

Eddie Baza Calvo
Governor



GENERAL SERVICES AGENCY

(Ahensian Setbision Hinirat)
Department of Administration

Ray Tenorio
Lieutenant Governor

Benita A. Manglona
Director

148 Route 1 Marine Drive, Piti, Guam 96915
Tel: (671) 475-1707 Fax Nos: (671) 475-1727 / 475-1716

Anthony C. Blaz
Deputy Director

November 14, 2012

Memorandum

To: Public Auditor
Office of Public Accountability

From: Acting Chief Procurement Officer
General Services Agency

Subject: Procurement Record for GSA Bid No. 064-11

RECEIVED
OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS

DATE: 13 NOV 12

TIME: 1:50 AM PM BY: MH

FILE NO OPA-PA: 12-018

Pursuant to your memorandum dated November 6, 2012, I hereby certify that the procurement record that was transmitted for OPA-PA-012-011, and was supplemented for OPA-PA-012-12 and OPA-012-16 and OPA-012-018 is hereby complete with the additional items that is attached.

Attachment	Date	Comments
#1	10/31/12	Carlsmith Ball LLP OPA-PA-12-016 Teleguam Holdings, LLC Opposition to PDS Objection for appeal and motion for dismissal
#2	11/1/12	OPA Procurement Appeals File No. OPA-PA-12-016 Conflicts Check – Information Request
#3	11/1/12	OPA Procurement Appeals File No. OPA-PA-12-017 Conflicts Check – Information Request
#4	11/1/12	GSA Agency Report for OPA-PA-12-017
#5	11/1/12	GSA Email to AG Copies of Procurement Appeals OPA Conflict Check
#6	11/5/12	Carlsmith Ball LLP OPA-PA-12-016 Teleguam Holdings LLC – Comments to Agency Report
#7	11/5/12	Carlsmith Ball LLP OPA-PA-12-018 Procurement Appeal; Exhibits A-G Verification
#8	11/6/12	PDS OPA-PA-12-016 Comments on Agency Report by Interested Party Pacific Data Systems
#9	11/6/12	PDS OPA-PA-12-016 Reply of PDS to Teleguam Holdings LLC’s Opposition to PDS Objection to Appeal and Motion for Dismissal
#10	11/6/12	OPA OPA-PA-12-018 Notice of Receipt of Appeal
#11	11/7/12	OAG OPA-PA-12-016 Entry of Appearance
#12	11/7/12	OAG OPA-PA-12-017 Entry of Appearance
#13	11/8/12	OAG Appointment of Special Assistant Attorney General – OPA-PA-12-017
#14	11/8/12	OAG Conflicts Check Response OPA-PA-12-017
#15	11/8/12	OAG Conflicts Check Response OPA-PA-12-016
#16	11/9/12	PDS OPA-PA-12-018 Request for Notice and Inclusion as an Interested Party

ROBERT H. KONO
Acting

ATTACHMENT # 1

CARLSMITH BALL LLP

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Facsimile No. 671.477.4375

Attorneys for Appellant
Teleguam Holdings, LLC ("GTA")

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PROCUREMENT APPEALS

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FILE NO OPA-PA: 12-014

OFFICE OF PUBLIC ACCOUNTABILITY

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G. M. IRIARTE
G. C. CAMACHO

IN THE APPEAL OF

TELEGUAM HOLDINGS, LLC AND ITS
WHOLLY OWNED SUBSIDIARIES, GTA
TELECOM, LLC; GTA SERVICES, LLC;
AND PULSE MOBILE LLC.

Appellant.

APPEAL NO. OPA-PA-12-016

**TELEGUAM HOLDINGS, LLC'S
OPPOSITION TO PDS' OBJECTION
TO APPEAL AND MOTION FOR
DISMISSAL**

Appellant Teleguam Holdings, LLC, and its wholly owned subsidiaries ("GTA") filed a timely protest to General Services Agency's ("GSA") May 3, 2012 Revised Bid Status, as such protest was filed within 14 days of when GTA knew of GSA's decision. Pacific Data Systems' ("PDS") Objection to Appeal and Motion for Dismissal must be denied.

I. BACKGROUND

On May 3, 2012, GSA issued a Revised Bid Status recommending PDS for award for Bid Forms 2 & 3 of GSA Bid Number 064-11. See Procurement Appeal, Ex. G. GTA, however, did

COPY

not receive notice of such award until the next day, May 4, 2012. Fourteen days later, on May 18, 2012, GTA timely filed a Protest to the Revised Bid Status.

II. THE ISSUE OF TIMELINESS IS NOT PROPERLY BEFORE THE OPA

The OPA has ruled that the scope of issues before it is limited to those issues either raised in a protest or raised in the agency decision. *See In re Town House Dept. Stores, Inc. dba Island Business Systems & Supplies*, OPA-PA-11-02 (Decision and Order re Mot. to Disclose Procurement Record etc., filed July 5, 2012) at 4 ("if an issue on appeal was not raised in IBSS' protest or DOE's decision denying the protest, the issue is not properly before the Public Auditor because it is appearing for the first time on appeal and there is no decision from DOE concerning such issues for the Public Auditor to review"). Here, GSA's agency decision did not raise the issue of the timeliness of GTA's protest. *See, e.g.*, Procurement Appeal, Ex. A. The timeliness of the protest was therefore waived by GSA, and is not part of the scope of issues before the OPA.

III. THE APPEAL IS TIMELY

Even if the OPA considers the issue of timeliness of GTA's protest, the record clearly demonstrates GTA has met the standard. Section 5425(a) of Title 5 of Guam Code Annotated states that an actual or prospective bidder who may be aggrieved in connection with the method of source selection, solicitation or award of a contract may protest within fourteen days after the person knows or should know of the facts giving rise to the protest. This standard was addressed by the OPA in *In the Appeal of ASC Trust Corporation*, OPA-PA-09-010 (Decision, filed Mar. 1, 2010), wherein the OPA ruled that the fourteen day clock begins when the Appellant **becomes aware** of facts giving rise to the protest. *Id.* at 6.

PDS mistakenly claims that "[t]he very first instance in which GTA knew or should have known of the GSA decision was on May 3, 2012. At that point, GTA had possession of the facts

of the GSA decision in the procurement." *See* PDS' Objection to Appeal, Motion for Dismissal. PDS, however, misses the critical fact of when GTA received notice of GSA's decision.

As evident from the record, GTA did not receive notice of GSA's Revised Bid Status until **May 4, 2012**. *See* Procurement Appeal, Ex. G. This is evident by the facsimile confirmation page showing that GSA transmitted the Revised Bid Status on May 4, 2012, at 9:12 a.m. GTA then stamped received its copy received on May 4, 2012, as evident by the notation at the bottom left hand corner of the Revised Bid Status form that states "acknowledgment copy, received by Karen Anderson on 5/4/12." *See id.*

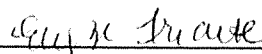
Here, GTA was not served until May 4, 2012 and thus did not know of facts giving rise to the protest until May 4, 2012. GSA may have issued its Revised Bid Status the day before, but GTA did not have any reason to know of the Revised Bid Status until receiving its notice by fax the next day. GTA therefore could not know or be expected to know of any facts giving rise to the protest until they were on notice that they did not receive the award, which was May 4, 2012. Because GTA filed its protest on May 18, 2012, within the 14-day time frame to protest, the protest was timely.

IV. CONCLUSION

As stated above, the issue of timeliness is not properly before the OPA. In any event, GTA's protest was timely because it filed its protest within fourteen days after receiving the notice of the award. PDS' pointless Motion for Dismissal should therefore be denied.

DATED: Hagåtña, Guam, October 31, 2012.

CARLSMITH BALL LLP



ELYZE M. IRIARTE
Attorneys for Appellant
Teleguam Holdings, LLC ("GTA")

ATTACHMENT # 2



OFFICE OF PUBLIC ACCOUNTABILITY

Doris Flores Brooks, CPA, CGFM

Public Auditor

FDMS - DBY

November 1, 2012

Appellee: General Services Agency

Mr. Robert H. Kono

Acting Chief Procurement Officer

General Services Agency

P.O. Box 884

Hagatna, Guam 96932

Tel: 475-1707

Fax: 475-1727

Reference: Procurement Appeals File No. OPA-PA-12-016**Subject: Conflicts Check – Information Request**

Dear Mr. Kono,

Relative to the above-referenced procurement appeal filed with the Office of Public Accountability on October 08, 2012, please provide the full legal names of the following General Services Agency (GSA) officials (if applicable):

- Legal Counsel
- Procurement Officer
- Board of Directors
- All GSA officials relative to this appeal
- Any other procurement officials relative to this appeal

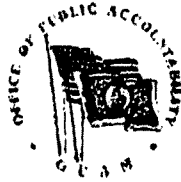
Our office requires the information to complete conflict of interest research. A similar request was sent to Teleguam Holdings, LLC (GTA) and Pacific Data Systems (PDS). Please provide the requested information no later than Wednesday, November 7, 2012. Should you have any questions, please contact Joy Bulatao at 475-0390 ext. 216 or at e-mail address jbulatao@guamopa.org.

Thank you for your prompt attention to our request.

Sincerely,

Rodalyn Marquez, CIA, CGFM, CPA, CGAP, CGMA
Audit Supervisor

ATTACHMENT # 3



OFFICE OF PUBLIC ACCOUNTABILITY
Doris Flores Brooks, CPA, CGFM
Public Auditor

November 1, 2012

Appellee: **General Services Agency**
Mr. Robert H. Kono
Acting Chief Procurement Officer
General Services Agency
P.O. Box 884
Hagatna, Guam 96932
Tel: 475-1707
Fax: 475-1727

OPA-12-017

Reference: Procurement Appeals File No. OPA-PA-12-017
Subject: Conflicts Check – Information Request

Dear Mr. Kono,

Relative to the above-referenced procurement appeal filed with the Office of Public Accountability on October 19, 2012, please provide the full legal names of the following General Services Agency (GSA) officials (if applicable):

- Legal Counsel
- Procurement Officer
- Board of Directors
- All GSA officials relative to this appeal
- Any other procurement officials relative to this appeal

Our office requires the information to complete conflict of interest research. A similar request was sent to Pacific Data Systems (PDS). Please provide the requested information no later than Wednesday, November 7, 2012. Should you have any questions, please contact Joy Bulatao at 475-0390 ext. 216 or at email address jbulatao@guamopa.org.

Thank you for your prompt attention to our request.

Sincerely,

Rodalyn Marquez, CIA, CGFM, CPA, CGAP, CGMA
Audit Supervisor

ATTACHMENT # 4

Eddie Baza Calvo
Governor



GENERAL SERVICES AGENCY

(Ahensian Setbision Hinirat)
Department of Administration

Ray Tenorio
Lieutenant Governor

Benita A. Manglona
Director

148 Route 1 Marine Drive, Piti, Guam 96915
Tel: (671) 475-1707 Fax Nos: (671) 475-1727 / 475-1716

Anthony C. Blaz
Deputy Director

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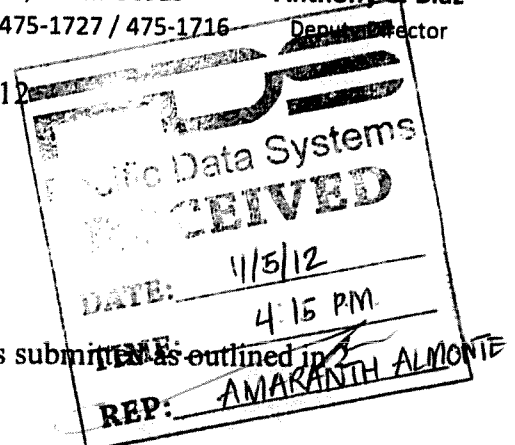
November 4, 2012

DATE: 11/5/12

TIME: 8:53 AM PM BY: MH

AGENCY REPORT

FILE NO OPA-PA: 012-17 OPA-PA-012-17 (IFB GSA-064-11)



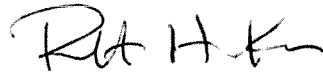
The Agency Report for OPA-PA-12-017(IFB GSA 064-11) is submitted as outlined in GAR Div 4 Chapter 12, Section 12105:

- (a) A copy of the protest Refer to Tab 15, Book 7 Other Correspondence
- (b) A copy of the bid or offer submitted by Appellant Refer to Tab 4, Book 1
- (c) A copy of the Solicitation Refer to Tab 6, Book 3
- (d) A copy of the Abstract Refer to Tab 7, book 3
- (e) Any other document which are relevant
Amendment 1 through 8 Ref to Tab 8, book3
Questions and Responses Refer to Tab 9 Book 4
Bid Analysis Refer to Tab 11, Book5
Bid Submissions of other bidders Refer to Tab 12
Copy of other correspondence Refer to tab 16, book 8
Protest by PDS dated May 9, 2012 Refer to Tab 16, Book 7
- (f) GSA response to protest Refer to Attachment 23 on Agency Report submitted on OPA-PA-012-16
- (g) The decision from which the Appeal is taken: On May 9, 2012, PDS filed a protest regarding submissions or lack of, by GTA on GSA Bid Number 0 64-11. On October 6, 2012, GSA responded to the protest. The delay in the response was due to the fact that an appeal was filed by PDS on another portion of this bid (OPA-PA-11). Upon resolution of this appeal, the Public Auditor ordered that all of the protests be answered. GSA complied with the request. A statement answering the Allegation of the Appeal:
- (h) If the award was made after receipt of the protest: No award has been made. GSA reviewed the protest regarding the submission or lack of that was the subject of the protest and determined that 1that the issue regarding the major shareholder disclosure was of a minor informality and the proper steps were taken to cure the

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problem as it had no impact upon price, quantity, quality or contractual conditions and that the other concerns raised were insignificant to

- (i) A statement indicating whether the matter is the subject of a court proceeding. A court Proceeding related to this bid is currently in the court system. Pacific Data Systems and John Day v. Government of Guam and Claudia Acfalle personally and in her capacity as Chief Procurement Officer for the government of Guam, defendants CV 0647-11


ROBERT H. KONO

ATTACHMENT # 5



Marie Villanueva <marie.villanueva@gsa.guam.gov>

Re: OPA-PA-12-016 and OPA-PA-12-017 Conflict Check - Info Request

1 message

Fred Nishihira <fnishihira@guamag.org>

Sat, Nov 3, 2012 at 10:14 AM

Reply-To: Fred Nishihira <fnishihira@guamag.org>

To: Marie Villanueva <marie.villanueva@gsa.guam.gov>, Rachel Cruz <rcruz@guamattorneygeneral.com>

Acknowledge recv. I can't open the attached with this device but I will check it on Monday

Sent from my BlackBerry® smartphone

www.blackberry.com

From: Marie Villanueva <marie.villanueva@gsa.guam.gov>

Date: Thu, 1 Nov 2012 14:35:47 +1000

To: <fnishihira@guamag.org>

Subject: OPA-PA-12-016 and OPA-PA-12-017 Conflict Check - Info Request

Buenas Fred,

Pls find attached docs just received. Need reply as deadline date for both Procurement Appeals is: Wednesday Nov 7, 2012.

Please confirm receipt of this email. I await your reply.

Regards,
Marie Villanueva

Marie N. Villanueva
General Services Agency
Department of Administration
148 Route 1 Marine Drive
Piti, Guam 96915
Tel: (671) 475-1713 Fax: (671) 475-1727

This email transmission and accompanying attachment(s) may contain confidential or privileged information. If you are not the intended recipient of this email, please inform the sender and delete it and any other electronic or hard copies immediately. Please do not distribute or disclose the contents to anyone. Thank you.



Marie Villanueva <marie.villanueva@gsa.guam.gov>

OPA-PA-12-016 and OPA-PA-12-017 Conflict Check - Info Request

1 message

Marie Villanueva <marie.villanueva@gsa.guam.gov>
To: fnishihira@guamag.org

Thu, Nov 1, 2012 at 2:35 PM

Buenas Fred,

Pls find attached docs just received. Need reply as deadline date for both Procurement Appeals is: Wednesday Nov 7, 2012.

Please confirm receipt of this email. I await your reply.


Regards,
Marie Villanueva


--

Marie N. Villanueva
General Services Agency
Department of Administration
148 Route 1 Marine Drive
Piti, Guam 96915
Tel: (671) 475-1713 Fax: (671) 475-1727

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2 attachments

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ATTACHMENT # 6

CARLSMITH BALL LLP

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Telephone No. 671.472.6813
Facsimile No. 671.477.4375

Attorneys for Appellant
Teleguam Holdings, LLC and its wholly owned subsidiaries

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DATE: 11/5/12
TIME: 2:20 AM PM BY: J-L
FILE NO OPA-PA: 12-016

IN THE OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEAL

IN THE APPEAL OF

TELEGUAM HOLDINGS, LLC AND ITS
WHOLLY OWNED SUBSIDIARIES, GTA
TELECOM, LLC; GTA SERVICES, LLC;
AND PULSE MOBILE LLC.

Appellant.

Docket No. OPA-PA-12-016

**TELEGUAM HOLDINGS, LLC'S
COMMENTS TO AGENCY REPORT**

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GSA's agency report amounts to a waiver of objections to at least one of the grounds for appeal, and contains no evidence in which to support any of its stated objections.

An agency report shall be "detailed" and answer the allegations of the appeal. 2 GAR Div. 4 § 12104(c)(3). The agency report shall also include a "statement answering the allegation of the Appeal and setting forth findings, action, and recommendations in the matter together with any additional evidence or information deemed necessary in determining the validity of the Appeal. *The statement shall be fully responsive to the allegations of the Appeal.*" 2 GAR Div. 4 § 12105(g) (emphasis added).

GSA's "detailed" statement responding to the Appeal over Bid Forms 2 & 3 of GSA 064-11 was contained in just three short sentences: "[T]he lowest submitted offer did not meet the

requirements. GSA then went to the next lowest offer and took that offer in making its determination. This offer was not the lowest price for this bid form number." Agency Report at 2. GSA does not explain why GTA's offer "did not meet the requirements," and does not explain what it means in that the next offer taken was not the lowest price.

Without an agency report meeting the requirements of sections 12104 and 12105, the OPA lacks findings or information upon which to determine how GSA arrived at its decision that GTA's offer did not meet the requirements for Bid Forms 2 & 3. As such, the agency report should be disregarded.

Moreover, the record submitted to date supports GTA's grounds for protest. The first ground for appeal presented by GTA is that GSA's Revised Bid Status improperly rejected GTA's offer for Central Office Centrex Telephone Services on the basis of "Non-conformance with the specification offered on Bid Form 3 - Up to 8 line with Digital Display, Hands Free." Procurement Appeal, Ex. G. As noted in the Procurement Appeal, the bid specifications at no time required digital display. GSA required other features such as a message waiting lamp, hands-free speakerphone capability, and options for wireless handsets. See Agency Report filed in OPA-PA-12-11, Tab 6, at 42-43. However, again, digital display was not specified.

Even though GSA required bidders to fill out the Bid Forms as part of the bid, and Bid Form 3 contained descriptions of instruments with "digital display," GSA never amended the bid specifications to specifically require digital display. GTA's offered product of course complied with all specifications noted in the solicitation, which did not include digital display. It was improper for GSA to use its Bid Form to amend the specifications and then reject GTA's compliant offer.

GTA's second ground for protest is that GSA improperly rejected GTA's bid offering a

range of phones by claiming that the offered range amounted to a multiple price offer. GSA instructed bidders to "offer a range of analog, single line feature phone, and multi-line Feature Phones." *See* Appeal, Ex. I.¹ GTA provided that range in accordance with GSA's requirement. **GSA's Agency Report offers absolutely no rebuttal to this argument.** The OPA must find that GTA's submittal complied with GSA's requirements and should not have been rejected on the basis of being a multiple price offer.

Finally, GTA's third ground for protest pertains to GSA's decision to reverse its award for Bid Forms 2 & 3 to GTA. In its appeal, GTA established that GSA had previously determined that GTA offered the lowest prices for the phones offered. For Bid Form 3, GTA had offered instruments at the lowest average price offered by any bidder of \$3.10. *See* Agency Report filed in OPA-PA-12-11, Vol. II, Tab 5 (showing GTA's pricing). Because GTA's instruments were in compliance with GSA's specifications, GSA improperly rejected GTA's prices and declared PDS - whose average price was \$3.13 - as the lowest offeror. For Bid Form 2, GTA bid on the Centrex Services at a total bid of \$1,556.45, whereas PDS' bid was \$1,612.45. *Compare* Agency Report filed in OPA-PA-12-11, Vol. II, Tab 5 (GTA's pricing) *with* Vol. I, Tab 4 (PDS' pricing).² As already discussed, GTA met the specifications for this item, which did not require digital display in the specifications. Accordingly, the initial award to GTA should be reinstated.

GSA's agency report was wholly non-responsive to GTA's appeal claims. GTA has demonstrated that its submissions for Bid Forms 2 & 3 were in direct compliance with GSA's requirements as stated in the specifications. The original award to GTA must be reinstated.

¹ This information is also in the Agency Report filed in OPA-PA-12-11, Vol. III, Tab 6.

² This information is also summarized in charts provided in GTA's Appeal.

DATED: Hagåtña, Guam, November 5, 2012.

CARLSMITH BALL LLP

Elyze Iriarte

ELYZE M. IRIARTE
Attorneys for Appellant
Teleguam Holdings, LLC and its wholly
owned subsidiaries

ATTACHMENT # 7

11/15/12

CARLSMITH BALL LLP

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134 West Soledad Avenue, P.O. Box BF
Hagåtña, Guam 96932-5027
Telephone No. 671.472.6813
Facsimile No. 671.477.4375

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Attorneys for Appellant
TeleGuam Holdings, LLC ("GTA")

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IN THE APPEAL OF
TELEGUAM HOLDINGS, LLC AND ITS
WHOLLY OWNED SUBSIDIARIES, GTA
TELECOM, LLC; GTA SERVICES, LLC;
AND PULSE MOBILE LLC.

APPEAL NO. OPA-PA-12-_____

**PROCUREMENT APPEAL; EXHIBITS
A-G; VERIFICATION**

Appellant.

TeleGuam Holdings, LLC and its wholly owned subsidiaries, GTA Telecom, LLC; GTA Services, LLC; and Pulse Mobile, LLC (hereinafter referred to as "GTA") hereby appeal a decision rendered by the General Services Agency of the government of Guam (hereinafter referred to as "GSA") on October 19, 2012, denying GTA's protest of the Bid Status Intent to Award Bid Form 11, a part of GSA 064-11, to Pacific Data Systems (hereinafter referred to as "PDS").

I. Appellant's Information.

GTA's address is 624 N. Marine Corps Drive, Tamuning, Guam 96913. For the purposes of this appeal, please direct correspondence to GTA's counsel Vince C. Camacho, Esq.,

vcamacho@carlsmith.com, Carlsmith Ball LLP, Bank of Hawaii Bldg., Suite 401, 134 West Soledad Avenue, P.O. Box BF, Hagåtña, Guam 96932-5027.

II. Solicitation Information.

This appeal pertains to IFB GSA 064-11 Bid Form 11. Bid Form 11 services is intended to establish the government of Guam high-speed Ethernet based Wide Area Network service ("GGWAN"). Bidders are required to provide a network design and a cost for capacity between government of Guam sites and potential GovGuam Server Hubs throughout the island. Bid Form 11 was recommended for award to PDS on April 27, 2012. *See* Exhibit A. On May 11, 2012, GTA timely filed a Protest to the April 27, 2012 Bid Status.¹ *See* Exhibit B. On October 19, 2012, GSA denied GTA's protest. *See* Exhibit C. GTA hereby appeals the Chief Procurement Officer's denial of GTA's Protest.

While Bid Form 11 has been recommended for award to PDS, no formal award has been issued.

III. Concise Statement of the Grounds for Appeal

A. GSA erroneously determined that GTA was not the lowest responsible bidder for the 1,000 Mbps. GTA's bid was in fact \$120 lower than PDS' bid and thus should have been awarded the bid for the 1,000 Mbps network.

B. GSA failed to provide objectively measurable criteria for the 10,000 Mbps which resulted in a substantial price difference among all bidders. GSA failed to further seek clarification on the reason for the price variance and instead made an arbitrary decision to award the 10,000 Mbps to PDS.

GSA's response to GTA's Protest is non-responsive. The April 27, 2012 Bid Status and

¹ GSA subsequently issued a Revised Bid Status dated May 3, 2012. The Revised Bid Status did not affect the Intent to Award Bid Form 11 to PDS.

the subsequent May 3, 2012 Revised Bid Status should be rescinded and/or vacated because GSA did not comply with the procurement rules and regulations requiring an award to the lowest responsible bidder.

IV. Background.

A. GSA-064-11

On June 22, 2011, GSA issued Bid Invitation No. GSA-064-11 for Telecommunications Services, Mobile Telephone Services, Integrated Services Digital Networking (ISDN) Primary Rate of Interface (PRI), Basic Rate Interface (BRI), and Session Initiation Protocol (SIP) Trunks, GGWAN Data Communication Services, Broadband Internet Access, DSL/Cable or Wireless Internet Services, Television Services, Routers, Managed Switches, and Network Equipment and Direct Inward Dialing (DID) Numbers. The products and services procured under this IFB would also be available to the entire Government of Guam line agencies to include autonomous agencies for a period of five years subject to the availability of funds. The Bid included an option to renew for two additional one year extensions subject to availability of funds.

B. Amendments, Questions, and Clarifications to GSA-06-11

On September 16, 2011, GSA issued Amendment #4² to the Bid making substantial and substantive changes to Section 5.1 (Bid Form 11) of the Bid, as it relates to the GGWAN including but not limited to:

1. *Page 48 of Bid.* Each site must be connected to the next site with a minimum of 3 strands of fiber. The minimum presumes that the bidder may want to implement the fiber DWDM with filters. Three (3) pairs if bidder is using separate transmit and receive fibers and three (3) strand if the bidder is using DWDM wavelengths with filters.
2. *Page 48 of Bid.* Bidder must provide the GovGuam have a Network Management Capability that enable the GovGuam to monitor the network nodes and status. The bidder must provide the Network Management

² See Exhibit D. Amendments #1- #3 related to the change of the Bid Opening Date.

system to monitor all network ports from a central location. NAGIO is acceptable.

3. *Page 48 of Bid.* The NMS must be able to monitor and measure fiber losses between points on the node. The NMS must be able to measure the fiber losses between the GovGuam nodal point of presence and the bidder location or the next GovGuam location.
4. *Page 48 of Bid.* Add: For the Executive Branch (line departments/agencies) of the Government of Guam, the Internet access will be interfaced to a firewall, possibly at several locations. One location is at the GovGuam Data Center in Agana. A second location may be at the Department of Public Health and Social Services in Mangilao. However, the Bidder shall be aware that the IFB may be used by other government agencies. Thus, the location for the internet access may be at any location designated by the Government of Guam or an autonomous agency that elect to use this IFB. The IFB may be used by departments/agencies such as the Guam Memorial Hospital Authority, the Department of Education, the Guam Community College, the University of Guam, Office of the Attorney General, and the like. Each agency that elects to use the Price List established by this IFB shall designate its own termination.

C. GSA's Initial Award to GTA and PDS' Protest

On April 27, 2012 the GSA issued a Bid Status to all Bidders relative to IFB GSA-064-11. In that communication, GSA stated that GTA's bid for Bid Form 11 to provide the GGWAN was rejected because GTA's bid price was "high" *See Exhibit A.* GSA awarded the bid to PDS for both the 1,000 Mbps and 10,000 Mbps WAN. On May 3, 2012, the GSA issued a Revised Bid Status rejecting GTA's bid for Bid Form 11 again stating that GTA's bid was high.

D. GTA's Protest

On May 4, 2013, GTA submitted a Freedom of Information Request for all technical specifications submitted by Pacific Data Systems ("PDS") for Bid Form 11 (GGWAN). GSA immediately responded by providing a copy of the actual Bid Form 11 submitted by PDS. GSA was nonresponsive relative to providing the exact technical specifications PDS submitted in relation to Bid Form 11.

On May 11, 2012 GTA filed a formal protest with the Chief Procurement Officer on two

grounds. First, GTA stated that GSA should have awarded the 1,000 Mbps relative to Bid Form 11 to GTA because GTA's submission was compliant with the bid specifications as provided in the IFB and subsequent amendments and was the lowest responsible bidder. Second, GTA stated that GSA failed to apply objectively measurable criteria in evaluating the technical bids for the 10,000 Mbps bid. On October 19, 2012, GSA denied GTA's protest for Bid Form 11, but failed to address the issues presented in the Protest. *See Exhibit C.*

V. Grounds for Appeal.

A. GSA should have awarded GTA the 1,000 Mbps for the Dedicated Government of Guam Wide Area Network (GGWAN) Data Communications Services because GTA's bid was lowest cost to the Territory in accordance with the evaluation criteria set forth in IFB GSA-064-11.

The Guam Procurement Rules and Regulations state that following the determination of product acceptability as set forth in subsection 3109(m)(3), bids will be evaluated to determine which bidder offers the lowest cost to the Territory in accordance with the evaluation criteria set forth in the Invitation for Bids. 2 G.A.R. §3109(n)(3).

In the case of the 1,000 Mbps, GSA rejected GTA's bid due to high price and awarded the 1,000 Mbps to PDS. *See Exhibit A.* GSA's award to PDS for the 1,000 Mbps was erroneous and contrary to the Government of Guam Procurement Act and related rules and regulations for the simple fact that PDS's bid was \$870 per month. *See Exhibit E.* GTA's bid was \$750 per month. *See Exhibit F.* PDS bid is \$120 MORE per month for the 1,000 Mbps than GTA's bid.

The GSA's award of the 1,000 Mbps to PDS should be vacated or rescinded and awarded to the lowest bidder, in this case, GTA.

B. GSA failed to apply objectively measurable criteria in evaluating the technical bids for the 10,000 Mbps bid.

The Guam Procurement Rules and Regulations state that "only objectively measurable criteria which are set forth in the Invitation for Bids, shall be applied in determining the lowest bidder. Examples of such criteria include, but are not limited to, transportation cost, and ownership or life cycle cost formulas. To the extent possible evaluation factors shall be (a) reasonable estimates based upon information the territory has available concerning future use; and (b) to treat all bids equitably." 2 G.A.R. §3109(n)(3). GSA is required to apply "objectively measurable" criteria when evaluating the bid submissions; but without incorporating the government of Guam's specific requirements in the specifications, evaluating whether a bidder has met the requirements becomes a subjective determination.

On May 4, 2012 GTA submitted a request pursuant to the Freedom of Information Act for a copy of PDS's technical submission to determine if the disparity in the bid prices submitted were due to technical specifications not set forth in the specifications. Unfortunately, as of this writing, GSA remains nonresponsive to GTA's request. The withholding of such information is improper because it does not provide the public or other bidders the ability to review the technical specifications of the awardee, in this case PDS. Failure to provide the information on the awardees product or services also could also infer an impropriety in the evaluation process. Here, GTA presents instances where objectively measurable criteria were not made part of the technical specifications and which could impact the prices submitted by the bidders.

In the Bid for 10,000 Mbps, the substantial difference in the bid prices demonstrated GSA's specifications were ambiguous. For instance PDS's bid was \$1,500 per month or (\$648,000.00 for 60 months); whereas GTA's bid was \$9,400 per month or (\$4,939,776.00 for 60 months including installation fee per node of \$48,832). Clarifications made in the questions posed by the potential bidders may or may not have been properly incorporated in the specifications which prevented GSA from objectively evaluating the bids to properly determine

the lowest most responsible bidder.

For example, the original Bid specifications for the GGWAN required that each site be connected to the next site with a minimum of three (3) strands of fiber. The minimum presumes that the Bidder may want to implement the fiber DWDM with filters. This specification was subsequently amended accordingly. The revised specification states that bidders are required to connect each site with a minimum of three (3) strands of fiber. The minimum presumes that the Bidder may want to implement the fiber DWDM with filters: three (3) pairs if bidder is using separate transmit and receive fibers and three (3) strands if the Bidder is using wavelengths with filters. *See* Exhibit D ¶25 (Sept. 16, 2011). The revised specification allows potential bidders to bid using "pairs" or "strands with filters". The cost of employing pairs is not the same as the cost of employing the "strands with filters" protocol. For instance, the substantial price difference between GTA's bid price and PDS's bid price is a result of the use of different protocols. Allowing bidders to choose their preferred protocol makes GSA's evaluation of pricing Bid Form 11 pricing subjective which violates the Guam Procurement Act and its related rules and regulations.

Second, the original bid specifications were not revised to require that the bidder's core network not be vulnerable to a single break in the network and that core network of the provider should be buried. *See* Exhibit G, Section VII(29), (Sept. 17, 2011). The specifications should have been amended to include the requirement that the bidder's core network be buried. Absent this specification, it is possible that the disparity in cost relates to whether the core network is buried or aerial.

Third, the original Bid specifications were not revised to require "interface the WAN Ethernet to Layer three switches" or that the "fiber interface will be terminated to Cisco Layer 3 Switches". This specification was clarified in GSA's response to the Guam Telecom's written

questions but not incorporated into the specifications. *See* Exhibit G Section II(C)(1), (Sept. 17, 2011). Without specifying whether the bidders must interface the WAN Ethernet to Layer three switches or that the fiber interface will be terminated to Cisco Layer 3 switches, it is possible that the disparity in costs relates to how the bidders offered to interface or terminate the WAN.

Based on the examples set forth above, the award to PDS must be cancelled.

GSA has failed to address GTA's objections to GSA's evaluation and award. GSA's response to GTA is that "GTA was not the lowest responsible and responsive bidder for Bid Form 11." GSA states that "Bid Form 11 had two area's within." GSA the further states that while you may have "won on an area within the bid form, [GTA's] submission did not win the overall submission for the entire bid form." GSA failed to address the issue of the objective evaluation criteria as alleged in the Protest. GSA's denial of GTA's protest must be denied in its entirety because GSA did not comply with the procurement rules and regulations.

VI. Ruling Requested.

A. GTA requests that the bid award or the issuance of any purchase orders be stayed as required by law until this appeal is resolved. GTA notes that no award has been issued to date.

B. GSA's Revised Bid Status awarding Bid Form 11 should be rescinded because GTA's Bid submission for Bid Form 11, specifically the 1,000 Mbps, did in fact conform to the requirements of the IFB GSA 064-11 as amended.

C. GSA's proposed award of Bid Form 11, specifically the 1,000 Mbps to PDS is in violation of the Guam Procurement Law requiring an award of Bid Forms 11, specifically the 1,000 Mbps to the lowest responsible responsive bidder, namely, GTA.

D. GTA also requests for an order that GSA address the shortcomings in the IFB and reissue an IFB addressing the concerns presented above.

E. Finally, GTA requests for an order that it be allowed reimbursement of its costs incurred in preparing this Protest. 5 G.C.A. § 5425(h).

VII. Supporting documentation

Supporting exhibits are attached as Exhibits A through G. GSA's decision denying the protest awarding the bid is attached hereto as Exhibit A.

VIII. Names of Competing Bidders, Offerors, or Contractors Known to Appellant

With regard to Bid Form 11, the only other bidder known to Appellant is PDS.

IX. Declaration Regarding Court Action

Pursuant to 5 GCA 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 or her 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 Public Accountability within 24 hours if court action commences regarding this Appeal or the underlying procurement action.

X. Request for Hearing

GTA requests a hearing on this Appeal.

DATED: Hagåtña, Guam, 5 November 2012.

CARLSMITH BALL LLP



VINCENT C. CAMACHO
Attorneys for Appellant
TeleGuam Holdings, LLC


VERIFICATION

GUAM U.S.A.)
)
Municipality of Hagåtña,)

I, John J. Kim, as Controller and Contracting Officer of TeleGuam Holdings LLC, and its wholly owned subsidiaries GTA Telecom, LLC; GTA Services, LLC; and Pulse Mobile, LLC am authorized to make this verification.


I have read the foregoing Procurement Appeal and, to the best of my knowledge, the information stated therein is true and correct.

I declare under penalty of perjury that the foregoing is true and correct and this verification was executed on this 5th day of November, 2012.



JOHN J. KIM

SUBSCRIBED AND SWORN to before me, a Notary Public, in and for Guam U.S.A., by JOHN J. KIM, as Controller/Contracting Officer of Teleguam Holdings LLC, this 5th day of November, 2012.



NOTARY PUBLIC

MARIA TISHA M. MAKIO
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: **Dec. 21, 2015**
624 North Marine Corps Dr., Tamuning 96913

EXHIBIT A

GENERAL SERVICE AGENCY
(Ahensian Setbision Hinirat)
Government of Guam
P.O. Box FG, Agana, Guam 96910
Tel: 477-1710-13 Fax: 472-4217 / 475-1716/27

Accountability * Impartiality * Competence * Openness * Value

BID STATUS

Date: APRIL 27, 2012

TeleGuam Holdings, LLC
Attn: Jennifer Sgambelluri
624 North Marine Corps Drive
Tamuning, Guam 96913
Tel: 644-0116 / Fax: 644-0103

BID INVITATION NO.: GSA-064-11 OPENING DATE: December 19, 2011

DESCRIPTION: TELECOMMUNICATION SERVICES

The following is the result of the above-mentioned bid. Refer to the items checked below.

Cancelled (in its entirety), or partially cancelled due to:

- Insufficient funds;
- Change of specifications; or
- Insufficient number of bidders.

Rejected due to:

- Late submission of bid;
- No bid security or insufficient bid security amount submitted; as required by section 11 of the General Terms and Conditions;
- Not meeting the delivery requirement as stated in the IFB;
- Non-conformance with the specification
- Inability to provide future maintenance and services to the equipment;
- High Price: Bid Forms 5, 6, 11, 13, and 14
- Others:

Bid recommended for award: **MULTIPLE AWARD**

Teleguam Holdings, LLC – See attached award

Pacific Data Systems – See attached award

PTI Pacific Inc. dba: IT&E - See attached award

REMARKS:

Thank you for your participation with this bid. Please send your authorized personnel to pickup the original bid status and bid bond/cashier check.

for: Pedro F. San Nicolas 4/27/12

CLAUDIA S. ACFALLE
Chief Procurement Officer

Please Print

ACKNOWLEDGEMENT COPY (Re-fax to GSA)

Rev: 1/95 Received BY: [Signature]

Date: 4/27/12

Vendor Name: TELEGUAM HOLDINGS LLC

Fax #'s : 472-4217 / 475-1727 / 1716

Bid Form 2 – Non-Recurring and Monthly Recurring Cost (MRC) for Centrex Telephone Service**- Teleguam Holdings, LLC;**

Analog Plain Old Telephone Services	Total MRC:	\$27.21
Digital (VoIP) Centrex with all Features Provided In IFB	Total MRC:	\$16.00

Bid Form 3 – Centrex Telephone Instruments**- Teleguam Holdings, LLC.**

		Monthly Lease Purchase	Purchase Price
1.	Single Line Analog Phone with call hold	\$1.85	\$61.20
2.	Up to 8 Line with Digital display, Hands-Free	\$3.52	\$116.64
3.	4 Line with Digital display, Hand-Free telephone	\$4.93	\$163.30
4.	Up to 8 Line with Digital display, Hands-Free	\$3.52	\$116.64
5.	Wireless Handset (Plantronics CS50)	\$6.70	\$221.94
6.	Cisco Attendent Console	\$2.35	\$77.79

Bid Form 5 – Non-Recurring and Monthly Recurring Cost (MRC) for Non Centrex Telephones**- Pacific Data Systems**

Wireless or Cable Telephone	Total MRC:	\$16.24
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Bid Form 6 – Non-Centrex Telephone Instruments**- Pacific Data Systems**

		Monthly Lease Purchase	Purchase Price
1.	Single Line Phone with Call Hold and Message waiting Lamp.	\$3.65	\$95.00
2.	Single Line Digital display with Hands-Free, Display, Speaker Phone, Programmable Feature Keys and Wireless Handset Option	\$2.50	\$65.00
3.	4 Line digital with Digital Display, Hands-Free, Hold, Speaker Phone, Programmable Feature Keys and Wireless Handset Option	\$3.65	\$95.00
4.	6 Line digital with Digital Display, Hands-Free, Hold, Speaker Phone, Programmable Feature Keys and Wireless Handset Option	\$5.95	\$155.0
5.	Attendent Console	\$3.65	\$95.00

Bid Form 8 - Monthly Recurring Cost for Mobile Telephone Service and Device

BIDDER NAME: TELEGUAM HOLDINGS LLC	
BLACKBERRY (Plan 1)	Mobile Service:
Monthly Recurring Cost (MRC) for mobile phone service that provides: (a) 1,000 minutes, per subscriber, for Off-Net calls within Guam which are pooled with other GovGuam subscribers; (b) no charge for ON-NET calls to/from any other subscriber of the Bidder (within Guam); (c) free Nights and Weekends; and Unlimited Text Messaging to the World.	\$ 13.90
MRC for Unlimited data plan within Guam with data tethering device to enable a laptop to use the data capability (Data tethering device must be provided when this option is selected).	\$ 22.95
Cost of Phone (phone must have large display, keyboard, 4 GB of memory (iPhone, Android, or other equal phone).	\$ -
Per Minute Cost of Long Distance Call to the United States (\$.10 = 10 cents per minute)	\$ 0.03
Per Minute Cost of Long Distance Call to the CNMI	\$ 0.03
Per Minute Call to US State when Roaming within the United States	\$ 0.35
Per Minute Call to/from Guam when Roaming in the United States	\$ 0.35

ANDROID (Plan 2)	Mobile Service:
Monthly Recurring Cost (MRC) for mobile phone service that provides: (a) 1,000 minutes, per subscriber, for Off-Net calls within Guam which are pooled with other GovGuam subscribers; (b) no charge for ON-NET calls to/from any other subscriber of the Bidder (within Guam); (c) free Nights and Weekends; and Unlimited Text Messaging to the World.	\$ 13.90
MRC for Unlimited data plan within Guam with data tethering device to enable a laptop to use the data capability (Data tethering device must be provided when this option is selected).	\$ 29.95
Cost of Phone (phone must have large display, keyboard, 4 GB of memory (iPhone, Android, or other equal phone).	\$ -
Per Minute Cost of Long Distance Call to the United States (\$.10 = 10 cents per minute)	\$ 0.03
Per Minute Cost of Long Distance Call to the CNMI	\$ 0.03
Per Minute Call to US State when Roaming within the United States	\$ 0.35
Per Minute Call to/from Guam when Roaming in the United States	\$ 0.35

Iphone, 8GB (Plan 3)	Mobile Service:
Monthly Recurring Cost (MRC) for mobile phone service that provides: (a) 1,000 minutes, per subscriber, for Off-Net calls within Guam which are pooled with other GovGuam subscribers; (b) no charge for ON-NET calls to/from any other subscriber of the Bidder (within Guam); (c) free Nights and Weekends; and Unlimited Text Messaging to the World.	\$ 13.90
MRC for Unlimited data plan within Guam with data tethering device to enable a laptop to use the data capability (Data tethering device must be provided when this option is selected).	\$ 29.95
Cost of Phone (phone must have large display, keyboard, 4 GB of memory (iPhone, Android, or other equal phone).	\$ 100.00
Per Minute Cost of Long Distance Call to the United States (\$.10 = 10 cents per minute)	\$ 0.03
Per Minute Cost of Long Distance Call to the CNMI	\$ 0.03
Per Minute Call to US State when Roaming within the United States	\$ 0.35
Per Minute Call to/from Guam when Roaming in the United States	\$ 0.35

Iphone 4, 32GB (Plan 4)	Mobile Service:
Monthly Recurring Cost (MRC) for mobile phone service that provides: (a) 1,000 minutes, per subscriber, for Off-Net calls within Guam which are pooled with other GovGuam subscribers; (b) no charge for ON-NET calls to/from any other subscriber of the Bidder (within Guam); (c) free Nights and Weekends; and Unlimited Text Messaging to the World.	\$ 13.90
MRC for Unlimited data plan within Guam with data tethering device to enable a laptop to use the data capability (Data tethering device must be provided when this option is selected).	\$ 29.95
Cost of Phone (phone must have large display, keyboard, 4 GB of memory (iPhone, Android, or other equal phone).	\$ 300.00
Per Minute Cost of Long Distance Call to the United States (\$.10 = 10 cents per minute)	\$ 0.03
Per Minute Cost of Long Distance Call to the CNMI	\$ 0.03
Per Minute Call to US State when Roaming within the United States	\$ 0.35
Per Minute Call to/from Guam when Roaming in the United States	\$ 0.35

Bid Form 8A - Mobile Data Card

BIDDER NAME: TELEGUAM HOLDINGS LLC		USAC SPIN: 43002715
Description	Mobile Service Cost	
MRC for Unlimited Air-Card "data-only" plan within Guam.	\$	29.95
Data Device that enables a Mobile Wifi to the Data Card	\$	-

BIDDER NAME: PTI PACIFICA INC DBA IT&E		USAC SPIN: 143032800
Description	Mobile Service Cost	
MRC for Unlimited Air-Card "data-only" plan within Guam.	\$	29.95
Data Device that enables a Mobile Wifi to the Data Card	\$	-

Bid Form 10 – ISDN PRI, ISDN BRI, SIP Trunks, and DID's

- <u>Teleguam Holdings, LLC</u>	<u>Installation:</u>	<u>MRC</u>
1. Integrated Services Digital Networking PRI Interface (23B+1D)	Waived	\$423.37
2. Integrated Services Digital Networking (Basic Rate Interface – 128 Kbps)	Waived	\$105.68
3. SIP Per Trunk Rate	Waived	\$12.00
4. DID Number Block of 25 Numbers	-0-	\$ 2.50 \$

Bid Form 11 – GovGuam Wide Area Network (1 and 10 Gbps)

- <u>Pacific Data Systems</u>	<u>Installation:</u>	<u>MRC</u>
1. 1,000 Mbps or 1 Gbps Dedicated for GovGuam (100% CIR, Ring Topology, NMS)	-0-	\$870.00
2. 10,000 Mbps or 10 Gbps Dedicated for Govguam (100% CIR, Ring topology, NMS)	-0-	\$1,500.00

Bid Form 12 – Broadband Internet Access Services

<u>Teleguam Holdings, LLC</u>		<u>Installation</u>	<u>MRC for 1 Mbps Internet Access QoS and SLA</u>
1 to 25 Mbps	Broadband Internet Access with SLA for Capacity, Latency and Hops to US	Waived	\$65.00
26 to 50 Mbps	Broadband Internet Access with SLA for Capacity, Latency and Hops to US	Waived	\$60.00
51 to 75 Mbps	Broadband Internet Access with SLA for Capacity, Latency and Hops to US	Waived	\$55.00
75 to 100 Mbps	Broadband Internet Access with SLA for Capacity, Latency and Hops to US	Waived	\$50.00
101 to 125 Mbps	Broadband Internet Access with SLA for Capacity, Latency and Hops to US	Waived	\$45.00
126 to 150 Mbps	Broadband Internet Access with SLA for Capacity, Latency and Hops to US	Waived	\$40.00
151 to 175 Mbps	Broadband Internet Access with SLA for Capacity, Latency and Hops to US	Waived	\$35.00
175 to 200 Mbps	Broadband Internet Access with SLA for Capacity, Latency and Hops to US	Waived	\$30.00

Bid Form 13 – Cable, DSL, or Wireless Internet Services for Small Offices

<u>Pacific Data Systems</u>		<u>Installation</u>	<u>MRC for Internet Services</u>
2 Mbps	The DSL or Cable Internet Service must include 8 External IP Addresses	-0-	\$35.00
7 Mbps	the DSL or Cable Internet Service must include 10 External IP Addresses	-0-	\$48.00

Bid Form 14 – Routers Managed Switches, and Network Equipment Price Bid and Evaluation Model

Pacific Data Systems Cisco 3800 Router with LC Ports \$12,040.00
 (37% discount) = \$7,585.20
 (15% for Shipping & Installation) = \$1,806.00
 (15% discount Annual Maintenance = \$1,806.00 with a **Total Proposed Price of \$11,197.20**

Bid Form 15 - Television Services

Teleguam Holdings, LLC

<u>Television Service</u>	<u>Description</u>	<u>Installation</u>	<u>MRC</u>
Analog and digital television service (GTA Essential Package: 39 Channels + 1 Set Top Box	The initial drop to a building unless a drop already exists.	\$ -	\$ 40.95
Analog and digital television service (GTA Choice Package: 110 Channels + 1 Set Top Box	Each Additional drop within the same building.	\$ 29.95	\$ 5.95

EXHIBIT B

CARLSMITH BALL LLP

A LIMITED LIABILITY LAW PARTNERSHIP


134 W. SOLEDAD AVE
BANK OF HAWAII BLDG., SUITE 401
HAGÁTÑA, GUAM 96910
TELEPHONE 671.472.6813 FAX 671.477.4375
WWW.CARLSMITH.COM

VCAMACHO@CARLSMITH.COM

May 11, 2012

VIA HAND DELIVERY

Ms. Claudia S. Acfalle
Chief Procurement Officer
General Services Agency
Government of Guam
148 Route 1 Marine Drive
Piti, Guam 96915


DATE: 5/11/12 TIME: 5:00 PM INITIAL: EBJ/HAL

Re: Protest of Award of Bid GSA-064-11, Bid Form 11 GovGuam Wide Area Network, to Pacific Data Systems and Rejection of Bid Form 11 by Teleguam Holdings, LLC

Dear Ms. Acfalle:

This letter serves as a protest of the award of Bid GSA-064-11, Bid Form 11, GovGuam Wide Area Network to Pacific Data Systems (the "PDS"), and the rejection of the bid submitted by Teleguam Holdings, LLC ("Teleguam"). I submit this protest on behalf of Teleguam Holdings, LLC, which submitted a bid in response to the Invitation for Bid for GSA-064-11, Bid Form 11. Teleguam's address is 624 North Marine Corps Drive, Tamuning, Guam 96913, however, for the purposes of this Protest, please direct correspondence to my attention at c/o Carlsmith Ball LLP, Bank of Hawaii Bldg., Suite 401, 134 West Soledad Avenue, P.O. Box BF, Hagátña, Guam 96932-5027.

1. Background.

On June 22, 2011 the General Services Agency "GSA" of the Government of Guam issued Bid Invitation No. GSA-064-11 "Bid" for Telecommunications Services, Mobile Telephone Services, Integrated Services Digital Networking (ISDN) Primary Rate of Interface (PRI), Basic Rate Interface (BRI), and Session Initiation Protocol (SIP) Trunks, GGWAN Data Communication Services, Broadband Internet Access, DSL/Cable or Wireless Internet Services, Television Services, Routers, Managed Switches, and Network Equipment and Direct Inward Dialing (DID) Numbers. The products and services procured under this IFB would also be available to the entire Government of Guam line agencies to include Autonomous Agencies for a

period of five (5) years subject to the availability of funds. The Bid included an option to renew for two (2) additional one (1) year extensions subject to availability of funds.

GSA subsequently issued Amendments #1- #3; the amendments related to the change of the Bid Opening Date.

On September 16, 2011, the GSA issued Amendment #4¹ to the Bid making substantive changes to the Section 5.1 (Bid Form 11) of the Bid as it relates to the GGWAN as follows:

1. Page 48 of Bid. Each site must be connected to the next site with a minimum of 3 strands of fiber. The minimum presumes that the bidder may want to implement the fiber DWDM with filters. Three (3) pairs if bidder is using separate transmit and receive fibers and three (3) strand if the bidder is using DWDM wavelengths with filters.

2. Page 48 of Bid. Bidder must provide the GovGuam have a Network Management Capability that enable the GovGuam to monitor the network nodes and status. The bidder must provide the Network Management system to monitor all network ports from a central location. NAGIO is acceptable.

3. Page 48 of Bid. The NMS must be able to monitor and measure fiber losses between points on the node. The NMS must be able to measure the fiber losses between the GovGuam nodal point of presence and the bidder location or the next GovGuam location.

4. Page 48 of Bid. For the Executive Branch (line departments/agencies) of the Government of Guam, the Internet access will be interfaced to a firewall, possibly at several locations. One location is at the GovGuam Data Center in Agana. A second location may be at the Department of Public Health and Social Services in Mangilao. However, the Bidder shall be aware that the IFB may be used by other government agencies. Thus, the location for the internet access may be at any location designated by the Government of Guam or an autonomous agency that elect to use this IFB. The IFB may be used by departments/agencies such as the Guam Memorial Hospital Authority, the Department of Education, the Guam Community College, the University of Guam, Office of the Attorney General, and the like. Each agency that elects to use the Price List established by this IFB shall designate its own termination.

On September 17, 2011, the GSA issued its Responses to Questions Lodged by Prospective Bidders. See Exhibit B. GSA's response further provided additional clarifications such as:

A. For all Parts - The Bid Form in Excel can be picked up at GSA. For Bid Forms 0,1,4, and 7, the Bidders may use the Bid Form as the Point-by-Point Response. The Bidders are reminded and shall read all of the requirements in the excel spreadsheet carefully before responding. The Bid Forms are in addition to any Bid Specification provide for in Amendment No. 4 to this IFB. All Bid Forms were replaced and labeled RFB 0 through RFB 15. (Refer to Amendment No. 4 item #34.

¹ See Exhibit A.

B. GSA Clarification for Part E - Wide Area Network Connections

1. The GovGuam Wide Area Network telecommunications connections are for point-to-point telecommunication services within Guam. This services is an intrastate digital private line service that will originate and terminate telecommunications to customer designated premises in Guam.

2. The GovGuam Wide Area Network shall not require separate additional wavelengths for independent government agencies that have 10 or less nodes. The Bureau of Information Technology of the Government of Guam shall authorize whether an independent agency may interconnect to the GovGuam WAN established through this IFB. An independent agency with 10 or more nodes may establish its own private network using this contract agreement arising from this IFB and the Bidder shall provide a separate wavelength or network for those users.

C. Question from Guam Telecom, LLC

1. Question Do you want legacy Ethernet? **RESPONSE:** No. The Bid will interface the WAN Ethernet to Layer 3 Switches. The termination will be fiber interface to Cisco Layer Switches.

D. Questions from Teleguam

1. Do all communication facilities interconnecting the nodes on the core network be buried and interconnect in a self-healing ring topology and survive a single break of failure in the ring? **RESPONSE:** The Bidder's core network shall not be vulnerable to a single break in the network. The core network of the provider should be buried.

Subsequently, GSA issued Amendments #5- #8 without any substantive changes to the bid specifications; rather the amendments related to changing the Bid Opening date.

On April 27, 2012 the GSA issued a Bid Status to all Bidders relative to IFB GSA-064-11. In that communication, GSA stated that it rejected Teleguam's bid for Bid Form 11 to provide the GGWAN on the basis that its price was "high". GSA instead awarded the bid to PDS for both the 1,000 Mbps and 10,000 Mbps WAN. On May 3, 2012, the GSA issued a Revised Bid Status rejecting Teleguam's bid for Bid Form 11 again stating that Teleguam's bid was high.

On May 4, 2013, Teleguam submitted a Freedom of Information Request for all technical specifications submitted by Pacific Data Systems "PDS" for Bid Form 11 (GGWAN). GSA immediately responded by providing a copy of the actual Bid Form 11 submitted by PDS. GSA was nonresponsive relative to providing the exact technical specifications PDS submitted in relation to Bid Form 11.

2. **Protest Grounds.**

- A. **GSA should have awarded Teleguam the 1,000 Mbps for the Dedicated Government of Guam Wide Area Network (GGWAN) Data Communications Services because TeleGuam's bid was lowest cost to the Territory in accordance with the evaluation criteria set forth in IFB GSA-064-11.**

The Guam Procurement Rules and Regulations state that following the determination of product acceptability as set forth in subsection 3109(m)(3) of this Section, bids will be evaluated to determine which bidder offers the lowest cost to the Territory in accordance with the evaluation criteria set forth in the Invitation for Bids. 2 G.A.R. §3109(n)(3).

In the case of the 1,000 Mbps, GSA rejected Teleguam's bid due to high price and awarded the 1,000 Mbps to PDS. *See* Exhibit C. GSA's award to PDS for the 1,000 Mbps was erroneous and contrary to the Government of Guam Procurement Act and related rules and regulations for the simple fact that PDS's bid was \$870 per month. *See* Exhibit D. Teleguam's bid was \$750 per month. *See* Exhibit E. PDS's bid for the 1,000 Mbps is \$120 MORE per month than Teleguam's bid.

The GSA must award the 1,000 Mbps to the lowest bidder, in this case, Teleguam.

- B. **GSA failed to apply objectively measurable criteria in evaluating the technical bids for the 10,000 Mbps bid.**

The Guam Procurement Rules and Regulations state that "only objectively measurable criteria which are set forth in the Invitation for Bids, shall be applied in determining the lowest bidder. Examples of such criteria include, but are not limited to, transportation cost, and ownership or life cycle cost formulas. To the extent possible evaluation factors shall be (a) reasonable estimates based upon information the territory has available concerning future use; and (b) to treat all bids equitably." 2 G.A.R. §3109(n)(3). GSA is required to apply "objectively measurable" criteria when evaluating the bid submissions; but without incorporating the government of Guam's specific requirements in the specifications, evaluating whether a bidder has met the requirements becomes subjective at best.

On May 4, 2012 Teleguam submitted a request pursuant to the Freedom of Information Act for a copy of PDS's technical submission to determine if the disparity in the bid prices submitted were due to technical specifications not set forth in the specifications. Unfortunately, as of this writing, GSA remains nonresponsive to Teleguam's request. The withholding of such information is improper because it does not provide the public or other bidders the ability to review the technical specifications of the awardee, in this case PDS. Failure to provide the information on the awardees product or services also could also infer an impropriety in the evaluation process. Here, Teleguam presents instances where objectively measurable criteria were not made part of the technical specifications and which could impact the prices submitted by the bidders.

In the Bid for 10,000 Mbps, the substantial difference in the bid prices should have raised flags as to whether the bidders were submitting bids based on the proper specifications. Clarifications made in the questions posed by the potential bidders may or may not have been properly incorporated in the specifications which may have prevented GSA from objectively evaluating the bids to properly determine the lowest most responsible bidder.

First, the original Bid specifications for the GGWAN required that each site be connected to the next site with a minimum of three (3) strands of fiber. The minimum presumes that the Bidder may want to implement the fiber DWDM with filters. *See Exhibit F.* This specification was subsequently amended accordingly. The revised specification states that bidders are required to connect each site with a minimum of three (3) strands of fiber. The minimum presumes that the Bidder may want to implement the fiber DWDM with filters. Three (3) pairs if bidder is using separate transmit *and* receive fibers and three (3) strands if the Bidder is using wavelengths with filters. *See Amendment #4, ¶25 (Sept. 16, 2011).* The revised specification allows potential bidders to bid using "pairs" *or* "strands with filters". The cost of employing pairs is not the same as the cost of employing the "strands with filters" protocol. The difference in cost could be substantial. Allowing bidders to choose their preferred protocol would make GSA's evaluation of the Bid Form 11 pricing subjective which is violates the Guam Procurement Act and its related rules and regulations.

Second, the original bid specifications were not revised to require that the bidder's core network not be vulnerable to a single break in the network and that core network of the provider should be buried. *See GSA Response to Questions Lodged by Prospective Bidders, Section VII(29), (Sept. 17, 2011).* The specifications should have been amended to include the requirement that the bidder's core network be buried. Absent this specification, it is possible that the disparity in cost relates to whether the core network is buried or aerial.

Third, the original Bid specifications were not revised to require "interface the WAN Ethernet to Layer three switches" or that the "fiber interface will be terminated to Cisco Layer 3 Switches". This specification was clarified in GSA's response to the Guam Telecom's written questions but not incorporated into the specifications. *See GSA Response to Questions Lodged by Prospective Bidders, Section II(C)(1), (Sept. 17, 2011).* Without specifying whether the bidders must interface the WAN Ethernet to Layer three switches or that the fiber interface will be terminated to Cisco Layer 3 switches, it is possible that the disparity in costs relates to how the bidders offered to interface or terminate the WAN.

Based on the examples set forth above, the GSA must reconsider its evaluation of the award of the 10,000 Mbps and cancel the award to PDS until such time that the specifications are changed to incorporate clarifications stated above.

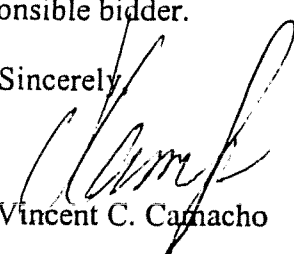
3. **Request for Relief.**

- A. GSA's Award of the GGWAN (1,000 Mbps) to PDS should be rejected due to high price and Teleguam should be awarded the GGWAN 1,000Mbps as the lowest responsible bidder.

Ms. Claudia S. Acfalle
May 11, 2012
Page 6

- B. GSA's Award of the GGWAN (10,000 Mbps) to PDS should be cancelled due to lack of objectively measurable criteria which resulted in an evaluation is inconclusive as to the lowest responsible bidder.

Sincerely,



Vincent C. Carnacho

VCC/ips
4834-4390-1967.2
Attachments

EXHIBIT C

Eddie Baza Calvo
Governor



GENERAL SERVICES AGENCY

(Ahensian Setbision Hinirat)
Department of Administration

Ray Tenorio
Lieutenant Governor

Benita A. Manglona
Director

148 Route 1 Marine Drive, Piti, Guam 96915
Tel: (671) 475-1707 Fax Nos: (671) 475-1727 / 475-1716

Anthony C. Blaz
Deputy Director

October 19, 2012

RECEIVED
GENERAL CALL
DATE: 10/19/12 TIME: 2:12p

Mr. Vincent C. Camacho
Carlsmith-Ball LLP
Bank of Hawaii Building
Suite 401
Hagatna, Guam 96910

Re: Protest dated May 11, 2012 on GSA Bid No. 064-11

Dear Mr. Camacho:

I am in receipt of your protest dated May 11, 2012, in which you protested the government's determination regarding bid from 11.

You indicated that the government must award the 1,000 Mbps, which was in bid form 11 as it was the lowest price item.

Response: The issue of awarding individual items in a bid form box was addressed at the mandatory pre-bid conference on July 2, 2011 as memorialized in our memorandum. On the bottom of page 1, we stated then:

Well each of the part is separate in the all or none. They are independent within their parts. Some of the questions of the people go ahead put that down in writing we will get to you on that. We will do some research and address everybody here within a response.

On September 17, 2012, we wrote on page 22, item VIII A.1

Yes. This is a Price List IFB. There will only be one contract awarded for each Part. The Bidders must provide service to all locations.

And on section VIII, A. 10 on page 23, we stated:

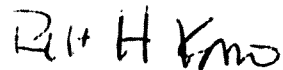
No. The IFB contains multiple parts. A telecommunications provide may bid and win on one or all Parts. Each Part will be awarded separately.

Bid Form 11 had two (2) areas within. It is a stand alone part. While you may have won on an area within the bid form, your submission did not win the overall submission for

COMMITTED TO EXCELLENCE

the entire bid form. Therefore, you were not the lowest responsible and responsive bidder for bid form 11.

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


ANITA CRUZ
Buyer Supervisor

GSA-064-11
Amendment No. 4

Eddie Baza Calvo
Governor



GENERAL SERVICES AGENCY
Government of Guam
148 Route 1 Marine Drive Corp
Piti, Guam 96915

Ray Tenorio
Lt. Governor

Benita Mangiona
Director, Department of Administration

George A. Santos
Deputy Director

Response to Questions Lodged by Prospective Bidders
September 16, 2011

Bid Invitation No. GSA-064-
Amendment No.: 4

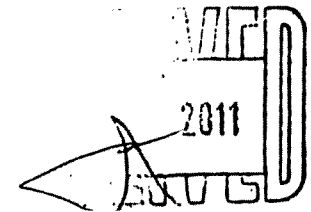
Refer to GSA @ 475-1727
ACKNOWLEDGEMENT COPY

RECEIVED BY *[Signature]*
DATE *9/19/2011*
Company Name Tele Guam Hocom LLC

This amendment is issued to change or add the following to the IFB:

1. Amend to include Attachment B Location Spreadsheet.
2. **On Page 2 of 56** under Statement of Qualifications: Add the statement "The Statement of Qualifications should describe the technical and financial capability of the company to perform the statement of work in accordance with the IFB.
3. **On Page 25 of 56** under "Bid Submission for the following services", Part D shall read from: Part D - Integrated Services Digital Networking (ISDN) Primary Rate Interface (PRI), Basic rate Interface (BRI), and Session Initiation Protocol (SIP) Trunks; to Now read:
Part - D Integrated Services Digital Networking (ISDN) Primary Rate Interface (PRI), Basic rate Interface (BRI), and Session Initiation Protocol (SIP) Trunks and Direct Inward Dialing (DID).
4. **On Page 25 of 56** under Bid Submission for the following services delete Part J "Direct Inward Dialing (DID) Numbers in its entirety.
5. **On Page 25 of 56** under Bid Submission paragraph 6 change to read from: The Bidder is to provide a Notice to the Chief Procurement Officer of any lower prices offered for a service. Should rates not be adjusted, the GovGuam shall be entitled to a 10% penalty in addition to the price difference for the period of time another customer that is smaller than or equal to the size of GovGuam receives a larger discount for tariff services provided for under this IFB; to Now Read:

The Bidder is to provide a Notice to the Chief Procurement Officer of any lower prices offered for a service. Should rates not be adjusted, the GovGuam shall be entitled to penalty of one-fourth (1/4) of one percent (1%) per calendar day Pursuant to 2GAR Div. 4 (9) Liquidated Damages Clause in addition to the price difference for the period of time another customer that is smaller than or equal to the size of GovGuam receives a larger discount for tariff services provided for under this IFB.



GSA-064-11
Amendment No. 4

- 6. **On Page 28 of 56** under the "Technical Information is required for the following Parts of the IFB", to read from: "Part A – Centrex Services; Part D – GG Wide Area Network (1 or 10 Gbps); Part E – Broadband Internet Access Point-by-Point Response; to Now read:

Part A – Centrex Services; Part E – GG Wide Area Network (1 or 10 Gbps); Part F – Broadband Internet Access Point-by-Point Response.

- 7. **On Page 28 of 56** item number 3 Bid Forms changes are:

- (a) **Add Bid Form 8A Price Bid for Mobile Phone Services and Devices.**
- (b) **Change 10 to read from: ISDN PRI, BRI, and SIP Trunks to Now Read: ISDN, PRI, BRI, SIP Trunks and DID Number Blocks.**
- (c) **Delete Bid Form 16 in its entirety.**

- 8. **On Page 28 of 56** item #7 change to read from: Individual Case Basis (ICB) Tariff – The Bidder, as may be required by the Guam Public Utilities Commission (GPUC) in accordance with the Guam Telecommunications Act of 2005, shall submit a copy of any ICB filing and shall submit a copy of the GPUC orders and Decisions regarding an ICB within two working days of the filings and/or decision(s). The information shall be submitted to the Director of the BIT. **Any failure to perform this requirement shall result in a \$1,000 a day penalty.** TheGovGuam does not need any Long Run Incremental Cost (LRIC) confidential information. The GovGuam does require that the ICB include (a) a specific technical description of the service; (b) a description how the service will be provisioned to meet the specifications of the IFB; and the cost. The cost shall identify any and all costs associated with the service and shall be consistent with the costs proposed in the appropriate Bid Form. The GovGuam also requires that any and all general terms, specification, and special conditions of the IFB be incorporated into the ICB Tariff or incorporated through a reference in the ICB Tariff; to Now Read:

Individual Case Basis (ICB) Tariff – The Bidder, as may be required by the Guam Public Utilities Commission (GPUC) in accordance with the Guam Telecommunications Act of 2005, shall submit a copy of any ICB filing and shall submit a copy of the GPUC orders and Decisions regarding an ICB within two working days of the filings and/or decision(s). The information shall be submitted to the Director of the BIT. Failure to comply with this requirement will lead to rejection or termination of award. TheGovGuam does not need any Long Run Incremental Cost (LRIC) confidential information. The GovGuam does require that the ICB include (a) a specific technical description of the service; (b) a description how the service will be provisioned to meet the specifications of the IFB; and the cost. The cost shall identify any and all costs associated with the service and shall be consistent with the costs proposed in the appropriate Bid Form. The GovGuam also requires that any and all general terms, specification, and special conditions of the IFB be incorporated into the ICB Tariff or incorporated through a reference in the ICB Tariff

- 9. **On Page 32 of 56** under Telecommunication Facilities change to read from: Part D – Dedicated GovGuam Wide Area Network Data Communication Services; to Now Read:

Part E – Dedicated GovGuam Wide Area Network Data Communication Services.

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10. On Page 33 of 56 under Letter E Access to Records change to read from: Bidders who are awarded a contract as a result of a solicitation that will be funded by ARRA must be willing to participate in, either

scheduled or unannounced, interviews and examinations of any pertinent books, documents, paper, and records of Bidder related to Bidder's charges and performance under this award by officials from the GovGuam, GDOE (sub-grantee), the Guam Public Auditor's Office (grantee's state auditor), the Office of the Governor of Guam (grantee), the United States Department of Education (grantor), the Office of Inspector General, and government Auditing/Accountability Office (GAO). The failure to comply with this requirement shall result in a \$250 a day penalty. Such records shall be kept by Bidder for a period of three (3) years after final payment under this award; to Now Read:

Bidders who are awarded a contract as a result of a solicitation that will be funded by ARRA must be willing to participate in, either scheduled or unannounced, interviews and examinations of any pertinent books, documents, paper, and records of Bidder related to Bidder's charges and performance under this award by officials from the GovGuam, GDOE (sub-grantee), the Guam Public Auditor's Office (grantee's state auditor), the Office of the Governor of Guam (grantee), the United States Department of Education (grantor), the Office of Inspector General, and government Auditing/Accountability Office (GAO). The GovGuam will allow seven (7) working days to provide such request. The failure to comply with this requirement shall result in a penalty of one-fourth ($\frac{1}{4}$) of one percent (1%) per calendar day Pursuant to 2GAR Div. 4 (9) Liquidated Damages Clause. Such records shall be kept by Bidder for a period of three (3) years after final payment under this award

11. On Page 36 of 56 under Specifications – Scope of Services paragraph 3 to read from: Bidder shall provide line services through underground telecommunication interconnection and hardened Central Office facilities; to Now Read:

Bidder shall provide line services through underground telecommunication interconnection and hardened Central Office facilities; The Bid Specifications for the Centrex services require that 15% of the telephone services, to be designated by the GovGuam, be fully operational on a 7x24 hour basis, even if power to the location is disrupted for a prolonged period. This means that the service cannot be disrupted in the case of a prolonged power outage due to natural disasters. So, these services should be provided through an underground Central Office connection unless the Bidder has another solution to meet this requirement. If the Bidder has such a solution, then, the Bidder shall describe the solution in detail, and must be willing to demonstrate its efficacy following bid submission; the analog circuits must also operate through line power from the CO; the rest of the circuits must have 12 hours of operation following a power failure. The Bidder shall provide a technical description and calculation of how the 12 hours of operations will be met; The GovGuam will permit no more than 70% of the Centrex lines to a location provided through aerial connections.

12. On Page 36 of 56 under Specifications – Scope of Services paragraph 4 Add:

- (a) The bidder may provide an IP Protocol solution for the digital services. However, the bidder must provide a solution that will meet the requirements for 15% of the lines to be powered pm a 7 x 24 hour basis even if the power to the building is down, and the rest of the lines must have power for 12 hours. The Bidder must also provide analog phone lines for facsimile and other services.

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13. On Page 36 of 56 under Specifications – Scope of Services paragraph 8 Add:

- (a) The intent of the requirement is to prohibit the use of existing internal GovGuam data local area network for voice services. The Bidder cannot use the existing GovGuam LANs for the delivery of a mixture of voice and data.
- (b) The Bidder can use a digital connection to a phone to have both the digital data signaling separated from the digital audio transmit/receive signaling through a VLAN.
- (c) If over the Bidder/Contractor trunks that the interconnections will be provided this is acceptable. However, the use of VLAN shall not compromise the quality of the connections provided to GovGuam. The Bidder/Contractor shall be responsible for ensuring the quality of the voice links, shall provide complete and detailed documentation of the links (including configuration of telecommunication technology) if requested by the GovGuam (configuration, capacity, service levels), and resolve any issues identified by GovGuam.

14. On Page 36 through 56 delete Bidding On/Remarks column in its entirety. Add Refer to appropriate Bid Forms for each item number.

15. On Page 36 of 56 under Specifications/Scope of Services change to read from: All other digital lines shall be capable of power for 12 hours following a power outage; to Now Read:

All other digital lines shall be capable of power for 12 hours following a power outage "continuous."

16. On Page 39 of 56 under paragraph 6 change to read from: The SMDR data shall be provided in electronic form, on a CD or DVD, as an excel spreadsheet or other data file format as directed by the Bureau of Information Technology (BIT). The data shall be provided on a monthly basis and within 5 working days following the last day of the month; to Now Read:

The SMDR data shall be provided in electronic form, on a CD or DVD, as an excel spreadsheet or other data file format as directed by the Bureau of Information Technology (BIT). The data shall be provided on a monthly basis and within seven (7) working days following the last day of the month.

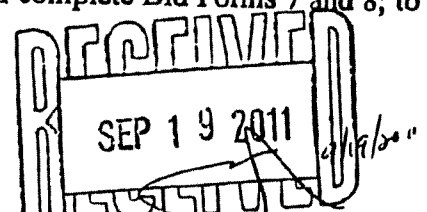
17. On Page 43 of 56 under Conversion Plan change to read from: Bidder must submit a conversion plan. The plan requires that all government offices be converted within 90 calendar days; to Now Read:

Bidder must submit a conversion plan as follows:

- (a) 50% of services shall be completed within 90 days of Contract Execution.
- (b) 75% of services shall be completed within 120 days of Contract Execution.
- (c) 100% of the services shall be completed within 150 days.

18. On Page 46 of 56 under Special Conditions to read from: Bidder shall complete Bid Forms 7 and 8; to Now Read:

Bidder shall complete Bid Forms 7, 8 and 8A.



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19. **On Page 46 of 56** under Special Conditions Add: Bidder will provide the pricing Mobile Data Card in Bid Form 8A.

20. **On Page 46 of 56** under Specifications Add: Bidder shall provide QWERTY keyboard. The requirement is that the phone must have a QWERTY. Support Landscape mode, and also have on Screen Keyboard.

21. **On Page 46 of 56** under Specifications Add: The minimum specification for the screen is 3" when measured diagonally in landscape mode.

22. **On Page 47 of 56** under Specifications paragraph 4, change to read from: Bidder shall be responsible for providing the ISDN channel service units at the GovGuam site; to Now Read:

Bidder shall be responsible for providing the ISDN channel service units at the GovGuam site, NT1s.

23. **On Page 47 of 56** under Specifications Add:

The GovGuam will accept the TDM over IP solution provided that the Bidder warrants that the use of IP as an underlying transmission protocol will not affect the functional ISDN service, dedicated transmission and ISDN quality, and/or the use of ISDN for voice, video teleconferencing, and/or data services. The GovGuam will be using ISDN for all three applications.

The PRI interface must be capable of interfacing with ancillary PRI technologies which allow for the allocation of PRI channels among multiple ISDN compatible devices.

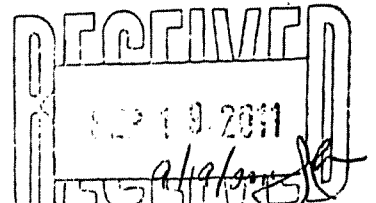
24. **On Page 47 of 56** under Special Conditions to read from: Bidder shall complete Bid Form 10 – ISDN PRI, ISDN BRI, AND SIP Trunks; to Now Read:

Bidder shall complete Bid Form 10 – ISDN PRI, ISDN BRI, SIP TRUNKS, and DID.

25. **On Page 48 of 56** under Specifications Paragraph 3, change to read from: Each site must be connected to the next site with a minimum of 3 strands of fiber. The minimum presumes that the Bidder may want to implement the fiber DWDM with filters; to Now Read:

Each site must be connected to the next site with a minimum of 3 strands of fiber. The minimum presumes that the Bidder may want to implement the fiber DWDM with filters. Three (3) Pairs if Bidder is using separate transmit and receive fibers and Three (3) strands if the Bidder is using DWDM wavelengths with filters.

26. **On Page 48 of 56** under Specifications Paragraph 9, change to read from: Bidder must provide the GovGuam have a Network Management Capability that enables the GovGuam to monitor the network nodes and status. The Bidder must provide the Network Management system to monitor all network ports from a central location; to Now Read:



GSA-064-11
Amendment No. 4

Bidder must provide the GovGuam have a Network Management Capability that enables the GovGuam to monitor the network nodes and status. The Bidder must provide the Network Management system to monitor all network ports from a central location. NAGIO is acceptable.

- 27. **On Page 48 of 56** under Specifications Paragraph 10 change to read from: The NMS must be able to monitor and measure fiber losses between points on the node; to **Now Read:**

The NMS must be able to monitor and measure fiber losses between points on the node. The NMS must be able to measure the fiber losses between the GovGuam nodal point of presence and the Bidder location or the next GovGuam location.

- 28. **On Page 48 of 56** under Specifications – **Add:**

For the Executive Branch (Line departments/agencies) of the Government of Guam, the Internet access will be interfaced to a firewall, possibly at several locations. One location is at the GovGuam Data Center in Agana. A second location may be at the Department of Public Health and Social Services in Mangilao. However, the Bidder shall be aware that the IFB may be used by other government agencies. Thus, the location for the Internet access may be at any location designated by the Government of Guam or an autonomous agency that elect to use this IFB.

The IFB may be used by departments/agencies such as Guam Memorial Hospital Authority, the Department of Education, the Guam Community College, the University of Guam, Office of the Attorney General, and the like. Each agency that elects to use the Price List established by this IFB shall designate its own termination.

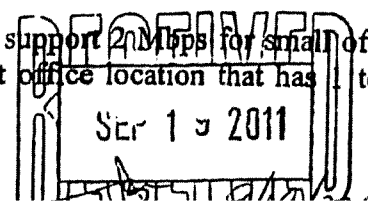
- 29. **On Page 49 of 56** under Specifications Paragraph 1 change to read from: 125 milliseconds to **Now Read:** 150 milliseconds with no more than 4 hops.

- 30. **On Page 49 of 56** under Specifications Paragraph 4, change to read from: Bidder must provide a web-based, real-time, on-line monitoring tool to monitor the SLA and the overall capacity of the ISP. The tool must be equal in capability and functionality to the PRTG tool. The tool must provide real-time and historic information on latency, routes, dropped packets at source and ISP routers (including upstream providers), and MB of Internet traffic throughput; to **Now Read:**

Bidder must provide a web-based, real-time, on-line monitoring tool to monitor the SLA and the overall capacity of the ISP. The tool must be equal in capability and functionality to the PRTG tool. The tool must provide real-time and historic information on latency, routes, dropped packets at source and ISP routers (including upstream providers), and MB of Internet traffic throughput. If MRTG provides the full functionality of the PRTG it will suffice.

- 31. **On Page 51 of 56** under Specifications Paragraph 1 change to read from: The DSL, Cable, or Wireless Internet Access must be configured to support 2 Mbps for small offices and 7 Mbps for larger office; to **Now Read:**

The DSL, Cable, or Wireless Internet Access must be configured to support 2Mbps for small offices and 7 Mbps for larger office. A small office will be a government office location that has to 10 people.



GSA-064-11
Amendment No. 4

32. **On Page 51 of 56** under Special Conditions – Paragraph 5 change to read from: Bidder must have no more than 3 hops to reach a Guam Site and have less than a 100 ms ping time; to **Now Read:**
- Bidder must have no more than 3 AS (Autonomous System) numbers to reach a Guam Site and have less than a 100 ms ping time.
33. **On Page 56 of 56** under Special Conditions Delete Bid Form 16 in its entirety.
34. **On Bid Form 0 (BF 1) through 15 (BF 15)** was replaced by Revised Bid Forms to **Now Read:** Revised Bid Form 0 (RBF 1) through Revised Bid Form 15 (RBF 15)
35. Bid opening date to change from: 10:00 a.m. August 22, 2011 to **Now Read:** 10:00 a.m. October 21, 2011.


CLAUDIA S. ACFALLE
Chief Procurement Officer

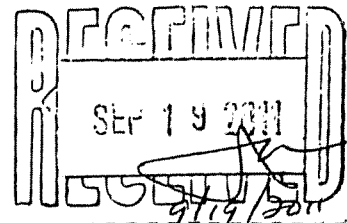


EXHIBIT E

Bid Form 11 - GovGuam Wide Area Network (1 and 10 Gbps)

BIDDER NAME: PACIFIC DATA SYSTEMS		USAC SPIN: 143026234		EVALUATION-	
The Bidder shall provide the price for a fiber DWDM based Wide Area Network (WAN) Network to connect GovGuam agencies. The service is a dedicated GovGuam wide service and must provide a 100% CIR between two GovGuam locations configured on the ring. The Bidder shall provide an LC interface for interface to high capacity switches/routers.				Based on Number of Services with Cost of the Period of Months	
Internet Access in Mbps	Installation (Per Node)	Per Node Monthly Recurring Cost (MRC) Including all Surcharges	# of Services	# of Months	Total (60 Months + Installation)
1,000 Mbps or 1 Gbps Dedicated for GovGuam (100% CIR, Ring Topology, NMS)	\$ -	\$ 870.00	18	24	\$ 375,840.00
10,000 Mbps or 10 Gbps Dedicated for GovGuam (100% CIR, Ring Topology, NMS)	\$ -	\$ 1,500.00	18	24	\$ 648,000.00

The Bidder shall insert the Installation and MRC for the 1 and 10 Gbps Dedicated Ethernet Network.

<p>Clarification by GovGuam 09.17.11 Page 3</p> <p>a. The GovGuam Wide Area Network telecommunication connections are for point-to-point telecommunication services within Guam. The service is an intrastate digital private line service that will originate and terminate telecommunications to customer designated premises in Guam.</p> <p>Response to Question 11.1.11 Page 1 #b.1</p> <p>Question: Does GovGuam warrant, represent and guarantee that less than 10% of data services provided on this network will be Internet in nature and will the GovGuam submit proof that the services provisioned for the point-to-point contain less than 10% Internet traffic?</p> <p>Answer: The GovGuam is requiring an intrastate data communication service.</p> <p>b. The GovGuam Wide Area network shall not require separate additional wavelengths for independent government agencies that have 10 or less nodes. The Bureau of Information Technology of the Government of Guam shall authorize whether an independent agency may interconnect to the GovGuam WAN established through this IFB. An independent agency with 10 or more nodes may establish its own private network using this contract agreement arising from this IFB and the Bidder shall provide a separate wavelength or network for those users.</p>
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Government of Guam
Invitation for Bid for Telecommunication Services

Response to Questions 09.17.11 Page 13 #7.b

Question: Please specify if the traffic to be transmitted over these links will be Intra-state, Inter-state, or Internet? If a mix of traffic is expected, please provide a percentage estimate of the traffic mix for each type. This information is required to clearly identify the regulatory basis for these services and any surcharges that may be applicable.

Answer: The Government of Guam Wide Area Network will use high-speed telecommunication services with customer designated permits within Guam. These are intrastate telecommunication services. There shall be no Universal Service Fund surcharges since these are intrastate circuits.

Response to Questions 11.1.11 Page 1-2 #c

Question 1: Will there be any Internet traffic at any point in or on the Guam Wide Area Network?

Answer: The WAN is not an Internet service but an intrastate data communication service. There will be a separate network interface for Internet access at one or more locations.

Question 2: Does GovGuam warrant, represent and guarantee that less than 10% of the high-speed telecommunication will be Internet or interstate in jurisdiction or nature?

Answer: The GovGuam WAN will enable a cross-connection for Internet access at one or more specific points to be designated by GovGuam and provided by the Bidder awarded the Internet service contract.

Question 3: Will GovGuam submit proof for audit purposes with USAC and other federal agencies that the services provision for high-speed contains less than 10% Internet or interstate traffic?

Answer: Should the USAC request that such a study be conducted, then, the GovGuam will review the request by the USAC and respond accordingly.

Response to Questions 09.17.11 Page 13 #7.c

Question: Does the Government require any other capacity levels? PDS recommends that the Government consider including other lower capacity levels (T1, 5Mb, 10Mb, etc.) to provide for the needs of legacy equipment/systems or incidental needs.

Answer: No. The GovGuam will issue a separate procurement for lower speed High-Capacity telecommunications services, if required.

Response to Questions 09.17.11 Page 20 #29

Question: Do all communication facilities interconnecting the nodes on the core network be buried and interconnect in a self healing ring topology and survive a single break of failure in the ring?

Answer: The Bidder core network shall not be vulnerable to a single break in the network. The core network of the provider should be buried.

Response to Questions 09.17.11 Page 20 #30

Question: Does the Bidder have to provide a hardened core digital transmission network in order to survive power outages or extreme weather conditions/hazards (Typhoons, Earthquake, etc)? Does the core of the network supporting all locations be able to operate at a minimum time?

Answer: The Bidder's core network must meet standards of the Guam Public Utilities Commission for telecommunication carriers. The GovGuam understands that even core networks can be affected by typhoons and earthquakes if the severity is significant enough. So, the question is too general.

EXHIBIT F

Bid Form 11 - GovGuam Wide Area Network (1 and 10 Gbps)

BIDDER NAME: Teleguam Holdings LLC and its wholly owned subsidiaries GTA Telecom LLC, GTA Services LLC and Pulse Mobile LLC		USAC SPIN: 43002715 (GTA Telecom LLC) and/or 143016481 (Pulse Mobile LLC)		EVALUATION	
The Bidder shall provide the price for a fiber DWDM based Wide Area Network (WAN) Network to connect GovGuam agencies. The service is a dedicated GovGuam wide service and must provide a 100% CIR between two GovGuam locations configured on the ring. The Bidder shall provide an LC interface for interface to high capacity switches/routers.				Based on Number of Services with Cost of the Period of Months	
Internet Access in Mbps	Installation (Per Node)	Per Node Monthly Recurring Cost (MRC) including all Surcharges	# of Services	# of Months	Total (60 Months + Installation)
1,000 Mbps or 1 Gbps Dedicated for GovGuam (100% CIR, Ring Topology, NMS)	waived	\$ 750.00	18	24	\$ 324,000.00
10,000 Mbps or 10 Gbps Dedicated for GovGuam (100% CIR, Ring Topology, NMS)	\$ 48,832.00	\$ 9,400.00	18	24	\$ 4,939,776.00

The Bidder shall insert the Installation and MRC for the 1 and 10 Gbps Dedicated Ethernet Network.

EXHIBIT G

Eddie Baza Calvo
Governor



GENERAL SERVICES AGENCY
Government of Guam
Route 1 Marine Drive Corp
Piti, Guam 96915

Ray Tenorio
Lt. Governor

Benita Manglona
Director, Department of Administration

George A. Santos
Deputy Director

Bid Invitation No. GSA-064-11

Telecommunication (Telephone) Services; Mobile Telephone Services; Integrated Services Digital Networking (ISDN) Primary Rate Interface (PRI), Basic Rate Interface (BRI), and Session Initiation Protocol (SIP); GFWAN Data Communication Services; Broadband Internet Axis; DSL/Cable or Wireless Internet Services; Television Services; Routers, Managed Switches, and Network Equipment and Direct Inward Dialing (DIG) Numbers.

Response to Questions Lodged by Prospective Bidders

September 17, 2011

I. CLARIFICATIONS BY GOVERNMENT OF GUAM

The following are clarifications provided by GovGuam for different parts of the Invitation for Bid.

- 1. **Walk-Through** - The Walk-Through are in the process being scheduled. However, the Bidders are advised that this IFB is for the Government of Guam and that there may be sites that were not visited but included for the purposes of this IFB. Inasmuch as the GovGuam offices are located throughout the island, the Bidder is advised that even with a walkthrough of the major sites, the Bidder is required to provide the services on an island-wide basis.

The IFB is a Price List for Telecommunication Services that functions like a "tariff." The Bidder shall provide all services to any location on island. The GSA understands the desire to understand the sites. At the same time, this is not a site-specific IFB. Thus, there will be one site visit and the schedule for additional questions and responses shall govern.

2. FOR ALL PARTS

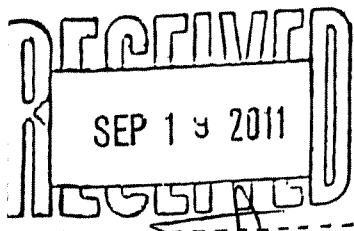
- a. **BID FORM** - The Bid Form in Excel can be picked up at GSA. For Bid Forms 0, 1, 4, and 7, the Bidders may use the Bid Form as the Point-by-Point Response. The Bidder are reminded and shall read all of the requirements in the excel spreadsheet carefully before responding. The Bid Forms are in addition to any Bid specification provided for in Amendment No.: 4 to this IFB. All Bid Forms were replaced and labeled RFB 0 through RFB 15. (Refer to Amendment No. 4 item #34)

ACKNOWLEDGEMENT COPY

RECEIVE BY

Eddie Baza Calvo

- b. **TERMINATION LIABILITY FOR ALL TELECOMMUNICATION AND INFORMATION SERVICE PARTS** – There shall be No Termination Liability for any service, except for the 60 day notification for any termination of convenience as provided for in the IFB. If a Bidder requires a termination liability fee, then, any such termination fee shall be included as an upfront cost and added to the one-time cost for installation for all Parts of the IFB.
- c. **TARIFFS** – Telecommunications and information service providers shall have approved tariffs as may be required.
- d. **DETAILED SERVICE INFORMATION** – The Bidder/Contractor shall provide complete and detailed network documentation for all services within 120 days of contract execution. The detailed network documentation shall include the name of the agency, the account number for the agency, the location for each service, the phone number and internal circuit number, and the type of termination. For telephones services, the data provided shall also include the name of the user and the room number.
- e. **FOR ALL SERVICES – Plan** – The Bidder/Contractor shall prepare a plan after meeting with each of the GovGuam agencies to inform the Administrative and program personnel of the dates and schedules for the service. The Bidder/Contractor plan shall prepare a GANTT chart which identifies all tasks, person responsible, dates that an activity is expected to be completed by the Bidder and the agency, and task interdependencies related to the implementation of the service.
- f. The Bidder/Contractor shall provide reports every two weeks on the status of the plan and the conversion effort at a level of detail that shall demonstrate progress toward completing the work to be performed. The Bidder shall provide documentation of progress as may be requested by the BIT within 5 days of a written request. Such documentation and information may include, but not be limited to execution of orders and purchase agreements; status of any goods or service, including shipping, delivery, installation of services; and other documentation at the level of granularity as required by the Bureau of Information Technology to effectively monitor the project.
3. **PART A – Centrex Phones**
- a. Following a disaster, the Bidder/Contractor shall prioritize the restoration of telephone services to the Government.
- b. The Bidder shall not bill the Government of Guam for any service that is not operating on a 24 hour basis. To calculate the prorated service, the Bidder/Contractor shall subtract by rounding the days for when service is not provided. The daily rate for the service shall be $MRC * 12/365$. This does not mitigate against any liquidated damages charges for service restoration.
- c. For locations where GovGuam Centrex phone services are currently interconnected at pedestals rather than terminal blocks of a Main Distribution Frame on GovGuam premises, the Bidder/Contractor awarded the contract shall terminate the inside wiring to a Main Distribution Frame (MDF) block that shall become the property of the Government of Guam and then install a separate Bidder/Contractor terminal block where the Bidder/Contractor shall cross-connect to the MDF block within the building. The location for where the MDF is located shall be designated by the agency representative and the



Bureau of Information Technology. All Bidders shall complete the establishment of MDFs within 90 days of the contract award.

This requirement applies to all Bidders, including the incumbent carrier.

- d. The Bidder/Contractor shall document the all MDF blocks with corresponding line numbers and locations. The documentation shall be maintained on excel spreadsheets and include Bidder shall update the sheets if any changes are made to the blocks. This documentation shall be due at the end of 150 days and applies to all Bidders.

4. **PART E - Wide Area Network Connections**

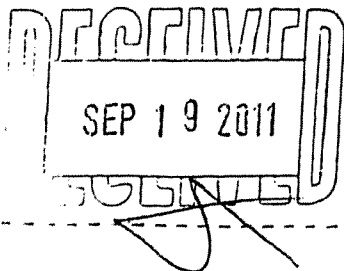
- a. The GovGuam Wide Area Network telecommunication connections are for point-to-point telecommunication services within Guam. The service is an intrastate digital private line service that will originate and terminate telecommunications to customer designated premises in Guam.
- b. The GovGuam Wide Area Network shall not require separate additional wavelengths for independent government agencies that have 10 or less nodes. The Bureau of Information Technology of the Government of Guam shall authorize whether an independent agency may interconnect to the GovGuam WAN established through this IFB. An independent agency with 10 or more nodes may establish its own private network using this contract agreement arising from this IFB and the Bidder shall provide a separate wavelength or network for those users.

5. **PART F - Broadband Internet**

- a. **Note: The Bid Form has been changed to reflex additional categories of service.**
- b. The Bidder pricing for the Broadband Internet shall be in equal increments for the MRC for the different categories of service.
- c. The purchase price will be based on the single category of service per location. That is, if the price for 30 Mbps is "\$10" per Mbps, then, the price for 30 Mbps is \$300 per month. The Bid requires a single unit price for the level of capacity required.
- d. The Bidder shall cooperate with the GovGuam agency so that packet shaping technologies, Border Gateway Protocol, and other required configuration is implemented to optimization of Internet Access links, segregation and Qos, and redundancy among the Internet access nodes. The Bidder may be required to place a traffic shaping technology at the Bidder location.

6. **PART C - Mobile Phones**

- a. A "Data Only" mobile wireless is required and shall be awarded separately as Part 8A. The data only wireless shall be to support only unlimited data access from laptops and other mobile devices, and shall have a data tethering device that enables localized WiFi access for multiple devices. (Refer to Amendment No. 4 item #18 & 34)
- (i) The Bidder is to complete FORM 8A which requires a price for the MRC and the price for the data card.



- (ii) Data access shall not be "throttled back" in speed or restricted by "X"Bytes of data usage.
- b. The GovGuam reserves the right to instruct the Bidder/Contractor to activate or deactivate certain mobile phone features within the plan. For example, the GovGuam may require that certain phones not be able to have voice or data "roaming" when off-island.
- c. If the GovGuam user already has a mobile phone and that phone model is supported by the Bidder awarded the contract, then, the Bidder/Contractor, at the election of the GovGuam user, shall program the existing phone to the new service.
- d. For Mobile Service billing purposes, the Government of Guam requires that the Bidder/Contractor bill each GovGuam agency, sub-unit, or individual separately, as specified by the BIT. The individual bill is included as an option in this IFB since the GDOE Erate program may consider use of this option to meet the requirements of GovGuam laws which prohibit use of GovGuam general funds for mobile phone usage.
- e. The Bidder shall provide billing and CDR information to the BIT which lists all services, options, and usage.

II. **QUESTIONS FROM GUAM TELECOM, LLC - Section 1-Telecommunications Services (July 08, 2011)**

A. **Part A- Centrex Office (CO) Centrex Telephone Services**

1. **Question from Guam Telecom - No 1 - Attachment A of the bid package includes information such as agency name, service type, telephone number, and monthly recurring charge. Current physical location information is known only to the current service provider. Can Guam Telecom also get physical locations of all Government of Guam agencies to be included in this bid?**

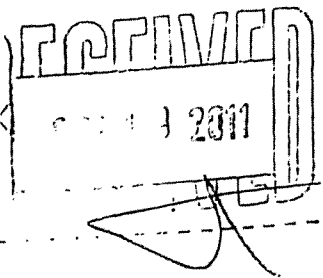
GovGuam Response:The GovGuam has compiled the location data and is found in Attachment B Locations Spreadsheet. (Refer to Amendment No. 4 item #1)

2. **Question from Guam Telecom - No 2 - Paragraph 3 of Specifications, Scope of Services states that "Bidder shall provide lines services through underground telecommunication interconnection and hardened Central Office facilities." Will a mixture of aerial and underground routes be acceptable for "last mile" connections as long as bidder's core network meets this requirement?**

GovGuam Response: Yes. The mixture of aerial and underground routes may be acceptable for "last mile" connections as long as bidder's core network meets the following requirements: (Refer to Amendment No. 4 item #11)

The Bid Specifications for the Centrex services require that 15% of the telephone services, to be designated by the GovGuam, be fully operational on a 7x24 hour basis, even if power to the location is disrupted for a prolonged period. This means that the service cannot be disrupted in the case of a prolonged power outage due to natural disasters. So, these services should be provided through an underground Central Office connection unless the Bidder has another solution to meet this requirement. If the Bidder has such a solution, then, the Bidder shall describe the solution in detail, and must be willing to demonstrate its efficacy following bid submission.

The analog circuits must also operate through line power from the CO.



The rest of the circuits must have 12 hours of operation following a power failure. The Bidder shall provide a technical description and calculation of how the 12 hours of operations will be met.

The GovGuam will permit no more than 70% of the Centrex lines to a location provided through aerial connections.

3. **Question from Guam Telecom – No. 3 - Paragraph 8 of Specifications, Scope of Services states that "Bidder shall provide sufficient digital transmission capacity for the advanced voice services and shall not mix the voice traffic with any data services that a Bidder may provide to the customer group. Guam Telecom intends to establish VLAN connections to separate both voice and data traffic. Is this acceptable to GSA?**

GovGuam Response: (Refer to Amendment No. 4 item #13). The intent of the requirement is to prohibit the use of existing internal GovGuam data local area network for voice services. If Guam Teleguam would like to use the existing GovGuam LANs for the delivery of a mixture of voice and data, then, the answer is no.

If the question is whether the Guam Telecom can use a digital connection to a phone to have both the digital data signaling separated from the digital audio transmit/receive signaling through a VLAN, then, the answer is yes.

If the Guam Telecom question is over the Bidder/Contractor trunks that provide the interconnections, then, the answer is yes. However, the use of VLAN shall not compromise the quality of the connections provided to GovGuam. The Bidder/Contractor shall be responsible for ensuring the quality of the voice links, shall provide complete and detailed documentation of the links (including configuration of telecommunication technology) if requested by the GovGuam (configuration, capacity, service levels), and resolve any issues identified by GovGuam.

4. **Question from Guam Telecom – No. 4 - The Specifications, Scope of Services also references Enhanced 911 requirements. What is required of bidders to support Enhanced 911 service?**

GovGuam Response: The Bidder shall be required to provide E911 connections and geographic information to the appropriate GovGuam agency. Additionally, the system shall provide alerts in email and text messaging notifications to phones and emails identified by the GovGuam.

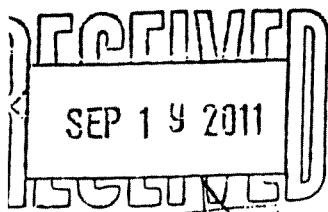
5. **Question from Guam Telecom – No. 5 - Is an IP (Internet Protocol) solution acceptable to GSA?**

GovGuam Response: Yes. The Bidder may provide an IP Protocol solution for the digital services. However, the Bidder must provide a solution that will meet the requirements for 15% of the lines to be powered on a 7 x 24 hour basis even if the power to the building is down, and the rest of the lines must have power for 12 hours. The Bidder must also provide analog phone lines for facsimile and other services. (Refer to Amendment No. 4 item #12)

6. **Question from Guam Telecom – No. 6 - What are the compatibility requirements of the existing Centrex telephone handsets?**

GovGuam Response: There are no compatibility requirements for legacy phones.

- B. **Integrated Services Digital Networking (ISDN) Primary Rate Interface (PRI), Basic Rate Interface (BRI) and Session Initiation Protocol (SIP) Trunks**



1. **Question from Guam Telecom – No. 1 - Is TDM over IP (Time-Division Multiplexing over Internet Protocol) an acceptable signal delivery method for these services?**

GovGuam Response: Yes. (Refer to Amendment No. 4 item #23). The GovGuam will accept the TDM over IP solution provided that the Bidder warrants that the use of IP as an underlying transmission protocol will not affect the functional ISDN service, dedicated transmission and ISDN quality, and/or the use of ISDN for voice, video teleconferencing, and/or data services. The GovGuam will be using ISDN for all three applications.

The PRI interface must be capable of interfacing with ancillary PRI technologies which allow for the allocation of PRI channels among multiple ISDN compatible device.

C. Part E - Dedicated Government of Guam Wide Area Network (GGWAN) Data Communication Services

1. **Question from Guam Telecom – No. 1 - Paragraph 8 of Specifications states "Bidder must not require use of the wavelength or require any data to be passed through any router or other equipment of the Bidder." How will Bidder ensure that either 1 Gbps or 10 Gbps service is delivered? Do you want legacy Ethernet? If so, please specify termination type.**

GovGuam Response:

How will Bidder ensure that either 1 Gbps or 10 Gbps service is delivered?The Bidder will use 1 and 10 Gbit/s Ethernet technologies and interface to a GovGuam Layer3 switch through a LC MM 1 Gbps or 10 Gbps Ethernet connector.

The intent is for the Bidder NOT TO mix GovGuam data with the Ethernet traffic of the other non GovGuam customers through shared routers and/or switches. So yes, the 1 Gbps and 10 Gbps is an Ethernet service that will be provided by the Bidder's technology with a specific LC Ethernet Network Interface Demarcation (NID) point. The Bidder shall provide the minimum 10' LC cable from the NID to the switch. However, the Bidder shall not have other customers sharing the same wavelength or any Bidder router technology in providing the telecommunication service.

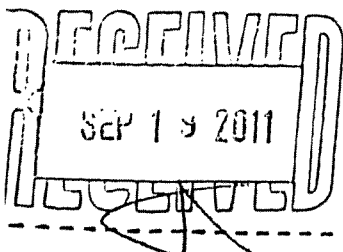
Do you want legacy Ethernet? If so, please specify termination type. No. The IFB will interface the WAN Ethernet to Layer 3 Switches. The termination will be fiber interface to Cisco Layer 3 switches.

2. **Question from Guam Telecom – No. 2 - Guam Telecom requests for physical locations of all Government of Guam agencies that will be included in this bid.**

GovGuam Response: The GovGuam has compiled the location data and is found in Attachment B Locations Spreadsheet. (Refer to Amendment No. 4 item #1)

D. Question from Guam Telecom – No. 3 - Part F-Broadband Internet Access

1. **Question from Guam Telecom – No. 1 - Bidders are required to provide minimum latency of not more than 125ms. However, due to the limited number of cable systems landing on Guam, this requirement does not allow for diversity. Would a requirement of 150ms latency be acceptable if bidder is able to provide diverse routes to the United States?**



GovGuam Response: Yes. The GovGuam amends its specification to enable 150ms latency where the Bidder provides route diversity. The Bidder route diversity shall be based on separate fiber optic cable routes (not fibers on a single route). (Refer to Amendment No. 4 item #29)

2. **Question from Guam Telecom – No. 2 - Where will the transit service be terminated on GGWAN side?**

GovGuam Response: For the Executive Branch (Line Departments/Agencies) of the Government of Guam, the Internet access will be interfaced to a firewall, possibly at several locations. One location is at the GovGuam Data Center in Agana. A second location may be at the Department of Public Health and Social Services in Mangilao. However, the Bidder shall be aware that the IFB may be used by other government agencies. Thus, the location for the Internet access may be at any location designated by the Government of Guam or an autonomous agency that elect to use this IFB.

The IFB may be used by departments/agencies such as Guam Memorial Hospital Authority, the Department of Education, the Guam Community College, the University of Guam, Office of the Attorney General, and the like. Each agency that elects to use the Price List established by this IFB shall designate its own termination. (Refer to Amendment No. 4 item #28)

E. **Part G- Digital Subscriber Line (DSL), Cable, or Wireless Internet Services for Small Offices**

1. **Question from Guam Telecom – No. 1 - Paragraph 5 of Special Conditions requires that "Bidder must have no more than 3 hops to reach a Guam site." Since 3 hops is not feasible even within a providers network, will the revision to no more than "3 AS (Autonomous System) numbers" be acceptable?**

GovGuam Response: Yes. (Refer to Amendment No. 4 item #32)

Comment Guam Telecom

2. **Comment from Guam Telecom – No. 3 - Our goal is to provide a bid package submission that is both cost effective and meets the requirements of the Government of Guam. The information requested above will assist us in preparing a bid that will meet your present telecommunication requirements and that of the future as the agency grows.**

GovGuam Response: The Government of Guam appreciates your interest in this IFB.

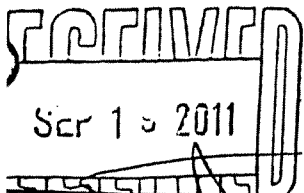
III. **QUESTIONS FROM PACIFIC DATA SYSTEMS (July 11, 2011)**

A. **Information Request**

1. **Question from PDS – No. 1 - A Listing of all departments or agencies, along with their physical address(s) that may be provisioned for services as described on Bid Forms 2,4,5,10,11,12, 13 and 16 in this bid.**

GovGuam Response: Location Spreadsheet has been added as Attachment B. The bills for one month have been provided on Attachment A. (Refer to Amendment No. 4 item #1).

The Bidder is responsible for providing services to all locations, plus others, on an island-wide basis. We can only provide the information for the current services.



B. Site Survey

1. **Question from PDS – No. 2 - Site Survey** Schedule for each of the above sites along with the assigned Point of contact(s) with phone & email information for each.

GovGuam Response: (Refer to Exhibit 1 Schedule for Site Survey)

Phone Bills

2. **Question from PDS – No. 3 - Copy of the June 2011 phone bill** for all sites noted above.

GovGuam Response: The GovGuam has compiled all bills for the month of May, 2011. (Refer to Attachment A on the original IFB)

C. Comment GSA: The Government of Guam appreciates your interest in this IFB.

IV. QUESTIONS FROM DOCOMO (July 8, 2011)

1. **Question from Docomo – No. 1 - Reference Part C (page 26 of 56)-in the instructions, it is noted that GovGuam currently utilizes over 80 GSM accounts and references the use of 50 Data Devices.**

- a. **Please clarify the total amount to be shown in the BID to compute the MRC for both voice and data (ex: 80, 130, etc.)**

GovGuam Response: Bid Form 8 requires the Bidder to provide pricing for a single mobile phone with an unlimited data option. The data option enables the mobile phone with unlimited data access as provided for in the specifications.

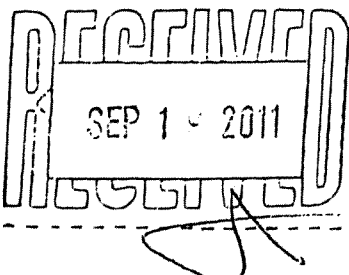
There is no set amount of mobile phones. However, the GovGuam Executive Branch (Line departments/agencies) will be using this Price List to obtain mobile phone services.

To accommodate independent data devices with no phone service, a new category called "Stand-Alone" Data Access has been incorporated in Bid Form 8A. The Bidder provides the pricing in quantity 1 and shall use the weighted score methodology describe in Bid Form 9. (Refer to Amendment No. 4 item #18, 19 & 34)

For both Bid Parts, the GovGuam reserves all rights, as specified in the IFB, since this is a Price List for Telecommunication Services.

- b. **In reference to the optional 50 data devices, will this number be a part of the 80 requiring voice services? Or an additional 50 devices also requiring voice services. Example: 80 voice devices +50 voice + data devices OR 80 devices (50 of 80 requiring data).**

GovGuam Response: The data was provided for illustrative purposes and does not mean that 80 services and/or 50 data plan options will be selected. The intent of this IFB is to establish a Price List for Telecommunication Services for the GovGuam. The Bidder provides a price and applies the weighted value formula. The weights for pricing Part 8 are shown in the Bid Form 9.



- c. Please clarify the amount to be included in Column B of Bid Form 8..
Example: MRC per unit or MRC x total number of units x 12 months, 24 months, etc.

GovGuam Response: The Bid Form 8 includes the Monthly Recurring Charge and other charges for the service. The Bidder fills out Columns C or D and applies the weighted formula shown of Bid Form 9. The GSA will award based on the lowest responsive and responsible bidder. The Bidder must understand that the GSA will analyze the bid prices based on the bottom number of Bid Form 8A.

Note: There shall be no activation fee for the services that are acquired under this IFB.

2. Period of performance states five years with up to two option to renew years.
- a. Please clarify if we base the total BID amount on 12 months, 60 months, or 84 months.

GovGuam Response: The IFB requires the Bidder provides a total bid amount for item numbers 1.1 and 2.1. The IFB requires the Bidder to provide these prices on a continuous basis for the contract period of up to 5 years with two additional 1 year terms as specified in the IFB. The GovGuam will procure as many services as may be required, pending the availability of funding.

- b. Please clarify if the BID BOND or Cashier's Checks or Letter all Credit is to be based on 15% of the total contract value of 12 months, 60 months, or 84 months.

GovGuam Response: The Bid Bond shall be 15% of the total bid amount for item numbers 1.1 and 2.1

3. In reference to BID Guarantee, please clarify

- a. If providing a Cashier's Check, does this check have to be accompanied by other document? Also, if awarded, how long is the check held for?

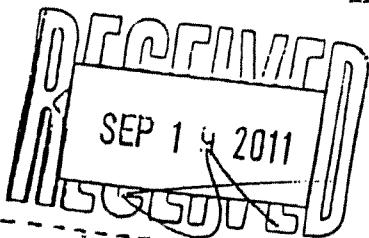
GovGuam Response: No. If the bidder shall use a Cashier's Check there are no other documents required. However, the check shall not expire until the end of the 12 months period. The check will be released at the end of the first contract term.

- b. If providing a letter of credit, what is the amount to be based on? 15% of total BID amount? (Also relative to question #2 A & B).

GovGuam Response: See Response on Page 9 2a and Page 10 2b.

4. In reference to page 2 of 56 of IFB (special reminder), these expounded on required "Statement of Qualifications." We are also to provide a Point-by-Point response with technical answers to each point of IFB describing in how each BIDDER will provide the service. With this suffice as "Statement of Qualifications"?

GovGuam Response: No. The point-by-point does not address the Statement of Qualifications. The State of Qualifications should describe the technical and financial capability of the company to perform the statement of work in accordance with the IFB. (Refer to Amendment No. 4 item #2)



5. In reference to mobile handsets, please clarify:
- a. Do the non-data handsets require QWERTY keyboards and landscape modes?

GovGuam Response: Yes to both questions. (Refer to Amendment No. 4 item #20)

6. Please advise if we can provide a total of two options. The IFB describes a 1000 min. plan per unit. DoCoMo would like to provide another option for a plan we feel may be beneficial to GovGuam to eliminate any additional 1000 min. bucket expenses based on total usage. If allowed, do we duplicate Bid Form 8 based on each option?

GovGuam Response: There are two questions.

To Question 1 - The IFB describes a 1,000 minute plan per mobile phone line that would be placed into a government service plan "bucket." If there are 10 users subscribing to this service, then, the "bucket" will be 10,000 shared minutes among the users (This does not include the No Cost Nights and Weekends or the No Cost Within Plan Usage).

If a user does not use the full 1,000 minutes, the other users in the Government plan may use the service. (Please note that minutes among users within the plan are defined as no-cost minutes, as are the free Weekend and Nights minutes).

If the total minutes in the GovGuam bucket is exceeded, then, the first user to exceed the 1,000 minutes shall be assessed the additional 1000 minute plan contribution to the bucket.

If the bucket is again exceeded, then, the second user to exceed the 1,000 minute plan shall be responsible for the cost of the next 1,000 minute increment to the bucket. This will continue as round robin contributions to the bucket of minutes.

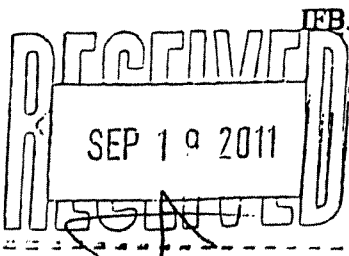
The Bidder shall be responsible for ensuring that this billing algorithm is used for billing purposes.

The Bidder shall be aware that the bills for these services shall be to different GovGuam organizations and suborganizations as will be required by GovGuam, despite being part of a GovGuam plan. So, there is some administrative overhead that should be accounted for by the Bidder/Contractor.

To Question 2- Yes, (Refer to Page 19 of 56 #9 of the General Terms & Conditions). If the Bidder has another plan that improves on lessening the overall cost to GovGuam, then, provide copy and provide a second Bid Form labeled "Alternate Bid." The Bidder shall describe, in detail, how the plan eliminates the additional 1000 minute increase to the overall bucket and differs from the GovGuam specifications.

7. **Comment GovGuam:**

GovGuam Comment: The Government of Guam appreciates your interest in this



V. QUESTION FROM Pacific Data Systems (July 14, 2011)

A. General Questions regarding Bid Terms and Conditions:

1. a. In light of the time that is needed to properly survey each of the agencies that may be using the services outlined in this bid, is there going to be an extension to the Bid due date. PDS acknowledges that GSA has amended the turn-in date to August 8th (reference Amendment #2 issued on July 14, 2011). However, we feel that even this date will not allow sufficient time to survey all sites and address any questions that may come out of the site survey.

GovGuam Response: GSA will give the prospective bidders one (1) week time frame prior to the commencement date of the site survey schedule. By doing so, the prospective bidders will have ample time to plan their schedules. Upon completion of the site survey, GSA will provide at least three (3) weeks, for bid opening date.

- b. On page 43 in the section CONVERSION PLAN it states, "...all government offices be converted within 90 calendar days." Given the number of agencies, the need to provision new service facilities, and train users, we request that this period be extended to 180 days. Any period less than this is not reasonable and unfairly favors the incumbent service provider.

GovGuam Response: The GovGuam provides the following conversion schedule which applies only to the CLECs. If the IFB is won by the incumbent, then, the conversion is 90 days. (Refer to Amendment No. 4 item #17)

- 50% of services shall be completed within 90 Days of Contract Execution
- 75% of the services shall be completed within 120 Days of Contract Execution
- 100% of the services shall be completed within 150 Days.

- c. PDS has requested a survey of all locations that may be serviced by this procurement (PDS letter to GSA on July 11, 2011). We expect that these surveys may result in additional questions to the Government. Therefore, we request that the Government establish a timeline for a second round of questions to be submitted after the surveys for all locations have been completed.

GovGuam Response: The GSA will provide a one (1) week timeframe for questions following the site visits and another three (3) weeks for bid opening date. The site survey will begin Monday September 26-30, 2011. (Refer to Exhibit 1 Schedule of Site Visit)

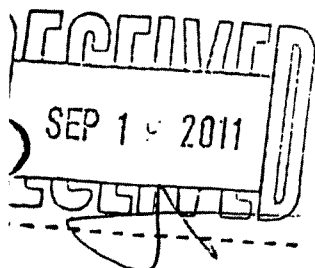
B. SPECIFIC QUESTIONS

Questions related to Specific Services: PDS has the following questions regarding the various services covered by this procurement. Due to inconsistencies within the bid documentation, we have referenced our questions based upon the Bid Form Numbers.

1. Bid Form 2 - Non-Recurring and Monthly Recurring Cost (MRC) for Centrex Telephone Service

NOTE: (Refer to Amendment No. 4 item #34)

- a. PDS has requested a site survey for all locations that may require these services. We request that GSA provide a Site Survey Schedule for all bidders to survey any potential service locations.



GovGuam Response: A schedule for site visits has been provided. (Refer to Exhibit 1). The schedule of site survey or site visit will begin Monday September 26-30, 2011.

2. Bid Form 3 - Centrex Telephone Instruments

NOTE: (Refer to Amendment No. 4 item #34)

- a. On page 40 in the section SYSTEM AND STATION FEATURES it states that the Bidder shall propose wireless handsets for both single and multi-line Feature phones, does this requirement refer to Cordless handsets or cordless headsets?

GovGuam Response: It refers to an option for a wireless headset.

3. Bid Form 4 - Point-by-Point Response for Non-Centrex Telephone Service

NOTE: (Refer to Amendment No. 4 item #34)

- a. PDS has requested a site survey for all locations that may require these services. We request that GSA provide a Site Survey Schedule for all bidders to survey any potential service locations.

GovGuam Response: The schedule of site survey or site visit will begin Monday September 26-30, 2011. (Refer to Exhibit 1 Schedule of Site Survey)

4. Bid Form 5 - Non-Recurring and Monthly Recurring Cost (MRC) for Non Centrex Telephones

NOTE: (Refer to Amendment No. 4 item #34)

- a. PDS has requested a site survey for all locations that may require these services. We request that GSA provide a Site Survey Schedule for all bidders to survey any potential service locations.

GovGuam Response: The schedule of site survey or site visit will begin Monday September 26-30, 2011. (Refer to Exhibit 1 Schedule of Site Survey)

5. Bid Form 10- ISDN PRI, ISDN BRI, and SIP Trunks

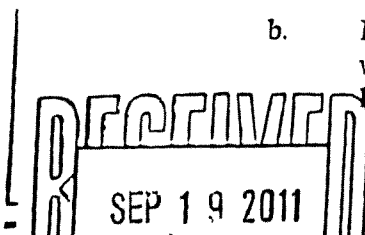
NOTE: (Refer to Amendment No. 4 item #34)

- a. PDS has requested a site survey for all locations that may require these services. We request that GSA provide a Site Survey Schedule for all bidders to survey any potential service locations.

GovGuam Response: The schedule of site survey or site visit will begin Monday September 26-30, 2011. (Refer to Exhibit 1 Schedule of Site Survey)

- b. No Direct Inward Dial (DID) telephone number block services are included with this part of the procurement, but instead have been included in Bid Form

16.



GovGuam Response: The GovGuam has revised the Bid Form 10 for the ISDN and SIP service. Form 16 is no longer needed and deleted.
(Refer to Amendment NO. 4 item #33 & 34)

6. The DID service provider must be the same service provider for the Digital telephone trunk service (PRI, BRI, SIP Trunks).

GovGuam Response: The Bid Form 10 has been revised. The DID service provider is now included with PRI, BRI, and SIP Trunks. An evaluation model has been included.

NOTE: (Refer to Amendment No. 4 item #34)

7. Bid Form 11- GovGuam Wide Area Network

- a. PDS has requested a site survey for all locations that may require these services. We request that GSA provide a Site Survey Schedule for all bidders to survey any potential service locations.

GovGuam Response: The schedule of site survey or site visit will begin Monday September 26-30, 2011. (Refer to Exhibit I Schedule of Site Survey)

- b. Please specify if the traffic to be transmitted over these links will be intra-state, inter-state, or Internet. If a mix of traffic is expected, please provide a percentage estimate of the traffic mix for each type. This information is required to clearly identify the regulatory basis for these services and any surcharges that may be applicable.

GovGuam Response: The Government of Guam Wide Area Network will use high-speed telecommunication services with customer designated premises within Guam. These are intrastate telecommunication services. There shall be no Universal Service Fund surcharges since these are intrastate circuits.

- c. Does the Government require any other capacity levels? PDS recommends that the Government consider including other lower capacity levels (T1, 5Mb, 10Mb, etc.) to provide for the needs of legacy equipment/systems or incidental needs.

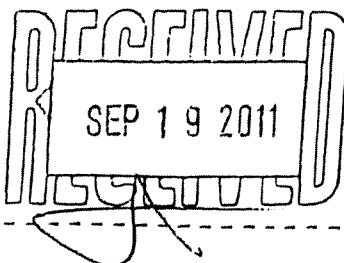
GovGuam Response: No. The GovGuam will issue a separate procurement for lower speed High-Capacity telecommunications services, if required.

8. Bid Form 13- Cable, DSL or Wireless Internet Services for Small Offices

- a. PDS has requested a site survey for all locations that may require these services. We request that GSA provide a Site Survey Schedule for all bidders to survey any potential service locations.

GovGuam Response: The schedule of site survey or site visit will begin Monday September 26-30, 2011. (Refer to Exhibit 1 Schedule of Site Survey)

NOTE: (Refer to Amendment No. 4 item #34)



9. Bid Form 14 - Routers, Managed Switches, Network Equipment and Price Bid

NOTE: (Refer to Amendment No. 4 item #34)

- a. Please provide guidance regarding how this bid form impacts Bid Bond Calculations?

GovGuam Response: The Bid Bond is 15% of the total bid price for item 1.1 and 2.1 only. In other words, the total cost for item 1.1 plus the total cost for item 2.1 equals whatever the number will be, 15% of the total of the two is what is required.

- b. The form should be modified to allow for two discount levels; one for Hardware Purchase and one for Equipment Maintenance.

GovGuam Response: The form does include separate discounts levels for purchase and maintenance, shipping must be included in bid price. So, the Bidder must provide three percentages. The first percentage is for the purchase, the second percentage is for maintenance.

The Bid Bond applies only to the item numbers 1.1 and 2.1. Fifteen percent (15%) of total bid price.

- c. Please clarify the initial warranty period for any equipment purchase under this Bid Form. The assumption seems to be that the equipment comes with a one (1) year warranty.

GovGuam Response: Yes, the Bidder shall warrant the equipment for at least one year.

- d. Must a bidder have a valid USAC/SLD Erate SPIN and SPAC at the time of bid submission to qualify for an award of this item.

GovGuam Response: Yes, this is a requirement.

- e. This Bid form defines terms for purchases of less than \$1,000 that does not allow for shipping or installation charges that would apply.

GovGuam Response: The Bid Form has deleted the words "for all items more than \$1,000." The Bid Form 14, Column E, now states: "No shipping costs will apply to service or software costs, or to any item that does not require shipping."

10. Bid Form 16- DID Number Blocks

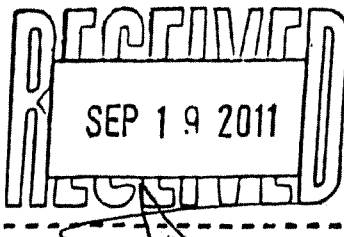
- a. As noted regarding Bid Form 10, this service should be included with Digital trunk service (Bid Form 10).

11. **GovGuam Response:** Yes, the Bid Form 10 has been revised.

NOTE: (Refer to Amendment No. 4 item #34)

- a. Since many departments that do not require large DID number blocks for their requirements, PDS recommends that the Government specifies smaller DID blocks for this purpose (for example blocks of 25 versus blocks of 100).

GovGuam Response: The Bid Form 10 has been revised to show blocks of 25 DID Numbers to accommodate the smaller agencies.



12. NOTE: (Refer to Amendment No. 4 item #34)

C. Other Bid Form Questions

1. a. No bid form has been included to document available discounts off of service provider's Local Exchange Tariffs. There may be occasions where the Government seeks to purchase a service off of the service provider's tariff and this would allow the Government to procure these services at a discount.

GovGuam Response: The GSA elects not to do this at this time since not all competitors have tariffs.

- D. Once again, all of us at PDS appreciate the opportunity to participate in this procurement. The Government feedback and clarifications related to the issues raised above will allow us to prepare a responsive and fully compliant submission.

GovGuam Response: The Government of Guam appreciates your interest in this IFB.

VII. QUESTIONS FROM GTA (July 14, 2011)

1. Page 2 Bid Guarantee (15% of Bid Amount)

Question: Is this 15% based on the annual cost or the 5 years cost?

GovGuam Response: No. The bid bond is based on the first 12 months period. The fifteen percent (15%) bid bond is for the total bid price only for items 1.1 and 2.1.

Question: Is this applicable to Page 27, Part I-Routers, Switches and Network Equipment?

GovGuam Response: No.

2. Page 25 – Release of customer proprietary information pursuant to Section 222 of the Telecommunication Act of 1996.

Question: Is BIT to be defined here as a "customer" or does this mandate agencies to designate and approve BIT to receive this proprietary information in their written request?

GovGuam Response: The Customer is defined as the line departments/agencies of the Executive Branch of the Government of Guam. The Bureau of Information Technology represents the Executive Branch of the Government of Guam for the purposes of Section 222.

3. Page 25 – Best Customer provision.

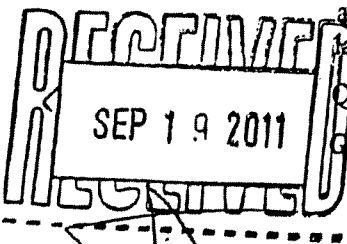
Question: Will change orders be required to implement price changes per this provision and if so should the change order box on page 21 be check-marked?

GovGuam Response: No. The Best Customer provision shall not require changes to a purchase order but shall be an automatic adjustment. The Best Customer provision shall result only in a lower price.

4. 4. Page 25 -10% penalty in addition to the price difference for the period of time another customer that is smaller than or equal to the size of GovGuam receives a larger discount for tariff services provided for under this IFB.

Question: How was the 10% penalty determined?

GovGuam Response: (Refer to Amendment No. 4 item #5)



5. 5. Page 26 – B. Part B – Non-Centrex Cable or Wireless Telephone Services. The estimate of at least 10 offices and possibly more creates difficulty in quantifying rates.

Question: Can this be clarified?

GovGuam Response: The GovGuam has small offices that may not require Centrex services. These small offices will be given the opportunity to use the IFB for small offices. The IFB will establish a Price List and will function as a tariff. The small offices may or may not use this service but have a choice. The choice will be made by the small office based on price, whether the small office needs to have the additional uptime specifications as provided for by the Centrex proposal, and whether there is a desire to be integrated into the dialing plan of the GovGuam.

6. 6. Page 26 C. Part C. Mobile Telephone Services. An optional data plan will also be required as part of this IFB.

Question: What is the optional Plan?

GovGuam Response: The data plan with the Mobile Phone is an option that may be selected by the GovGuam user.

However, please be advised that an optional data-only "aircard" has been included as an option in Bid Form 8A. These will be for devices that require data but not necessarily voice telecommunications.

NOTE: (Refer to Amendment No. 4 item #34)

7. 7. Page 26. D. Integrated Services Digital Networking (ISDN) Primary Rate Interface (PRI) and Page 27 J. Part J. Direct Inward Dialing (DID) Numbers Block.

Question: How is a PRI to be awarded to a single vendor and DID to another vendor?

GovGuam Response: The DID has been moved to the PRI and Bid Form 10.

NOTE: (Refer to Amendment No. 4 item #34)

8. Page 27 – Part G-Digital Subscriber Line...

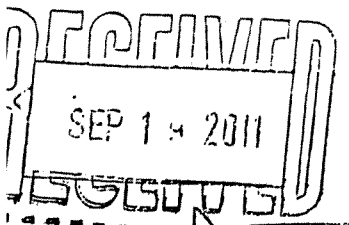
Question: Is the 10 to 70 MBPS per location or in the aggregate?

GovGuam Response: The pricing provided for the IFB will apply to each location where the Internet service is provisioned. The BIT may require all Internet access via the GovGuam Data Center. The GovGuam will require the configuration of the packet shaping technology to shape the inbound data to ensure a level of service to a user group. The GovGuam may elect to have multiple links for Internet access. For pricing purposes, each link will be considered separately.

9. Page 28 – No. 7. Individual Case Basis (ICB) Tariff. Certain information submitted to the PUC is financial proprietary and not disclose able pursuant to the PUC's own rules of confidentiality.

Question: Is this provision applicable only to GTA? Question: Does the "cost" requested include bidder's initial or "wholesale" cost, or the ICB cost approved by the PUC? Please clarify. Question: How was the \$1000 penalty determined? It seems arbitrary and unreasonable. Revisit the issue. Failure to comply will lead to rejection or termination of award. In 2 days.

GovGuam Response: (Refer to Amendment No. 4 item #8)



10. Page 30 – Regarding release of customer information to BIT. Section 222 requires an affirmative written request from the "Customer".

Question: Is BIT the "Customer" as defined in Section 222?

GovGuam Response: The BIT represents the Government of Guam for all telecommunications services and serves as the customer for the purposes of Section 222 as described in the IFB.

Question: Will BIT or each participating agency submit such a written request?

GovGuam Response: The BIT will submit all requests on behalf of GovGuam.

11. Page 31 – P. Service Level Requirements and Liquidated Damages.

Question: Is 99.999% uptime realistic?

GovGuam Response: Yes.

Does this include downtime due to power failures and other causes beyond the control of the bidder?

GovGuam Response: No. GovGuam power outages do not count.

Question: How was the penalty (1/4 of 1% per day) determined?

GovGuam Response: Created by the Guam Procurement Regulations 2GAR Div. 4 (9) Liquidated Damages Clause.

12. Page 31 – Bidder Qualifications. Resumes of key technical and operations personnel

Question: Does this include top to bottom employees?

GovGuam Response: Key Technical and Operations Management.

Question: What is the evaluation criteria based on employee qualifications?

GovGuam Response: Bidder is requested to provide the information but will not be evaluated.

Question: If the award is to be based on technical qualifications instead, provide evaluation criteria?

GovGuam Response: The IFB will be awarded based on the lowest responsive and responsible bidder, provided that the Bidders meet the specifications in the IFB. There will be no evaluation conducted on this bid.

13. Page 33 – Access to Records.

Question: Will the bidder be given reasonable time to respond to a request for records?

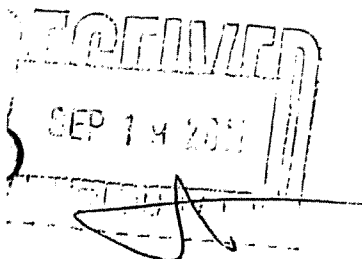
GovGuam Response: Yes. Bidders will be provided seven (7) working Days to respond.

Question: How are exceptions for proprietary records and information to be handled?

GovGuam Response: Bidder will write to the Director of BIT with a copy to the Chief Procurement Officer.

Question: How was the \$250 per day penalty determined?

GovGuam Response: (Refer to Amendment No. 4 item #10)



14. Page 36-56 Item Nos. 1.1 through 10.1 required Bidding On/Comments that somewhat duplicated in what is required on Page 28 "the IFB requires a Point-by-Point response which is provided in a spreadsheet form Part A (Bid Form 1) , B, (Bid Form 4) and Part C (Bid Form 7).

Question: Which one is to be used to provide comments/responsive as both are not consistent on the contents but are on the same subject matter?

GovGuam Response: Use the BID FORM for Centrex Telephones, Non-Centrex Telephones, and Mobile Phones.

15. Page 36 – 1.1 Central Office Centrex Telephone Services. Bidder shall provision sufficient digital transmission capacity for the advanced voice services and shall not mix the voice traffic with any data services.

Question: What is meant by digital transmission capacity?

GovGuam Response: See Discussion with Guam Teleguam on digital data transmission.

Question: Is digital transmission synonymous with IP Telephony?

GovGuam Response: No. IP telephony uses digital data transmission. However, a Bidder may provision a combination of analog and digital data for feature information provided that the Bidder provides all features in the manner specified in the IFB.

16. Page 37 – In summary, all analog basic and feature set lines must be 100% line powered with 15% of all digital sets line powered. The rest of the 85% of the digital lines must be powered for a minimum 12 hour period when power to a site is unavailable.

Question: Is this 15% of an individual government site or 15% of all of the government's digital sets?

GovGuam Response: Individual government site. The BIT will designate which phones are to be treated as 100% line power.

17. Page 36 -All other digital lines shall be capable of power for 12 hours following a power outage. Question: Is 12 hours standby or continuous use?

GovGuam Response: Continuous use.

18. Page 37 -The voice network of the bidder shall be completely separate from the data network of the GovGuam.

Question: Can this be clarified?

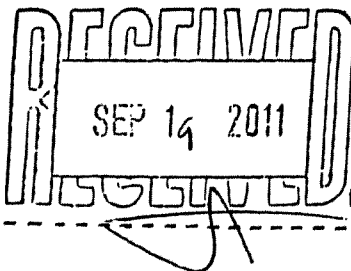
GovGuam Response: The voice services shall not require use of the GovGuam data network.

19. Page 37 – Bidder shall be responsible for inside wire maintenance and shall reflect the charge for any inside wire in line charge.

Also on Page 37 Should new Inside Wire (IW) be required for new phone service, the bidder shall be required to provide for the new Inside Wire at no additional charge.

Question: Clarify Inside wiring requirements?

GovGuam Response: The Bidder shall be responsible for the internal wiring from the MDF and/or IDFs to a user location.



20. Page 39 -SMDR Data due 5 working days. Page 46 states SMDR is due in 7 calendar days.

Question: Can this be clarified?

GovGuam Response: 7 Working Days.

21. Page 43 – Charges. Monthly lease of telephones for a term of (4) years to include maintenance.

Question: Is this applicable to all types of telephones/Handsets? Who will execute the contract terms and conditions BIT or the departments?

GovGuam Response: The GSA and BIT will executed the contract terms. The payments will be made by the agency.

22. Page 45 – Bidder must provide a corporate plan that includes the following: Base of 1,000 pooled minutes off-net. Minute per subscribed with pooling of minutes for GovGuam Subscribers.

Question: How many users will be on the shared Pool plan to share pooling minutes?

GovGuam Response: The number of users on the shared pool plan will be determined at a later date by the number of users that wish to use the mobile phone plan.

23. Page 47. – ISDN PRI/BRI SIP. Bidder shall be responsible for providing the ISDN Channel service units at the GovGuam Site

Question: What type of ISDN channel units are required?

GovGuam Response: NT1s.

24. Page 47 -Bidder must pass Long Distance ISDN calls to the service provider designated by GovGuam.

Question Do all Long Distance providers on Guam have to be interconnected and have capabilities to pass traffic?

GovGuam Response: No.

25. Page 48. Dedicated GWWAN. Each site much be connected to the next site with a minimum of 3 strands of fiber.

Question: Is it 3 strands or 3 pairs of fiber?

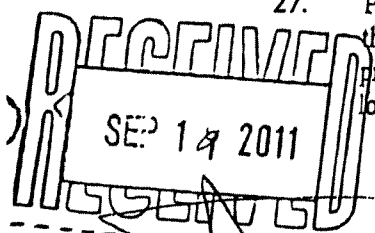
GovGuam Response: Three 3 pairs if Bidder is using separate transmit and receive fibers and 3 strands if the Bidder is using DWDM wavelengths with filters.

26. Page 48 Bidder must not require use of the wavelength or require any data to be passed through any router or other equipment of the bidder.

Question: Can this be clarified?

GovGuam Response: The Bidder must not allow data from the GovGuam to be passed on router and/or switches shared with other non-GovGuam users.

27. Page 48 -Bidder must provide the GovGuam have a Network Management Capability that enables the GovGuam to monitor the network nodes and status. The Bidder must provide the Network Management system to monitor all network ports from a central location.



Question: Will Nagios suffice

GovGuam Response: NAGIO is acceptable.

28. Page 48 -The NMS must be able to monitor and measure fiber losses between points on the node.

Question: Can node be defined?

GovGuam Response: The NMS must be able to measure the fiber losses between the GovGuam nodal point of presence and the Bidder location or the next GovGuam location.

29. Page 48 – Services shall be provisioned via fiber optics.

Question: Do all communication facilities interconnecting the nodes on the core network be buried and interconnect in a self healing ring topology and survive a single break of failure in the ring?

GovGuam Response: The Bidder core network shall not be vulnerable to a single break in the network. The core network of the provider should be buried.

30. Page 48 – Shall be a ring topology

Question: Does the Bidder have to provide a hardened core digital transmission network in order to survive power outages or extreme weather conditions/hazards (Typhoons, Earthquake, etc.)? Does the core of the network supporting all locations be able to operate at a minimum time?

GovGuam Response: The Bidders core network must meet standards of the Guam Public Utilities Commission for telecommunication carriers. The GovGuam understands that even core networks can be affected by typhoons and earthquakes if the severity is significant enough. So, the question is too general.

31. Page 49 -Broadband Internet Service. Bidder must provide and guarantees Service Level Agreement (SLA) that guarantees latency of less than 125 milliseconds

Question: The Latency of 125 milliseconds tested from which point?

GovGuam Response: The 125 millisecond shall be tested from the GovGuam data center to Bidder's upstream provider at One Wilshire in California.

32. Bidder must have packet shaping technology that will ensure that GovGuam receives the capacity subscribed for.

Question: Please define "packet shaping technology".

GovGuam Response: A packet shaping technology will be able to control which IPs and types of IP packets will receive priority for transmission.

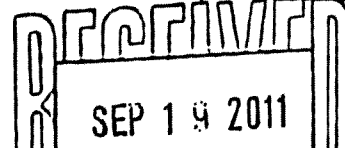
33. Page 49 -Bidder must provide a web-based, real-time, on-line monitoring tool to monitor the SLA and the overall capacity of the ISP. The tool must be equal in capability and functionality to the PRTG

Question: Will MRTG suffice?

GovGuam Response: Yes, if MRTG provides the full functionality of the PRTG.

34. Page 50 – Bidder must provide 40 static IP address for each 10 Mbps of Internet Access capacity ordered.

Question: Can the Bidder provide IP v6?



GovGuam Response: No.

35. Page 51 & 1 DSL, cable or Wireless Internet for small offices.

Question: What is considered a small office?

GovGuam Response: A small office will be a government office location that may have 1 to 10 people.

36. Page 51 -Bidder must provide 5 and 8 static IP addresses.

Question: Is this in addition to the 600 ips address requested on Page 50?

GovGuam Response: Yes. However, the GovGuam will not ask for the IPs unless they are needed for applications.

37. Page 52 -Bidder must provide the following channels if it is offered as part of the Bidder's television package offering.

Question: Are alternative channels an option to be offered?

GovGuam Response: Yes.

38. Page 52 – The Government of Guam requires Television services for selected government offices.

Question: What are the "selected" government offices?

GovGuam Response: Those offices that need television service and have approval for television services.

Question: Government to provide a complete list of the offices with physical addresses?

GovGuam Response: No. The IFB will result in a Government-wide service. The Price List functions like a tariff and the service may be requested from any of the government office locations.

39. Page 53 – Note: Premium movie channels are not required.

Question: In the channel lineup provided on page 52 to Page 53, there are channels that are premium channels, will these be excluded and can those be identified?

GovGuam Response: The Bidder package must include all the channels that are specified in the IFB.

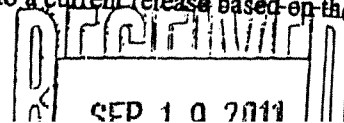
40. Page 54 Routers– Bidder shall also provide a Single % Price for the Annual Maintenance of the Equipment.

Question: Provide an inventory of current Cisco equipment by department?

GovGuam Response: There is no complete inventory. The IFB is for a Price for all Cisco equipment.

Question: Include what is the latest software version is currently being utilized?

GovGuam Response: The GovGuam understand that there is a cost with updating the Cisco IOS (Internetwork Operating System) software release. Since the GovGuam cannot provide such information, the GovGuam will be responsible for directing the Bidder awarded the contract to update the Cisco IOS to a current release based on the least cost alternative based on the Price List.

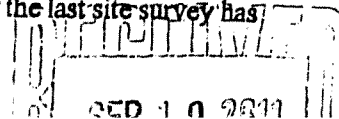


41. GTA is requesting to be provided a transcription of questions and responses at GSA Pre-Bid conference held at GSA on July 7, 2011.
GovGuam Response: (Refer to Exhibit 2).
42. Will the contract awarded under this IFB supersede all previously existing and pending contracts awarded under IFBs, RFQs or RFPs for similar services?
GovGuam Response: Yes, within the Executive Branch of GovGuam Line Agencies.
43. The deadline to submit questions is July 14, 2011 at 5pm
Question: When will responses be provided?
GovGuam Response: September 17, 2011.
44. There is no Section V, VI in the content of the bid, please provide?
GovGuam Response: GSA intentionally left out.
45. **Comment GovGuam**
GovGuam Comment: The Government of Guam appreciates your interest in this IFB.

VIII. QUESTIONS FROM IT&E (July 14, 2011)

A. Pertains to All Parts of the Bid

1. 1. With respect with bid parts A-J, a. is the bidder required to bid on all of the office locations, or b. can the bidder bid on only specific office locations?
GovGuam Response: Yes. This is a Price List IFB. There will only be one contract awarded for each Part. The Bidder must provide services to all locations.
2. 2. If the answer to question 1a is yes, would that restrict competition and thus increase overall pricing?
GovGuam Response: Smaller awards would require far more administrative time, technical resources, and cause confusion over who is responsible for what service at a location within a Part. The administrative overhead would be very high. As such, these Parts are the traditional components that are bid for larger organizations.
3. 3. Does the government agree with the proposition that separating the components (bid parts and specific office locations) will result in greater competition and better pricing? If so, will the government agree to allow separate bids for each component?
GovGuam Response: No. Again, the administrative and technical costs to administer a component part IFB would be too high.
4. 4. Will the bidder be allowed site visits to all the Government of Guam office locations? Identify the Government of Guam agency physical address of site(s), point of contact name and number.
GovGuam Response: Yes, that is being accomplished.
5. 5. It seems unlikely that site surveys can be completed by the scheduled bid deadline. May we request for a 2-week extension from the date after the last site survey has been completed?



GovGuam Response: The date for the bid response will be adjusted through an Addendum.

6. 6. Will an Excel file of the GovGuam ComBid- Attach A- Appendices Telcom Svcs(1)2 PDF file be provided?

GovGuam Response: Yes, an Excel file is provided. The Bidder may pick up a copy of the Excel file from the GSA. (GSA: can BIT post this Excel file online?)

7. 7. When can we expect answers to all submitted questions?

GovGuam Response: This is the answer to the questions raised.

8. 8. Will answers be provided in sufficient time to submit a responsive bid?

GovGuam Response: Yes, the date for bid submission has been moved back, principally to accommodate the site visits and questions that arise from the visits.

9. 9. Does government have preference for single telecommunication provider?

GovGuam Response: No, the IFB contains multiple parts. A telecommunications provider may bid and win on one or all Parts. Each Part will be awarded separately.

10. 10. Can GSA provide the bid forms in excel format?

GovGuam Response: Yes, a copy will be provided.

B. Pertain to Part A, Bid Form 1, 2, 3

1. 11. Will the government accept PABX as an equal solution to Centrex? If not, please explain.

GovGuam Response: The IFB calls for a CO-based hosted solution with line power to be provided on a continuous basis for 15% of the phones, 12 hours for other phones. The GovGuam is not restricting the type of technology provided, but does require the all of the functionality provided by the Metaswitch Networks CO switch. If a Bidder has a mixed technology solution that involves, for example, a kind of on-site switch that has PBX type functionality that may interoperate with the Metaswitch, then, that is up to the Bidder. The Bidder, however, must meet all of the functional system requirements.

1. NOTE: (Refer to Amendment No. 4 item #34)

2. 12. Is the 5 digit plan a minimum and mandatory requirement, and if so, doesn't this limit the selection to one provider?

GovGuam Response: Yes, a 5 digit numbering plan is required and should be capable of being provided by all competitors for the Centrex services that are awarded in Part 1.

C. Pertains to Part A, Bid Form 3

1. 13. Will a bidder be allowed to submit a bid for Bid Form 3, Centrex telephone instruments, only?

GovGuam Response: No. The Bidder must provide both the service and the phones.

NOTE: (Refer to Amendment No. 4 item #34)

SEP 19 2011

D. Pertains to Part B, Bid Form 4,5,and 6

1. 14. Will each of the Government of Guam office's current telecommunication requirements be provided,(number of current C.O. lines and number of current telephone stations)?

GovGuam Response: Yes, the location information is being provided with this Addendum. The station lines that are currently in use have been provided with the IFB. The GovGuam commits to a minimum number of lines as provided for in the specifications.

Since the IFB requires the Bidder to provide all of the functionality of the switch to the GovGuam, including the self-configuration capability, it is not necessary to know what features are currently in the use at this time.

The Bidder awarded the contract will engage in a planning process with the BIT and the agencies to finalize the conversion for each agency, including the station feature requirements.

NOTE: (Refer to Amendment No. 4 item #34)

2. 15. With respect to Bid Form 4, 5, 6 will the bidder be allowed to, a. Bid only the C.O. lines per office location, or b. Bid only on phone system per office location, or c. Bid on both C.O. lines and phone system per office location. Pertains to Part C, Bid Form 7,8

GovGuam Response: The Bidder with the lowest cost as provided for in the IFB will be awarded that Part as a whole. Smaller agencies may elect to use the pricing for that Part 2 in lieu of the Centrex service in Part 1.

NOTE: (Refer to Amendment No. 4 item #34)

3. 16. We consider CDMA to be functionally equivalent or superior to GSM and fully compliant with the requirement of the bid specifications. Will all bidders whether proposing GSM or CDMA platforms be required to meet the detailed technical specifications as outlined in Bid Form 7, section B, item 1.

GovGuam Response: Yes. The GovGuam will accept GSM or CDMA, but must meet the functional specifications. The IFB is not intended to be restrictive or artificially eliminate competition. If there is a specific problem with GSM or CDMA being able to provide the functional services in the IFB, the specific nature of the problem should be described by the Bidder.

NOTE: (Refer to Amendment No. 4 item #34)

4. 17. The "nights" are defined on Bid Form 7, section 4,item A&B as informational. Can this be subject to change to reflect the bidders "nights/weekend" plan?

GovGuam Response: Yes. The Bidder must provide the Nights/Weekend Plan as specified. It is a **REQUIREMENT**.

NOTE: (Refer to Amendment No. 4 item #34)

5. 18. Phone: Can the "keyboard" be a touch screen or qwerty keyboard?

GovGuam Response: Yes. A QWERTY keyboard is a requirement. The requirement is that the phone must have a QWERTY. Support LANDSCAPE mode, and also have On Screen Keyboard. (Refer to Amendment No. 4 item 20)

6. 19. Define "large display" on phone. Does this refer to screen diameter? What are the minimum specifications?

GovGuam Response: The minimum specification for the screen is 3" when measured diagonally in landscape mode. All major brands meet the specification.

E. Pertains to Part O, Bid Form 10

1. 20. Must the bidder provide all three (3) services, ISDN/PRI, ISDN/BRI, and SIP Trunks to each Government of Guam office locations?

GovGuam Response: Yes.

2. 21. If answer to 16 is Yes, should not the government consider splitting up to promote more competition and better pricing?

GovGuam Response: No. There are administrative costs in managing many different contract agreements and services.

2. NOTE: (Refer to Amendment No. 4 item #34)

F. Pertains to Part F, Bid Form 12

1. 22. Will GSA provide network diagram of the existing network infrastructure for each site?

GovGuam Response: No. An internal network diagram is not required for this IFB.

With respect to the Wide Area Network, the Bidder shall provide the 1 or 10 Gbps Ethernet Network Interface Device (NID) to the Bidder. The GovGuam will interconnect to the Bidder provided 1 or 10 Gbps NID with a connector to a switch or a router. The final determination will be made at the time of order since there are different configurations for different agency users. Once the Bidder has been awarded the contract, the final programming/routing will be done by the GovGuam.

3. NOTE: (Refer to Amendment No. 4 item #34)

G. Pertains to Part I, Bid Form 14

1. 23. Does the networking equipment have to be new or is certified refurbished equipment acceptable?

GovGuam Response: New equipment.

2. 24. In regards to the Public IP requirements, are U.S. IP addresses required or are Asian IP addresses acceptable? Pertains to Part J, Bid Form 16.

GovGuam Response: U.S. IP Addresses.

3. 25. How many DID numbers are associated with each PRI Trunk, if any, and what are the associated DID numbers?

GovGuam Response: The GovGuam will inform the Bidder/Contractor of the numbers at the time of order.

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Response
GSA IFB No. GSA-064-11

Page 26


Please note that the requirement for DID numbers are now moved into the PRI, BRI, and SIP trunks Bid Form 10. Also, please note that the DID blocks are now in a quantity of 25 DID numbers per block. Bid Form 16 is cancelled.

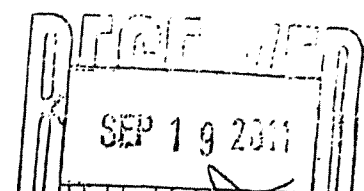
Please note that the PRI and DID number associated with the PRI will depend on which agency is connecting to the system.

4. NOTE: (Refer to Amendment No. 4 item #34)

H. **Comment GovGuam**

GovGuam Comment: The Government of Guam appreciates your interest in this IFB.


CLAUDIA S. ACFALLE
Chief Procurement Officer



ATTACHMENT # 8

RECEIVED
OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS

DATE: Nov. 5, 2012

TIME: 4:22 AM PM BY: R. Field

FILE NO OPA-PA: 12-016

PACIFIC DATA SYSTEMS
185 ILIPOG DRIVE
HBC BLDG SUITE 204A
TAMUNING, GUAM 96913
TELEPHONE: (671) 300-0200
FACSIMILE: (671) 300-0265

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

IN THE PETITION OF)
)
TELEGUAM HOLDINGS LLC)
Appellant)

DOCKET NO: OPA-PA-12-016

COMMENTS ON AGENCY REPORT BY
INTERESTED PARTY PACIFIC DATA
SYSTEMS

Pacific Data Systems (PDS), an interested party in this matter, hereby makes these comments to the Agency Report filed by GSA in OPA-PA-12-016.

PDS agrees with the Agency Report made by GSA. GSA explains that it re-evaluated the award for Bid Form 2 and 3 in GSA-064-11 after it was determined by GSA that GTA submitted a telephone (Cisco SPA501G) that did not meet IFB specifications or GTA's own representations. GSA liberally conducted a re-evaluation using other telephone models that GTA submitted that it determined did meet the IFB specifications. After this re-evaluation, using the evaluation formula for Bid Form 2 and 3, it was further determined by GSA that the offer from PDS was the lowest bid for Bid Form 2 and 3 and thus GSA made the revised award for these items to PDS.

Though the GSA Agency Report does not go into detail regarding the re-evaluation done by GSA, PDS has prepared an analysis of the re-evaluation of Bid Form 2 and 3 for GTA. This analysis is attached as Exhibit A. The PDS analysis clearly shows that the PDS offer scored the lowest at 1,612.45 while the GTA offer scored 1,748.05. These scores contradict the scores noted in the GTA appeal due to the fact that GTA continues to run its evaluation using the telephone model and associated bid prices that were rejected as non-compliant. GTA cannot, as proposed in page 9 of its appeal, make model substitutions after bid opening.

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EXHIBIT A: GSA-064-11 Analysis

GTA Bid Form 2 and 3 Submission/Evaluation

GTA Bid Form 3		Evaluation of Telephone Compliance with IFB					
GTA Model Numbers	Description of GTA Telephone Offers	GTA Monthly Lease to Purchase	GTA Purchase Price	BF 3.1 Single line Analog Phone	BF 3.2 Single line Digital Phone with Digital Display	BF 3.3 4 line Digital Phone with Digital Display	BF 3.4 6 line Digital Phone with Digital Display
Aastra 9116LP	Single line Analog Phone with call hold	\$1.85	\$61.20	Yes	No	No	No
Cisco SPA501G	up to 8 line with Digital Display, HandsFree	\$3.52	\$116.64	No	No	No	No
Cisco SPA504G	4 line with digital display, Hand Free telephone	\$4.93	\$163.30	No	Yes	Yes	No
Cisco SPA508G	up to 8 line with Digital Display, HandsFree	\$5.87	\$194.40	No	Yes	Yes	Yes
Cisco SPA500S	Cisco Attendant Console	\$2.35	\$77.79	No	No	No	No
Aastra 53i	up to 9 line Digital Display, Handsfree	\$4.96	\$164.34	No	Yes	Yes	Yes
Aastra 55i	up to 9 line Digital Display, Handsfree	\$5.65	\$187.14	No	Yes	Yes	Yes
Aastra 670i	Aastra Attendant Console	\$4.13	\$136.80	No	No	No	No
Plantronics CS50	Wireless Headset	\$6.70	\$221.94	No	No	No	No

These phones represent the lowest priced compliant models for each of the BF 3 items that were recommended by GTA and are used in the BF 2/3 evaluation formula below.

Bid Form/Item	BF Item Description	One time Costs	Monthly Cost	Multiplier	Score
2.1	POTS	0	27.21	24	653.04
2.2	Digital VoIP	0	16.00	24	384.00
Bid Form/Item	BF Item Description	Purchase	Monthly Lease	GTA Model	GTA Evaluation Score *
3.1	Single line Analog Phone	61.20	1.85	Aastra 9116LP	PDS Evaluation of GTA Bid Form 2 and 3 based on GSA Evaluation formula and use of compliant phones submitted by GTA.
3.2	Single Line Digital Phone	163.30	4.93	Cisco SPA504G	
3.3	4 Line Digital Phone	163.30	4.93	Cisco SPA504G	
3.4	8 Line Digital Phone	164.34	4.96	Aastra 53i	
Averages for Purchase and Monthly Lease		138.035		Averages times multiplier	
				5	690.175
				5	20.838
				GTA Evaluation Score *	1,748.05

Reference GTA Appeal at pg 10

* The lowest score represents the lowest bidder for Bid Forms 2 & 3

ATTACHMENT # 9

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PACIFIC DATA SYSTEMS, INC.
185 Ilipog Drive
HBC Building, Suite 204A
Tamuning, Guam 96913
Telephone No.: (671) 300-0200
Facsimile No.: (671) 300-0265

RECEIVED
OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS

DATE: Nov. 5, 2012
TIME: 4:22 AM PM BY: R. Field
FILE NO OPA-PA: 12-016

**OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS**

IN THE APPEAL OF

TELEGUAM HOLDINGS, LLC AND ITS
WHOLLY OWNED SUBSIDIARIES,
GTA TELECOM, LLC; GTA SERVICES,
LLC; AND PULSE MOBILE LLC,

Appellant.

OPA Docket No. OPA PA 12-016
**REPLY OF PACIFIC DATA SYSTEMS,
INC. TO TELEGUAM HOLDINGS,
LLC'S OPPOSITION TO PDS
OBJECTION TO APPEAL AND
MOTION FOR DISMISSAL**

2012 NOV - 5 AM 4:22
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Pacific Data Systems, Inc. ("PDS") replies as follows to the Opposition of Teleguam Holdings, LLC to the PDS Objection to Appeal and Motion for Dismissal.

I. THE ISSUE OF TIMELINESS IS BEFORE THE OPA.

GTA argues that the Public Auditor may not consider the issue of whether GTA's original protest to GSA was timely filed. GTA argues this is so because GSA did not raise the issue of the timeliness of the GTA protest when it denied the GTA protest on October 5, 2012. GTA refers to *In Re: Town House Dept. Stores, Inc. dba Island Business Systems & Supplies*, OPA-PA-11-02. In that case, the Public Auditor stated that if neither the party protesting nor the agency raise an issue, the issue is not properly before the Public Auditor.

However, this ignores the fact it was GTA and not PDS that filed the protest. The role of PDS in this appeal is that of an Interested Party. This appeal is the first opportunity PDS has had to raise the timeliness issue.

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The first opportunity any Interested Party has to comment on the agency's denial of a protest is after an appeal is taken. An Interested Party, as here, may well be able to assert grounds for upholding the protest denial in addition to those stated by the agency. If an Interested Party is only limited to second the agency's denial of the protest, there would be little reason to allow comments by an Interested Party. The issue of the timeliness of GSA's original protest is thus properly before the Public Auditor. As stated at 5 GCA § 5703:

The Public Auditor shall have the power to review and determine *de novo* any matter properly submitted to her or him ... Notwithstanding § 5245 of this Chapter, no prior determination shall be final or conclusive on the Public Auditor or upon any appeal from the Public Auditor ...

II. GTA'S ORIGINAL PROTEST WAS UNTIMELY.

In its Brief, GTA claims that it did not receive notice of GSA's Revised Bid Status until May 4, 2012. This is not true. Attached as Exhibit "A" is the fax transmission confirmation from GSA that shows that the Revised Bid Status was sent to GTA on May 3, 2012 at 5:27pm. This is consistent with the same fax notifications for this document that GSA sent to the other bidders in this procurement, as shown in Exhibit "B". The following summarizes the GSA fax transmission confirmation dates and times for the Revised Bid status for all bidders:

- o GTA - sent by GSA on May 3, 2012 at 5:28pm, fax confirmation received
- o PDS - sent by GSA on May 3, 2012 at 5:36pm, fax confirmation received
- o IT&E - sent by GSA on May 3, 2012 at 5:31pm, fax confirmation received
- o GT/MCV - sent by GSA on May 3, 2012 at 5:30pm, fax confirmation received
- o Docomo Pacific - sent by GSA on May 3, 2012 at 5:37pm, fax confirmation received

It is clear from the documentation that PDS has provided in Exhibit A and B, that all bidders received the Revised Bid Status from GSA on May 3, 2012 at about the same

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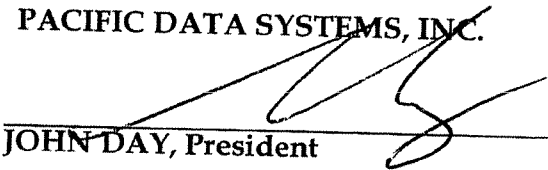
time. This documentation establishes May 3, 2012 as the date on which any protest of the GSA decision tolls and must be based. Therefore, the protest filed by GTA on May 18, 2012 was not timely filed and this basis should also be considered by the OPA in the denial of the GTA Protest by GSA.

III. CONCLUSION.

The issue of timeliness of GSA's original protest is properly before the Public Auditor, and the record demonstrates that the original protest was untimely for one day. GSA's denial of the GTA protest must be upheld for this reason also.

DATED this 5th day of November, 2012.

Respectfully submitted,
PACIFIC DATA SYSTEMS, INC.

By: 
JOHN DAY, President

- Exhibit A: GSA fax confirmation to GTA - May 3, 2012 5:28pm
- Exhibit B: GSA fax confirmation to PDS - May 3, 2012 5:36pm
- GSA fax confirmation to IT&E - May 3, 2012 5:31pm
- GSA fax confirmation to GT/MCV - May 3, 2012 5:30pm
- GSA fax confirmation to Docomo Pacific - May 3, 2012 5:37pm

WorkCentre 7346 Transmission Report

Exhibit A

GS ID: 671 472 4217

Date Time: 05/03/2012 08:28PM
Page: 1 (Last Page)

Local Name: GENERAL SVCS AGENCY
Loop:

Document has been sent.
Document Size: 9.514*SEF

GENERAL SERVICE AGENCY
(Achesian Sebleion Hinim)
Government of Guam
P.O. Box 70, Agaña, Guam 96910
Tel: 477-1710-13 Fax: 472-4217 / 475-1716/27

Accountability * Impartiality * Competence * Openness * Value

REVISED BID STATUS

Date: MAY 03, 2012

TeleGuam Holdings, LLC
Attn: Jennifer Sgambelloni
624 North Marine Corps Drive
Tamuning, Guam 96913
Tel: 644-0116 / Fax: 644-0103

BID INVITATION NO.: GSA-964-11 OPENING DATE: December 19, 2011

DESCRIPTION: TELECOMMUNICATION SERVICES

The following is the result of the above-mentioned bid. Refer to the items checked below.

Cancelled (in its entirety), or partially cancelled due to:

- Insufficient funds;
- Change of specifications; or
- Insufficient number of bidders.

Rejected due to:

- Late submission of bid;
- No bid security or insufficient bid security amount submitted; as required by section 11 of the General Terms and Conditions;
- Not meeting the delivery requirement as stated in the IFB;
- Non-conformance with the specification offered on Bid Form 3 - Up to 8 line with Digital Display, Hassle Free (Ref: SPAS01G offered)
- Inability to provide future maintenance and services in the equipment;
- High Price: Bid Forms 2, 3, 5, 6, 11, 13, and 14
- Others:

Bid recommended for award: **MULTIPLE AWARD**

TeleGuam Holdings, LLC - See attached award

Pacific Data Systems - See attached award

PTI Pacific Inc. dba: IT&E - See attached award

REMARKS:

Thank you for your participation with this bid. Please send your authorized personnel to pickup the original bid status and bid bond/cashier check.

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Doc. ID	Remote Station	Start Time	Duration	Pages	Mode	Content	Total
011116444		5/3/2012 8:28PM	00:00	5	Normal		5

Doc ID: Remote Station: Start Time: Duration: Pages: Mode: Content: Total:

011116444 5/3/2012 8:28PM 00:00 5 Normal 5

Doc ID: Remote Station: Start Time: Duration: Pages: Mode: Content: Total:

011116444 5/3/2012 8:28PM 00:00 5 Normal 5

WorkCentre 7346 Transmission Report

Exhibit B

GSA ID: 671 475 4317

Date/Time: 05/03/2012 05:26PM
Page: 1 (Last Page)

Local Name: GENERAL SVCS AGENCY

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Document size 9,5714" x 9" EEP

GENERAL SERVICE AGENCY
(Aheñan Schislon / Hincal)
Government of Guam
P.O. Box FG, Agaña, Guam 96910
Tel: 477-1710-13 Fax: 472-4217 / 475-1716/27

Accountability * Impartiality * Competence * Openness * Value

REVISED BID STATUS

Date: MAY 03, 2012

Pacific Data Systems
Attn: John Day, President/COO
185 Lilipog Drive, Suite 204A
Tamuning, Guam 96913
Tel: 300-0229 / Fax: 300-0265

BID INVITATION NO.: GSA-964-11 OPENING DATE: December 19, 2011

DESCRIPTION: TELECOMMUNICATION SERVICES

The following is the result of the above-mentioned bid. Refer to the items checked below.

- Cancelled (in its entirety), or partially cancelled due to:
 - Insufficient funds;
 - Change of specifications; or
 - Insufficient number of bidders.
- Rejected due to:
 - Late submission of bid;
 - No bid security or insufficient bid security amount submitted, as required by section 11 of the General Terms and Conditions;
 - Not meeting the delivery requirement as stated in the IFB;
 - Non-conformance with bid requirement: Bid Form 12 - Did not adhere to equal increments
 - Inability to provide future maintenance and services to the equipment;
 - High Price for Bid Form: 10
 - Others: Submitted "No Quote" for Bid Forms 8, 9A, 9 and 15

Bid recommended for award: **MULTIPLE AWARD**

- Telequam Holdings, LLC - See attached award
- Pacific Data Systems - See attached award
- PTI Pacific Inc. dba: IT&E - See attached award

REMARKS:

Thank you for your participation with this bid. Please send your authorized personnel to pickup the original bid status and bid bond/cashier check.

Total Pages Transmitted: 5 Total Pages Sent: 5

Doc. Desc.	Beneficiary Station	Start Time	Duration	Pages	Mode	Content	Status
145145	TELECOM	5/3/12 5:26PM	00:44	5	5	50	OK

DE: Delivered
 FE: Forwarded
 RE: Received
 RT: Received
 BB: Broadcast
 BR: Broadcast
 BT: Broadcast
 EC: Echo
 ER: Echo
 FR: Forward
 FM: Forward
 IM: Terminated
 MR: Multi-Forward
 PR: Print
 RF: Receive
 RR: Receive
 TR: Transmitted
 TT: Terminated

WorkCentre 7346 Transmission Report

Exhibit B

52 10

671 472 4217

Date Time 05 03 2012 08:10PM
Page 1 of 1 Page

Doc ID: GENERAL SVCS AGENCY
Lang:

Document has been sent.
Document Size 9.5x14"SEP

GENERAL SERVICE AGENCY
(Amenan Sabision Hilara)
Government of Guam
P.O. Box FG, Agaña, Guam 96910
Tel: 477-1710-13 Fax: 472-4217 / 475-1716/27

Accountability * Impartiality * Competence * Openness * Value

REVISED BID STATUS

Guam Telecom LLC
Attn: Craig R. Thompson, President/CEO
497 Harmon Loop Road
Dededo, Guam 96929
Tel: 969-4003 / Fax: 632-6280

Date: MAY 03, 2012

BID INVITATION NO: GSA-84-11 OPENING DATE: December 19, 2011

DESCRIPTION: TELECOMMUNICATION SERVICES

The following is the result of the above-mentioned bid. Refer to the items checked below.

Cancelled (in its entirety), or partially cancelled due to:

- Insufficient funds;
- Change of specifications; or
- Insufficient number of bidders.

Rejected due to:

- Late submission of bid;
- No bid security or insufficient bid security amount submitted; as required by section 11 of the General Terms and Conditions;
- Not meeting the delivery requirements as stated in the IFB;
- Non-conformance with bid requirements: Bid Form 12 - Bid not adhere to equal increments
- Inability to provide future maintenance and services to the equipment;
- High Price for Bid Forms: 13, 15
- Others: No Submittal for Bid Forms: 1, 3, 5, 6, 8, 8A, 9, 10, 11, and 14

Bid recommended for award: **MULTIPLE AWARD (See Attached)**

Telegum Holdings, LLC - See attached award

Pacific Data Systems - See attached award

PTI Pacific Inc. dba: IT&E - See attached award

REMARKS:

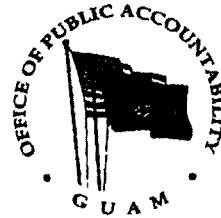
Thank you for your participation with this bid. Please send your authorized personnel to pickup the original bid status and bid bond/cashier check.

Doc ID	Doc Title	Doc Status	Doc Type	Doc Content	Doc Format	Doc Size	Doc Date	Doc Time	Doc User
52 10	GENERAL SVCS AGENCY	Completed	Document	Text	PDF	9.5x14"	05/03/2012	08:10PM	System

HE: Held
 BE: Broadcast
 MF: Multi-Forward
 EF: End-Forward
 AA: Auto-Send
 MA: Mailed
 EB: Engaged
 FB: Forwarded
 TA: Terminated

ATTACHMENT # 10

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



FAX

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AMW

2012 NOV - 7 PM 2:32

GOV'T OF GUAM
G.S.A.

To:	Robert Kono Acting Chief Procurement Officer General Services Agency	From:	Doris Flores Brooks Guam Public Auditor Office of Public Accountability
Phone: Fax:	475-1707 475-1727	Pages:	4 (including cover page)
CC:	Teleguam Holdings, LLP C/O Vince C. Camacho, ESQ. Carlsmith Ball, LLP	Date:	November 6, 2012
Phone: Fax:	472-6813 477-4375	Phone: Fax:	475-0390 x. 201 472-7951

Re: OPA-PA-12-018 Notice of Receipt of Appeal

Urgent For Review Please Comment Please Reply Please Recycle

Comments:

See attached for reference. 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,
Michele Huffer
Administrative Officer
mhuffer@guamopa.org

This facsimile transmission and accompanying documents may contain confidential or privileged information. If you are not the intended recipient of this fax transmission, please call our office and notify us immediately. Do not distribute or disclose the contents to anyone. Thank you.



OFFICE OF PUBLIC ACCOUNTABILITY
Doris Flores Brooks, CPA, CGFM
Public Auditor

November 6, 2012

Ms. Claudia Acfalle
Chief Procurement Officer
General Services Agency
P.O. Box 884
Hagatna, Guam 96932

VIA FACSIMILE: 475-1727

Re: Notice of Receipt of Appeal – OPA-PA-12-018

Dear Ms. Acfalle,

Please be advised that TeleGuam Holdings LLC and its wholly owned subsidiaries, GTA Telecom, LLC; GTA Services, LLC; and Pulse Mobile (hereinafter referred to as "GTA") filed an appeal with the Office of Public Accountability (OPA) on November 5, 2012 of the General Services Agency (GSA)'s response to GTA's protest relative to the procurement solicitation Invitation for Bid No. GSA-064-11: Telecommunication Services. OPA has assigned this appeal case number OPA-PA-12-018.

Immediate action is required of GSA 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.guamopa.org. The first page 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. However, we recognize that the procurement record for IFB No. GSA-064-11 was previously submitted in procurement appeal case number OPA-PA-12-011 on May 24, 2012. OPA understands that the procurement record is voluminous and to increase efficiency, OPA will not require a duplicate copy of the record. However to ensure the completeness of the procurement record OPA requires GSA to certify that the procurement record that was submitted for GSA-064-11 is complete in its entirety and will be the

same procurement record for OPA-PA-12-018 by **Wednesday, November 14, 2012** five work days following receipt of this notice 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 **Wednesday, November 21, 2012**, ten work days following receipt of this notice of appeal.

When filing all other required documents with our office, please provide one original and two copies to OPA, and serve a copy to GTA. OPA respectfully asks that GSA provide one original and two copies of the procurement record as the Guam Procurement Law and Regulations require only one copy. The three procurement record copies requested by OPA are distributed as follows: Copy-1: Master File; Copy-2: Public Auditor; and Copy-3: Hearing Officer.

Thank you for your prompt attention to this matter. Please contact Michele Huffer at 475-0390 ext. 201 or mhuffer@guamopa.org should you have any questions regarding this notice.

Sincerely,


for Rodalyn Marquez, CIA, CGFM, CPA, CGAP, CGMA
Audit Supervisor

Enclosure: First Page of the Notice of Appeal – OPA-PA-12-018

Cc: Mr. Vince C. Camacho, ESQ., Attorney for Appellant TeleGuam Holdings, LLC

CARLSMITH BALL LLP

VINCENT C. CAMACHO

vcamacho@carlsmith.com

ELYZE M. IRIARTE

eiriarte@carlsmith.com

Bank of Hawaii Bldg., Suite 401

134 West Soledad Avenue, P.O. Box BF

Hagåtña, Guam 96932-5027

Telephone No. 671.472.6813

Facsimile No. 671.477.4375

Attorneys for Appellant

TeleGuam Holdings, LLC ("GTA")

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OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS

DATE: 11/5/12

TIME: 2:20 AM PM BY: [Signature]

FILE NO OPA-PA: 12-018

OFFICE OF PUBLIC ACCOUNTABILITY

GUAM

IN THE APPEAL OF

TELEGUAM HOLDINGS, LLC AND ITS
WHOLLY OWNED SUBSIDIARIES, GTA
TELECOM, LLC; GTA SERVICES, LLC;
AND PULSE MOBILE LLC.

Appellant.

APPEAL NO. OPA-PA-12-_____

**PROCUREMENT APPEAL; EXHIBITS
A-G; VERIFICATION**

TeleGuam Holdings, LLC and its wholly owned subsidiaries, GTA Telecom, LLC; GTA Services, LLC; and Pulse Mobile, LLC (hereinafter referred to as "GTA") hereby appeal a decision rendered by the General Services Agency of the government of Guam (hereinafter referred to as "GSA") on October 19, 2012, denying GTA's protest of the Bid Status Intent to Award Bid Form 11, a part of GSA 064-11, to Pacific Data Systems (hereinafter referred to as "PDS").

I. Appellant's Information.

GTA's address is 624 N. Marine Corps Drive, Tamuning, Guam 96913. For the purposes of this appeal, please direct correspondence to GTA's counsel Vince C. Camacho, Esq.,

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G3 ID: 671 472 4217 Date/Time: 11/07/2012; 02:39PM
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4727951 OFFICE OF PUBLIC AUDIT 02:55:07 p.m. 11-07-2012 1/4

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



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FAX

To:	Robert Kono Acting Chief Procurement Officer General Services Agency	From:	Doris Flores Brooks Guam Public Auditor Office of Public Accountability
Phone:	475-1707	Pages:	4 (including cover page)
Fax:	475-1727	Date:	November 6, 2012
CC:	Teleguam Holdings, LLP CIO Vince C. Camacho, ESQ. Carlsmith Ball, LLP	Phone:	475-0390 x. 201
Phone:	472-6813	Fax:	472-7951
Fax:	477-4375		

Re: OPA-PA-12-018 Notice of Receipt of Appeal
 Urgent For Review Please Comment Please Reply Please Recycle

Comments:
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Thank you,
Michele Huffer
Administrative Officer
mhuffer@guamopa.org

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ATTACHMENT # 11



Office of the Attorney General

Leonardo M. Rapadas

Attorney General of Guam

Civil Division

287 West O'Brien Drive

Hagåtña, Guam 96910 • USA

(671) 475-3324 • (671) 472-2493 (Fax)

www.guamag.org

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TIME: 2:46 AM PM BY: MH

FILE NO OPA-PA: 12-016

Attorneys for the General Services Agency

11/20/13 - 06

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

IN THE APPEAL OF)
)
TELEGUAM HOLDINGS, LLC AND ITS)
WHOLLY OWNED SUBSIDIARIES, GTA)
TELECOM, LLC; GTA SERVICES, LLC;)
AND PULSE MOBILE LLC.)
)
Appellant.)

DOCKET NO. OPA-PA-12-016

ENTRY OF APPEARANCE

The Office of the Attorney General hereby enters its appearance for **GENERAL SERVICES AGENCY ("GSA")** before the Office of the Public Accountability in the above captioned case. All notices, correspondences and pleadings issued in the above captioned case should be sent to Fred Nishihira, Assistant Attorney General at the above address.

Dated this 7th day of November, 2012.

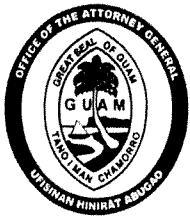
OFFICE OF THE ATTORNEY GENERAL
Leonardo M. Rapadas, Attorney General

By:
FRED NISHIHIRA
Assistant Attorney General

2012 NOV -8 PM 3:47
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GOV'T OF GUAM
R.C.A.

ATTACHMENT # 12



Office of the Attorney General

Leonardo M. Rapadas

Attorney General of Guam

Civil Division

287 West O'Brien Drive

Hagåtña, Guam 96910 • USA

(671) 475-3324 • (671) 472-2493 (Fax)

www.guamag.org

Attorneys for the General Services Agency

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PROCUREMENT APPEALS

DATE: 11/7/12

TIME: 2:46 AM PM BY: MH

FILE NO OPA-PA: 12-017

fy2013-083

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

IN THE APPEAL OF

Pacific Data Systems, Inc. (PDS)

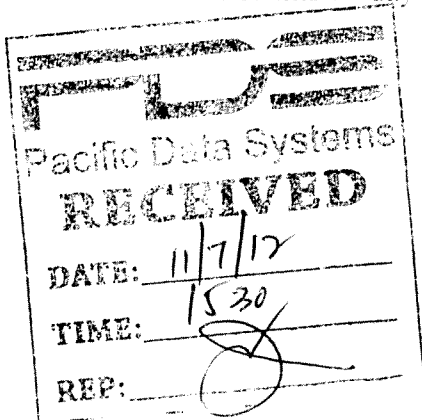
Appellant.

) DOCKET NO. OPA-PA-12-017
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ENTRY OF APPEARANCE

The Office of the Attorney General hereby enters its appearance for **GENERAL SERVICES AGENCY ("GSA")** before the Office of the Public Accountability in the above captioned case. All notices, correspondences and pleadings issued in the above captioned case should be sent to Fred Nishihira, Assistant Attorney General at the above address.

Dated this 7th day of November, 2012.

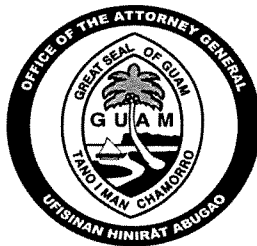


OFFICE OF THE ATTORNEY GENERAL
Leonardo M. Rapadas, Attorney General

By:
FRED NISHIHIRA
Assistant Attorney General

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Office of the Attorney General

Leonardo M. Rapadas
Attorney General of Guam
287 West O'Brien Drive
Hagåtña, Guam 96910 • USA
(671) 475-3324 • (671) 472-2493 (Fax)
www.guamag.org

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[Signature]

GOV'T OF GUAM
G.S.A.

APPOINTMENT OF SPECIAL ASSISTANT ATTORNEYS GENERAL

Pursuant to 48 U.S.C. § 1421g(d)(1) and 5 G.C.A. §§ 30102 and 30109(c), the Attorney General hereby appoints *Attorney Robert H. Kono*, as **Special Assistant Attorneys General** for the purpose of representing the General Services Agency, Department of Administration with respect to issues of shareholder reporting requirements, in the filing of a procurement appeal with the Office of Public Accountability in the appeal of Pacific Data Systems, Inc. (PDS), *Docket No. OPA-PA-12-017*. This appointment is made pursuant to the request of the General Services Agency.

Dated this 7th day of November, 2012.

OFFICE OF THE ATTORNEY GENERAL

By:

[Signature]
LEONARDO M. RAPADAS
Attorney General of Guam

ATTACHMENT # 14

LEONARDO M. RAPADAS
Attorney General



PHILLIP J. TYDINGCO
Chief Deputy Attorney General

OFFICE OF THE ATTORNEY GENERAL

FY 2013 - 2014

November 7, 2012

MEMORANDUM

TO: Audit Supervisor
FROM: Assistant Attorney General
SUBJECT: Conflicts Check Response OPA-PA-12-017

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PROCUREMENT APPEALS

DATE: 11/7/12
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FILE NO OPA-PA: 12-017

Please find the information you requested below.

1. Legal Counsel:
 - a. Fred Nishihira
 - b. Robert Kono – limited appearance regarding major shareholder disclosure
2. Procurement Officer:
 - a. Anita Cruz, Buyer Supervisor
3. Board of Directors: Not Applicable
4. All GSA officials relative to this appeal:
 - a. Peter San Nicolas, Buyer II
5. Any other procurement officials relative to this appeal:
 - a. Ed Cruz, Chief Information Officer, Bureau of Information Technology

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 GSA
 GOV'T OF GUAM

Your attention to this matter is appreciated. If you have any further questions please feel free to call me.


FRED NISHIHIRA

ATTACHMENT # 15

LEONARDO M. RAPADAS
Attorney General



PHILLIP J. TYDINGCO
Chief Deputy Attorney General

OFFICE OF THE ATTORNEY GENERAL

November 7, 2012

Fy 2013 - 035

MEMORANDUM

TO: Audit Supervisor
FROM: Assistant Attorney General
SUBJECT: Conflicts Check Response OPA-PA-12-016

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Please find the information you requested below.

1. Legal Counsel:
 - a. Fred Nishihira
2. Procurement Officer:
 - a. Anita Cruz, Buyer Supervisor
3. Board of Directors: Not Applicable
4. All GSA officials relative to this appeal:
 - a. Peter San Nicolas, Buyer II
5. Any other procurement officials relative to this appeal:
 - a. Ed Cruz, Chief Information Officer, Bureau of Information Technology

Your attention to this matter is appreciated. If you have any further questions please feel free to call me.


FRED NISHIHIRA

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ATTACHMENT # 16

1 **PACIFIC DATA SYSTEMS**
2 185 ILIPOG DRIVE
3 HBC BLDG SUITE 204A
4 TAMUNING, GUAM 96913
5 TELEPHONE: (671) 300-0200
6 FACSIMILE: (671) 300-0265

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FILE NO OPA-PA: 12-019

7 **BEFORE THE**
8 **OFFICE OF PUBLIC ACCOUNTABILITY**
9 **PROCUREMENT APPEAL PETITION**

10 IN THE PETITION OF)
11)
12)
13) DOCKET NO: OPA-PA-12-018
14)
15) TELEGUAM, INC.)
16) REQUEST FOR NOTICE AND INCLUSION
17) AS AN INTERESTED PARTY
18)
19)
20)
21)
22)
23)
24)
25)
Appellant

12 Pacific Data Systems (PDS) hereby requests its inclusion in this matter as an
13 Interested Party in the above referenced Appeal. PDS asks that, pursuant to
14 2 GAR Div. 4 § 12106, it be advised of any information that bears on the
15 substance of the appeal, be served with all papers and pleadings filed
16 hereafter in this matter, and be given notice of any and all proceedings or
17 hearings.

18 **RESPECTFULLY SUBMITTED** this 9th day of November 2012.

19 **PACIFIC DATA SYSTEMS**

20 
21 _____
22 **JOHN DAY**
23 *President*

24 RECEIVED

25 2012 NOV -9 PM 2:20

GOVT OF GUAM