contract and the use, misuse or failure of any equipment used by the contractor or his employees or agents, and shall provide certificates of such insurance to the Government of Guam when required.

42. **CONTACT FOR CONTRACT ADMINISTRATION:** If your firm receives a contract as a result of this Solicitation, please designate a person whom we may contact for prompt administration.

Name: _____ Title: _____

Address: _____ Telephone: _____

Exhibit 2 -



624 North Marine Corps Drive
Tamuning, Guam 96913
Tel: 671.644.0116
Fax: 671.644.0103
Email: jsgamby@ogta.net

COPY

BIDDER: TELEGUAM HOLDINGS, LLC

BID NO. GSA-004-10

TIME: 10:00 A.M.

DATE: NOVEMBER 13, 2009

PLACE OF BID OPENING: GENERAL SERVICES AGENCY
GOVERNMENT OF GUAM
148 RT. 1,
MARINE CORPS DRIVE
PITI, GUAM

OFFICIAL BANK CHECK
First Hawaiian Bank
P.O. Box 3200 Honolulu, HI 96847-8918
MAITE

DATE: **11/12/2009**

1229298 3 20-78
1211

PAY FIVE THOUSAND SIX HUNDRED THIRTEEN DOLLARS AND 75 CENTS
TO THE ORDER OF TREASURER OF GUAM

AMOUNT
\$5,613.75

NOTICE TO CUSTOMER

In the event this Official Bank Check is lost, misplaced, or stolen, please call the branch where it was purchased for instructions on submitting a claim.

GSA BID. NO. 004-10

CUSTOMER RECEIPT
NOT NEGOTIABLE

OFFICIAL BANK CHECK

MAITE

DATE: **11/12/2009**

1229298 3

\$5,613.75

PAY FIVE THOUSAND SIX HUNDRED THIRTEEN DOLLARS AND 75 CENTS
TO THE ORDER OF TREASURER OF GUAM

Two Signatures Required for \$100,000 and Over

GSA BID. NO. 004-10

First Hawaiian Bank

P.O. Box 3200 Honolulu, HI 96847-8918
Payable through Bank of America, N.A., San Francisco, CA

Authorized Signature
Authorized Signature

THIS DOCUMENT PRINTED ON TRUE WATERMARK PAPER - HOLD TO THE LIGHT TO VIEW.

⑆ 12292983⑆ ⑆ 121100782⑆ 184007912⑆ 9450



624 North Marine Corps Drive
Tamuning, Guam 96913

"More Than Just Talk"

COPY

**TELEPHONE SERVICE
&
EQUIPMENT**

**Invitation for Bid Invitation
No. GSA-004-10**

**Presented by:
Jennifer Sgambelluri
Senior Account Manager
Local Government Market**

Confidential

November 13, 2009



"More Than Just

624 North Marine Corps Drive
Tamuning, Guam 96913

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 - **Business Licenses**
-

<u>Item NO.</u>	<u>Description</u>	<u>QTY</u>	<u>UOM</u>	<u>Monthly PRICE</u>	<u>Annual PRICE</u>
1.1	Telephone Service As per the following Specifications.	12	Mos.	\$ 614.50	\$ 7,374.00

SPECIFICATIONS:

BIDDING ON/REMARKS:

Telephone Services:

PBX-based service VOIP is strictly prohibited for this implementation

ISDN/PRI for PSTN trunking supporting 37 total extensions at time of highest utilization.

Unique telephone numbers for each of 37 extensions at the time of highest utilization.

Analog backup lines at times of higher utilization

Fax line with dedicated number

Main telephone line. Preferred extension:
671-642-2010.

Auto-attendant functionality for main line

Caller ID

Voice Mail

Native conference capability sufficient to accommodate up to six separate callers

Authentication code prompt for all long distance calling. (Single code for all users)

Detailed billing of long distance usage on all lines to support management audits/reviews.

Telephones Equipment:

ITEM NO.	Description	QTY	UOM	UNIT PRICE	EXTENDED PRICE
2.1	Digital business Phone systems	35	Ea.	\$329.00	\$11,515.00
3.1	Digital business conference (Speaker) system	1	Ea	\$825.00	\$825.00
4.1	Operator console digital business phone system with appropriate expansion unit(s).	1	Ea	\$530.00	\$530.00

Schedule and Scalability Considerations:

- 5.1 November 16, 2009 through January 15, 2010 1 Lot \$ -0- \$ -0-
 Analog lines supporting 12 digital business phone systems, 1 digital business conference (speaker) system, 1 operator console digital business phone system, and including 1 fax line with dedicated number.
 (Locations to be determined.)
- 6.1 January 15, 2010 through March 15, 2010 1 Lot \$16,544 \$ 16,544.00
 ISDN/PRI for trunking supporting 24 digital business phone systems, 1 digital business conference (speaker) system, 1 operator console digital business phone system, and including 1 fax line with dedicated number.
 (Locations to be determined.)
- 7.1 March 5, 2010 through June 30, 2010 1 Lot \$600.00 \$ 600.00
 ISDN/PRI for trunking supporting 35 digital Business phone systems, 1 digital business Conference (speaker) system, 1 operator console Digital business phone system, and including 1 fax line with dedicated number.
 (Locations to be determined.)

COPY

- 8.1 June 30, 2010 through August 31, 2010 1 Lot \$ -0- \$ -0-
ISDN/PRI for trunking supporting 24 digital
Business phone systems, 1 digital business
Conference (speaker) system, 1 operator console
Digital business phone system, and including
1 fax line with dedicated number.
(Locations to be determined.)
- 9.1 September 1, 2010 through September 30, 2010 1 Lot \$ -0- \$ -0-
5 analog lines supporting 12 digital business
phone systems, 1 digital business conference
(speaker) system, 1 operator console digital
business phone system, and including 1 fax
line with dedicated number.
(Locations to be determined.)

INVITATION FOR BID

ISSUING OFFICE:

COPY



CLAUDIA S. ACFALLE
Chief Procurement Officer

GENERAL SERVICES AGENCY
GOVERNMENT OF GUAM
P.O. BOX PG
AGANA, GUAM 96910

DATE ISSUED: October 29, 2009

BID INVITATION NO: GSA-004-10

BID FOR: Telephone Service and Equipment

SPECIFICATION: See Attached Specifications

DESTINATION: Bureau of Statistics

REQUIRED DELIVERY DATE: To effectuate on November 17, 2009 thru September 30, 2010

INSTRUCTION TO BIDDERS:

INDICATE WHETHER: INDIVIDUAL PARTNERSHIP CORPORATION

INCORPORATED IN: DELAWARE


This bid shall be submitted in duplicate and sealed in the issuing office above no later than (Time) 10:00AM, Date: Nov. 13, 2009, and shall be publicly opened. Bid submitted after the time and date specified above shall be rejected. See attached General Terms and Conditions, and Sealed Bid Solicitation for details.

The undersigned offers and agrees to furnish within the time specified, the articles and services at the price stated opposite the respective items listed on the schedule provided, unless otherwise specified by the bidder. In consideration to the expense of the Government in opening, tabulating, and evaluating this and other bids, and other considerations, the undersigned agrees that this bid remains firm and irrevocable within 60 calendar days from the date opening to supply any or all the items which prices are quoted.

NAME AND ADDRESS OF BIDDER:

TELEGUAM HOLDINGS, LLC
624 N. Marine Corps drive
Tamuning, Guam 96931

SIGNATURE AND TITLE OF PERSON
AUTHORIZED TO SIGN THIS BID:


JOHN J. KIM

AWARD: CONTRACT NO: _____ AMOUNT: _____ DATE: _____

ITEM	NO(S)	AWARDED:

CONTRACTING OFFICER:

CLAUDIA S. ACFALLE
Chief Procurement Officer

NAME AND ADDRESS OF CONTRACTOR:

SIGNATURE AND TITLE OF PERSON
AUTHORIZED TO SIGN THIS CONTRACT:

GSA GENERAL SERVICES AGENCY
(Aghensian Setbision Hinirat)
Government of Guam
148 Rt. 1 Marine Drive Piti, Guam 96915
Tel: 475-1713 * Telefax: 472-4217; 475-1716; 475-1727

Accountability * Impartiality * Competence * Openness * Value **COPY**

INVITATION FOR BID (IFB) NO.: GSA-004-10

DESCRIPTION: Telephone Service and Equipment

SPECIFICATION REMINDER TO PROSPECTIVE BIDDERS

Bidders are reminded to read the Sealed Bid Solicitation and Instructions, and General Terms and conditions attached to the IFB to ascertain that all of the following requirements checked below are submitted in the bid envelope, in duplicate, at the date and time for bid opening.

- (X) **BID GUARANTEE (15% of Bid Amount) May be in the form of;**
Reference #11 on the General Terms and Conditions
- a. Cashier's Check or Certified Check
 - b. Letter of Credit
 - c. Surety Bond -- Valid only if accompanied by:
 - 1. Current Certificate of Authority issued by the Insurance Commissioner;
 - 2. Power of Attorney issued by the Surety to the Resident General Agent;
 - 3. Power of Attorney issued by two (2) major officers of the Surety to whoever is signing on their behalf.
- () **STATEMENT OF QUALIFICATIONS**
- () **SAMPLES;**
- BROCHURES/DESCRIPTIVE LITERATURE;**
- (X) **AFFIDAVIT OF DISCLOSURE OF MAJOR SHAREHOLDERS - Must comply with the following requirements:**
- a. The affidavit must be notarized and dated on the same month as the bid opening;
 - b. Date of signature of the person authorized to sign the bid and the notary date must be the same.
- (X) **OTHER REQUIREMENTS:**
Non-Collusion Affidate, U.S. D.O.L. Wage Determination & Sexual Offenders Affidate

This reminder must be signed and returned in the bid envelope together with the bid. Failure to comply with the above requirements will mean a disqualification and rejection of the bid.

On this 12th day of November, 2009, I, John Kim
authorized representative of Teleguam Holdings, LLC acknowledges receipt of this special
reminder to prospective bidders with the above referenced IFB.



Bidder Representative's Signature

Felix P. Canacho

Governor



Lourdes M. Pures
Director, Dept. of Administration

GENERAL SERVICES AGENCY

(Ahensian Sethision Hinirat)

Government of Guam

148 Route 1, Marine Drive
PM, Guam 96925

Michael W. Cruz,

Lt. Governor

Joseph C. Manibasa
Deputy Director

COPY

FORM OF NON-COLLUSION AFFIDATE

AFFIDATE

(Prime Proposer)

STATE OF GUAM)

) SS.

CITY OF TAMUNING)


John J. Kim

, being first duly sworn

That he/she is Controller
(a Partner or Officer of the Firms of, etc.)

The party making the foregoing proposal or bid, that such proposal or bid is genuine and not collusive or sham, that said bidder has not colluded, conspired, connived or agreed, directly or indirectly, with any bidder or person, to put in a sham or to refrain from bidding, and has not in any manner, directly or indirectly, sought by agreement or collusion, or communication or conference, with any person, to fix the bid price of affiant or any other bidder, or to fix any overhead, profit or cost element of said bid price, or of that of any other bidder, or to secure any advantage against the General Services Agency or any person interested in the proposed contract, and that all statements in said proposal or bid are true.

Signature of Bidder

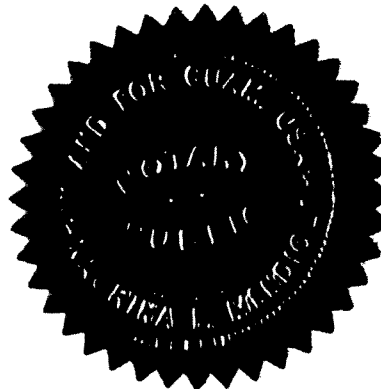
 11-5-2009
Date

Proposer, if an individual;
Partner, if a partnership;
Officer, if a corporation.

Subscribed and sworn before me this 5th day of November, 2009


Notary Public

NACRINA F. MENDIOLA
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: April 08, 2011
624 N. Marine Corps. Drive Tamuning, Guam 96913



ETHICAL STANDARDS AFFIDAVIT

COPY

AFFIDAVIT (Proposer)


TERRITORY OF GUAM)
)
HAGATNA, GUAM)

SS.

John J. Kim being first duly sworn, deposes and says:

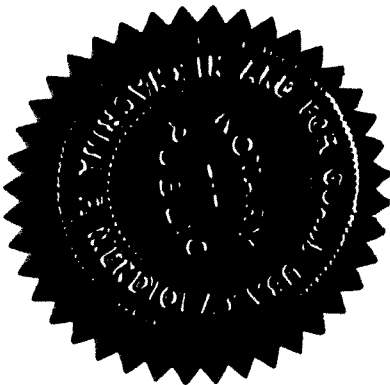
That I am (the Sole Proprietor, a Partner or Officer of the Offeror)


The Offeror making the foregoing Proposal, that neither he or nor of the Offeror's officers, representatives, agents, subcontractors, or employees of the Offeror have knowingly influenced any government of Guam employee to breach any of the ethical standards set forth in 5 GCA Chapter 5 Article 11, and promises that neither he nor any officer, representative, agent, subcontractor, or employee of Offeror will knowingly influence any government of Guam employee to breach any ethical standard set for in 5 GCA Chapter 5 Article 11.



Signature of individual if Proposer is a sole Proprietorship;
Partner, if the Proposer is a Partnership;
Officer, if the Proposer is a Corporation.

SUBSCRIBED AND SWORN to before me this 5th day of November, 2009





Notary Public
In and for the Territory of Guam
My Commission Expires:

NACRINA F. MENDIOLA
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: April 08, 2011
624 N. Marine Corps. Drive Tamuning, Guam 96913

NO GRATUITIES OR KICKBACKS AFFIDAVIT

COPY

AFFIDAVIT (Offeror)

TERRITORY OF GUAM)
)
)
HAGATNA, GUAM) SS.

John J. Kim, being first duly sworn, deposes and says:

As the duly authorized representative of the Offeror, that neither I nor of the Offeror's officers, representatives, agents, subcontractors, or employees has or have offered, given or agreed to give any government of Guam employee or former employee, any payment, gift, kickback, gratuity or offer of employment in connection with Offeror's proposal.

[Handwritten Signature]
Signature of individual if Proposer is a sole Proprietorship;
Partner, if the Proposer is a Partnership;
Officer, if the Proposer is a Corporation.

SUBSCRIBED AND SWORN to before me this 5th day of November, 2009

[Handwritten Signature]
Notary Public
In and for the Territory of Guam
My Commission Expires:



NACRINA F. MENDIOLA
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: April 08, 2011
824 N. Marine Corps Drive Tamuning, Guam 96913