

RECEIVED

OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS

DATE: 02/06/15

TIME: 4:10 AM PM BY: C. Roque

FILE NO OPA-PA: 14-013

1 **D. GRAHAM BOTHA, ESQ.**
2 **Guam Power Authority**
3 **1911 Army Drive, Suite 227**
4 **Tamuning, Guam 96913**
5 **Ph: (671) 648-3203/3002**
6 **Fax: (671) 648-3290**

7
8 *Attorney for the Guam Power Authority*
9

10 **OFFICE OF THE PUBLIC AUDITOR**
11 **PROCUREMENT APPEALS**

12
13 IN THE APPEAL OF) **DOCKET NO. OPA-PA-14-013**
14)
15 PACIFIC DATA SYSTEMS, INC.) **APPELLEE'S HEARING BRIEF**
16)
17 Appellant.)
18 _____)
19)
20)

21 **COMES NOW**, the GUAM POWER AUTHORITY, by and through its counsel of
22
23 record, D. GRAHAM BOTHA, ESQ., and submits its Hearing Brief for the February 9, 2015,
24 hearing as follows.

25 **ARGUMENT**

26 Guam Power Authority (GPA) submits that it properly awarded items A1-A5 to Docomo
27 Pacific Inc. (Docomo), the lowest responsive and responsible bidder. A responsive bidder is a
28 person who submitted a bid which conforms in all material respects to the Invitation for Bids. 5
29 GCA §5102(g), 2 GAR Div. 4, §3109(n)(2). PDS admits that Docomo was the lowest responsive
30 bidder for items A-1 and A-2, but contends that Docomo should be disqualified from consideration
31 for items A-3, A-4, and A-5. It is clear that Docomo informed GPA in its submission that it had
32 acquired MCV Broadband. The cover letter of the Docomo submission indicates that MCV
33 Broadband, which provides wireless voice and data services, high speed internet data solution and
34 business services/systems (SIP), was recently acquired by Docomo. The Certificate of Authority
35 issued to Guam Telecom, LLC, a subsidiary of MCV Broadband, was provided to GPA and

1 indicates that it has been issued a Certificate of Authority in compliance with 12 GCA §12103.
2 GPA reviewed all the Certificates of Authority from the PUC provided by each of the three
3 bidders, Docomo, PDS, and GTA and found them satisfactory, and accordingly all three bidders
4 were qualified technically. Minor informalities are matters of form, rather than substance evident
5 from the bid document, or insignificant mistakes that can be waived or corrected without prejudice
6 to other bidders; that is, the effect on price, quantity, quality, delivery or contractual conditions is
7 negligible. 2 GAR Div. 4, §3109(m)(4).

8 After reviewing the technical qualification of all bidders, GPA determined that the proposal
9 submitted by Docomo for items A-1, A-2, A-3, A-4, and A-5 was the lowest bid, and the proposal
10 submitted by PDS for items A-6, and A-7 to A-13 was the lowest bid.

11 PDS has also complained that Request for Quotations (RFQ) were issued for voice and data
12 services provided to GPA at Fadian. Interestingly, PDS has not only responded to several of these
13 RFQs, but in fact was awarded and accepted performance under the RFQs. These include RFQ
14 #27367 (Purchase Order #21036), RFQ #27431 (PO #21136), RFQ #27447 (PO #21238), and
15 RFQ #27519. PDS apparently only protests those RFQs where it either chooses not to bid, or
16 where it lost the bid because it was not the low bidder. These include RFQs, 27443, 27444, 27445,
17 and 27446. Due to the multiple protests filed by PDS, GPA has not made any award for RFQs
18 27444, 27445, and 27446. GPA determined that it was critical to implement the 30 MBps WAN
19 link from Macheche to Fadian (RFQ #27443; PO #21152), and therefore made an award to
20 Docomo. The RFQs were all done properly under small procurement for services less than
21 \$15,000, and PDS was provided the opportunity to compete with other vendors, to include
22 Docomo and GTA. PDS bid on RFQ #27418 (awarded to GTA) and RFQ #27431 (awarded to
23 PDS), before it decided to protest any other RFQs subsequently issued by GPA.

1 GPA properly awarded items A-1 to A-5 to Docomo Pacific Inc. as the lowest responsive
2 and responsible bidder for those items. GPA relied upon the documents provided by Docomo and
3 its affiliated entities. Due to the protest by PDS, GPA issued RFQs for essential services at its new
4 location in Fadian, for which PDS bid on at least two of those RFQs, and in fact accepted and
5 performed under RFQ #27431 (PO #21136).

6 **RESPECTFULLY SUBMITTED** this 6th day of February, 2015.

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9
10 
11 D. GRAHAM BOTHA, ESQ.
GPA Legal Counsel

COPY



GUAM POWER AUTHORITY

ATURIDÁT ILEKTRESEDÁT GUAHAN
P.O. BOX 2977 • AGANA, GUAM U.S.A. 96932-2977

December 05, 2014

Leah Salas
Account Manager
GTA TeleGuam Holdings
624 N Marine Corps Dr.

Reference: P.O. No: 21130

Dear Mrs. Salas



This is your Notice to Proceed for the above subject Purchase Order for the Central Offices and GPA/GWA Project located at Fadian Facility Mangilao.

Commencement date for this project is December 09, 2014 and expires on January 09, 2015.

Be advised that any changes which may impact the schedule or the value of this order must be noticed to the Supply Management Administrator and approved by the General Manager.

Technical questions are to be directed to Rudy Manibusan, at Tel. No: 635-3062. All other questions and/or concerns are to be directed to the Supply Management Administrator, Mrs. Jamie L.C. Pangelinan at 648-3054/55 or fax 648-3165.

Sincerely,


JOHN BENAVENTE, P.E.
Interim General Manager


VBARCINAS

COPY

PURCHASE ORDER

GUAM POWER AUTHORITY
P.O. Box 2977
Hagatna, Guam 96932

TELEPHONE: (671) 648-3054/5
FAX: (671) 648-3165

THIS PURCHASE ORDER NUMBER
No. 21130 **OP**

MUST APPEAR ON ALL INVOICES.
PACKING SLIPS, PACKAGES, B/L,
CORRESPONDENCE, ETC.

PO DATE: 12/04/14
JOB ORDER NO./OBJ: 31700.921000.39

**V
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GTA TELEGUAM HOLDINGS

624 N Marine Corps Dr
Attn: Jan Santos

TEL: (671) 644-0100
FAX: (671) 644-0103

VENDOR
5122568

**S
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RECEIVING SECTION:
GUAM POWER AUTHORITY

P.O. BOX 2977
HAGATNA, GUAM 96932
TELEPHONE: (671) 648-3054/5
Computer Services

AUTHORITY
3111(c)

INVITATION NO.

CONTRACT NO.

TIME FOR DELIVERY

EXPIRING

01/09/15

DISCOUNT TERMS:

DESCRIPTION / SUPPLIER ITEM

QTY UNIT

UNIT PRICE

AMOUNT

DOCUMENT NUMBER

27418OR

Contract

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\$.000

\$13,352.34

12/04/14

To provide the Guam Power Authority, Computer Services Division with High Capacity Service carried on T1 trunk lines between telco central offices and GPA/GWA Fadian Facility:

MRC 6 Months

SPECIFICATIONS:

For 7 Primary Rate Interface (PRI Lines)

- * T1 digital signal into 24 channels of 64 Kbps capacity per channel; 23 of these channels to assigned as one telephone call each, the equivalent of having 23 separate telephone lines.
- * Features to include caller ID and information services Inclusive of rate provided above. Charges for 411 calls: \$0.35 per minute.
- * Direct Inbound Dialing 500 (DID) for direct station calling.

GPA POC: Rudy Manibusan at Tel. No.: 648-3062.

COST BREAKDOWN:

\$2,175.39 X 6 Months = \$13,052.34

\$50.00 x 6 Months = \$300.00

TOTAL AMOUNT: \$13,352.34

NOTE: Cost provided above do not include federally mandated charges as these charges will be calculated as a percentage of the total monthly recurring charges. And

Page 1 of 4

INSTRUCTIONS TO VENDOR:

SEND CERTIFIED ORIGINAL AND THREE (3) COPIES OF INVOICE TO GUAM POWER AUTHORITY, PO BOX 2977, CODE 33, HAGATNA, GUAM 96932

PAYMENT UPON RECEIPT OF MERCHANDISE IN GUAM IN GOOD CONDITION

fr

TOTAL

<< DO NOT FILL THIS ORDER IF YOUR TOTAL COST EXCEEDS THIS TOTAL

ACKNOWLEDGED BY: _____ DATE: _____

SIGNATURE OF VENDOR

SIGNATURE:

John M. Benavente 12/4/14
JOHN M. BENAVENTE, P.E., General Manager

Date

VBARCINAS

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FAX: (671) 648-3165

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added on to the invoice.

27418OR

RESTRICTION AGAINST SEX OFFENDERS:

5 GCA Section 5253, enacted by P.L 28-24 and amended
by P.L. 28-98:

The service provider warrants that no person in its
employment who has been convicted of a sex offense under
the provisions of Chapter 25 of Title 9 of the Guam Code
Annotated, or of an offense defined in Article 2 of Chapter
28 of Title 9 of the Guam Code Annotated, or who has been
convicted of an offense with the same elements as heretofore
defined in any other jurisdiction, or who is listed on the
Sex Offender Registry shall provide services on behalf of
the service provider while on government of Guam property,
with the exception of public highways. If any employee of
the service provider is providing services on government
property and is convicted subsequent to an award of a
contract, then the service provider warrants that it will
notify the Government of the conviction within twenty-four
(24) hours of the conviction, and will remove immediately
such convicted person from providing services on government
property. If the service provider is found to be in
violation of any of the provisions of this paragraph, then
the Government will give notice to the service provider to
take corrective action. The service provider shall
take corrective action within twenty-four (24) hours of
notice from the Government, and the service provider
shall notify the Government when action has been taken.

Page 2 of 4

INSTRUCTIONS TO VENDOR:

SEND CERTIFIED ORIGINAL AND THREE (3) COPIES OF INVOICE TO GUAM POWER AUTHORITY,
PO BOX 2977, CODE 33, HAGATNA, GUAM 96932

PAYMENT UPON RECEIPT OF MERCHANDISE IN GUAM IN GOOD CONDITION

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TOTAL

<< DO NOT FILL THIS
ORDER IF YOUR TOTAL
COST EXCEEDS THIS
TOTAL

ACKNOWLEDGED BY: _____ DATE: _____

SIGNATURE OF VENDOR

SIGNATURE:

John M Benavente
JOHN M BENAVENTE, P.E., General Manager

12/4/14
Date

VBARCINAS

COPY

PURCHASE ORDER

GUAM POWER AUTHORITY
P.O. Box 2977
Hagatna, Guam 96932

TELEPHONE: (671) 648-3054/5
FAX: (671) 648-3165

THIS PURCHASE ORDER NUMBER
No. 21130 OP

MUST APPEAR ON ALL INVOICES.
PACKING SLIPS, PACKAGES, B/L,
CORRESPONDENCE, ETC.

PO DATE 12/04/14 JOB ORDER NO./OBJ 31700.921000.39

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624 N Marine Corps Dr
Attn: Jan Santos

TEL: (671) 644-0100
FAX: (671) 644-0103

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5122568

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HAGATNA, GUAM 96932
TELEPHONE: (671) 648-3054/5
Computer Services

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3111(c)

INVITATION NO.

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TIME FOR DELIVERY

EXPIRING
01/09/15

DISCOUNT TERMS:

DESCRIPTION / SUPPLIER ITEM

QTY UNIT

UNIT PRICE

AMOUNT

DOCUMENT NUMBER

If the service provider fails to take corrective steps within twenty-four (24) hours of notice from the Government, then the Government in its sole discretion may suspend temporarily any contract for services until corrective action has been taken.

INDEMNIFICATION CLAUSE: Contractor agrees to indemnify and hold harmless Guam Power Authority, its Directors, Officers, and Employees, from and against any liability, claims, judgements, costs and demands of whatever nature arising from any act, omission or negligence of the Contractor, Subcontractor, Licensees, Agents, or Employees, or arising from any accident, injury or damage whatsoever caused to any person, or to the property of any person, occurring during the term and performance of this contract.

NOTE TO VENDOR:

1. Delivery is no later than the date indicate above.
2. All late deliveries and acceptance are subject to the Liquidated Damages Clause in Section 6-101.09.01 of the Guam Procurement Regulations.
3. All Requests for Delivery Extensions will be closely scrutinized as all items/services are crucial to new customer installation, maintenance, and on-going projects.
4. NOTE: Not withstanding the fact that this contract was written by one (1) party, it will be construed that it was written by two (2) parties.

27418OR

Page 3 of 4

INSTRUCTIONS TO VENDOR:

SEND CERTIFIED ORIGINAL AND THREE (3) COPIES OF INVOICE TO GUAM POWER AUTHORITY, PO BOX 2977, CODE 33, HAGATNA, GUAM 96932

PAYMENT UPON RECEIPT OF MERCHANDISE IN GUAM IN GOOD CONDITION

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TOTAL

<< DO NOT FILL THIS ORDER IF YOUR TOTAL COST EXCEEDS THIS TOTAL

ACKNOWLEDGED BY: _____ DATE: _____

SIGNATURE OF VENDOR

SIGNATURE:

John M. Benavente 12/4/14
JOHN M. BENAVENTE, P.E., General Manager Date

VBARCINAS

COPY

PURCHASE ORDER

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No. 21130 **OP**

GUAM POWER AUTHORITY
P.O. Box 2977
Hagatna, Guam 96932

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TELEPHONE: (671) 648-3054/5
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PO DATE JOB ORDER NO./OBJ
12/04/14 31700.921000.39

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Computer Services

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INVITATION NO.

CONTRACT NO.

TIME FOR DELIVERY

EXPIRING
01/09/15

DISCOUNT TERMS:

DESCRIPTION / SUPPLIER ITEM

QTY UNIT

UNIT PRICE

AMOUNT

DOCUMENT NUMBER

27418OR

PAYMENT TERMS:
NET THIRTY (30) DAYS after receipt of ORIGINAL invoice,
goods and/or services.

REVIEWED BY:

Janet Reyes 12-4-14
JANIE L.C. PANGELINAN Date
Supply Management Administrator

Page 4 of 4

INSTRUCTIONS TO VENDOR:

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PAYMENT UPON RECEIPT OF MERCHANDISE IN GUAM IN GOOD CONDITION

\$13,352.34

TOTAL

<< DO NOT FILL THIS
ORDER IF YOUR TOTAL
COST EXCEEDS THIS
TOTAL

ACKNOWLEDGED BY: _____ DATE: _____

SIGNATURE OF VENDOR

SIGNATURE:

John M. Benavente 12/4/14
JOHN M. BENAVENTE, P.E., General Manager Date

RETURN TO PROCUREMENT DIVISION AT ABOVE ADDRESS



GUAM POWER AUTHORITY

ATURIDÄT ILEKTRESEDÄT GUAHAN
P.O. BOX 2977 • AGANA, GUAM U.S.A. 96932-2977

Vincent Barcinas: vbarcinas@gpawga.com

Tel: (671) 648-3054/3055 Fax: (671) 648-3165

Accountability	Impartiality	Competence	Openness	Value
Please respond as soon as possible, but no later than: 12/03/14, C.O.B Wednesday		Request for Quotation (RFQ) No.: 27418 (Revised)		12/02/14
VENDOR: ETA TELECOM T) 644-0139 F) 644-0103		Please furnish price quotation, delivery time and term based on CIF. Destination GPA for the items listed below. Please respond by the above date.		
Quoted by: (signature) PLEASE PRINT NAME: Leah Salas - Superales		Quote Date: December 02, 2014	Telephone: 644-0132	
Delivery Date Required: 1 Day ARO Upon Services Delivery Date Offered: _____ Terms: NET (30) THIRTY DAYS Prices Good For: 30 days		Offering recyclable and/or biodegradable products. () YES () NO Please separate your offer of recyclable and/or biodegradable products from regular products		

NOTICE: Restriction against Sex Offenders Employed by Service Providers to Government of Guam from Working on Government of Guam Property, 5GCA Section 5253, enacted by P.L. 28-24 and amended by P.L. 28-98:
 If a contract for services is awarded to the bidder or offeror, then the service provider must warrant that no person in its employment who has been convicted of a sex offense under the provisions of Chapter 25 of Title 9 of the Guam Code Annotated or of an offense defined in Article 2 of Chapter 28 of Title 9 of the Guam Code Annotated, or who has been convicted in any other jurisdiction of an offense with the same elements as heretofore defined, or who is listed on the Sex Offender Registry, shall provide services on behalf of the service provider while on government of Guam Property, with the exception of public highway. If any employee of a service provider is providing services on government property and is convicted subsequent to an award of a contract, then the service provider warrants that it will notify the Government of the conviction within twenty-four hours of the conviction, and will immediately remove such convicted person from providing services on government property. If the service provider is found to be in violation of any of the provisions of this paragraph, then the Government will give notice to the service provider to take corrective action. The service provider shall take corrective action within twenty-four hours of notice from the Government, and the service provider shall notify the Government when action has been taken. If the service provider fails to take corrective steps within twenty-four hours of notice from the Government, then the Government in its sole discretion may suspend temporarily any contract for services until corrective action has been taken.

THIS IS NOT AN ORDER

ITEM	Qty.		Unit Price	Extended Price
1.	L	To provide the Guam Power Authority, Computer Services Division with High capacity service carried on T1 trunk lines between telco central offices and GPA/GWA Fadian Facility:	MRC	6 Months
		SPECIFICATIONS: For 7 Primary Rate Interface (PRI Lines)	\$2,175.39	\$13,052.34
	Revised	<ul style="list-style-type: none"> T1 digital signal into 24 channels of 64 Kbps capacity per channel; 23 of these channels to assigned as one telephone call each, the equivalent of having 23 separate telephone lines. Features to include caller ID and information services Inclusive of rate provided above. Charges for 411 calls : \$ 0.35 per minute Direct Inbound Dialing (500 DID) for direct station calling 	\$50.00	\$300.00
<p>** OR APPROVED EQUAL TO OR BETTER:</p> <p>*Costs provided above do not include federally mandated charges as these charges will be calculated as a percentage of the total monthly recurring charges. And added on to the invoice.</p> <p>NOTE: All Requests for Delivery Extensions will be Closely Scrutinized as all items/services are crucial to new Customer installations, maintenance, and on-going projects.</p> <p>* Installation / Delivery of services: 30 days after receipt of Purchase Order.</p> <p>THANK YOU FOR YOUR RESPONSE Note: If you are unable to provide a price quote please annotate "NO QUOTE" and return this Fax: Vincent Barcinas</p>				

Needs GPA request for 12/4/14

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COPY

PURCHASE ORDER

GUAM POWER AUTHORITY
P.O. Box 2977
Hagatna, Guam 96932

TELEPHONE: (671) 648-3054/5
FAX: (671) 648-3165

THIS PURCHASE ORDER NUMBER
No. 21136 OP

MUST APPEAR ON ALL INVOICES.
PACKING SLIPS, PACKAGES, B/L,
CORRESPONDENCE, ETC.

PO DATE 12/10/14 JOB ORDER NO./OBJ 31900.923000.43

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PACIFIC DATA SYSTEMS
185 Illipog Drive
Suite 204A
Tamuning, GU 96913
TEL: (671) 300-0200
FAX: (671) 300-0265

VENDOR
5991

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RECEIVING SECTION:
GUAM POWER AUTHORITY
P.O. BOX 2977
HAGATNA, GUAM 96932
TELEPHONE: (671) 648-3054/5
Computer Services

AUTHORITY 3111 (c)	INVITATION NO.	CONTRACT NO.	TIME FOR DELIVERY	EXPIRING 09/30/15	DISCOUNT TERMS:
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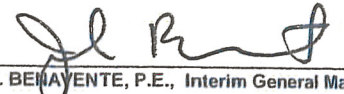
DESCRIPTION / SUPPLIER ITEM	QTY	UNIT	UNIT PRICE	AMOUNT	DOCUMENT NUMBER
Other Contractual Services To provide the Guam Power Authority, Computer Services Division with Internet Access Services for the Gloria B. Nelson Public Service Building located at Mangilao (Fadian). Commencement shall be upon receipt of purchase order and expires September 30, 2015 or upon exhaustion of funds, whichever occurs first. Specifications: * Connection of 30Mbps * Internet Asymmetrical Internet Service * Asymmetrical DSL 30Mbps Downstream and 20Mbps Upstream * Full Duplex * 25 Public IP Addresses COST BREAKDOWN: \$650.00 Monthly Recurring Charge (MRC) x 10 Months (December 01, 2014 - September 30, 2015) = \$6,500.00 -Set-up costs are waived GPA Point of Contact: Vince F. Taitingfong - Tel. No.: (671) 648-3137 RESTRICTION AGAINST SEX OFFENDERS: 5 GCA Section 5253, enacted by P.L 28-24 and amended by P.L. 28-98:		L		\$6,500.00	12/04/14 27431OR

INSTRUCTIONS TO VENDOR:
SEND CERTIFIED ORIGINAL AND THREE (3) COPIES OF INVOICE TO GUAM POWER AUTHORITY, PO BOX 2977, CODE 33, HAGATNA, GUAM 96932
PAYMENT UPON RECEIPT OF MERCHANDISE IN GUAM IN GOOD CONDITION

TOTAL

<< DO NOT FILL THIS ORDER IF YOUR TOTAL COST EXCEEDS THIS TOTAL

ACKNOWLEDGED BY: _____ DATE: _____
SIGNATURE OF VENDOR
RETURN TO PROCUREMENT DIVISION AT ABOVE ADDRESS

SIGNATURE:

JOHN M. BENAVENTE, P.E., Interim General Manager Date 12/10/14
Delegated Authority

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COPY

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TELEPHONE: (671) 648-3054/5
FAX: (671) 648-3165

PO DATE 12/10/14	JOB ORDER NO./OBJ 31900.923000.43
---------------------	--------------------------------------

VENDOR	PACIFIC DATA SYSTEMS	VENDOR
	185 Illipog Drive	5991
	Suite 204A	
	Tamuning, GU 96913	
	TEL: (671) 300-0200	
	FAX: (671) 300-0265	

RECEIVING SECTION:
GUAM POWER AUTHORITY

P.O. BOX 2977
HAGATNA, GUAM 96932
TELEPHONE: (671) 648-3054/5
Computer Services

AUTHORITY 3111 (c)	INVITATION NO.	CONTRACT NO.	TIME FOR DELIVERY	EXPIRING 09/30/15	DISCOUNT TERMS:
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DESCRIPTION / SUPPLIER ITEM	QTY	UNIT	UNIT PRICE	AMOUNT	DOCUMENT NUMBER
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<p>The service provider warrants that no person in its employment who has been convicted of a sex offense under the provisions of Chapter 25 of Title 9 of the Guam Code Annotated, or of an offense defined in Article 2 of Chapter 28 of Title 9 of the Guam Code Annotated, or who has been convicted of an offense with the same elements as heretofore defined in any other jurisdiction, or who is listed on the Sex Offender Registry shall provide services on behalf of the service provider while on government of Guam property, with the exception of public highways. If any employee of the service provider is providing services on government property and is convicted subsequent to an award of a contract, then the service provider warrants that it will notify the Government of the conviction within twenty-four (24) hours of the conviction, and will remove immediately such convicted person from providing services on government property. If the service provider is found to be in violation of any of the provisions of this paragraph, then the Government will give notice to the service provider to take corrective action. The service provider shall take corrective action within twenty-four (24) hours of notice from the Government, and the service provider shall notify the Government when action has been taken. If the service provider fails to take corrective steps within twenty-four (24) hours of notice from the Government, then the Government in its sole discretion may suspend temporarily any contract for services until corrective action has been taken.</p> <p>INDEMNIFICATION CLAUSE: Contractor agrees to indemnify</p>	<p>27431OR</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------

Page 2 of 3

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TOTAL

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ACKNOWLEDGED BY: _____ DATE: _____

SIGNATURE OF VENDOR

RETURN TO PROCUREMENT DIVISION AT ABOVE ADDRESS

SIGNATURE: 

JOHN M. BENAVENTE, P.E., Interim General Manager Date 12/10/14

Delegated Authority

STEPHANIEI



COPY

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FAX: (671) 648-3165

PO DATE: 12/10/14
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PACIFIC DATA SYSTEMS

185 Illipog Drive
Suite 204A
Tamuning, GU 96913

TEL: (671) 300-0200
FAX: (671) 300-0265

VENDOR
5991

**S
H
I
P
T
O**

RECEIVING SECTION:
GUAM POWER AUTHORITY

P.O. BOX 2977
HAGATNA, GUAM 96932
TELEPHONE: (671) 648-3054/5
Computer Services

AUTHORITY
3111 (c)

INVITATION NO.

CONTRACT NO.

TIME FOR DELIVERY

EXPIRING
09/30/15

DISCOUNT TERMS:

DESCRIPTION / SUPPLIER ITEM

QTY UNIT

UNIT PRICE

AMOUNT

DOCUMENT NUMBER

and hold harmless Guam Power Authority, its Directors, Officers, and Employees, from and against any liability, claims, judgements, costs and demands of whatever nature arising from any act, omission or negligence of the Contractor, Subcontractor, Licensees, Agents, or Employees, or arising from any accident, injury or damage whatsoever caused to any person, or to the property of any person, occurring during the term and performance of this contract.

27431OR

NOTE TO VENDOR:

1. Delivery is no later than the date indicate above.
2. All late deliveries and acceptance are subject to the Liquidated Damages Clause in Section 6-101.09.01 of the Guam Procurement Regulations.
3. All Requests for Delivery Extensions will be closely scrutinized as all items/services are crucial to new customer installation, maintenance, and on-going projects.
4. NOTE: Not withstanding the fact that this contract was written by one (1) party, it will be construed that it was written by two (2) parties.

PAYMENT TERMS:

NET THIRTY (30) DAYS after receipt of ORIGINAL invoice, goods and/or services.

REVIEWED BY:

Jessie T. Pangelinan 12-11-14
Date
JAMIE L.C. PANGELINAN
Supply Management Administrator

Page 3 of 3

INSTRUCTIONS TO VENDOR:

SEND CERTIFIED ORIGINAL AND THREE (3) COPIES OF INVOICE TO GUAM POWER AUTHORITY, PO BOX 2977, CODE 33, HAGATNA, GUAM 96932

PAYMENT UPON RECEIPT OF MERCHANDISE IN GUAM IN GOOD CONDITION

\$6,500.00

TOTAL

<< DO NOT FILL THIS ORDER IF YOUR TOTAL COST EXCEEDS THIS TOTAL

ACKNOWLEDGED BY: _____ DATE: _____

SIGNATURE OF VENDOR

RETURN TO PROCUREMENT DIVISION AT ABOVE ADDRESS

SIGNATURE:

John M. Benavente 12/11/14
Date
JOHN M. BENAVENTE, P.E., Interim General Manager
Delegated Authority

Stephanie M. Taijeron

From: John Day <john@pdsguam.com>
Sent: Thursday, December 11, 2014 4:13 PM
To: Stephanie M. Taijeron
Cc: jsm@pdsguam.com
Subject: RE: Purchase Order No.: 21136 for Acknowledgment

Hi Stephanie,

Since your fax machine is not working, please accept this email as an acknowledgement of PO 21136.

Thanks and regards,

John Day
Pacific Data Systems

From: Stephanie M. Taijeron [<mailto:smtaijeron@gpagwa.com>]
Sent: Thursday, December 11, 2014 2:27 PM
To: john@pdsguam.com
Cc: jsm@pdsguam.com
Subject: Purchase Order No.: 21136 for Acknowledgment

Hafa Adai,

Please see attached Purchase Order No.: 21136 for acknowledgment. Kindly email signed acknowledgment to our office. Thank you.

Regards,
Stephanie M. Taijeron
GPA Procurement Materials/Mgmt.
Tel: (671) 648-3054/3055
Fax: (671) 648-3165
Email: smtaijeron@gpagwa.com

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Stephanie M. Taijeron

From: Stephanie M. Taijeron
Sent: Thursday, December 11, 2014 2:27 PM
To: 'john@pdsguam.com'
Cc: jsm@pdsguam.com
Subject: Purchase Order No.: 21136 for Acknowledgment
Attachments: OP# 21136 - Pacific Data Systems for Acknowledgment.pdf

Hafa Adai,

Please see attached Purchase Order No.: 21136 for acknowledgment. Kindly email signed acknowledgment to our office. Thank you.

Regards,
Stephanie M. Taijeron
GPA Procurement Materials/Mgmt.
Tel: (671) 648-3054/3055
Fax: (671) 648-3165
Email: smtaijeron@gpagwa.com



GUAM POWER AUTHORITY

ATURIDÁT ILEKTRESEDÁT GUAHAN
P.O.BOX 2977 • AGANA, GUAM U.S.A. 96932-2977

FACSIMILE TRANSMITTAL COVER LETTER

DATE: December 11, 2014

ATTENTION: Pacific Data Systems

PHONE: (671) 300-0200

FAX: (671) 300-0265

PO NO: 21136

Please acknowledge receipt, via return fax **ASAP** (671) 648-3165

This cover sheet. Have A Nice Day!

=====
=====
Received By: _____ Date: _____
Print Name

Signature: _____

Si Yu'us Ma'ase.

Confidentiality Notice: The information in this facsimile is intended for the named recipients ONLY. It may contain instructions requiring the immediate attention of the addressee. If you receive this facsimile in error, or if there is a transmission error, please notify us immediately.

Number of pages: 4

Sent By: Stephanie Taijeron
Procurement Office 648-3054/3055

Requisition No.: 27431

Requisition Date: 12/04/2014 Assigned Date: 12/05/2014

Authorization Code: 3111 (C)

certify that the foregoing statement of informal quotation is true and correct and prices charged are just, fair and reasonable, and the best obtained.

Stephanie M. Tajjeron 12/10/14
DATE

Stephanie M. Tajjeron

Buyer

awarded to: Pacific Data Systems (Lowest Quote response)

OP: 21136
Vendor No: 5991
Vendor Name: Pacific Data Systems
Telephone: 300-0200
Fax No: 300-0265
E-mail:

POC: John Day
Date: 12/10/2014
Delivery:

Expiration: September 30, 2015

OP: Vendor No:
Vendor Name: GTA Teleguam
Telephone: 644-4482
Fax No: 644-4050
E-mail:

POC: Jan Santos
Date: 12/10/2014
Delivery:

Expiration: September 30, 2015

OP: Vendor No:
Vendor Name: IT&E Corp.
Telephone:
Fax No:
E-mail:

POC:
Date:
Delivery:
Expiration:

QTY Unit Issue Unit Price Extension

QTY	Unit Issue	Unit Price	Extension
Lot		\$650.00 per Month x 10 Months (Dec 2014 - Sept 2015) = \$6,500.00	\$6,500.00
Lot		\$2,500.00 MRC x 10 Months (Dec 2014 - Sept 2015) = \$25,000.00	\$25,000.00

QTY	Unit Issue	Unit Price	Extension
Option 1: \$1,990.00 per Month x 10 Months (Dec 2014 - Sept 2015) = \$19,900.00	Lot	Option 1: \$1,990.00 per Month x 10 Months (Dec 2014 - Sept 2015) = \$19,900.00	Option 1: \$1,990.00 Does not meet GPA requirement upstream requires 20 mbps proposed 3 mbps per Rudy Manibusan on 12/10/2014
Option 2: \$750.00 per Month x 10 Months (Dec 2014 - Sept 2015) = \$7,500.00	Lot	Option 2: \$750.00 per Month x 10 Months (Dec 2014 - Sept 2015) = \$7,500.00	Option 2: \$7,500.00

QTY	Unit Issue	Unit Price	Extension
\$6,500.00			
\$25,000.00			

QTY	Unit Issue	Unit Price	Extension
Option 1: \$1,990.00			
Option 2: \$7,500.00			
Not Awarded			

QTY	Unit Issue	Unit Price	Extension
No Response			
Not Awarded			

DESCRIPTION

To provide the Guam Power Authority, Computer Services Division with Internet Access Services for the Gloria B. Nelson Public Service Building located at Mangilao (Fadian). Commencement shall be upon receipt of purchase order and expires September 30, 2015 or upon exhaustion of funds, whichever occurs first.

Specifications:

- * Connection of 30Mbps
- * Internet Asymmetrical Internet Service
- * Asymmetrical DSL 30Mbps Downstream and 20Mbps Upstream
- * Full Duplex
- * 25 Public IP Addresses

TOTAL AMOUNT:

TOTAL AWARDED:



GUAM POWER AUTHORITY

ATURIDÄT ILEKTRESEDÄT GUAHAN
P.O. BOX 2977 • AGANA, GUAM U.S.A. 96932-2977

Stephanie M. Tajeron email: smtajeron@gpagwa.com Tel: (671) 648-3054/3055 Fax: (671) 648-3165

Accountability Impartiality Competence Openness Value

Please respond as soon as possible, but no later than: **December 10, 2014 by 2:00 P.M.**
Request for Quotation (RFQ) No.: **27431**
Today's Date: **December 10, 2014**

VENDOR:
Pacific Data Systems
Tel: 300-0200 Fax: 300-0265

Please furnish price quotation, delivery time and term based on CIF. Destination GPA for the items listed below. Please respond by the above date.

Quoted by: (signature) **JOHN DAY**

Quote Date: **12-10-2014** Telephone: **648-4203**

Delivery/Completion Date Required: **September 30, 2015**

Offering recyclable and/or biodegradable products. () YES **N/A** () NO

Delivery Date Offered: **3-5 DAYS ARO**

Terms: **NET (30) THIRTY DAYS**
Prices Good For: **60** days

Please separate your offer of recyclable and/or biodegradable products from regular products

NOTICE: Restriction against Sex Offenders Employed by Service Providers to Government of Guam from Working on Government of Guam Property, 5GCA Section 5253, enacted by P.L. 28-24 and amended by P.L. 28-98:
If a contract for services is awarded to the bidder or offeror, then the service provider must warrant that no person in its employment who has been convicted of a sex offense under the provisions of Chapter 26 of Title 9 of the Guam Code Annotated or of an offense defined in Article 2 of Chapter 28 of Title 9 of the Guam Code Annotated, or who has been convicted in any other jurisdiction of an offense with the same elements as heretofore defined, or who is listed on the Sex Offender Registry, shall provide services on behalf of the service provider while on government of Guam Property, with the exception of public highway. If any employee of a service provider is providing services on government property and is convicted subsequent to an award of a contract, then the service provider warrants that it will notify the Government of the conviction within twenty-four hours of the conviction, and will immediately remove such convicted person from providing services on government property. If the service provider is found to be in violation of any of the provisions of this paragraph, then the Government will give notice to the service provider to take corrective action. The service provider shall take corrective action within twenty-four hours of notice from the Government, and the service provider shall notify the Government when action has been taken. If the service provider fails to take corrective steps within twenty-four hours of notice from the Government, then the Government in its sole discretion may suspend temporarily any contract for services until corrective action has been taken.

THIS IS NOT AN ORDER

ITEM	QTY.	DESCRIPTION	Unit Price	Extended Price
1.	Lot	To provide the Guam Power Authority, Computer Services Division with Internet Access Services for the Gloria B. Nelson Public Service Building located at Mangilao (Fadian). Commencement shall be upon receipt of purchase order and expires September 30, 2015 or upon exhaustion of funds, whichever occurs first. Specifications: * Connection of 30Mbps * Internet Asymmetrical Internet Service * Asymmetrical DSL 30Mbps Downstream and 20Mbps Upstream * Full Duplex * 25 Public IP Addresses		
		PDS RESPONSE - SERVICES AS SPECIFIED ABOVE - BILLING ON A MONTHLY BASIS * - UNIT PRICE SHOWN IS THE MONTHLY RECURRING CHARGE (MRC) - SET-UP COSTS ARE WAIVED ** - EXTENDED PRICE IS BASED ON SERVICE START ON 12-15-14 THRU 9-30-2015	\$650*	\$ 6,175**
		NOTE TO VENDOR: 1.) All requests for delivery Extensions will be closely scrutinized as all items/services are crucial to new customer installations, maintenance, and on-going projects. 2.) Please indicate "AS SPECIFIED" when offer and/or delivery is "AS SPECIFIED." 3.) If you are unable to provide a price quote please annotate "NO QUOTE" and return this Fax to Stephanie Tajeron.		

*Meets GPA requirements
"AS SPECIFIED"
PDS
12/10/14*

Stephanie M. Taijeron

From: John Day <john@pdsguam.com>
Sent: Wednesday, December 10, 2014 1:44 PM
To: Stephanie M. Taijeron
Cc: 'John Mantanona'
Subject: GPA RFQ No.: 27431
Attachments: GPA RFQ 27431 for Internet Access 12-10-2014.pdf

Importance: High

Stephanie,

John Mantanona is off-island this week and has forwarded your request to me for a response. Please see the attached RFQ response from PDS. I will be your point of contact me if you have any questions regarding this RFQ.

BTW, I was unable to fax this RFQ to GPA (ring no answer for the fax number provided) and also there is message that plays for the telephone numbers that on the RFQ, so I would appreciate an email from you confirming receipt.

Sincerely,

John Day
Pacific Data Systems

From: "Stephanie M. Taijeron" <smtaijeron@gpagwa.com>
Date: December 9, 2014 at 3:57:02 PM PST
To: "jsm@pdsguam.com" <jsm@pdsguam.com>
Subject: RFQ No.: 27431

Hafa Adai,

The Guam Power Authority is seeking request for quotations for the attached requirement, and hopes that your company may provide a positive response by **2:00 P.M. today**. If you have any questions please let me know. Thank you and have a nice day!

Regards,
Stephanie M. Taijeron
GPA Procurement Materials/Mgmt.
Tel: (671) 648-3054/3055
Fax: (671) 648-3165
Email: smtaijeron@gpagwa.com

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proper and complete transmission of the information contained in this communication nor for any delay in its receipt.