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Office of the Attorney General

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PROCUREMENT APPEALS

In the Appeal of:)
L.P. GANACIAS ENTERPRISES INC., dba)
RADIOCOM)
)
Appellant,) **AGENCY REPORT**

General Services Agency (GSA) Information:

P.O. BOX 2590
Hagatna, Guam 96932

Telephone No. (671) 475-1713
Facsimile No. (671) 475-1716

A) The General Services Agency (GSA) received a request from Guam Office of Homeland Security ("OHS") to procure for an Early Warning System.

B) The General Services Agency (GSA) procured the Early Warning System through S.E.S. USA, Inc., through the method of Sole Source Procurement.

B) Award was based on the justification provided by Guam Office of Homeland Security ("OHS") for interoperability and standardization of these systems with the military and and the entire island of Guam.

Agency Report:

1. On June 23, 2006, the GSA, received a request from the OHS to procure an All Hazards Warning System (Early Warning System), together with a justification for sole source procurement, based on interoperability and standardization the existing equipments currently used by the military and the entire island of Guam.

Review of the sole source justification was substantiated by a an email addressed to Mr. Leo Espia, Planner, OHS, from the Command Naval Region Marianas Emergency Annunciation Tower that the existing or current equipment being utilized by the Navy is designed and built by S.E.S., USA INC. In addition, the S.E.S., USA INC. provided documentation that S.E.S., USA INC., is the only company that can interface with the Warning System installed at the Naval Base and Air Force Base on Guam. The Interim National Preparedness Goal issued March 31, 2005, and the Homeland Security Presidential Directive/HSPD-8 also emphasized the importance of other Federal civilian departments and agencies, to establish and implement streamlined procedures for the ongoing development and adoption of appropriate first responder equipment standards that support nationwide interoperability and other capabilities consistent the national preparedness goal, including the safety and health of first responders.

On June 27, 2006, the GSA based on the factual documentations provided as justifications to support the request for sole source procurement was more than justified.

2. GSA hereby requests that the Office of the Public Auditor thoroughly review the justifications provided by OHS justifying the request for sole source procurement that the GSA did its part in diligently ensuring that proper justifications were provided prior to executing purchase order numbers P066A06288 and P066A06304, and sustain the award.

3. GSA hereby incorporates by reference all documents submitted in its Agency Report, all documents provided by the OHS and procurement documents issued by the GSA.

Declaration regarding court action:

The GSA confirms that an action in court has not been commenced.

Dated this 2nd day of February, 2007.

GENERAL SERVICES AGENCY

BY:



CLAUDIA S. ACFALLE
Chief Procurement Officer, GSA



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

In the Appeal of:

L.P. GANACIAS ENTERPRISES INC.,
dba
RADIOCOM

Appellant,

Docket No. OPA -PA-06-003

DECLARATION RE 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 the Public Auditor 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 the Public

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1 Auditor within 24 hours if court action commences regarding this Appeal or the
2 underlying procurement action.

3 Submitted this 2nd day of February, 2007.

4 By: 
5 CLAUDIA S. ACFALLE
6 Chief Procurement Procurement Officer
7 General Services Agency
8 Department of Administration
9 Government of Guam
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