

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 23, 2012

AGENCY REPORT

OPA-PA-012-16 (IFB GSA-064-11)

**RECEIVED**  
OFFICE OF PUBLIC ACCOUNTABILITY  
PROCUREMENT APPEALS

DATE: 10/23/12

TIME: 225  AM  PM BY: mtH

FILE NO OPA-PA: 12-010

The Agency Report for OPA-PA-012016(IFB GSA064-11) is submitted as outlined in 2 GAR, Div.4, Chapter 12, Section 12105:

A copy of the protest: See Exhibit 1-A

A copy of the bid or offer submitted by Appellant Refer to Tab 4 Book 1

A copy of the Solicitation. Refer to Tab 5, Book 3

A copy of the Abstract Refer to Tab 6, Book 3

Any other documents which are relevant:

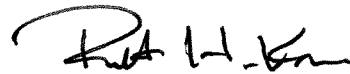
- Amendments 1 through 8 Refer to Tab 7, Book3
- Questions and Responses Refer to Tax8, Book 4
- Bid Analysis Refer to Tab 10, Book 5
- Bid Submittal of other bidder Refer to Tax 11
- Copy of other correspondence Refer to Tax 15, Books 6-8
- The decision from which the Appeal is taken: Please see Exhibit B
- Attachment 1 GSA Agency Report OPA-12-012
- Attachment 2 OPA – RMarquez – email ref Agent Record for OPA-12-12
- Attachment 3 OAG Appointment of Special Assistant Attorneys General
- Attachment 4 OPA Conflicts Check – Information Request for OPA-PA-12-12
- Attachment 5 GSA Conflicts Checklist for OPA-PA-12-12
- Attachment 6 BIT Ref: Response to questions
- Attachment 7 GSA Ref: Clarification on MRC and Mobile Wifi to Data Card
- Attachment 8 OPA – Decision and Order on OPA-PA-12-12
- Attachment 9 GTA Response to Request for Clarification
- Attachment 10 GSA Letter to confirm bid prices offered (IT&E)
- Attachment 11 GSA Letter to confirm bid prices offered (Docomo)
- Attachment 12 GSA Letter to confirm bid prices offered (MCV)
- Attachment 13 GSA Letter to confirm bid prices offered (GTA)
- Attachment 14 GSA Letter to confirm bid prices offered (Pacific Data Systems)
- Attachment 15 IT&E Faxed acknowledgement of letter dated 10/4/12 and reply
- Attachment 16 Pacific Data Systems Faxed acknowledgement of receipt of letter

Attachment 17 Docomo Faxed acknowledgement of receipt of letter  
Attachment 18 MCV Faxed acknowledgement of receipt of letter  
Attachment 19 GSA Memo to file ref GTA acknowledgement  
Attachment 20 Docomo Letter confirming pricing still in effect  
Attachment 21 Pacific Data Systems Letter confirming pricing still in effect  
Attachment 22 GTA FOIA request  
Attachment 23 GSA Decision on Protest by PDS  
Attachment 24 Berman O'Conner & Mann Acknowledgement Copy  
Attachment 25 GSA Decision on Protest by Carlsmith Ball LLP  
Attachment 26 Carlsmith Ball Acknowledgement Copy  
Attachment 27 GSA Decision on Protest by IT&E  
Attachment 28 GSA Decision on Protest by Docomo  
Attachment 29 Docomo Acknowledgement Copy  
Attachment 30 GSA Decision on Protest by MCV  
Attachment 31 MCV Acknowledgement Copy  
Attachment 32 GSA Response to FOIA by GTA  
Attachment 33 Carlsmith Ball LLP Procurement Appeal submitted to OPA  
Attachment 34 GSA Notice of Appeal to the OPA (OAG)  
Attachment 35 OAG Acknowledgement Copy  
Attachment 36 IT&E Acknowledgement Copy  
Attachment 37 OPA – Notice of Receipt of Appeal OPA-PA-12-016  
Attachment 38 GSA Memo Ref inquiry to OPA-PA-12-016 (OPA)  
Attachment 39 GSA Memo Ref Procurement Record 12-016 (OPA)  
Attachment 40 Carlsmith Ball LLP – Acknowledgement Copy  
Attachment 41 OPA – Acknowledgement Copy  
Attachment 42 PDS OPA-PA-016-12 Objection to Appeal, Motion for Dismissal  
Attachment 43 PDS OPA OPA-PA-016-12 Request for Notice and Inclusion as  
an Interested Party  
Attachment 44 OPA Reply to GSA Letter dated 10/9/12, Ref Procurement  
Records  
Attachment 45 GSA – Subject: Certification of Procurement Record OPA-PA-  
012-016  
Attachment 46 GSA – Decision on GTA Protest Dated May 11, 2012  
Attachment 47 OPA – Notice of Receipt of Appeal – OPA-PA-12-017

A statement answering the allegations of the Appeal: Appellant-GTA believes that its submittal failed to take the lowest price offered by GTA. However, the 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.

If the award was made after receipt of the protest: No award has been made.

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 capacity as Chief Procurement Officer for the government of Guam, defendant CV 0647-11.

A handwritten signature in black ink, appearing to read "Robert H. Kono". The signature is stylized with a large initial "R" and a long horizontal stroke.

ROBERT H. KONO  
Acting Chief Procurement Officer

Eddie Baza Calvo  
Governor



**GENERAL SERVICES AGENCY**

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Department of Administration

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Ray Tenorio  
Lieutenant Governor

Benita A. Manglona  
Director

Anthony C. Blaz  
Deputy Director

(Attachment #1A)

October 17, 2012

To: Office of Public Accountability  
From: Acting Chief Procurement Office  
General Services Agency  
Subject: Certification of Procurement Record  
OPA=PA-012-16

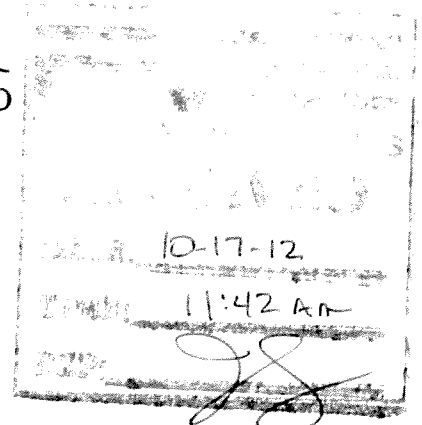
**RECEIVED**  
OFFICE OF PUBLIC ACCOUNTABILITY  
PROCUREMENT APPEALS  
DATE: 10/17/12  
TIME: 11:20  AM  PM BY: MT  
FILE NO OPA-PA: 12-016

I am in receipt of your memorandum dated October 9, 2012 in which you requested that we certify that the procurement record submitted in GSA bid number 064-11 was complete as submitted in OPA-PA-012-11.

Based upon a telephone inquiry from Ms. Marquez, a review of the procurement record submitted in OPA-PA-12-11 was not complete. We discovered that the protest filed on May 11, 2012 was not submitted. Therefore, this document is now submitted to complete the record. Therefore we certify that the procurement record in GSA bid number 064-11 is complete as of the time of its initial submission.

Further documents that occurred after the initial submission will be attached to the agency record that will be submitted by October 23, 2012 as requested.

*Robert H. Kono*  
ROBERT H. KONO  
Acting



attacment  
Cc GTA  
PDS

RECEIVED  
U.S. MAIL  
DATE: 10/17/12 TIME: 11:25 a.m.

**Eddie Baza Calvo**  
Governor



**GENERAL SERVICES AGENCY**

(Ahensian Setbision Hinirat)  
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Tel: (671) 475-1707 Fax Nos: (671) 475-1727 / 475-1716

**Anthony C. Blaz**  
Deputy Director

October 17, 2012

To: Office of Public Accountability

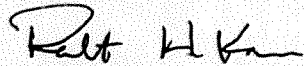
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Further documents that occurred after the initial submission will be attached to the agency record that will be submitted by October 23, 2012 as requested.

  
ROBERT H. KONO  
Acting

attachment  
Cc GTA  
PDS

**COMMITTED TO EXCELLENCE**

COMMITTED TO EXCELLENCE

# CARLSMITH BALL LLP

A LIMITED LIABILITY LAW PARTNERSHIP

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VCAMACHO@CARLSMITH.COM

May 11, 2012

Fy 2012-427

8

## VIA HAND DELIVERY

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

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, GGUAN 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 #4<sup>1</sup> 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.

<sup>1</sup> *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.

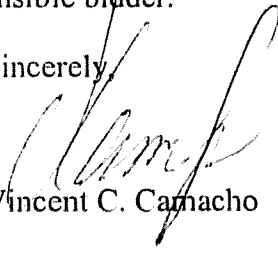
Ms. Claudia S. Acfalle

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. Camacho

VCC/ips  
4834-4390-1967.2  
Attachments

# **EXHIBIT A**

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 Manglona  
Director, Department of Administration

George A. Santos  
Deputy Director

**Response to Questions Lodged by Prospective Bidders**  
September 16, 2011

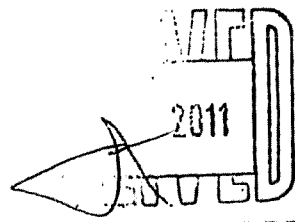
Bid Invitation No. GSA-064-~~ACKNOWLEDGEMENT COO~~  
Amendment No.: 4

*Refers to GSA @ 475-1727*  
**RECEIVED BY** [Signature]  
**DATE** 9/19/2011  
*Company Name Tele Guam Hc*

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:

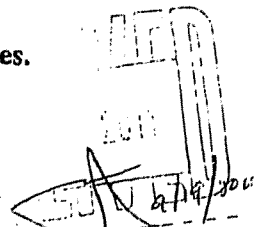
- (a) **Add Bid Form 8A Price Bid for Mobile Phone Services and Devices.**  
 (b) **Change 10 to read from: ISDN PRI, BRI, and SIP Trunks to Now Read: ISDN, PRI, BRI, SIP Trunks and DID Number Blocks.**  
 (c) **Delete Bid Form 16 in its entirety.**

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.**



GSA-064-11  
Amendment No. 4

10. **On Page 33 of 56** under Letter E Access to Records change to read from: Bidders who are awarded 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 (¼) 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.

GSA-064-11  
Amendment No. 4

**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.

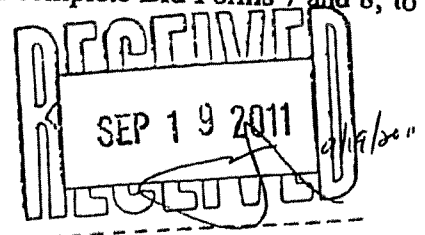
**17. On Page 43 of 56 under Conversion Plan change to read from: Bidder must submit a conversion plan. The plan requires that all government offices be converted within 90 calendar days; to Now Read:**

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.**





GSA-064-11  
 Amendment No. 4

- 19. **On Page 46 of 56** under Special Conditions Add: Bidder will provide the pricing Mobile Data Car 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 a 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:  

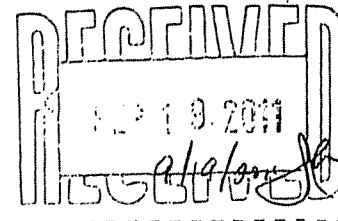
Bidder shall be responsible for providing the ISDN channel service units at the GovGuam site, NT1s.
- 23. **On Page 47 of 56** under Specifications Add:  

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 conferencing, 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.

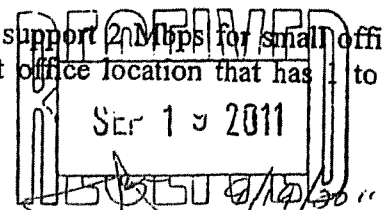
29. **On Page 49 of 56** under Specifications Paragraph 1 change to read from: 125 milliseconds to **Now Read:** 150 milliseconds with no more than 4 hops.

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:**

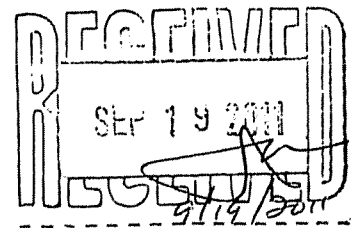
The DSL, Cable, or Wireless Internet Access must be configured to support 2Mbps for small offices and 7 Mbps for larger office. A small office will be a government office location that has to 10 people.



GSA-064-11  
Amendment No. 4

- 32. **On Page 51 of 56** under Special Conditions – Paragraph 5 change to read from: Bidder must have 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 B

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. San  
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); GIGAWAN Data Communication Services; Broadband Internet Access; 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**

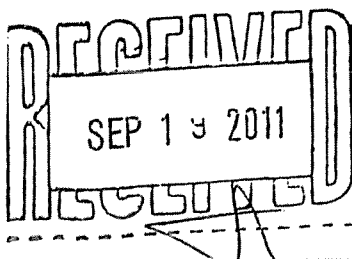
RECEIVED BY [Signature]

DATE 9/19/2011  
Telegraph Holdings LLC

- 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**

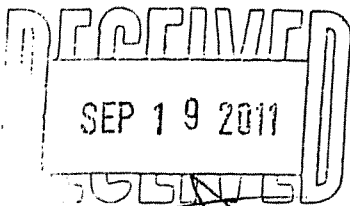
- a. The GovGuam Wide Area Network telecommunication connections are for point-to-point telecommunication services within Guam. The service is an intrastate digital private line service that will originate and terminate telecommunications to customer designated premises in Guam.
- b. The GovGuam Wide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

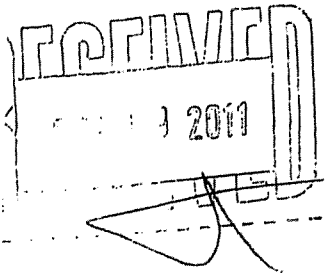
**GovGuam Response:**The GovGuam has compiled the location data and is found in Attachment B Locations Spreadsheet. (Refer to Amendment No. 4 item #1)

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.

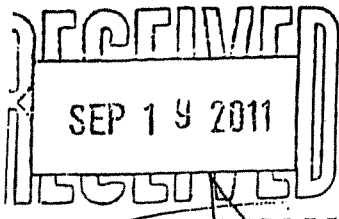
- 5. **Question from Guam Telecom – No. 5** - Is an IP (Internet Protocol) solution acceptable to GSA?

**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.

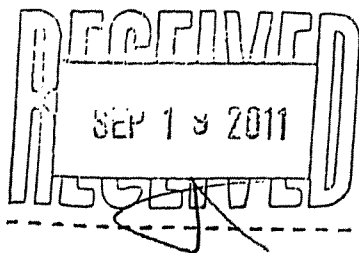
**Do you want legacy Ethernet? If so, please specify termination type.** No. The IFB will interface the WAN Ethernet to Layer 3 Switches. The termination will be fiber interface to Cisco Layer 3 switches.

- 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.

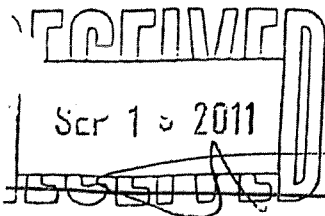
III. **QUESTIONS FROM PACIFIC DATA SYSTEMS (July 11, 2011)**

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.

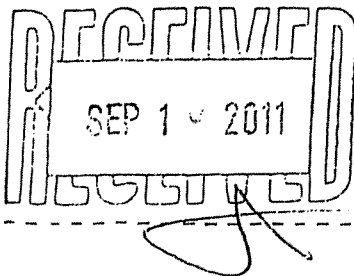
There is no set amount of mobile phones. However, the GovGuam Executive Branch (Line departments/agencies) will be using this Price List to obtain mobile phone services.

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?

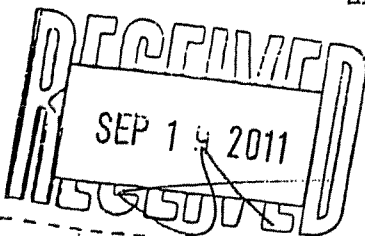
**GovGuam Response:** No. If the bidder shall use a Cashier's Check there are no other documents required. However, the check shall not expire until the end of the 12 months period. The check will be released at the end of the first contract term.

- 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.

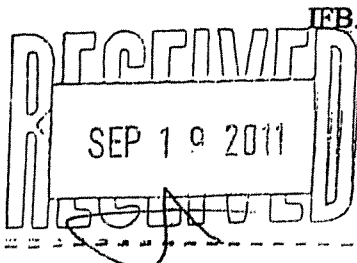
The Bidder shall be responsible for ensuring that this billing algorithm is used for billing purposes.

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 8<sup>th</sup> (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

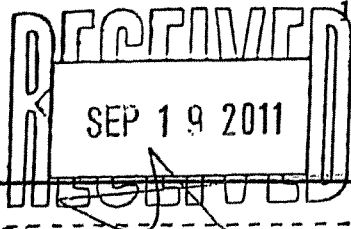
NOTE: (Refer to Amendment No. 4 item #34)

- 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 1 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.

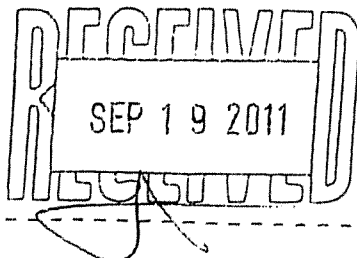
**GovGuam Response:** No. The GovGuam will issue a separate procurement for lower speed High-Capacity telecommunications services, if required.

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

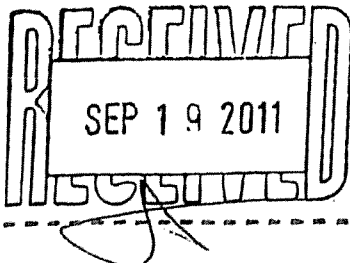
- a. As noted regarding Bid Form 10, this service should be included with Digital trunk service (Bid Form 10).

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.

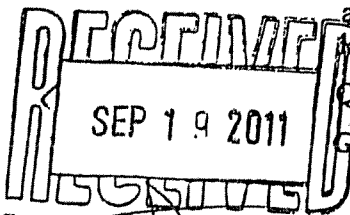
Question: Will change orders be required to implement price changes per this provision and if so should the change order box on page 21 be check-marked?

**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. 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...

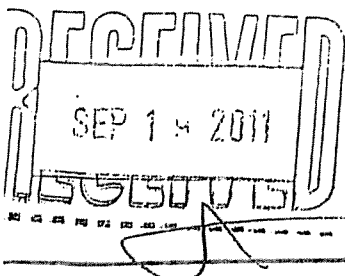
Question: Is the 10 to 70 MBPS per location or in the aggregate?

**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?

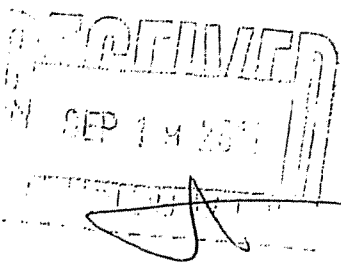
**GovGuam Response:** Yes. Bidders will be provided seven (7) working Days to respond.

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?

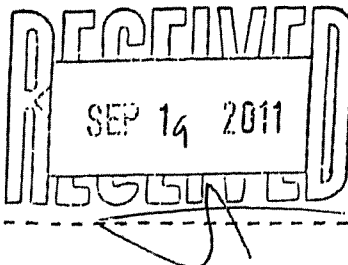
**GovGuam Response:** The voice services shall not require use of the GovGuam data network.

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?

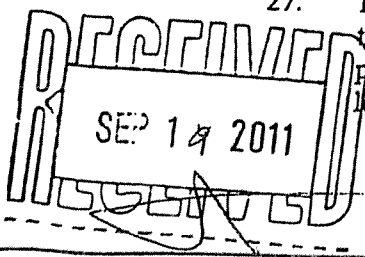
**GovGuam Response:** Three 3 pairs if Bidder is using separate transmit and receive fibers and 3 strands if the Bidder is using DWDM wavelengths with filters.

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.

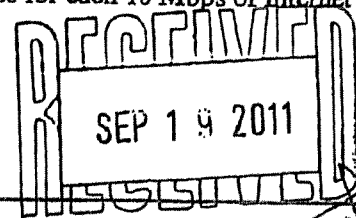
33. Page 49 -Bidder must provide a web-based, real-time, on-line monitoring tool to monitor the SLA and the overall capacity of the ISP. The tool must be equal in capability and functionality to the PRTG

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.

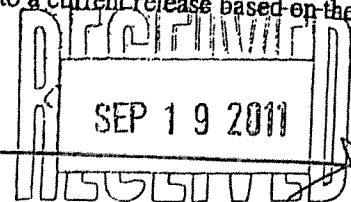
40. Page 54 Routers– Bidder shall also provide a Single % Price for the Annual Maintenance of the Equipment.

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?

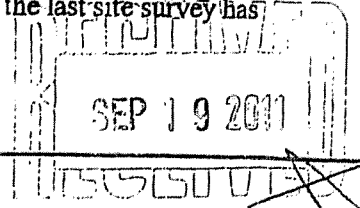
**GovGuam Response:** The GovGuam understand that there is a cost with updating the Cisco IOS (Internetwork Operating System) software release. Since the GovGuam cannot provide such information, the GovGuam will be responsible for directing the Bidder awarded the contract to update the Cisco IOS to a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

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## 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?

SEP 18 2011

**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?

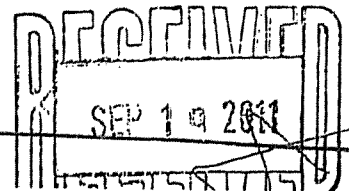
**GovGuam Response:** New equipment.

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.



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.

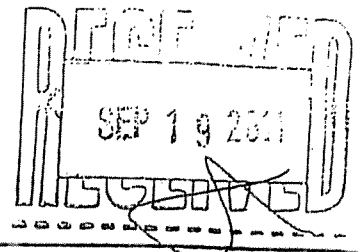
Please note that the PRI and DID number associated with the PRI will depend on which agency is connecting to the system.

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



# **EXHIBIT C**

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: JENNIFER S GAMBELLURI

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   |                       |
|----|--|-----------------|-----------------------|
|    |  | <u>Purchase</u> | <u>Purchase Price</u> |
| 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 |
|-----------------------------|------------|---------|

**Bid Form 6 – Non-Centrex Telephone Instruments**

- **Pacific Data Systems**

|    |   | Monthly Lease   |                       |
|----|---|-----------------|-----------------------|
|    |   | <u>Purchase</u> | <u>Purchase Price</u> |
| 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          | \$155.00              |
| 5. | Attendent Console   | \$3.65          | \$95.00               |

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

| <b>BIDDER NAME: TELEGUAM HOLDINGS LLC</b>  |                        |
|--|------------------------|
| <b>BLACKBERRY (Plan 1)</b>   | <b>Mobile Service:</b> |
| 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                |

| <b>ANDROID (Plan 2)</b>  | <b>Mobile Service:</b> |
|--|------------------------|
| 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                |

| <b>Iphone, 8GB (Plan 3)</b>  | <b>Mobile Service:</b> |
|--|------------------------|
| 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                |

| <b>Iphone 4, 32GB (Plan 4)</b>   | <b>Mobile Service:</b> |
|--|------------------------|
| 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>Installation:</u> | <u>MRC</u> |
|---|----------------------|------------|
| - <b><u>Teleguam Holdings, LLC</u></b>                                      |                      |            |
| 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>Installation:</u> | <u>MRC</u> |
|--|----------------------|------------|
| - <b><u>Pacific Data Systems</u></b>   |                      |            |
| 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**

**Teleguam Holdings, LLC**

|                 |   | <u>Installation</u> | <u>MRC for 1 Mbps<br/>Internet Access<br/>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**

**Pacific Data Systems**

|        |   | <u>Installation</u> | <u>MRC for<br/>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**

|                                     |                                 |   |
|-------------------------------------|---------------------------------|---|
| <b><u>Pacific Data Systems</u></b>  | 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 <b><u>Total Proposed Price of \$11,197.20</u></b> |

**Bid Form 15 - Television Services**

**Teleguam Holdings, LLC**

| Television Service  | Description  | Installation | MRC      |
|---|--|--------------|----------|
| 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 D**

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

|  |                                |   |                      |   |   |
|--|--------------------------------|---|----------------------|---|---|
| <b>BIDDER NAME:</b><br>PACIFIC DATA SYSTEMS  |                                | <b>USAC SPIN:</b> 143026234   |                      | <b>EVALUATION</b>   |   |
| 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 |   |
| <b>Internet Access in Mbps</b>   | <b>Installation (Per Node)</b> | <b>Per Node Monthly Recurring Cost (MRC) Including all Surcharges</b> | <b># of Services</b> | <b># of Months</b>  | <b>Total (60 Months + Installation)</b> |
| 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> |
|--|

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 premises 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 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.

# **EXHIBIT E**



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

|   |                                |  |                      |  |   |
|---|--------------------------------|--|----------------------|--|---|
| <b>BIDDER NAME: Teleguam Holdings LLC and its wholly owned subsidiaries GTA Telecom LLC, GTA Services LLC and Pulse Mobile LLC</b>  |                                | <b>USAC SPIN: 43002715 (GTA Telecom LLC) and/or 143016481 (Pulse Mobile LLC)</b> |                      | <b>EVALUATION</b>  |   |
| <b>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.</b> |                                |  |                      | <b>Based on Number of Services with Cost of the Period of Months</b> |   |
| <b>Internet Access in Mbps</b>  | <b>Installation (Per Node)</b> | <b>Per Node Monthly Recurring Cost (MRC) including all Surcharges</b>            | <b># of Services</b> | <b># of Months</b>   | <b>Total (60 Months + Installation)</b> |
| <b>1,000 Mbps or 1 Gbps Dedicated for GovGuam (100% CIR, Ring Topology, NMS)</b>  | waived                         | \$ 750.00  | 18                   | 24   | \$ 324,000.00                           |
| <b>10,000 Mbps or 10 Gbps Dedicated for GovGuam (100% CIR, Ring Topology, NMS)</b>  | \$ 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 F**

| ITEM NO. | DESCR | ON | M<br>E | THLY<br>E | ANNUAL<br>PRICE |
|----------|-------|----|--------|-----------|-----------------|
|----------|-------|----|--------|-----------|-----------------|

5.1 Dedicated Government of Guam Wide Area Network (GGWAN) Data Communication Services as per the Following specifications

The Government of Guam requires a high-speed Ethernet based Wide Area Network Service. These Ethernet services will be used to establish the GovGuam Wide Area Network. These services shall be provisioned via fiber optics cables and shall be in a ring topology which interconnects only GovGuam sites.

The Bidder is to provide a network design and a cost for capacity between GovGuam sites and potential GovGuam Server Hubs throughout the island. Appendix E of Attachment A shows the number of sites that are currently using a 5 Mbps Ethernet based service. The Bidder should be aware that it is expected that more sites will probably interconnect to this service.

The sites include, but are not limited to, the GovGuam Data Center (GDC) located at the Department of Administration in Hagatna, the Department of Education FSAIS Office in Hagatna, the University of Guam Computer Center, the Guam Memorial Hospital Authority (GMHA) Computer Center, the Community Health Centers, Department of Public Health and Social Services, and locations not yet specified.

**SPECIFICATIONS**

**BIDDING ON / REMARKS**

The network capacity must be configured to support DWDM connection speeds of 1,000 or 10,000 Mbps to each agency of the GovGuam that selects participation in this network.

The GovGuam plans to select data rates of either 1 or 10 Gbps, and does not require the Bidder to mix data rates.

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

Each site must have capacity to route traffic to two sites and be interconnected in a ring network topology.

Each connection in the network must have a 100% Committed Information Rate (CIR) for the service.

No other non-GovGuam entity shall share the use of the DWDM wavelength.

Bidder shall support Gigabit Ethernet and Fast Ethernet protocols.

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

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.

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

The NMS must provide status and alarms for service degradation.

Bidder must not restrict the GovGuam from monitoring any node on the network.

Bidder must provide user manuals on the NMS at the time of Bid Submission.

| Attachment -No. | Date    | From                           | For                  | Ref   |
|-----------------|---------|--------------------------------|----------------------|---|
| 1               | 9/10/12 | GSA                            | OPA                  | Agency Report OPA-PA-12-012   |
| 2               | 9/11/12 | OPA – R Marquez Email          | GSA                  | Agency Record for OPA-12-12   |
| 3               | 9/11/12 | Office of the Attorney General | GSA                  | Appointment of Special Assistant Attorneys General  |
| 4               | 9/12/12 | OPA                            | GSA                  | Conflicts Check – Information Request for OPA-PA-12-12  |
| 5               | 9/13/12 | GSA                            | OPA                  | Conflicts Checklist for OPA-PA-12-12  |
| 6               | 9/26/12 | Ed Cruz/BIT                    | GSA                  | Ref: Response to questions lodged by perspective bidders, 9/17/11                               |
| 7               | 9/27/12 | GSA                            | GTA                  | Ref: Clarification on MRC and Mobile Wifi to Data Card  |
| 8               | 9/28/12 | OPA                            | GSA                  | OPA-PA-12-012 Decision and Order  |
| 9               | 9/28/12 | GTA                            | GSA                  | Response to Request for Clarification dated 9/27/12   |
| 10              | 10/4/12 | GSA                            | IT & E               | Letter to confirm bid prices offered are still in effect  |
| 11              | 10/4/12 | GSA                            | Docomo               | Letter to confirm bid prices offered are still in effect  |
| 12              | 10/4/12 | GSA                            | MCV                  | Letter to confirm bid prices offered are still in effect  |
| 13              | 10/4/12 | GSA                            | GTA                  | Letter to confirm bid prices offered are still in effect  |
| 14              | 10/4/12 | GSA                            | Pacific Data Systems | Letter to confirm bid prices offered are still in effect  |
| 15              | 10/4/12 | IT & E                         | GSA                  | Faxed acknowledgement of letter dated 10/4/12 on pricing as well as indicating “Yes” to pricing |
| 16              | 10/4/12 | Pacific Data Systems           | GSA                  | Faxed acknowledgement of receipt of letter dated 10/4/12 on pricing                             |
| 17              | 10/5/12 | Docomo                         | GSA                  | Faxed acknowledgement of receipt of letter dated 10/4/12 on pricing                             |

| Attachment No. | Date    | From                   | For                    | Ref  |
|----------------|---------|------------------------|------------------------|--|
| 18             | 10/5/12 | MCV                    | GSA                    | Faxed acknowledgement of receipt of letter dated 10/4/12 on pricing  |
| 19             | 10/5/12 | GSA                    | GSA                    | Memo Ref: GTA acknowledgement – no copy & Memo to File   |
| 20             | 10/5/12 | Docomo                 | GSA                    | Letter confirming pricing offered in GSA Bid No 064-11 is still in effect                                  |
| 21             | 10/5/12 | Pacific Data Systems   | GSA                    | Letter confirming pricing offered in GSA Bid No. 064-11 is still in effect                                 |
| 22             | 10/5/12 | GTA                    | GSA                    | FOIA requesting for “All denials and decisions on protest received and or made by GSA Bid No. 064-11”      |
| 23             | 10/5/12 | GSA                    | Berman O’Conner & Mann | Decision on: Protest by Pacific Data Systems to Award Teleguam Holdings LLC in GSA 064-11 submitted 5/9/12 |
| 24             | 10/5/12 | Berman O’Conner & Mann | GSA                    | Acknowledgement copy of Decision of Protest dated 10/5/12  |
| 25             | 10/5/12 | GSA                    | Carlsmith Ball LLP     | Decision on: Protest on Determination and on award 5/18/12   |
| 26             | 10/8/12 | Carlsmith Ball         | GSA                    | Acknowledgement copy of Decision on Determination dated 10/5/12  |
| 27             | 10/5/12 | GSA                    | IT & E                 | Decision on Protest submitted by IT & E 5/10/12  |
| 28             | 10/5/12 | GSA                    | Docomo                 | Decision on Protest submitted by Docomo on 5/10/12   |
| 29             | 10/5/12 | Docomo                 | GSA                    | Acknowledgement copy of Decision on Determination dated 10/5/12  |
| 30             | 10/5/12 | GSA                    | MCV                    | Decision on Protest filed 5/10/12 by MCV   |
| 31             | 10/5/12 | MCV                    | GSA                    | Acknowledgement copy on Decision on Determination dated 10/5/12  |
| 32             | 10/8/12 | GSA                    | GTA                    | Response to FOIA Request   |

| <b>Attachment No.</b> | <b>Date</b> | <b>From</b>                                  | <b>For</b>                                      | <b>Ref</b>   |
|-----------------------|-------------|--|---|--|
|                       |             |  |   | dated 10/5/12  |
| 33                    | 10/8/12     | Carlsmith Ball LLP                           | OPA   | Procurement Appeal;<br>Exhibits A – I; Verification  |
| 34                    | 10/8/12     | GSA  | Office of the<br>Attorney<br>General of<br>Guam | Notice of Appeal to the<br>Office of Public<br>Accountability  |
| 35                    | 10/8/12     | Office of the<br>Attorney General<br>of Guam | GSA   | Acknowledgment copy on<br>letter dated 10/8/12 Ref<br>Notice of Appeal to the<br>OPA   |
| 36                    | 10/9/12     | IT & E                                       | GSA   | Acknowledgement copy of<br>Decision on Protest filed<br>5/10/12  |
| 37                    | 10/9/12     | OPA  | GSA   | Notice of Receipt of Appeal<br>OPA-PA-12-016 - filed by<br>GTA   |
| 38                    | 10/9/12     | GSA  | OPA   | Memo Ref: Inquiry to OPA<br>PA-12-016  |
| 39                    | 10/9/12     | GSA  | OPA   | Memo Ref: Procurement<br>Record for OPA 12-016   |
| 40                    | 10/9/12     | Carlsmith Ball LLP                           | GSA   | Acknowledgement copy on<br>GSA Memo dated 10/8/12,<br>Ref Inquiry to OPA-PA-12-<br>016 and Memo dated<br>10/9/12, ref Procurement<br>Record for OPA 012-16 |
| 41                    | 10/9/12     | OPA  | GSA   | Acknowledgement copy on<br>GSA Memo dated 10/8/12,<br>Ref Inquiry to OPA-PA-12-<br>016 and Memo dated<br>10/9/12, ref Procurement<br>Record for OPA 012-16 |
| 42                    | 10/15/12    | PDS  | OPA   | OPA-PA-016-12 Objection<br>to Appeal, Motion for<br>Dismissal  |
| 43                    | 10/15/12    | PDS  | OPA   | OPA-PA-016-12 Request for<br>Notice and Inclusion as an<br>Interested Party  |
| 44                    | 10/16/12    | OPA  | GSA   | Reply to GSA letter dated<br>10/9, (#39 above) ref<br>Procurement Record for<br>OPA 12-016   |
| 45                    | 10/17/12    | GSA  | OPA   | Subject: Certification of<br>Procurement Record OPA-<br>PA-012-16  |

| Attachment –No. | Date     | From | For                   | Ref  |
|-----------------|----------|------|-----------------------|--|
| 46              | 10/19/12 | GSA  | Carlsmith-Ball<br>LLP | Decision on: GTA<br>Protest dated May 11,<br>2012  |
| 47              | 10/22/12 | OPA  | GSA                   | Notice of Receipt of<br>Appeal – OPA-PA-12-<br>017 |
|                 |          |      |                       |  |
|                 |          |      |                       |  |
|                 |          |      |                       |  |
|                 |          |      |                       |  |
|                 |          |      |                       |  |

Eddie Baza Calvo  
Governor

# GSA

## 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. Bl  
Deputy Director

### RECEIVED

OFFICE OF PUBLIC ACCOUNTABILITY  
PROCUREMENT APPEALS

ATTACHMENT #1

DATE: September 10, 2012

September 10, 2012

TIME: 2:45  AM  PM BY: MH

AGENCY REPORT

FILE NO OPA-PA: R-12

OPA-PA-12-012 (IFB GSA -064-11)

The Agency Report for OPA-PA-12-012 (IFB GSA 064-11) is submitted as outlined in 2 GAR Div. 4, Chapter 12, Section 12105.

- (a) A copy of the protest (Refer to Tab 16, Book 7 "Other correspondence").
- (b) A copy of the bid or offer submitted by Appellant (Refer to Tab 4).
- (c) A copy of the Solicitation (Refer to Tab 6).
- (d) A copy of the Abstract (Refer to Tab 7)
- (e) Any other documents which are relevant.  
Amendments 1 thru 8 (Refer to Tab 8)  
Questions and Responses (Refer to Tab 9)  
Bid Analysis (Refer to Tab 1)  
Bid Submittal of other bidders (Refer to Tab 12)  
Copy of other correspondence (Refer to Tab 16)  
Appeal by PDS (Refer to OPA-PA-12-011)  
GSA response to protest of May 9, 2012 (Refer to Tab. 16, Book 7 "Other Correspondence")
- (f) The decision from which the Appeal is taken. No decision made on this matter.
- (g) A statement answering the Allegation of the Appeal. 5 GCA Section 5425(g) clearly prohibits the government from moving forward on a matter while the protest has not been finally addressed. Here, a protest was filed on May 9, 2012 regarding GSA's determination of the Major Shareholder and Disclosure Affidavit Form submitted by GTA. On May 17, 2012, PDS filed an appeal with the OPA regarding the application of the local preference (See OPA-PA-012-11). On September 4, 2012, PDS filed this appeal (See attachment on listing from Certification of Record of OPA-PA-012-12 filed September 6, 2012). On September 5, 2012, OPA filed a decision on OPA-PA-012-11) (See

COMMITTED TO EXCELLENCE



attachment on listing from Certification of Record of OPA-PA-012-11 filed September 6, 2012).

- (h) If the award was made after receipt of the protest. No award was made.
- (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*  
ROBERT H. KONO  
Acting Chief Procurement Officer

ACKNOWLEDGEMENT COPY

RECEIVE BY *Jessica S. Gungor*

DATE 09/12/12

ACKNOWLEDGEMENT COPY

RECEIVE BY \_\_\_\_\_

DATE \_\_\_\_\_

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RECEIVE BY \_\_\_\_\_

DATE \_\_\_\_\_

**received**  
9/12/12  
*Amiranth Almonte*  
AMIRANTH ALMONTE  
PDS

SEP 12 2012

346 *CA*



Robert Kono < robert.kono@gsa.guam.gov >

ATTACHMENT # 2

**agency record for OPA -12-12**

3 messages

**Robert Kono** < robert.kono@gsa.guam.gov >

Tue, Sep 11, 2012 at 3:53 PM

To: rmarquez@guamopa.org

Bcc: Claudia Acfalle <claudia.acfalle@gsa.guam.gov>, Anita Cruz <anita.cruz@gsa.guam.gov>

Hello. I am formally requesting that the Public Auditor allow agency report in OPAPA-012-12 to consist of references to the procurement record and subsequent documents in the certification that was previously submitted, instead of recopying of the procurement record. As you know, the procurement record of OPA -PA-12-11 consisted of over 8 books and 1,000 plus pages. The agency report was a copy of the procurement record. This also comprised of over 1,000 pages as well. It is our understanding that in a past procurement appeal, our attorney, Mr. Ben Abrams, attempted to file an agency report referencing the procurement record only as the rules seemed to allow for. You indicated that this was unacceptable and required a duplication of the procurement record. The agency report that if acceptable, will indicate where the matter is in the procurement record tab If you accept this, this will save the copying of over 5,000 pages (to all parties, OPA,AG,GTA,PDS and ourself). I look forward to the Public Auditor's response.....thanks again....rhkono

**Rodalyn Marquez** < rmarquez@guamopa.org >

Tue, Sep 11, 2012 at 4:25 PM

To: Robert Kono <robert.kono@gsa.guam.gov>

Cc: Phillip Torres <ptorres@tttguamlawyers.com>, John Day <john@pdsguam.com>, Doris Brooks <dfbrooks@guamopa.org>

Hi Mr. Kono,

Thank you for your email. We acknowledge receipt of your September 6, 2012 memorandum certifying the Procurement Record for OPA-PA-12-012. As stated in 2 GAR

*Rodalyn May G. Marquez, CIA, CGFM, CPA, CGAP, CGMA*

Audit Supervisor

Office of Public Accountability

Tel. (671) 475-0390 ext. 204

Fax (671) 472-7951

\*\*\*\*\*

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**From:** Robert Kono [mailto:robert.kono@gsa.guam.gov]

**Sent:** Tuesday, September 11, 2012 3:54 PM

**To:** rmarquez@guamopa.org

**Subject:** agency record for OPA-12-12

Hello. I am formally requesting that the Public Auditor allow agency report in OPAPA-012-12 to consist of references to the procurement record and subsequent documents in the certification that was previously submitted, instead of recopying of the procurement record. As you know, the procurement record of OPA -PA-12-11 consisted of over 8 books and 1,000 plus pages. The agency report was a copy of the procurement record. This also comprised of over 1,000 pages as well. It is our understanding that in a past procurement appeal, our attorney, Mr. Ben Abrams, attempted to file an agency report referencing the procurement record only as the rules seemed to allow for. You indicated that this was unacceptable and required a duplication of the procurement record. The agency report that if acceptable, will indicate where the matter is in the procurement record tab If you accept this, this will save the copying of over 5,000 pages (to all parties, OPA,AG,GTA,PDS and ourself). I look forward to the Public Auditor's response.....thanks again....rhkono

---

**Rodalyn Marquez** <rmarquez@guamopa.org>

Tue, Sep 11, 2012 at 4:46 PM

To: Robert Kono <robert.kono@gsa.guam.gov>

Cc: Phillip Torres <ptorres@tttguamlawyers.com>, John Day <john@pdsguam.com>, Doris Brooks <dfbrooks@guamopa.org>

Hi Mr. Kono,

Thank you for your email. As stated in relevant part in 2 GAR Sections 12104(c)(3) and 12105, the purchasing agency shall additionally submit an answer to the appeal in the form of a detailed Agency Report, which shall include specified items, if not already submitted to the OPA as part of the procurement record. We acknowledge receipt of your September 6, 2012 memorandum certifying the Procurement Record for OPA-PA-12-012 along with the attachments to update the procurement record in GSA-064-11.

In line with the Public Auditor's letter dated September 4, 2012 and in order to increase efficiency, the Public Auditor is granting your request to allow the agency report in OPA-PA-12-012 to consist of references to the procurement record and subsequent documents included in your previously submitted certification.

Best Regards,

*Rodalyn May G. Marquez, CIA, CGFM, CPA, CGAP, CGMA*

Audit Supervisor

Office of Public Accountability

Tel. (671) 475-0390 ext. 204

Fax (671) 472-7951

\*\*\*\*\*@\*\*\*\*\*

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

**From:** Robert Kono [mailto:robert.kono@gsa.guam.gov]  
**Sent:** Tuesday, September 11, 2012 3:54 PM  
**To:** rmarquez@guamopa.org  
**Subject:** agency record for OPA-12-12

Hello. I am formally requesting that the Public Auditor allow agency report in OPAPA-012-12 to consist of references to the procurement record and subsequent documents in the certification that was previously submitted, instead of recopying of the procurement record. As you know, the procurement record of OPA -PA-12-11 consisted of over 8 books and 1,000 plus pages. The agency report was a copy of the procurement record. This also comprised of over 1,000 pages as well. It is our understanding that in a past procurement appeal, our attorney, Mr. Ben Abrams, attempted to file an agency report referencing the procurement record only as the rules seemed to allow for. You indicated that this was unacceptable and required a duplication of the procurement record. The agency report that if acceptable, will indicate where the matter is in the procurement record tab If you accept this, this will save the copying of over 5,000 pages (to all parties, OPA,AG,GTA,PDS and ourself). I look forward to the Public Auditor's response.....thanks again....rhkono



fy 2012 - 614

ATTACHMENT # 3

## Office of the Attorney General

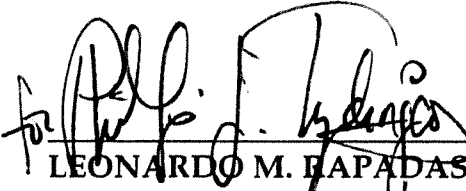
Leonardo M. Rapadas  
Attorney General of Guam  
287 West O'Brien Drive  
Hagåtña, Guam 96910 • USA  
(671) 475-3324 • (671) 472-2493 (Fax)  
www.guamattorneygeneral.com

### 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 the filing of a procurement appeal with the Office of Public Accountability in the appeal of *Pacific Data Systems, Docket No. OPA-PA-12-012*. This appointment is made pursuant to the request of the General Services Agency.

Dated this 11<sup>th</sup> day of September, 2012.

#### OFFICE OF THE ATTORNEY GENERAL

By:  CDAG  
LEONARDO M. RAPADAS  
Attorney General of Guam

## **CONDITIONS OF TEMPORARY SPECIAL ASSISTANT ATTORNEYS GENERAL APPOINTMENT**

Robert H. Kono, acknowledge that he is being designated as a Special Assistant Attorneys General (“SAAG”) under the control of the Attorney General of Guam (“Attorney General”) for purposes of rendering legal services pursuant to 5 G.C.A. §§ 30102 and 30109(c). The Attorney General remains the Chief Legal Officer for the Government of Guam and nothing herein shall be construed to delegate or waive the Attorney General’s legal authority and ethical relationship with the government of Guam under 48 U.S.C. § 1421g(d)(1), or any other Federal or local law, rule or regulation.

SAAG shall *not* issue any legal opinion under such designation, whether to the government of Guam or on behalf of the government of Guam, or otherwise, without first receiving approval of its form, content and substance by the Attorney General, who shall have the right to stop, modify or change the opinion, or be the authority signing off on the opinion. SAAG shall keep the Attorney General informed of all litigation activity, and the Attorney General reserves the right to require his prior approval of any litigation action including filing documents and issuing letters, and Attorney General shall have the right to stop, modify or change the direction of litigation. Attorney General shall approve and sign off on all settlement agreements. SAAG shall provide the Attorney General with copies of all pleadings in the cases, and a one (1) page monthly written memorandum apprising the Attorney General of the work conducted under this Agreement for that month’s legal services. Nothing herein shall prevent the Office of the Attorney General from joining as co-counsel in any legal matter where SAAG is performing legal services under their designation.

The Attorney General shall have the authority to unilaterally terminate in writing, with or without cause, this designation and SAAG’s status as a Special Assistant Attorneys General at any time when the Attorney General deems it necessary or appropriate. Pursuant to Rule 4.2 of the Guam Rules of Professional Conduct for Lawyers (7 G.C.A. Appendix F), upon notice of termination, SAAG shall *immediately* cease all legal representation of the government of Guam relative to litigation. In such case SAAG shall return to the Office of the Attorney General all files, documents, recordings and other property of whatever kind arising from SAAG’s legal representation of the government of Guam, and shall issue a written memorandum detailing the status of SAAG’s legal representation relative to litigation just prior to SAAG’s termination.



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

FY 2012 - 664

September 12, 2012

**Appellee: General Services Agency**  
Ms. Claudia Acfalle  
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-12-012**  
**Subject: Conflicts Check – Information Request**

Dear Ms. Acfalle,

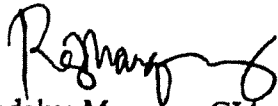
Relative to the above-referenced procurement appeal filed with the Office of Public Accountability on August 29, 2012, please provide the full legal names of the following General Services Agency (GSA) officials (if applicable):

- 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. Please provide the requested information no later than Monday, September 17, 2012. Should you have any questions, please contact Michele Huffer at 475-0390 ext. 201 or at email address [mhuffer@guamopa.org](mailto:mhuffer@guamopa.org).

Thank you for your prompt attention to our request.

Sincerely,

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

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

September 13, 2012

Attachment # 5

Memorandum

To: Office of Public Accountability  
From: General Services Agency  
Subject: Conflicts Checklist for OPA -PA-012-12

Pursuant to your memorandum dated September 12, 2012, I have the following information as requested:

Legal Counsel --- Robert H. Kono, Special Assistant Attorney General

Procurement Officer- Anita T. Cruz, Peter F. San Nicolas

Board of Directors -- None

All GSA officials relative to this appeal -Stated above

Any other procurement officials relative to this appeal -None

<sup>ACB</sup>  
**ACKNOWLEDGEMENT COPY**

RECEIVED BY: SEP 14 2012

DATE: 3:24

*Robert H. Kono*  
ROBERT H. KONO, Acting  
Chief Procurement Officer

**ACKNOWLEDGEMENT COPY**

RECEIVED BY: Josephine Chong  
PDS

DATE: 9-14-12

<sup>604</sup>  
**RECEIVED**  
OFFICE OF PUBLIC ACCOUNTABILITY  
PROCUREMENT APPEALS  
DATE: 9/14/2012  
TIME: 3:45  AM  PM BY: R Field  
FILE NO OPA-PA: 012-12

**CARLSMITH BALL-LLP**  
P.O. Box BF  
Hagatna, Guam 96932  
DATE: 9/14/12



Subject: GSA 064-11: Response 09/25/12 - GSA 02/02  
From: Ed Cruz (ed.cruz@bit.guam.gov)  
To: bobkono@yahoo.com; robert.kono@gsa.guam.gov; anita.cruz@gsa.guam.gov;  
Date: Wednesday, September 26, 2012 6:45 AM

Attachment #6

----- Forwarded message -----

From: **Ed Cruz**  
Date: Tuesday, September 25, 2012  
Subject: Gsa 09/25/12 - 02/02  
To: ed.cruz@bit.guam.gov

Response to questions lodged by prospective bidders, sept17, 2011

I. 2. For all parts. A.

2. A.

- Bid Form 3 and Revised Bid Form 3 both indicate on the second row: "single line DIGITAL DISPLAY with hands-free, display, programmable feature keys and wireless handset options"
- there is no requirement that ALL instruments have a digital display
- there are only 3 areas where digital displays are required as indicated in RFB 3

B.

- response to questions lodged by bidders, sept 17, 2011
- page 10, #6 part 2

C. 1

- the phone that cost leased \$3.52, purchase \$116.64 (Cisco SPA501G) does not have a digital display, thus does not qualify meeting the requirement
- the phone that was the lowest in cost WITH a digital display was the Cisco SPA504G at a cost of \$4.93 leased, \$163.30 purchased

C. 2

- C. 1 applies due to the cost difference between the two instruments

--

Ed C. Cruz  
Chief Information Officer  
State Health IT Coordinator  
Bureau of Information Technology  
Office of the Governor

W: 671.475.1229/1203

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--

Ed C. Cruz  
Chief Information Officer  
State Health IT Coordinator  
Bureau of Information Technology  
Office of the Governor  
W: 671.475.1229/1203

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Eddie Baza Calvo  
Governor



Benita Manglona  
Director, Dept. of Admin.

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

Ray Tenorio  
Lt. Governor

Attachment #

?

Anthony C. Blaz  
Deputy Director

September 27, 2012

TeleGuam Holdings  
Attn: Andrew S. Quenga  
Legal Counsel  
624 North Marine Drive,  
Tamuning Guam 96913  
Tel: (671) 644-1609 / Fax (671) 644-2764

Re: GSA Bid Number: GSA-064-11 (Telecommunication Services)

Buenas Yan Hafa Adai! In regards to the above subject matter, The General Services Agency is requesting for clarification in regards to the following Bid Form 8A

You offer the following:

MRC for Unlimited Air Care "data-only" plan within Guam \$29.95  
Can this service work independently?

Data Device that enables a Mobile Wifi to the Data Card waived  
Can you clarify the offer "waived"?

Your quick response will be greatly appreciated. If you need further information in regards to the clarifications please feel free to contact our office at 475-1707.

Robert Kono  
Chief Procurement Officer (Acting)

Please Print  
ACKNOWLEDGEMENT COPY (Re-fax to GSA)

Received BY:

Date: 9/28/12

Vendor Name: GTA (TeleGuam Holdings LLC)

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



**SIGN  
HERE**

# WorkCentre 7346 Transmission Report

Attachment # 8

4727931

OFFICE OF PUBLIC AUDIT

05:27:51 pm 09-28-2012

1/1

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



## FAX

442012-640

|               |   |               |   |
|---------------|---|---------------|---|
| <b>To:</b>    | Robert Kono<br>Acting Chief Procurement<br>Officer<br>General Services Agency | <b>From:</b>  | Doris Flores Brooks<br>Guam Public Auditor<br>Office of Public Accountability |
| <b>Phone:</b> | 475-1707  | <b>Pages:</b> | 7 (including cover page)  |
| <b>Fax:</b>   | 475-1727  | <b>Date:</b>  | September 28, 2012  |
| <b>CC:</b>    | John Day<br>President<br>Pacific Data Systems                                 | <b>Phone:</b> | 475-0390 x. 216   |
| <b>Phone:</b> | 300-0202  | <b>Fax:</b>   | 472-7951  |
| <b>Fax:</b>   | 300-0265  |               |   |

Re: OPA-PA-12-012: Decision and Order

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,  
Joy Bulatan  
Auditor I  
jbulatan@guamopa.org

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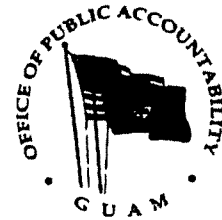
*[Signature]*  
9-28-2012  
Robert O. Kono, Chief Procurement Officer, General Services Agency, Guam

Transmit Date: 09/28/2012 05:27:51 PM  
To: Robert Kono  
From: Doris Flores Brooks  
Subject: OPA-PA-12-012: Decision and Order

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Transmit Date: 09/28/2012 05:27:51 PM  
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Suite 401 DNA Building  
238 Archbishop Flores St.  
Hagåtña, Guam 96910



# FAX

|                              |   |                              |  |
|------------------------------|---|------------------------------|--|
| <b>To:</b>                   | <b>Robert Kono</b><br>Acting Chief Procurement Officer<br>General Services Agency | <b>From:</b>                 | <b>Doris Flores Brooks</b><br>Guam Public Auditor<br>Office of Public Accountability |
| <b>Phone:</b><br><b>Fax:</b> | 475-1707<br>475-1727  | <b>Pages:</b>                | 7 (including cover page)   |
| <b>CC:</b>                   | <b>John Day</b><br>President<br>Pacific Data Systems                              | <b>Date:</b>                 | September 28, 2012   |
| <b>Phone:</b><br><b>Fax:</b> | 300-0202<br>300-0265  | <b>Phone:</b><br><b>Fax:</b> | 475-0390 x. 216<br>472-7951  |

**Re:** OPA-PA-12-012: Decision and Order

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,  
Joy Bulatao  
Auditor I  
[jbulatao@guamopa.org](mailto:jbulatao@guamopa.org)

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### ACKNOWLEDGEMENT COPY

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DATE

9-28-2012

Robert D. ...  
General Services Agency, OPA



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

**PROCUREMENT APPEALS**

IN THE APPEAL OF  
  
PACIFIC DATA SYSTEMS

Appellant.

APPEAL NO: OPA-PA-12-012

**DECISION AND ORDER**

**I. INTRODUCTION**

This is a Decision of the Public Auditor for an Appeal filed on August 29, 2012 by Pacific Data Systems (hereinafter referred to as "PDS") regarding the Invitation for Bid No. GSA-064-11 ("IFB"), issued by the General Services Agency ("GSA") on June 22, 2011 seeking, amongst other things, Telecommunication Services, Mobile Telephone Services, Integrated Services Digital Networking (ISDN) and Primary Rate Interface (PRI).

The Public Auditor finds that she does not have the jurisdiction to hear PDS's appeal at this time because GSA has not rendered a decision on PDS's May 9, 2012 protest. However, the Public Auditor has the authority to compel GSA to produce the decisions on protests. Accordingly, the Public Auditor orders the Chief Procurement Officer of GSA to produce a decision required by 5 GCA § 5425(c) and (d) and 2 GAR, Div. 4, Chap. 9, §9101(g) on PDS's May 9, 2012 protest and any other pending protests related to the IFB, no later than thirty (30) days after the date of the decision in this matter and that the Public Auditor requires GSA's decision be immediately delivered to PDS, the other Protestants and the Public Auditor.

**Decision and Order - 1**

## II. FINDINGS OF FACT

The Public Auditor, in reaching this decision, has considered and incorporated herein the procurement record and all documents submitted by the parties. Based on the aforementioned procedural and substantive record in this matter, the Public Auditor makes the following Findings of Fact:

1. On or about June 22, 2011, GSA issued Invitation for Bid No. GSA-064-11.<sup>1</sup>
2. Eight amendments to the IFB were issued between July 6, 2011 and November 23, 2011. The bid opening date was extended seven times from the originally stated July 20, 2011 to December 9, 2011.<sup>2</sup>
3. The Bid was opened by the GSA on December 9, 2011.<sup>3</sup>
4. On April 27, 2012, the Bid status form was sent to PDS informing it that its Bid had been rejected, in part, for various reasons but also recommending it for award of certain items and services along with awards to Teleguam Holdings, LLC ("GTA") and PTI Pacifica, Inc. ("IT&E").<sup>4</sup>
5. On April 30, 2012, PDS protested to the GSA on six areas, one of which PDS claimed that GSA did not consider PDS's Local Procurement Preference application in the award of Bid Form 10 and that PDS should be the lowest responsive and responsible bidder after application of the 15% Local Procurement Preference.<sup>5</sup>
6. On May 3, 2012, GSA denied PDS's April 30, 2012 protest, denying PDS's local procurement preference argument.<sup>6</sup>
7. On May 9, 2012, PDS via its legal counsel Berman O'Connor & Mann, submitted a second protest to GSA, alleging that (a) GTA's affidavit disclosing ownership and

<sup>1</sup> Newspaper Publication dated June 22, 2011, Exhibit 14, GSA Procurement Record filed on May 24, 2012 and Page 1 of 56, IFB No. GSA-064-11, Exhibit 5, GSA Procurement Record in Procurement Appeal case number OPA-PA-12-011.

<sup>2</sup> IFB Amendment Nos. 1 through 8, Exhibit 7, Id.

<sup>3</sup> Bid Abstract and Register, Exhibit 6, Id.

<sup>4</sup> Bid Status, Exhibit 9, Id.

<sup>5</sup> Protest Letter from PDS President John Day to GSA Chief Procurement Officer Claudia Acfalle on April 30, 2012, Exhibit 1, Id.

<sup>6</sup> Response Letter from GSA Chief Procurement Officer Claudia Acfalle to PDS President John Day on May 3, 2012, Exhibit 2, Id.

1 commission violates 5 G.C.A. § 5233, (b) GTA failed to meet the requirements of the IFB by  
2 improperly conditioning its bid, (c) the joint bid submission by Teleguam Holdings LLC, GTA  
3 Telecom LLC, GTA Services LLC, and Pulse Mobile LLC was improper and must be rejected.  
4 (d) GTA has failed to specify the spin number of the entity that is intended to provide a specific  
5 service, and (e) GTA failed to submit a certificate of authority.<sup>7</sup>

6 8. On May 10, 2012, Docomo Pacific, MCV, and IT&E each filed protests with  
7 GSA, citing similar issues as those noted in PDS's May 9, 2012 protest.<sup>8</sup>

8 9. On May 17, 2012, PDS filed an appeal with the Office of Public Accountability  
9 ("OPA") on GSA's May 3, 2012 protest decision. The appeal was assigned case number OPA-  
10 PA-12-011.<sup>9</sup>

11 10. On May 18, 2012, GTA via its legal counsel Carlsmith Ball LLP, protested to  
12 GSA on the grounds that GSA's revised May 3, 2012 Bid Status erroneously rejected GTA's  
13 bid submission for Bid Forms 2 and 3 and instead awarded these items to PDS.<sup>10</sup>

14 11. On August 29, 2012, PDS filed this appeal with OPA, stating that GSA has not  
15 issued a decision on its May 9, 2012 protest nor engaged PDS in any discussions to resolve the  
16 protest. PDS stated that this appeal is made in an effort to have OPA compel GSA to issue a  
17 decision on PDS's protest, as well as any other pending protests related to this procurement.<sup>11</sup>

18 12. There is no record on file that GSA issued a decision on PDS's May 9, 2012  
19 protest or any of the other protests filed between May 9, 2012 and May 18, 2012.

21  
22 <sup>7</sup> Protest Letter from Bill R. Mann of Berman O'Connor & Mann on PDS's behalf  
23 to GSA Chief Procurement Officer Claudia Acfalle on May 9, 2012, Exhibit 16,  
GSA Agency Report filed on May 31, 2012 in Procurement Appeal case number  
OPA-PA-12-011.

24 <sup>8</sup> Protest Letters from Guam Telecom LLC (MCV) Business Services Director Sean  
25 D. Miles, Docomo Pacific, Inc. General Counsel James W. Hofman II, and PTI  
Pacifica Inc. (IT&E) General Counsel Steven Carrara to GSA Chief Procurement  
Officer Claudia Acfalle on May 10, 2012, Exhibit 16, Id.

26 <sup>9</sup> Notice of Appeal filed on May 17, 2012 in Procurement Appeal case number  
OPA-PA-12-011, Page 1.

27 <sup>10</sup> Protest Letter from Vincent C. Camacho of Carlsmith Ball LLP on behalf of  
28 Teleguam Holdings, LLC on May 18, 2012, Exhibit 16, GSA Agency Report filed  
on May 31, 2012 in Procurement Appeal case number OPA-PA-12-011.

<sup>11</sup> PDS Notice of Appeal filed on August 29, 2012 for OPA-PA-12-012, Pages 2-  
3.



1 13. On September 5, 2012, OPA issued its decision on PDS's May 17, 2012 appeal,  
2 case number OPA-PA-12-011, pertaining to local procurement preference.<sup>12</sup>

3 14. On September 12, 2012, GSA submitted its Agency Report on this appeal and  
4 confirmed that no decision has been made on PDS's May 9, 2012 appeal.<sup>13</sup>

5 15. On September 14, 2012, PDS submitted its response to GSA's Agency Report,  
6 stating that "GSA has chosen to use the PDS appeal as a justification for doing nothing further  
7 in the procurement... GSA's position is based on a mistaken belief that the stay of the  
8 procurement referenced in its report (5 GCA Section 5425g) justifies GSA ceasing any and all  
9 work to resolve or to make a determination in the pending protests." PDS also reiterated its  
10 "request that the OPA deal with this matter on an expedited basis in order to restore the  
11 integrity of the procurement process and force GSA to deal with the pending issues".<sup>14</sup>

### 12 13 III. ANALYSIS

#### 14 A. The Public Auditor does not have the jurisdiction to hear PDS's appeal at this time.

15 This matter is not ripe for the Public Auditor's review because GSA has not rendered a  
16 decision on PDS's May 9, 2012 protest. The Public Auditor has the power to review and  
17 determine *de novo* any matter properly submitted to her. 5 G.C.A. § 5703 and 2 G.A.R., Div.  
18 4, Chap. 12, § 12103(a). The Public Auditor has the jurisdiction to hear an appeal of a  
19 purchasing agency's written decision on a protest concerning the purchasing agency's method  
20 of source selection, solicitation, or award of a contract. 5 G.C.A. § 5425(e), and 2 G.A.R., Div.  
21 4, Chap. 12, §12201(a). Both PDS and GSA stated that there is no decision on PDS's May 9,  
22 2012 protest. Further, GSA admitted that it had not rendered decisions on other existing  
23 protests on the IFB. Without a GSA decision on PDS's May 9, 2012 protest, this matter is not  
24

25  
26  
27 <sup>12</sup> GSA Certification of Record filed on September 6, 2012 for OPA-PA-12-012, Attachment #15.

<sup>13</sup> GSA Agency Report filed on September 12, 2012 for OPA-PA-12-012, Page 1.

28 <sup>14</sup> PDS Comments on Agency Report filed on September 14, 2012 for OPA-PA-12-012, Pages 1-2.

1 properly before the Public Auditor and the Public Auditor does not have the jurisdiction to hear  
2 it.

3  
4 **B. The Public Auditor has the authority to compel the Chief Procurement Officer of GSA**  
5 **to produce the Decision on the Protests.**

6 The Public Auditor has the authority to compel the production of documents by any  
7 employee of the Government of Guam. 5 G.C.A. § 5703 and 2 G.A.R., Div. 4, Chap. 12, §  
8 12103(a). Further, the Public Auditor shall use this authority to promote the integrity of the  
9 procurement process and purposes of 5 G.C.A. Chapter 5 Id. The Public Auditor finds that  
10 compelling GSA to issue its decision on all pending procurement protests is necessary to  
11 preserve the integrity of the procurement process because a further delay in rendering the  
12 decision will result in a violation of the Protestants' substantive due process rights.

13 GSA's decision on PDS's May 9, 2012 protest, as well as the protests of the other  
14 Protestants, are required by Guam Procurement Law and Regulations. If a protest is not  
15 resolved by a mutual agreement, GSA has an obligation to promptly and expeditiously issue a  
16 decision in writing stating the reasons for the actions taken, informing the Protestant of its right  
17 to administrative and Judicial review, and providing the Protestant with a copy of the Decision.  
18 5 G.C.A. § 5425(c) and (d), and 2 G.A.R., Div. 4, Chap. 9, § 9101(g).

19 The Guam Procurement Law requires all parties involved in the negotiation,  
20 performance, and administration of territorial contracts to act in good faith. 5 G.C.A. § 5003.  
21 Since the May 2012 filing of protests by PDS and the other Protestants, there is no evidence  
22 that GSA has tried to resolve the protests, citing the Stay of Procurement caused by PDS's May  
23 17, 2012 filing of an appeal as the reason that no action has been taken on the procurement.

24  
25 **IV. CONCLUSION**

26 Based on the foregoing, the Public Auditor hereby determines the following:


- 27 1. The Public Auditor does not have the jurisdiction to hear PDS's appeal at this  
28 time because GSA failed to produce a decision on PDS's May 9, 2012 protest.

1           2. Pursuant to 5 G.C.A. § 5703 and 2 G.A.R., Div. 4, Chap. 12, § 12103(a), the  
2 Public Auditor hereby orders the GSA Chief Procurement Officer to issue Decisions on PDS's  
3 May 9, 2012 protest and all other pending protests relevant to GSA-064-11 as required by 5  
4 G.C.A. § 5425(c) and (d) and 2 G.A.R., Div. 4, Chap. 9, § 9101(g) no later than thirty (30) days  
5 of receipt of this Decision and submit said Decisions to PDS, the other Protestants and the  
6 Public Auditor.

7           This is a Final Administrative Decision. The parties are hereby informed of their right to  
8 appeal from a Decision by the Public Auditor to the Superior Court of Guam, in accordance with  
9 Part D of Article 9, of 5 G.C.A. within fourteen (14) days after receipt of a Final Administrative  
10 Decision (5 G.C.A. § 5481(a)).

11           A copy of this Decision shall be provided to the parties and their respective attorneys, in  
12 accordance with 5 G.C.A. § 5702 and shall be made available for review on the OPA website,  
13 [www.guamopa.org](http://www.guamopa.org).

14  
15           **SO ORDERED** this 28<sup>th</sup> day of September, 2012.

16  
17  
18             
19           **DORIS FLORES BROOKS, CPA, CGFM**  
20           Public Auditor



624 North Marine Corps Drive  
Tamuning, Guam 96913

Attachment # 9

September 28, 2012

Via Email

Fy2012 - 634

Robert Kono, Acting Chief Procurement Officer  
General Services Agency  
148 Route 1 Marine Corps Drive  
Piti, Guam 96915

Subject: Response to Request for Clarification Dated September 27, 2012.

Hafa Adai.

In response to your Request for Clarification dated September 27, 2012 (received Sept. 28, 2012), GTA provides the following responses:

1. GSA Question – You offer the following: MRC for unlimited air care “data-only” plan within Guam. Can this service work independently? GTA answer: Yes.
2. GSA Question – Data device that enables Mobile Wifi to the Data Card. Can you clarify the offer “waived”? GTA answer: No charge for Data Device that enables a Mobile Wifi connection.

Sincerely,

A handwritten signature in black ink, appearing to read "ASQ", with a long horizontal stroke extending to the right.

Andrew S. Quenga  
Legal Counsel  
squenga@gta.net  
phone 644-1609  
fax 644-2764

**Eddie Baza Calvo**  
Governor



**GENERAL SERVICES AGENCY**

(Ahensian Setbision Hinirat)  
Department of Administration

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

**Ray Tenorio**  
Lieutenant Governor

**Anthony C. Blaz**  
Deputy Director

**Benita A. Manglona**  
Director

October 4, 2012

Attachment #10

Memorandum


Ms. Arlene Taitingfong  
Business Account Manager  
PTI Pacifica Inc, dba IT and E  
P.O. Gox 24881  
Barrigada, Guam 96921

Re: GSA Bid Number 064-11

Dear Ms. Taitingfong

Please have your company reconfirm the bid prices offered in GSA Bid Number 064-11. We would appreciate your response by Friday, October 5, 2012 at 2pm so that we take the next steps. You may either send the reconfirmation by fax at 472-4217 or at our office located in Piti, Guam.

If we do not receive a response by this time, we will assume that you are reconfirming your pricing and will act accordingly.

  
ROBERT H. KONO  
Acting Chief Procurement Officer

**Eddie Baza Calvo**  
Governor



**GENERAL SERVICES AGENCY**

(Ahensian Setbision Hinirat)  
Department of Administration  
148 Route 1 Marine Drive, Piti, Guam 96915  
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**Ray Tenorio**  
Lieutenant Governor

**Benita A. Manglona**  
Director

**Anthony C. Blaz**  
Deputy Director

October 4, 2012

Memorandum

Attachment #11

Marilyn R. Borja  
Sale Manger  
DOCOMO  
219 S. Marine Corps Drive  
Suite 206  
Tamuning, Guam 96913

Dear Ms. Borja:

Re: GSA Bid Number 064-11

Please have your company reconfirm the bid prices offered in GSA Bid Number 064-11. We would appreciate your response by Friday, October 5, 2012 at 2pm so that we take the next steps. You may either send the reconfirmation by fax at 472-4217 or at our office located in Piti, Guam.

If we do not receive a response by this time, we will assume that you are reconfirming your pricing and will act accordingly.

A handwritten signature in black ink that reads 'Robert H. Kono'.

**ROBERT H. KONO**  
Acting Chief Procurement Officer

**Eddie Baza Calvo**  
Governor

*Attn: Carl Soble*  
**GSA**

**GENERAL SERVICES AGENCY**

(Ahensian Setbision Hinirat)  
Department of Administration

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

**Ray Tenorio**  
Lieutenant Governor

**Benita A. Manglona**  
Director

**Anthony C. Blaz**  
Deputy Director

October 4, 2012

Memorandum

Attachment #12

Mr. Sean Miles  
Director, Business Services  
Guam Telecom, LLC (MCV)  
497 Harmon Loop Road  
Dededo, Guam 96929

Re: GSA Bid Number 064-11

Please have your company reconfirm the bid prices offered in GSA Bid Number 064-11. We would appreciate your response by Friday, October 5, 2012 at 2pm so that we take the next steps. You may either send the reconfirmation by fax at 472-4217 or at our office located in Piti, Guam.

If we do not receive a response by this time, we will assume that you are reconfirming your pricing and will act accordingly.

*Robert H. Kono*  
ROBERT H. KONO

Acting Chief Procurement Officer

COMMITTED TO EXCELLENCE

**Eddie Baza Calvo**  
Governor



**GENERAL SERVICES AGENCY**

(Ahensian Setbision Hinirat)  
Department of Administration

148 Route 1 Marine Drive, Piti, Guam 96915  
Tel: (671) 475-1767 Fax Nos: (671) 475-1727 / 475-1716

**Ray Tenorio**  
Lieutenant Governor

**Benita A. Manglona**  
Director

**Anthony C. Blaz**  
Deputy Director

Memorandum

Attachment #13

Mr. John Kim  
VP Controller, Authorized Officer  
GTA  
624 N. Marine Corps Drive  
Tamuning, Guam 96913

Re: GSA Bid Number 064-11

Dear Mr. Kim:

Please have your company reconfirm the bid prices offered in GSA Bid Number 064-11. We would appreciate your response by Friday, October 5, 2012 at 2pm so that we take the next steps. You may either send the reconfirmation by fax at 472-4217 or at our office located in Piti, Guam.

If we do not receive a response by this time, we will assume that you are reconfirming your pricing and will act accordingly.

**ROBERT H. KONO**  
Acting Chief Procurement Officer



**Eddie Baza Calvo**  
Governor



**GENERAL SERVICES AGENCY**

(Ahensian Setbision Hinirat)  
Department of Administration

148 Route 1 Marine Drive, Piti, Guam 96915  
Tel: (671) 475-1707 Fax Nos: (671) 475-1727 / 475-1716  
October 4, 2012

**Ray Tenorio**  
Lieutenant Governor

**Benita A. Manglona**  
Director

**Anthony C. Blaz**  
Deputy Director

Attachment #14

Mr. John Day  
President/CEO  
Pacific Data Systems  
185 Llipog Drive, Suite 204A  
Tamuning, Guam 96913

Dear Mr. Day:

Re: GSA Bid Number 064-11

Please have your company reconfirm the bid prices offered in GSA Bid Number 064-11. We would appreciate your response by Friday, October 5, 2012 at 2pm so that we take the next steps. You may either send the reconfirmation by fax at 472-4217 or at our office located in Piti, Guam.

If we do not receive a response by this time, we will assume that you are reconfirming your pricing and will act accordingly.

A handwritten signature in black ink that reads 'Rob H. Kono'.

ROBERT H. KONO  
Acting Chief Procurement Officer

Eddie Baza Calvo  
Governor



**GENERAL SERVICES AGENCY**

(Ahensian Setbision Hlnlrat)  
Department of Administration

Ray Tenorio  
Lieutenant Governor

Benita A. Mangiona  
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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 4, 2012 .

Memorandum

Attachment #15

Ms. Arlene Taitingfong  
Business Account Manager  
PTI Pacifica Inc, dba IT and E  
P.O. Box 24881  
Barrigada, Guam 96921

Re: GSA Bid Number 064-11

Dear Ms. Taitingfong

Please have your company reconfirm the bid prices offered in GSA Bid Number 064-11. We would appreciate your response by Friday, October 5, 2012 at 2pm so that we take the next steps. You may either send the reconfirmation by fax at 472-4217 or at our office located in Piti, Guam.

If we do not receive a response by this time, we will assume that you are reconfirming your pricing and will act accordingly.

*Robert H. Kono*  
ROBERT H. KONO  
Acting Chief Procurement Officer

Please Print  
ACKNOWLEDGEMENT COPY (Re-fax to GSA)

Received BY:

*Arlene Taitingfong*

Date:

*10/4/12*

Vendor Name:

*PTI Pacifica Inc dba IT & E*

Fax #'s:

*472-4217 / 475-1727 / 1716*

**RECEIVED**

\*NOTE: Yes. All pricing offered are confirmed as reflected in our response to bid # 064-11.  
*Arlene Taitingfong*

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Local ID 1

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**Eddie Baza Calvo**  
Governor



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**Ray Tenorio**  
Lieutenant Governor

**Benita A. Mangiona**  
Director

**Anthony C. Blaz**  
Deputy Director

October 4, 2012

Memorandum

**Ms. Arlene Taitingfong**  
Business Account Manager  
PTI Pacifica Inc, dba IT and E  
P.O. Box 24881  
Barrigada, Guam 96921

Re: GSA Bid Number 064-11

Dear Ms. Taitingfong

Please have your company reconfirm the bid prices offered in GSA Bid Number 064-11. We would appreciate your response by Friday, October 5, 2012 at 2pm so that we take the next steps. You may either send the reconfirmation by fax at 472-4217 or at our office located in Piti, Guam.

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*Robert H. Kono*  
**ROBERT H. KONO**  
Acting Chief Procurement Officer

Please Print  
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**Abbreviations:**

HS: Host send  
HR: Host receive  
WS: Waiting send

PL: Polled local  
PR: Polled remote  
MS: Mailbox save

MP: Mailbox print  
RP: Report  
FF: Fax Forward

CP: Completed  
FA: Fail  
TU: Terminated by user

TS: Terminated by system  
G3: Group 3  
EC: Error Correct

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| <p><b>Eddie Baza Calvo</b><br/>Governor</p> <p><b>Benita A. Mangiona</b><br/>Director</p> |  | <p><b>GENERAL SERVICES AGENCY</b><br/>(Ahensian Setbision Hinirat)<br/>Department of Administration<br/>148 Route 1 Marine Drive, Piti, Guam 96915<br/>Tel: (671) 475-1707 Fax Nos: (671) 475-1727 / 475-1716</p> | <p><b>Ray Tenorio</b><br/>Lieutenant Governor</p> <p><b>Anthony C. Blaz</b><br/>Deputy Director</p> |
|---|--|---|---|

October 4, 2012

**Memorandum**

Ms. Arlene Taitingfong  
Business Account Manager  
PTI Pacifica Inc, dba IT and E  
P.O. Box 24881  
Barrigada, Guam 96921

Re: GSA Bid Number 064-11

Dear Ms. Taitingfong

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*Robert H. Kono*  
**ROBERT H. KONO**  
Acting Chief Procurement Officer

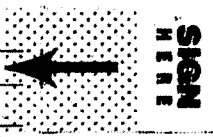
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Date: \_\_\_\_\_

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**Abbreviations:**

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HR: Host receive  
WS: Waiting send

PL: Polled local  
PR: Polled remote  
MS: Mailbox save

MP: Mailbox print  
RP: Report  
FF: Fax Forward

CP: Completed  
FA: Fail  
TU: Terminated by user

TS: Terminated by system  
G3: Group 3  
EC: Error Correct

**Eddie Baza Calvo**  
Governor



**GENERAL SERVICES AGENCY**

(Añensian 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  
October 4, 2012

**Anthony C. Blaz**  
Deputy Director

Attachment #16

Mr. John Day  
President/CEO  
Pacific Data Systems  
185 Llipog Drive, Suite 204A  
Tamuning, Guam 96913

Dear Mr. Day:

Re: GSA Bid Number 064-11

Please have your company reconfirm the bid prices offered in GSA Bid Number 064-11. We would appreciate your response by Friday, October 5, 2012 at 2pm so that we take the next steps. You may either send the reconfirmation by fax at 472-4217 or at our office located in Piti, Guam.

If we do not receive a response by this time, we will assume that you are reconfirming your pricing and will act accordingly.

*Robert H. Kono*  
**ROBERT H. KONO**  
Acting Chief Procurement Officer

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Vendor Name:

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*[Signature]*  
10-4-12  
Pacific Data Systems  
472-4217 / 475-1727 / 1716

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Lieutenant Governor

Benita A. Mangiona  
Director

148 Route 1 Marine Drive, Piti, Guam 96915  
Tel: (671) 475-1707 Fax Nos: (671) 475-1727 / 475-1716  
October 4, 2012

Anthony C. Blaz  
Deputy Director

Mr. John Day  
President/CEO  
Pacific Data Systems  
185 Lipog Drive, Suite 204A  
Tamuning, Guam 96913

Dear Mr. Day:

Re: GSA Bid Number 064-11

Please have your company reconfirm the bid prices offered in GSA Bid Number 064-11. We would appreciate your response by Friday, October 5, 2012 at 2pm so that we take the next steps. You may either send the reconfirmation by fax at 472-4217 or at our office located in Piti, Guam.

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*Robert H. Kono*  
ROBERT H. KONO  
Acting Chief Procurement Officer

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**Abbreviations:**

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| HS: Host send    | PL: Polled local  | MP: Mailbox print | CP: Completed          | TS: Terminated by system |
| HR: Host receive | PR: Polled remote | RP: Report        | FA: Fail               | G3: Group 3              |
| WS: Waiting send | MS: Mailbox save  | FF: Fax Forward   | TU: Terminated by user | EC: Error Correct        |

Eddie Baza Calvo  
Governor



**GENERAL SERVICES AGENCY**

(Aghenslan 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 4, 2012

Attachment #17

Memorandum

Marilyn R. Borja  
Sales Manager  
DOCOMO  
219 S. Marine Corps Drive  
Suite 206  
Tamuning, Guam 96913

Dear Ms. Borja:

Re: GSA Bid Number 064-11

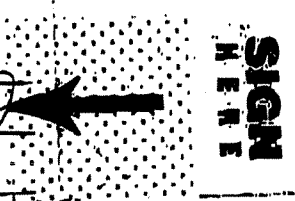
Please have your company reconfirm the bid prices offered in GSA Bid Number 064-11. We would appreciate your response by Friday, October 5, 2012 at 2pm so that we take the next steps. You may either send the reconfirmation by fax at 472-4217 or at our office located in Piti, Guam.

If we do not receive a response by this time, we will assume that you are reconfirming your pricing and will act accordingly.

*Robert H. Kono*  
ROBERT H. KONO  
Acting Chief Procurement Officer

Please Print  
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Received BY: JANESSA PALOMO  
Date: 10-05-12  
Vendor Name: DOCOMO PACIFIC  
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Governor

# GSA

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(Aghenslan Setbiston Hinirat)  
Department of Administration  
148 Route 1 Marine Drive, Piti, Guam 96915  
Tel: (671) 475-1707 Fax Nos: (671) 475-1727 / 475-1716

Ray Tenorio  
Lieutenant Governor

Benita A. Mangiona  
Director

Anthony C. Blaz  
Deputy Director

October 4, 2012

Memorandum

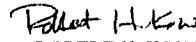
Marilyn R. Borja  
Sale Manger  
DOCOMO  
219 S. Marine Corps Drive  
Suite 206  
Tamuning, Guam 96913

Dear Ms. Borja:

Re: GSA Bid Number 064-11

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ROBERT H. KONO  
Acting Chief Procurement Officer

Please Print  
ACKNOWLEDGEMENT COPY (Re-fax to GSA)

Received BY: \_\_\_\_\_

Date: \_\_\_\_\_

Vendor Name: \_\_\_\_\_

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

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Abbreviations:

HS: Host send  
HR: Host receive  
WS: Waiting send

PL: Polled local  
PR: Polled remote  
MS: Mailbox save

MP: Mailbox print  
RP: Report  
FF: Fax Forward

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Eddie Baza Calvo  
Governor



**GENERAL SERVICES AGENCY**

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Department of Administration

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Tel: (671) 475-1707 Fax Nos: (671) 475-1727 / 475-1716

Ray Tenorio  
Lieutenant Governor

Benita A. Manglona  
Director

Anthony C. Blaz  
Deputy Director

October 4, 2012

Attachment #18

Memorandum

Mr. Sean Miles  
Director, Business Services  
Guam Telecom, LLC (MCV)  
497 Harmon Loop Road  
Dededo, Guam 96929

Re: GSA Bid Number 064-11

Please have your company reconfirm the bid prices offered in GSA Bid Number 064-11. We would appreciate your response by Friday, October 5, 2012 at 2pm so that we take the next steps. You may either send the reconfirmation by fax at 472-4217 or at our office located in Piti, Guam.

If we do not receive a response by this time, we will assume that you are reconfirming your pricing and will act accordingly.

*Robert H. Kono*  
ROBERT H. KONO  
Acting Chief Procurement Officer

Please Print  
ACKNOWLEDGEMENT COPY (Re-fax to GSA)

Received BY: *Sean Miles*

Date: *10/05/12*

Vendor Name: *Guam Telecom LLC*

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

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Doc:

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**Eddie Bata Calvo**  
Governor

**GSA** **GENERAL SERVICES AGENCY**  
(Aghansan Setibisan Hiniral)  
Department of Administration  
348 Route 1 Marine Drive, P.O., Guam 96915  
Tel: (671) 475-3707 Fax Nos: (671) 475-3727 / 475-3716

**Ray Tenorio**  
Lieutenant Governor

**Benita A. Mangiona**  
Director

**Anthony C. Blas**  
Deputy Director

October 4, 2012

**Memorandum**

Mr. Sean Miles  
Director, Business Services  
Guam Telecom, LLC (MCV)  
497 Harmon Loop Road  
Dededo, Guam 96929

Re: GSA Bid Number 064-11

Please have your company reconfirm the bid prices offered in GSA Bid Number 064-11. We would appreciate your response by Friday, October 5, 2012 at 2pm so that we take the next steps. You may either send the reconfirmation by fax at 472-4217 or at our office located in Piti, Guam.

If we do not receive a response by this time, we will assume that you are reconfirming your pricing and will act accordingly.

*R.H.K.*  
**ROBERT H. KONG**  
Acting Chief Procurement Officer

Please Print  
ACKNOWLEDGEMENT COPY (No-fax to GSA)

Received BY: *Sam Miles*

Date: *10/05/12*

Vendor Name: *Guam Telecom LLC*

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

**NDIS**

COMMITTED TO EXCELLENCE

111 1101-90 01 1101 15 02 90 1101-510-110

Total Pages: 1/1 (Total Pages sent: 1/1)

| No. | Doc.       | Remote station | Start Time         | Duration | Pages | Mode | Contents | Status |
|-----|------------|----------------|--------------------|----------|-------|------|----------|--------|
| 1   | 6114724211 |                | 10/05/2012 01:39PM | 00:00:00 | 1     | G    |          | EN     |

Notes:  
 RE: Forward RE: send to Mailbox BR: Broadcast MF: Multi-Forward RF: Remote service  
 FG: Forward RE: Fails Broadcast RL: Fails send EF: Box Forward CF: Completed  
 AW: send Again EN: Engaged AS: Auto send TM: Terminated

# WorkCentre 7346 Transmission Report

06/11/12

6:11:42 AM

Date/Time: 10/05/2012 09:14:06 AM

Page: 1 / Last: Page: 1

Doc Name: GENERAL SERVICES AGENCY  
Doc Size: 5.5 MB

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Eddie Baza Calvo  
Governor

## GSA

GENERAL SERVICES AGENCY

[Ahenlan Selbitson Hinirat]  
Department of Administration

Ray Tenorio  
Lieutenant Governor

Benita A. Manglena  
Director

148 Route 1 Marine Drive, P.O. Box 96915  
Tel: (671) 475-1707 Fax Nos: (671) 475-3727 / 475-1716

Anthony C. Blaz  
Deputy Director

October 4, 2012

**Memorandum**

Mr. Sean Miles  
Director, Business Services  
Guam Telecom, LLC (MCV)  
497 Harmon Loop Road  
Dededo, Guam 96929

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*R.H.K.*  
ROBERT H. KONO  
Acting Chief Procurement Officer

Please Print  
ACKNOWLEDGEMENT COPY (Re-fax to GSA)

Received BY: *Sean Miles*

Date: *10/05/12*

Vendor Name: *Guam Telecom LLC*

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

**HERE SIGN**

COMMITTED TO EXCELLENCE

7107-70-01 700015-01-00

1111-510-105

Total Pages: 1 / Document ID: 1 / Total Pages: 1 / Sent: 1 / 1

| Doc. Desc.            | Remote Station | Start Time             | Duration | Pages | Mode | Content | Status |
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Bk: Bookend  
 Bf: Following  
 Bt: Bookend Return  
 ME: Send to Mailbox  
 BE: Beta Broadcast  
 EB: Enveloped  
 E: Broadcast  
 E1: beta send  
 A: Auto send  
 MF: Multi Following  
 BF: Bookend Forward  
 TX: Terminated  
 R: Remote service  
 CF: Completed

**Eddie Baza Calvo**  
Governor



**GENERAL SERVICES AGENCY**

(Ahensian Setbision Hinirat)  
Department of Administration

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

**Ray Tenorio**  
Lieutenant Governor

**Anthony C. Blaz**  
Deputy Director

**Benita A. Manglona**  
Director

October 5, 2012

Attachment #19

Ref: GSA 064-11

Memo to file as to why we have no Acknowledgement Copy from GTA.

The attached was originally faxed on 10/4/12 at 4:31pm. The following are phone calls made requesting for a faxed copy of signed receipt of said letter.

| Date    | GTA   |
|---------|---|
| 10/4/12 | 5PM – Spoke with Jennifer Sgambelluri – She confirms receipt of fax. Said will not be able to have Mr. John Kim sign till their legal counsel reviews it.   |
| 10/5/12 | 8AM – Spoke with Jennifer Sgambelluri – She confirms still with legal and will fax asap.<br>10:16AM – Spoke with Jennifer Sgambelluri – She confirms still with legal and will fax.<br>11:33AM – Spoke with John Kim. He said he had yet to receive a copy and to fax to 644-1649.<br>11:53AM – Spoke with John Kim. He said he confirms receipt of fax, but will not sign till Legal confirms ok to sign off on.<br>1:00PM- Left voice message on Mr. Kim's machine.<br>1:49PM – Left voice message on Mr. Kim's machine.<br>2:10PM – Spoke with Jennifer Sgambelluri – She states no acknowledgement or letter will be forthcoming. |

Note:

In regards to the above letter. GSA only received replies from three (3) vendors: Pacific Data Systems, Docomo, and IT&E. GTA and Guam Telecom LLC did not send a letter or reply.

Regards,  
Marie Villanueva

# Transmission Report

Date/Time  
Local ID 1

10-04-2012  
04:32:32 p.m.  
671-475-1727

04:32:32 p.m.

Transmit Header Text  
Local Name 1

GSA BUYERS XEROX

This document : Confirmed  
(reduced sample and details below)  
Document size : 8.5"x11"

Eddie Baza Calvo  
Governor

# GSA

GENERAL SERVICES AGENCY

(Ahensian Setbison Hinirat)  
Department of Administration

Ray Tanorio  
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

Memorandum

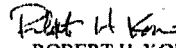
Mr. John Kim  
VP Controller, Authorized Officer  
GTA  
624 N. Marine Corps Drive  
Tamuning, Guam 96913

Re: GSA Bid Number 064-11

Dear Mr. Kim:

Please have your company reconfirm the bid prices offered in GSA Bid Number 064-11. We would appreciate your response by Friday, October 5, 2012 at 2pm so that we take the next steps. You may either send the reconfirmation by fax at 472-4217 or at our office located in Piti, Guam.

If we do not receive a response by this time, we will assume that you are reconfirming your pricing and will act accordingly.

  
ROBERT H. KONO  
Acting Chief Procurement Officer

Please Print  
ACKNOWLEDGEMENT COPY (Re-fax to GSA)

Received BY: \_\_\_\_\_

Date: \_\_\_\_\_

Vendor Name: \_\_\_\_\_

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

**NOIS**  
SIGN HERE

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Total Pages Scanned : 1

Total Pages Confirmed : 1

| No. | Job | Remote Station | Start Time               | Duration | Pages | Line | Mode | Job Type | Results |
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Abbreviations:

HS: Host send  
HR: Host receive  
WS: Waiting send

PL: Polled local  
PR: Polled remote  
MS: Mailbox save

MP: Mailbox print  
RP: Report  
FF: Fax Forward

CP: Completed  
FA: Fail  
TU: Terminated by user

TS: Terminated by system  
G3: Group 3  
EC: Error Correct

# Transmission Report

Date/Time  
Local ID 1

10-05-2012  
671-475-1727

11:21:16 a.m.

Transmit Header Text  
Local Name 1

GSA BUYERS XEROX

**This document : Confirmed  
(reduced sample and details below)  
Document size : 8.5"x11"**

**Eddie Baza Calvo**  
Governor



**GENERAL SERVICES AGENCY**

(Ahensian Setbision Hinirat)  
Department of Administration

**Ray Tenorio**  
Lieutenant Governor

**Benito A. Mangiona**  
Director

148 Route 1 Marine Drive, Piti, Guam 96915  
Tel: (671) 475-1767 Fax Nos: (671) 475-1727 / 475-1716

**Anthony C. Blaz**  
Deputy Director

**Memorandum**

**Mr. John Kim**  
VP Controller, Authorized Officer  
GTA  
624 N. Marine Corps Drive  
Tamuning, Guam 96913

Re: GSA Bid Number 064-11

Dear Mr. Kim:

Please have your company reconfirm the bid prices offered in GSA Bid Number 064-11. We would appreciate your response by Friday, October 5, 2012 at 2pm so that we take the next steps. You may either send the reconfirmation by fax at 472-4217 or at our office located in Piti, Guam.

If we do not receive a response by this time, we will assume that you are reconfirming your pricing and will act accordingly.

*Robert H. Kono*  
**ROBERT H. KONO**  
Acting Chief Procurement Officer

Please Print  
ACKNOWLEDGEMENT COPY (Re-fax to GSA)

Received BY: \_\_\_\_\_

Date: \_\_\_\_\_

Vendor Name: \_\_\_\_\_

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

**HS  
HR  
WS**

**COMMITTED TO EXCELLENCE**

Total Pages Scanned : 1

Total Pages Confirmed : 1

| No. | Job | Remote Station | Start Time               | Duration | Pages | Line | Mode | Job Type | Results |
|-----|-----|----------------|--------------------------|----------|-------|------|------|----------|---------|
| 001 | 921 | 6441649        | 11:19:44 a.m. 10-05-2012 | 00:00:48 | 1/1   | 1    | EC   | HS       | CP9600  |

**Abbreviations:**

HS: Host send  
HR: Host receive  
WS: Waiting send

PL: Polled local  
PR: Polled remote  
MS: Mailbox save

MP: Mailbox print  
RP: Report  
FF: Fax Forward

CP: Completed  
FA: Fall  
TU: Terminated by user

TS: Terminated by system  
G3: Group 3  
EC: Error Correct

Eddie Baza Calvo  
Governor



Benita Manglona  
Director, Dept. of Admin.

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

Ray Tenorio  
Lt. Governor

Anthony C. Blaz  
Deputy Director

October 5, 2012

MEMORANDUM TO FILE:

Pursuant to 2 GAR Division 3, Section 3102, I, Anita T. Cruz, Buyer Supervisor, do hereby declare that GSA has requested all of the telephone bidders on GSA Bid No. GSA-064-11 to reconfirm their pricing offers. This is due to the fact that the bid award is more than 90 days due to an appeal and protests filed on this matter.

A handwritten signature in black ink, appearing to read 'Anita T. Cruz', written over a printed name.

ANITA T. CRUZ



October 5, 2012

Fig 111 - 011

ROBERT H. KONO  
Acting Chief Procurement Officer  
General Services Agency

Attachment #20

Hafa Adai Mr. Kono,

We received the attached document via fax yesterday, October 4<sup>th</sup> for the GSA Bid 064-11. This letter is to inform you and GSA that we are confirming our pricing offered in GSA Bid Number 064-11 submitted on December 9<sup>th</sup> 2011.

Should you have any questions or concerns please feel free to contact myself or my Business Sales Manager, Mrs. Marilyn Borja @ 671/688-2484 or via email at [mborja@docomopacific.com](mailto:mborja@docomopacific.com).

Sincere Regards,

Janessa P. Palomo  
Account Executive - Business Sales

NTT docomo DOCOMO PACIFIC

Office: 671.688.2355 ext 225

Wireless: 671.688.5741

Facsimile: 671.649.7247

E-mail: [jpalomo@docomopacific.com](mailto:jpalomo@docomopacific.com)





Attachment #21

*From - 064*

October 5, 2012

delivered via fax  
475-1727

Mr. Robert H. Kono  
Acting Chief Procurement Officer  
General Services Agency  
148 Route 1 Marine Drive  
Piti, GU 96915

Dear Mr. Kono:

As requested, Pacific Data Systems reconfirms the bid prices offered in GSA Bid Number 064-11.

If you have any further questions, please do not hesitate to contact me.

Sincerely,

John Day  
President/COO



624 North Marine Corps Drive  
Tamuning, Guam 96913

October 5, 2012

Attachment #22

**VIA FACSIMILE 671-475-1727**

Claudia S. Acfalle  
Chief Procurement Officer  
General Services Agency  
184 Route 1 Marine Corps Drive  
Piti, Guam 96915

RE: **GSA Bid Number 064-11**

Dear Ms. Acfalle

TeleGuam Holdings, LLC ("GTA"), requests that GSA provide it with copies of the documents listed below within four working days as provided by 5 GCA 10301 (a) and (d). Please let me know the costs for obtaining the document copies. The documents may also be provided in electronic format pursuant to 5 GCA 10301. Thank you in advance for your cooperation.

Regarding GSA Bid Number 064-11, please provide the following:

- 1.) All denials and decisions on protest received and or made by GSA Bid No. 064-11

Sincerely,

Eric N. Votaw  
Vice President - Regulatory  
TeleGuam Holdings, LLC

.cc Serge Quenga - Legal Counsel

**Eddie Baza Calvo**  
Governor



**GENERAL SERVICES AGENCY**

(Ahensian Setbision Hinirat)  
Department of Administration

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

**Ray Tenorio**  
Lieutenant Governor

**Benita A. Manglona**  
Director

**Anthony C. Blaz**  
Deputy Director

October 5, 2012

Attachment #23

Mr. Bill Mann  
Berman O'Connor and Mann  
Suite 503, Bank of Guam Building  
111 Chalan Santo Pa  
Hagatna, Guam 96910

Re: Protest by Pacific Data System, Inct to Award  
Teleguam Holding LLC in GSA 064-11

Dear Mr. Mann:

I am in receipt of your protest dated May 9, 2012 regarding awarding Teleguam Holding LLC a portion of GSA 064-11. As you are aware, an appeal was filed on a separate matter by your client on April 30, 2012, which prohibits any further action until that protest has been resolved. On September 5, 2012, the Office of Public Accountability made a decision. Waiting the required ten (10) days for an appeal to be exhausted, now allows the General Services Agency to proceed with answering the protest.

You protested that Teleguam's affidavit disclosing ownership and commission violated 5 G.C.A. Section 5233. The submission by Teleguam did not meet the requirements as stated in the law, however, under 2 GAR Division 4, Sections 3109(m)(4)(A) through 3109(m)(c) which mistakes in bid are discovered after the time and date set for bid opening and before an award. Based upon these sections, the Chief Procurement Officer determined that these were minor informalities and were cured pursuant to the law. Therefore, your protest on this matter is rejected.

You indicated that Teleguam failed to meet the requirements of the Invitation for Bid by improperly conditioning its bid. We have reviewed your issue and determined that it is without merit. Therefore, this matter is denied..

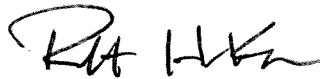
You indicated that the joint bid submission by Teleguam holdings was improper and must be rejected. The basis for this protest was that it was a joint submission by several wholly owned companies of Teleguam holdings, they were separate businesses and their business licenses all expired on June 30, 2011. We have reviewed this issue and determined that it is without merit.

You indicated that Teleguam has failed to specify the SPIN number of the entity that is intended to provide a specific service. You indicated that GTA has failed to provide

which of its subsidiary is providing what SPIN number. GTA has provided the SPIN number and therefore your protest is denied.

Finally, you indicated that Teleguam has failed to submit a Certificate of Authority. A Certification was provided Based upon the above, your protest is hereby denied.

You have the right to seek administrative and judicial review as stated in the law.

A handwritten signature in black ink, appearing to read 'Anita Cruz', with a stylized flourish at the end.

Anita Cruz  
Buyer Supervisor

A small, handwritten mark or signature element, possibly a checkmark or a stylized letter, located below the printed name.

Eddie Baza Calvo  
Governor

# GSA

## GENERAL SERVICES AGENCY

(Ahenslan Setbision Hinirat)  
Department of Administration

148 Route 1 Marine Drive, Piti, Guam 96915  
Tel: (671) 475-1707 Fax Nos: (671) 475-1727 / 475-1746

Benita A. Manglona  
Director

Ray Tenorio  
Governor  
SIGN  
HERE  
Author: ... Blaz

Attachment #24

October 5, 2012

Mr. Bill Mann  
Berman O'Connor and Mann  
Suite 503, Bank of Guam Building  
111 Chalan Santo Pa  
Hagatna, Guam 96910

Please Print Francisca Mondiola  
ACKNOWLEDGEMENT COPY (Re-fax to GSA)

Received BY: [Signature]

Date: 10-9-12

Vendor Name:

Fax #'s:

472-4217 / 475-1727 / 17

Re: Protest by Pacific Data System, Inc to Award  
Teleguam Holding LLC in GSA 064-11

Dear Mr. Mann:

I am in receipt of your protest dated May 9, 2012 regarding awarding Teleguam Holding LLC a portion of GSA 064-11. As you are aware, an appeal was filed on a separate matter by your client on April 30, 2012, which prohibits any further action until that protest has been resolved. On September 5, 2012, the Office of Public Accountability made a decision. Waiting the required ten (10) days for an appeal to be exhausted, now allows the General Services Agency to proceed with answering the protest.

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You indicated that Teleguam failed to meet the requirements of the Invitation for Bid by improperly conditioning its bid. We have reviewed your issue and determined that it is without merit. Therefore, this matter is denied.

You indicated that the joint bid submission by Teleguam holdings was improper and must be rejected. The basis for this protest was that it was a joint submission by several wholly owned companies of Teleguam holdings, they were separate businesses and their business licenses all expired on June 30, 2011. We have reviewed this issue and determined that it is without merit.

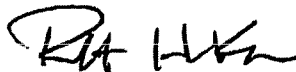
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COMMITTED TO EXCELLENCE

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Anita Cruz  
Buyer Supervisor



Eddie Baza Calvo  
Governor



**GENERAL SERVICES AGENCY**

(Ahensian Setbision Hinirat)  
Department of Administration

148 Route 1 Marine Drive, Piti, Guam 96915  
Tel: (671) 475-1707 Fax Nos: (671) 475-1727 / 475-1746

Benita A. Manglona  
Director

Tenorio  
rnor  
**SIGN  
HERE**  
Blaz  
Deputy Director

October 5, 2012

Mr. Bill Mann  
Berman O'Connor and Mann  
Suite 503, Bank of Guam Building  
111 Chalan Santo Pa  
Hagatna, Guam 96910

Please Print  
ACKNOWLEDGEMENT COPY (Re-fax to GS,

Received BY: \_\_\_\_\_

Date: \_\_\_\_\_

Vendor Name: \_\_\_\_\_

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

Re: Protest by Pacific Data System, Inct to Award  
Teleguam Holding LLC in GSA 064-11

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# Transmission Report

Date/Time  
Local ID 1

10-05-2012  
671-475-1727

02:56:19 p.m.

Transmit Header Text  
Local Name 1

GSA BUYERS XEROX

**This document : Confirmed**  
**(reduced sample and details below)**  
**Document size : 8.5"x11"**

**Eddie Baza Calvo**  
Governor



**GENERAL SERVICES AGENCY**

(Ahenslan Setbision Hinirat)  
Department of Administration  
148 Route 1 Marine Drive, Pitt, Guam 96915  
Tel: (671) 475-1707 Fax Nos: (671) 475-1727 / 475-1716

**Benita A. Manglona**  
Director

**Ray Tenorio**  
Governor  
**Authan ... Blaz**  
Deputy Director



October 5, 2012

Mr. Bill Mann  
Bernan O'Connor and Mann  
Suite 503, Bank of Guam Building  
111 Chalan Santo Pa  
Hagatna, Guam 96910

Please Print  
**ACKNOWLEDGEMENT COPY (Re-fax to GSA)**

Received BY: \_\_\_\_\_  
Date: \_\_\_\_\_  
Vendor Name: \_\_\_\_\_  
Fax #'s : 472-4217 / 475-1727 / 11

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Teleguam Holding LLC in GSA 064-11

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Total Pages Scanned : 2

Total Pages Confirmed : 2

| No. | Job | Remote Station | Start Time               | Duration | Pages | Line | Mode | Job Type | Results |
|-----|-----|----------------|--------------------------|----------|-------|------|------|----------|---------|
| 001 | 936 | 671 477 4366   | 02:55:19 p.m. 10-05-2012 | 00:00:27 | 2/2   | 1    | EC   | HS       | CP24000 |

**Abbreviations:**

|                  |                   |                   |                        |                          |
|------------------|-------------------|-------------------|------------------------|--------------------------|
| HS: Host send    | PL: Polled local  | MP: Mailbox print | CP: Completed          | TS: Terminated by system |
| HR: Host receive | PR: Polled remote | RP: Report        | FA: Fail               | G3: Group 3              |
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**Eddie Baza Calvo**  
Governor



**GENERAL SERVICES AGENCY**

(Ahensian Setbision Hinirat)  
Department of Administration

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

**Ray Tenorio**  
Lieutenant Governor

**Benita A. Manglona**  
Director

**Anthony C. Blaz**  
Deputy Director

October 5, 2012

Memorandum

Attachment #25

Mr. Vincent C. Camacho  
c/o Carlsmith Ball LLP  
134 W. Soledad Avehhk\  
Bank of Hawaii Building, Suite 401  
Hagatna, Guam 96910

Re: Protest on GSA Bid Number 064-11

Dear Mr. Camacho:

I am in receipt of your memorandum dated May 18, 2011, in which you protested the government's determination and award on bid forms 2 and 3.

You protested on the following basis:

1. You indicated that GSA should not have revised the Bid Status relative to Bid Forms 2 and 3 because GTA's submission for Bid Form 3 was compliant with the Bid Specifications.

Response: Bid Form 2 and revised bid form 3 both indicated on the second row "single line "DIGITAL DISPLAY" with hands free display, programmable feature and wireless handset options". There was no requirement that all instruments have a digital display. In reviewing your submittal, there were only 3 areas where digital displays are required in bid form 3.

2. In its Revised Bid Status and response to PDS protest filed on April 27, 2012, GSA erroneously determined that Teleguam submitted multiple price offers: rather, Teleguam provided a selection of telephone instruments to the government of Guam as required by the bid specifications.

Response: The government responded to this/ On "Responses to Questions ledged by Prospective bidders" dated September 17, 2011 on item 2. "All Parts" a. Bid Form. We stated in pertinent part" 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 specifications provided for in Amendment No.4 to this IFB. All Bid Forms were replaced and label RFB 1 through RFB 15 (Refer to Amendment Number 4 item #34).

**COMMITTED TO EXCELLENCE**

3. GSA's Revised Bid Status dated May 3, 2012, must be rescinded and GSA's original Bid Status issued on April 27, 2012 be reinstated because Teleguam is the lowest most responsible bidder under the requirements set forth in Bid Forms 2 and 3.

Response: The lowest listed phone submitted by GTA (Cisco SPA501G) did not have a digital display, thereby not meeting the specifications. GSA then went to the next lowest cost, the Cisco SPA504G. Based therefore upon the above stated information, GSA applied the cost difference between the two instruments to determine the cost.

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



ANITA CRUZ  
Buyer Supervisor

Eddie Baza Calvo  
Governor



**GENERAL SERVICES AGENCY**

(Ahensian Setblison Hlnirat)  
Department of Administration

148 Route 1 Marine Drive, Piti, Guam 96915

Tel: (671) 475-1707 Fax Nos: (671) 475-1727 / 475-1716

Ray Tenorio

Attachment #26

Benita A. Mangiona  
Director

October 5, 2012

Memorandum

Mr. Vincent C. Camacho  
c/o Carlsmith Ball LLP  
134 W. Soledad Avehkh  
Bank of Hawaii Building, Suite 401  
Hagatna, Guam 96910

Please Print  
ACKNOWLEDGEMENT COPY (Re-fax to GSA)

Received BY: V. CAMACHO  
Date: 10/8/2012  
Vendor Name: GTA  
Fax #'s: 472-4217 / 475-1727 / 1716

Re: Protest on GSA Bid Number 064-11

Dear Mr. Camacho:

I am in receipt of your memorandum dated May 18, 2011, in which you protested the government's determination and award on bid forms 2 and 3.

You protested on the following basis:

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



ANITA CRUZ  
Buyer Supervisor

Eddie Baza Calvo  
Governor



**GENERAL SERVICES AGENCY**

(Ahensian Setbision Hinlrat)  
Department of Administration

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

Ray Tenorio  
Lieutenant Governor

Benita A. Manglona  
Director

Ray C. Blaz  
Director

**SIGN  
HERE**

October 5, 2012

**Memorandum**

Mr. Vincent C. Camacho  
c/o Carlsmith Ball LLP  
134 W. Soledad Avehkh\  
Bank of Hawaii Building, Suite 401  
Hagatna, Guam 96910

Please Print  
**ACKNOWLEDGEMENT COPY (Re-fax to GSA)**

Received BY: \_\_\_\_\_  
Date: \_\_\_\_\_  
Vendor Name: \_\_\_\_\_  
Fax #'s : 472-4217 / 475-1727 / 1716

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COMMITTED TO EXCELLENCE

FAX RECEIVED

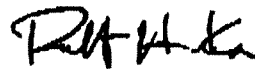
OCT 05 2012

TIME: 2:45 PM

3. GSA's Revised Bid Status dated May 3, 2012, must be rescinded and GSA's original Bid Status issued on April 27, 2012 be reinstated because Teleguam is the lowest most responsible bidder under the requirements set forth in Bid Forms 2 and 3.

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



ANITA CRUZ  
Buyer Supervisor

# Transmission Report

Date/Time  
Local ID 1

10-05-2012  
671-475-1727

02:46:21 p.m.

Transmit Header Text  
Local Name 1

GSA BUYERS XEROX

**This document : Confirmed**  
**(reduced sample and details below)**  
**Document size : 8.5"x11"**

**Eddie Baza Calvo**  
Governor



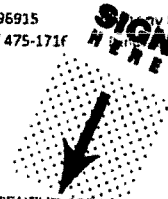
**GENERAL SERVICES AGENCY**

(Ahensian Setbison Hlnirat)  
Department of Administration  
148 Route 1 Marine Drive, Piti, Guam 96915  
Tel: (671) 475-1707 Fax Nos: (671) 475-1727 / 475-1716

**Ray Tenorio**  
Lieutenant Governor

**Benita A. Manglona**  
Director

**Ray C. Blaz**  
Director



October 5, 2012

**Memorandum**

**Mr. Vincent C. Camacho**  
c/o Carlsmith Ball LLP  
134 W. Soledad Ave hkh  
Bank of Hawaii Building, Suite 401  
Hagatna, Guam 96910

Please Print  
**ACKNOWLEDGMENT COPY (to fax to GSA)**

Received BY: \_\_\_\_\_  
Date: \_\_\_\_\_  
Vendor Name: \_\_\_\_\_  
Fax #'s : 472-4217 / 475-1727 / 1716

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**COMMITTED TO EXCELLENCE**

Total Pages Scanned : 2

Total Pages Confirmed : 2

| No. | Job | Remote Station | Start Time               | Duration | Pages | Line | Mode | Job Type | Results |
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| 001 | 929 | 94774375       | 02:45:33 p.m. 10-05-2012 | 00:00:22 | 2/2   | 1    | EC   | HS       | CP31200 |

**Abbreviations:**

|                  |                   |                   |                        |                          |
|------------------|-------------------|-------------------|------------------------|--------------------------|
| HS: Host send    | PL: Polled local  | MP: Mailbox print | CP: Completed          | TS: Terminated by system |
| HR: Host receive | PR: Polled remote | RP: Report        | FA: Fail               | G3: Group 3              |
| WS: Waiting send | MS: Mailbox save  | FF: Fax Forward   | TU: Terminated by user | EC: Error Correct        |

**Eddie Baza Calvo**  
Governor



**GENERAL SERVICES AGENCY**

(Ahensian Setbision Hinirat)  
Department of Administration

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

**Ray Tenorio**  
Lieutenant Governor

**Benita A. Manglona**  
Director

**Anthony C. Blaz**  
Deputy Director

October 5, 2012

Memorandum

Mr. Vincent C. Camacho  
c/o Carlsmith Ball LLP  
134 W. Soledad Avehkh\  
Bank of Hawaii Building, Suite 401  
Hagatna, Guam 96910

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**COMMITTED TO EXCELLENCE**



**Eddie Baza Calvo**  
Governor



**GENERAL SERVICES AGENCY**

(Ahensian Setbision Hinirat)  
Department of Administration

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

**Ray Tenorio**  
Lieutenant Governor

**Benita A. Manglona**  
Director

**Anthony C. Blaz**  
Deputy Director

October 5, 2012

Attachment #27

Mr. Steven Carrara  
General Counsel  
IT and E  
122 W. Harmon Industrial Park  
Harmon, Guam

Re: Protest on GSA Bid Number 064-11

I am in receipt of your protest (received by this office on May 10, 2012), in regards to the above stated matter. You had protested the award to GTA on the following:

Teleguam 's Major Shareholder Disclosure and Commission Affidavit violated 5 GCA section 5233. The submission by Teleguam did not meet the requirement as stated in the law. However, under 2 GAR, Division 4, Section 3109(m)(4)(A) through 3109(m)(c), in which mistakes in a bid are discovered after the time and date set for bid opening and before an award, the Chief Procurement Officer determined that these were minor informalities and were cured pursuant to the law. Therefore, your protest on this matter is rejected.

That Teleguam's bid was improperly conditioned. We have reviewed the bid and find it to be without merit. Therefore your protest on this matter is rejected.

Teleguam Bid Form 8A was non-responsive and must be rejected. We have reviewed this matter and find that it is without merit. Therefore, your protest on this issue is rejected.

Your protest is hereby rejected. You have the right to seek administrative or judicial review as authorized by law.

ANITA CRUZ  
Buyer Supervisor

# Transmission Report

Date/Time  
Local ID 1


10-05-2012  
671-475-1727

02:52:49 p.m.

Transmit Header Text  
Local Name 1

GSA BUYERS XEROX

**This document : Confirmed  
(reduced sample and details below)  
Document size : 8.5"x11"**

|   |   |   |   |
|---|---|---|---|
| <p><b>Eddie Baza Calvo</b><br/>Governor</p> <p><b>Benita A. Mangiona</b><br/>Director</p> |  | <p><b>GENERAL SERVICES AGENCY</b><br/>(Ahensian Setbisior Hinirat)<br/>Department of Administration<br/>148 Route 1 Marine Drive, Piti, Guam 96915<br/>Tel: (671) 475-1707 Fax Nos: (671) 475-1727 / 475-1716</p> | <p><b>Ray Tenorio</b><br/>Lieutenant Governor</p> <p><b>Anthony C. Blaz</b><br/>Deputy Director</p> |
|---|---|---|---|

October 5, 2012

Mr. Steven Carrara  
General Counsel  
IT and E  
122 W. Harmon Industrial Park  
Harmon, Guam

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That Teleguam's bid was improperly conditioned. We have reviewed the bid and find it to be without merit. Therefore your protest on this matter is rejected.

Teleguam Bid Form 8A was non-responsive and must be rejected. We have reviewed this matter and find that it is without merit. Therefore, your protest on this issue is rejected.

Your protest is hereby rejected. You have the right to seek administrative or judicial review as authorized by law.

**SIGN  
HERE**

Please Print  
**ACKNOWLEDGEMENT COPY (Re-fax to GSA)**

Received BY: \_\_\_\_\_

Date: \_\_\_\_\_

Vendor Name: \_\_\_\_\_

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

  
**ANITA CRUZ**  
Buyer Supervisor

**COMMITTED TO EXCELLENCE**

Total Pages Scanned : 1

Total Pages Confirmed : 1

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| 001 | 933 | 671+646-4723   | 02:52:06 p.m. 10-05-2012 | 00:00:15 | 1/1   | 1    | EC   | HS       | CP26400 |

**Abbreviations:**

HS: Host send  
HR: Host receive  
WS: Waiting send

PL: Polled local  
PR: Polled remote  
MS: Mailbox save

MP: Mailbox print  
RP: Report  
FF: Fax Forward

CP: Completed  
FA: Fail  
TU: Terminated by user

TS: Terminated by system  
G3: Group 3  
EC: Error Correct

12/5/12

176

(P) 422-4220 - Steven

(T) 422-4428 ✓ (address)

422-4428 ✓ (address)

7:00 - 7:30 - Called. Primary. One. Address. 10/1/12  
7:30 - 8:00 - Called - " " " " " "  
8:00 - 8:30 - Called - " " " " " "  
8:30 - 9:00 - Called - " " " " " "

9:00 - 9:30 - Called. Call log. Left message. (10/1/12).

9:30 - 10:00 - 4:26 pm - No answer - Not home

4:00 - 4:30 - 4:26 pm - No answer - Left message. (10/1/12)  
4:30 - 5:00 - 4:26 pm - No answer - Left message. (10/1/12)

10/8 - 8:00 am - Called of 1 to 1. No answer. Left message. No answer  
10/10/12 - 6:00 - 7:00 - Left message. No answer. Left message. (10/1/12)  
After 10/10/12

James

**Eddie Baza Calvo**  
Governor



**GENERAL SERVICES AGENCY**

(Ahensian Setbision Hinirat)  
Department of Administration

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

**Ray Tenorio**  
Lieutenant Governor

**Benita A. Manglona**  
Director

**Anthony C. Blaz**  
Deputy Director

October 5, 2012

Attachment #28

Memorandum

Mr. James W. Hofman, II  
General Counsel  
Docomo Pacific, Inc  
219 S. Marine Corps Dive  
Suite 206  
Tamuning, Guam 96913

Re: Protest on GSA Bid Number 064-11

I am in receipt of your protest dated May 10, 2012 in which you protested Teleguam Ownership and Commission Affidavit. I have reviewed your protest and have determined that such submittal was such that under the rules provided for, it is considered to be a minor informality and was cured pursuant to the rules.

Therefore, your protest is deemed to be without merit. You may seek any administrative or judicial right provided by law.

  
ANITA CRUZ  
Buyer Supervisor

Eddie Baza Calvo  
Governor



**GENERAL SERVICES AGENCY**

(Ahensian Setbision Hinirat)  
Department of Administration

Ray Tenorio  
Lieutenant Governor

Benita A. Mangiona  
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

Attachment #29

October 5, 2012

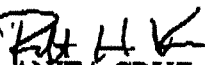
Memorandum

Mr. James W. Hofman, II  
General Counsel  
Docomo Pacific, Inc  
219 S. Marine Corps Dive  
Suite 206  
Tamuning, Guam 96913

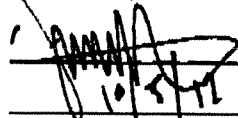
Re: Protest on GSA Bid Number 064-11

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Therefore, your protest is deemed to be without merit. You may seek any administrative or judicial right provided by law.

  
ANITA CRUZ  
Buyer Supervisor


Please Print  
ACKNOWLEDGEMENT COPY (Re-fax to GSA)

Received BY: 

Date: 10/5/12

Vendor Name: Docomo Pacific, Inc

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



# Transmission Report

Date/Time  
Local ID 1

10-05-2012  
671-475-1727

02:49:25 p.m.

Transmit Header Text  
Local Name 1

GSA BUYERS XEROX

This document : Confirmed  
(reduced sample and details below)  
Document size : 8.5"x11"

Eddie Baza Calvo  
Governor

# GSA

**GENERAL SERVICES AGENCY**

(Aghensian Setbision Hinirat)  
Department of Administration

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

Ray Tenorio  
Lieutenant Governor

Benita A. Manglona  
Director

Anthony C. Blaz  
Deputy Director

October 5, 2012

Memorandum

Mr. James W. Hofman, II  
General Counsel  
Docomo Pacific, Inc  
219 S. Marine Corps Drive  
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ANITA CRUZ  
Buyer Supervisor

Please Print  
ACKNOWLEDGEMENT COPY (Re-fax to GSA)

Received BY: \_\_\_\_\_

Date: \_\_\_\_\_

Vendor Name: \_\_\_\_\_

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

COMMITTED TO EXCELLENCE

Total Pages Scanned : 1

Total Pages Confirmed : 1

| No. | Job | Remote Station | Start Time               | Duration | Pages | Line | Mode | Job Type | Results |
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| 001 | 931 | 671 6497247    | 02:48:42 p.m. 10-05-2012 | 00:00:10 | 1/1   | 1    | EC   | HS       | CP28800 |

Abbreviations:

HS: Host send

HR: Host receive

WS: Waiting send

PL: Polled local

PR: Polled remote

MS: Mailbox save

MP: Mailbox print

RP: Report

FF: Fax Forward

CP: Completed

FA: Fail

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G3: Group 3

EC: Error Correct

**Eddie Baza Calvo**  
Governor



**GENERAL SERVICES AGENCY**

(Ahensian Setbision Hinirat)  
Department of Administration

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

**Ray Tenorio**  
Lieutenant Governor

**Anthony C. Blaz**  
Deputy Director

**Benita A. Manglona**  
Director

Attachment #30

October 5, 2012

Memorandum

Mr. Sean D. Miles  
Director, Business Services  
MCV Guam  
P.O. Box 24728  
GMF, Guam 96921

Re: Protest filed on Bid GSA-064-11

Dear Mr. Miles:

I am in receipt of your protest dated May 10, 2012 in which you protested Teleguam failure to meet the requirements on the Invitation for Bid by improperly conditioning its bid.

We have reviewed your comments and find that they are without merit. Therefore, your protest is denied.

You have the right to seek any administrative or judicial review authorized by law.

A handwritten signature in black ink, appearing to read 'Anita Cruz'.

ANITA CRUZ  
Buyer Supervisor

Eddie Baza Calvo  
Governor



**GENERAL SERVICES AGENCY**

(Ahensian Setbision Hinirat)  
Department of Administration

Ray Tenorio  
Lieutenant Governor

Benita A. Mangiona  
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 5, 2012

Attachment #31

**Memorandum**

Mr. Sean D. Miles  
Director, Business Services  
MCV Guam  
P.O. Box 24728  
GMF, Guam 96921

Re: Protest filed on Bid GSA-064-11

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You have the right to seek any administrative or judicial review authorized by law.

*ANITA CRUZ*  
ANITA CRUZ  
Buyer Supervisor

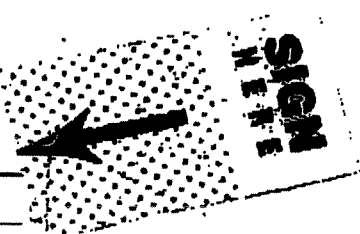
Please Print  
ACKNOWLEDGEMENT COPY (Re-fax to GSA)

Received BY: *Sean Miles*

Date: 10/05/12

Vendor Name: Guam Telecom, LLC

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



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# Transmission Report

Date/Time  
Local ID 1

10-05-2012  
03:02:03 p.m.  
671-475-1727

03:02:03 p.m.

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GSA BUYERS XEROX

**This document : Confirmed**  
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**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, Pkt. Guam 96915  
Tel: (671) 475-1707 Fax Nos: (671) 475-1727 / 475-1716

**Anthony C. Blaz**  
Deputy Director

October 5, 2012

**Memorandum**

Mr. Sean D. Miles  
Director, Business Services  
MCV Guam  
P.O. Box 24728  
GMF, Guam 96921

Re: Protest filed on Bid GSA-064-11

Dear Mr. Miles:

I am in receipt of your protest dated May 10, 2012 in which you protested Teleguam failure to meet the requirements on the Invitation for Bid by improperly conditioning its bid.

We have reviewed your comments have find that they are without merit. Therefore, your protest is denied.

You have the right to seek any administrative or judicial review authorized by law.

  
ANITA CRUZ  
Buyer Supervisor

Please Print  
ACKNOWLEDGEMENT COPY (Re-fax to GSA)

Received BY: \_\_\_\_\_

Date: \_\_\_\_\_

Vendor Name: \_\_\_\_\_

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

**COMMITTED TO EXCELLENCE**

Total Pages Scanned : 1

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| No. | Job | Remote Station | Start Time               | Duration | Pages | Line | Mode | Job Type | Results |
|-----|-----|----------------|--------------------------|----------|-------|------|------|----------|---------|
| 001 | 938 | 6716321500     | 03:01:10 p.m. 10-05-2012 | 00:00:25 | 1/1   | 1    | EC   | HS       | CP14400 |

**Abbreviations:**

HS: Host send  
HR: Host receive  
WS: Waiting send

PL: Polled local  
PR: Polled remote  
MS: Mailbox save

MP: Mailbox print  
RP: Report  
FF: Fax Forward

CP: Completed  
FA: Fail  
TU: Terminated by user

TS: Terminated by system  
G3: Group 3  
EC: Error Correct

Eddie Baza Calvo  
Governor



**GENERAL SERVICES AGENCY**

(Ahensian Setbision Hinirat)  
Department of Administration

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

Ray Tenorio  
Lieutenant Governor

Benita A. Manglona  
Director

Anthony C. Blaz  
Deputy Director

Attachment #32

October 08, 2012

Mr. Eric N. Votaw  
Vice President – Regulatory  
Tele Guam Holdings, LLC  
624 North Marine Corps Drive  
Tamuning, Guam 96913

Subject: GSA Bid Number 064-11 FOIA

Hafa Adai. We are in receipt of your request dated October 5, 2012, regarding GSA Bid Number 064-11, requesting: All denials and decisions on protest received and or made by GSA Bid No. 064-11.

Attached you will find copies per your request. Pursuant to the Guam Code Annotated Title 5 Government Operations and current through P.L. 26-72 Subsection 10203 (b) Charges of Copying Government Documents, you will need to pay ten cents (\$0.10) for the first page of any requested document and two cents (\$0.02) each for any remaining pages. A total of \$0.78 will be charged prior to obtaining these copies; exact change is required and will only be accepted between the hours of 8AM – 3PM, Monday thru Friday.

Regards,

Robert Kono  
Acting Chief Procurement Officer

**ACKNOWLEDGEMENT COPY**

RECEIVED BY: Jeff. JOHNSON

DATE: 10/8/12

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, Pld, Guam 96915  
Tel: (671) 475-1707 Fax Nos: (671) 475-1727 / 475-1716

Anthony C. Blaz  
Deputy Director

March 22, 2012

Memorandum

Mr. John Mantanona  
Account Manger  
Pacific Data Systems  
185 Illog Drive  
HBC Suite 204A  
Tamuning, Guam 96913

Please Print

ACKNOWLEDGEMENT COPY (Re-fax to GSA)

Received BY: John Mantanona

Date: 03-26-12

Vendor Name: Pacific Data System

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

Re: Letters of Protests on RFQ 12000894; 12001149; 12000523  
12001058 and 12001012

Dear Mr. Mantanona:

I am in receipt of your letters of protest of March 20, 2012 for the above entitled Request for Quotations. Since you cite the same issues for 4 of the 5 protests, I will address them together.

The services request in the RFQ have already been bid by GSA in GSA IFB-064-11, which is pending award by GSA. No further procurements should be made by GSA for these services. **Response:** As you pointed out, GSA bid 064-11 is not yet awarded. The agencies and departments need service and we award on the lowest possible time frame so that when an award is made, the winning bidder can put up the service immediately.

This procurement violates 5 GCA Section 5213(a) since the total amount of these services exceeds the Small Purchases limit of \$15,000. **Response:** The stated amount does not exceed the small purchase amount of \$15,000., since the government is awarded on a limited time basis until the GSA bid 064-11 can be awarded.

This procurement violates 2 GAR Section 3110(0(5) since GSA has artificially divided the services being procured for this department/agency using an abbreviated term and quantity of services to be procured in order for the total procurement to fall under the maximum dollar limit allowed by a small purchase procurement. **Response:** See response to statements 1 and 2.

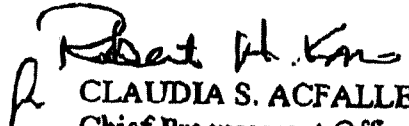
COMMITTED TO EXCELLENCE

This procurement violates 5 GCA Section 5268(b) by requiring features that are peculiar to one vendor's product or service. **Response:** All specifications for telephone services are approved by the government's Bureau of Information Technology and as such, they have determined that they specifications are appropriate.

For RFQ12001012, you indicated a fifth issue that this procurement violates 5 GCA sections 5010 by requiring an unreasonable delivery timeline. **Response.** The needs of the agency and departments involved require immediate service. The fact that the delivery timeline may not be possible does not make it a violation.

On a further note, you protested RFQ 102001058. A review of this indicated that the timeframe of seven (7) months was stated. This was in error and will be corrected.

Based upon the above, your protests are denied. You have the right to seek any administrative or judicial review authorized by law.

  
CLAUDIA S. ACFALLE  
Chief Procurement Officer

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

April 6, 2012

Memorandum

Mr. John Mantanona  
Account Manger  
Pacific Data Systems  
185 Illog Drive  
HBC Suite 204A  
Tamuning, Guam 96913

Please Print

ACKNOWLEDGEMENT COPY (Re-fax to GSA)

Received BY:

*John Mantanona*

Date:

*4/5/12*

Vendor Name:

*Pacific Data Systems*

Fax #'s:

*472-4217 / 475-1727 / 1716*

Re: Letters of Protest on RFQ 12001303

Dear Mr. Mantanona:

I am in receipt of your letters of protest of April 2, 2012 for the above entitled Request for Quotation.

The services request in the RFQ have already been bid by GSA in GSA IFB-064-11, which is pending award by GSA. No further procurements should be made by GSA for these services. **Response:** As you pointed out, GSA bid 064-11 is not yet awarded. The agencies and departments need service and we award on the lowest possible time frame so that when an award is made, the winning bidder can put up the service immediately.

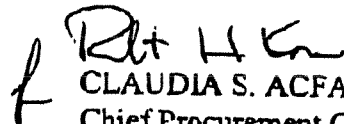
This procurement violates 5 GCA Section 5213(a) since the total amount of these services exceeds the Small Purchases limit of \$15,000. **Response:** The stated amount does not exceed the small purchase amount of \$15,000, since the government is awarded on a limited time basis until the GSA bid 064-11 can be awarded.

This procurement violates 2 GAR Section 3110(05) since GSA has artificially divided the services being procured for this department/agency using an abbreviated term and quantity of services to be procured in order for the total procurement to fall under the maximum dollar limit allowed by a small purchase procurement. **Response:** See response to statements 1 and 2.

This procurement violates 5 GCA Section 5268(b) by requiring features that are peculiar to one vendor's product or service. **Response:** All specifications for telephone services are approved by the government's Bureau of Information Technology and as such, they have determined that they specifications are appropriate.

You allege that this procurement violates 5 GCA sections 5010 by requiring an unreasonable delivery timeline. **Response.** The needs of the agency and departments involved require immediate service. The fact that the delivery timeline may not be possible does not make it a violation.

Based upon the above, your protests are denied. You have the right to seek any administrative or judicial review authorized by law.

  
CLAUDIA S. ACFALLE  
Chief Procurement Officer

**Eddie Baza Calvo**  
Governor



**GENERAL SERVICES AGENCY**

(Ahensian Setbision Hinirat)  
Department of Administration

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

**Ray Tenorio**  
Lieutenant Governor

**Benita A. Manglona**  
Director

**Anthony C. Blaz**  
Deputy Director

October 5, 2012

Memorandum

Mr. James W. Hofman, II  
General Counsel  
Docomo Pacific, Inc  
219 S. Marine Corps Dive  
Suite 206  
Tamuning, Guam 96913

Re: Protest on GSA Bid Number 064-11

I am in receipt of your protest dated May 10, 2012 in which you protested Teleguam Ownership and Commission Affidavit. I have reviewed your protest and have determined that such submittal was such that under the rules provided for, it is considered to be a minor informality and was cured pursuant to the rules.

Therefore, your protest is deemed to be without merit. You may seek any administrative or judicial right provided by law.

  
ANITA CRUZ  
Buyer Supervisor

**COMMITTED TO EXCELLENCE**

**Eddie Baza Calvo**  
Governor



**GENERAL SERVICES AGENCY**

(Ahensian Setbision Hinirat)  
Department of Administration

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

**Ray Tenorio**  
Lieutenant Governor

**Anthony C. Blaz**  
Deputy Director

**Benita A. Manglona**  
Director

October 5, 2012

Memorandum

Mr. Sean D. Miles  
Director, Business Services  
MCV Guam  
P.O. Box 24728  
GMF, Guam 96921

Re: Protest filed on Bid GSA-064-11

Dear Mr. Miles:

I am in receipt of your protest dated May 10, 2012 in which you protested Teleguam failure to meet the requirements on the Invitation for Bid by improperly conditioning its bid.

We have reviewed your comments and find that they are without merit. Therefore, your protest is denied.

You have the right to seek any administrative or judicial review authorized by law.

A handwritten signature in black ink, appearing to read 'ANITA CRUZ'.

ANITA CRUZ  
Buyer Supervisor



**Eddie Baza Calvo**  
Governor



**GENERAL SERVICES AGENCY**

(Ahensian Setbision Hinirat)  
Department of Administration

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

**Ray Tenorio**  
Lieutenant Governor

**Anthony C. Blaz**  
Deputy Director

**Benita A. Manglona**  
Director

October 5, 2012

Mr. Bill Mann  
Berman O'Connor and Mann  
Suite 503, Bank of Guam Building  
111 Chalan Santo Pa  
Hagatna, Guam 96910

Re: Protest by Pacific Data System, Inct to Award  
Teleguam Holding LLC in GSA 064-11

Dear Mr. Mann:

I am in receipt of your protest dated May 9, 2012 regarding awarding Teleguam Holding LLC a portion of GSA 064-11. As you are aware, an appeal was filed on a separate matter by your client on April 30, 2012, which prohibits any further action until that protest has been resolved. On September 5, 2012, the Office of Public Accountability made a decision. Waiting the required ten (10) days for an appeal to be exhausted, now allows the General Services Agency to proceed with answering the protest.

You protested that Teleguam's affidavit disclosing ownership and commission violated 5 G.C.A. Section 5233. The submission by Teleguam did not meet the requirements as stated in the law, however, under 2 GAR Division 4, Sections 3109(m)(4)(A) through 3109(m)(c) which mistakes in bid are discovered after the time and date set for bid opening and before an award. Based upon these sections, the Chief Procurement Officer determined that these were minor informalities and were cured pursuant to the law. Therefore, your protest on this matter is rejected.

You indicated that Teleguam failed to meet the requirements of the Invitation for Bid by improperly conditioning its bid. We have reviewed your issue and determined that it is without merit. Therefore, this matter is denied..

You indicated that the joint bid submission by Teleguam holdings was improper and must be rejected. The basis for this protest was that it was a joint submission by several wholly owned companies of Teleguam holdings, they were separate businesses and their business licenses all expired on June 30, 2011. We have reviewed this issue and determined that it is without merit.

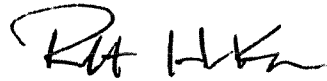
You indicated that Teleguam has failed to specify the SPIN number of the entity that is intended to provide a specific service. You indicated that GTA has failed to provide

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which of its subsidiary is providing what SPIN number. GTA has provided the SPIN number and therefore your protest is denied.

Finally, you indicated that Teleguam has failed to submit a Certificate of Authority. A Certification was provided Based upon the above, your protest is hereby denied.

You have the right to seek administrative and judicial review as stated in the law.



Anita Cruz  
Buyer Supervisor



**Eddie Baza Calvo**  
Governor



**GENERAL SERVICES AGENCY**

(Ahensian Setbision Hinirat)  
Department of Administration

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

**Ray Tenorio**  
Lieutenant Governor

**Benita A. Manglona**  
Director

**Anthony C. Blaz**  
Deputy Director

October 5, 2012

Mr. Steven Carrara  
General Counsel  
IT and E  
122 W. Harmon Industrial Park  
Harmon, Guam

Re: Protest on GSA Bid Number 064-11

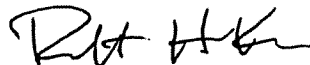
I am in receipt of your protest (received by this office on May 10, 2012), in regards to the above stated matter. You had protested the award to GTA on the following:

Teleguam 's Major Shareholder Disclosure and Commission Affidavit violated 5 GCA section 5233. The submission by Teleguam did not meet the requirement as stated in the law. However, under 2 GAR, Division 4, Section 3109(m)(4)(A) through 3109(m)(c), in which mistakes in a bid are discovered after the time and date set for bid opening and before an award, the Chief Procurement Officer determined that these were minor informalities and were cured pursuant to the law. Therefore, your protest on this matter is rejected.

That Teleguam's bid was improperly conditioned. We have reviewed the bid and find it to be without merit. Therefore your protest on this matter is rejected.

Teleguam Bid Form 8A was non-responsive and must be rejected. We have reviewed this matter and find that it is without merit. Therefore, your protest on this issue is rejected.

Your protest is hereby rejected. You have the right to seek administrative or judicial review as authorized by law.

  
ANITA CRUZ  
Buyer Supervisor

**COMMITTED TO EXCELLENCE**

**Eddie Baza Calvo**  
Governor



**GENERAL SERVICES AGENCY**

(Ahensian Setbision Hinirat)  
Department of Administration

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

**Ray Tenorio**  
Lieutenant Governor

**Benita A. Manglona**  
Director

**Anthony C. Blaz**  
Deputy Director

October 5, 2012

Memorandum

Mr. Vincent C. Camacho  
c/o Carlsmith Ball LLP  
134 W. Soledad Avehkh\  
Bank of Hawaii Building, Suite 401  
Hagatna, Guam 96910

Re: Protest on GSA Bid Number 064-11

Dear Mr. Camacho:

I am in receipt of your memorandum dated May 18, 2011, in which you protested the government's determination and award on bid forms 2 and 3.

You protested on the following basis:

1. You indicated that GSA should not have revised the Bid Status relative to Bid Forms 2 and 3 because GTA's submission for Bid Form 3 was compliant with the Bid Specifications.

Response: Bid Form 2 and revised bid form 3 both indicated on the second row "single line "DIGITAL DISPLAY" with hands free display, programmable feature and wireless handset options". There was no requirement that all instruments have a digital display. In reviewing your submittal, there were only 3 areas where digital displays are required in bid form 3.

2. In its Revised Bid Status and response to PDS protest filed on April 27, 2012, GSA erroneously determined that Teleguam submitted multiple price offers: rather, Teleguam provided a selection of telephone instruments to the government of Guam as required by the bid specifications.

Response: The government responded to this/ On "Responses to Questions ledged by Prospective bidders" dated September 17, 2011 on item 2. "All Parts" a. Bid Form. We stated in pertinent part" 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 specifications provided for in Amendment No.4 to this IFB. All Bid Forms were replaced and label RFB 1 through RFB 15 (Refer to Amendment Number 4 item #34).

**COMMITTED TO EXCELLENCE**

3. GSA's Revised Bid Status dated May 3, 2012, must be rescinded and GSA's original Bid Status issued on April 27, 2012 be reinstated because Teleguam is the lowest most responsible bidder under the requirements set forth in Bid Forms 2 and 3.

Response: The lowest listed phone submitted by GTA (Cisco SPA501G) did not have a digital display, thereby not meeting the specifications. GSA then went to the next lowest cost, the Cisco SPA504G. Based therefore upon the above stated information, GSA applied the cost difference between the two instruments to determine the cost.

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



ANITA CRUZ  
Buyer Supervisor

Copy Fee Cost Calculation Vendor GTA

All denials and decisions on protest received and/or made by GSA Bid No 064-11

| No | Description                                 | Total Pages | # Pages @<br>\$0.10     | # Pages @<br>\$0.02 | Extension      | Total          |
|----|---|-------------|-------------------------|---------------------|----------------|----------------|
| 1  | <b>GSA-064-11 - Telecommunications</b>      |             |                         |                     | <b>\$ 0.12</b> | \$ 0.12        |
|    | PDS letter dated March 22, 2012             | 1           | 0.1                     |                     | \$ 0.10        |                |
|    | proceeding pages                            | 1           |                         | 0.02                | \$ 0.02        |                |
| 2  | <b>GSA-064-11 - Telecommunications</b>      |             |                         |                     | <b>\$ 0.12</b> | \$ 0.12        |
|    | PDS Letter dated April 6, 2012              | 1           | 0.1                     |                     | \$ 0.10        |                |
|    | proceeding pages                            | 1           |                         | 0.02                | \$ 0.02        |                |
| 3  | <b>GSA-064-11 - Telecommunications</b>      |             |                         |                     | <b>\$ 0.10</b> | \$ 0.10        |
|    | Docomo Pacific Inc 10/5/12                  | 1           | 0.1                     |                     | \$ 0.10        |                |
|    | proceeding pages                            | 0           |                         | 0.02                | \$ -           |                |
| 4  | <b>GSA-064-11 - Telecommunications</b>      |             |                         |                     | <b>\$ 0.10</b> | \$ 0.10        |
|    | MCV Letter dated 10/5/12                    | 1           | 0.1                     |                     | \$ 0.10        |                |
|    | proceeding pages                            | 0           |                         | 0.02                | \$ -           |                |
| 5  | <b>GSA-064-11 - Telecommunications</b>      |             |                         |                     | <b>\$ 0.12</b> | \$ 0.12        |
|    | Berman O'Connor & Mann letter dated 10/5/12 | 1           | 0.1                     |                     | \$ 0.10        |                |
|    | proceeding pages                            | 1           |                         | 0.02                | \$ 0.02        |                |
| 6  | <b>GSA-064-11 - Telecommunications</b>      |             |                         |                     | <b>\$ 0.10</b> | \$ 0.10        |
|    | IT & E letter dated 10/5/12                 | 1           | 0.1                     |                     | \$ 0.10        |                |
|    | proceeding pages                            | 0           |                         | 0.02                | \$ -           |                |
| 7  | <b>GSA-064-11 - Telecommunications</b>      |             |                         |                     | <b>\$ 0.12</b> | \$ 0.12        |
|    | Carlsmith Bell LLP letter dated 10/5/12     | 1           | 0.1                     |                     | \$ 0.10        |                |
|    | proceeding pages                            | 1           |                         | 0.02                | \$ 0.02        |                |
|    |   | 11          | <b>Total Amount Due</b> |                     |                | <b>\$ 0.78</b> |

# FIELD RECEIPT

**TREASURER OF GUAM**  
 DEPARTMENT OF ADMINISTRATION  
 FINANCIAL MANAGEMENT DIVISION  
 P.O. BOX 884  
 HAGATÑA, GUAM 96932

- |  |                                 |
|--|---------------------------------|
| <input type="checkbox"/> USE TAX               | <input type="checkbox"/> 1120   |
| <input type="checkbox"/> GRT                   | <input type="checkbox"/> 1040   |
| <input type="checkbox"/> EXCISE                | <input type="checkbox"/> W-1    |
| <input type="checkbox"/> COLLECTION            | <input type="checkbox"/> OTHERS |
| RETURNED CHECKS                                |                                 |
| <input type="checkbox"/> COLLECTION ON TAX REC |                                 |
| FOR REVENUE & TAX USE ONLY                     |                                 |

| (REQUIRED WHEN PAYMENT IS MADE BY CHECK)                  |  | COLLECTION DATE:                     |   |
|---|--|--------------------------------------|---|
| PAYOR'S NAME: <i>Samuel P. S. ...</i>                     |  | <i>10/9/12</i>                       |   |
| SSN# OR EIN#  |  | TAXPAYER'S EIN/SSN:                  |   |
| PAYMENT FOR CUSTOMER/TAXPAYER NAME: <i>BIA</i>            |  |                                      |   |
| PAYMENT DESCRIPTION                                       | REVENUE ACCT. NO.  | AMOUNT                               |   |
| <i>BSA Copy Fee</i>                                       | <i>3100-60604</i>  | <i>0.28</i>                          | L |
| <i>FOIA - Ref. 064-11</i>                                 | 3  |                                      |   |
|   | 3  |                                      |   |
| TAX RECEIVABLE  | 1  |                                      |   |
| PERIOD COVERED  | METHOD OF PAYMENT ( <input checked="" type="radio"/> CASH <input type="radio"/> MONEY ORDER <input type="radio"/> CHECK) | TOTAL                                |   |
|   |  | <i>\$ 0.28</i>                       |   |
| NAME OF TREASURY AGENT (PRINT): <i>M. Villanueva</i>      |  | AGENCY TELEPHONE NO. <i>475-1707</i> |   |
| SIGNATURE AND TITLE OF TREASURY AGENT: <i>[Signature]</i> |  | <b>FY 07</b> 146613                  |   |



624 North Marine Corps Drive  
Tamuning, Guam 96913

---

October 5, 2012

**VIA FACSIMILE 671-475-1727**

Claudia S. Acfalle  
Chief Procurement Officer  
General Services Agency  
184 Route 1 Marine Corps Drive  
Piti, Guam 96915

RE: **GSA Bid Number 064-11**

Dear Ms. Acfalle

TeleGuam Holdings, LLC ("GTA"), requests that GSA provide it with copies of the documents listed below within four working days as provided by 5 GCA 10301 (a) and (d). Please let me know the costs for obtaining the document copies. The documents may also be provided in electronic format pursuant to 5 GCA 10301. Thank you in advance for your cooperation.

Regarding GSA Bid Number 064-11, please provide the following:

- 1.) All denials and decisions on protest received and or made by GSA Bid No. 064-11

Sincerely,

Eric N. Votaw  
Vice President – Regulatory  
TeleGuam Holdings, LLC

.cc Serge Quenga – Legal Counsel



CARLSMITH BALL LLP

ELYZE M. IRIARTE  
eiriarte@carlsmith.com  
VINCENT C. CAMACHO  
vcamacho@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")

**RECEIVED**  
OFFICE OF PUBLIC ACCOUNTABILITY  
PROCUREMENT APPEALS

DATE: 10/08/12  
TIME: 9:00  AM  PM BY: MH  
FILE NO OPA-PA: 12-016

*Handwritten signature*

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-\_\_\_\_\_

**PROCUREMENT APPEAL; EXHIBITS  
A - I; 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 5, 2012, denying GTA's protest of the Bid Status Intent to Award Bid Forms 2 and 3, 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 Elyze M. Iriarte, Esq.,

eiriarte@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 Forms 2 & 3 of IFB GSA 064-11 were recommended for award to GTA on April 27, 2012. On April 30, 2012, PDS filed a Protest on the award of these items, and on May 3, 2012, GSA issued a Revised Bid Status recommending PDS for award. On May 18, 2012, GTA timely filed a Protest to the Revised Bid Status. On October 5, 2012, GSA denied GTA's protest. *See* Exhibit A. GTA hereby appeals the Chief Procurement Officer's denial of GTA's Protest.

While Bid Forms 2 & 3 have been recommended for award to PDS, no formal award has been issued.

## **III. Concise Statement of the Grounds for Appeal**

A. GSA revised the Bid Status relative to Bid Form 3, soliciting Centrex Telephone Instruments, on grounds that GTA's proffered instrument did not have a digital display. However, digital display was not a requirement of the bid, as GSA even admits in its response to GTA's protest. The Revised Bid Status should therefore be vacated or rescinded.

B. In its Revised Bid Status and Response to PDS' Protest filed on April 27, 2012, GSA erroneously determined that GTA submitted multiple price offers for Bid Form 3. In actuality, GTA provided a selection of telephone instruments to the government of Guam as required by the Bid Specifications.

GSA's response to GTA's Protest is non-responsive. It does not address the issue of "multiple price offers." Instead it refers to its Response to Questions issued on September 17, 2011, which provides that potential bidders must refer to Revised Bid Forms that were issued as RFB 0 through RFB 15. GSA fails to address that GTA's range of offerings complied with the

Bid Specifications. GSA erroneously deemed GTA to be disqualified, and then erroneously awarded to PDS. Again, the Revised Bid Status should be rescinded and/or vacated.

C. GSA erroneously determined that GTA was not the lowest responsible bidder for Bid Forms 2 & 3. In making its determination, GSA disregarded GTA's price for a machine that was responsive to all criteria. GSA's denial of GTA's protest must be reversed in its entirety 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 Invitation to Bid 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, GIGAWAN 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 all government of Guam line agencies and 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 #4<sup>1</sup> to the Bid making substantial and substantive changes to Section 1.1 (Bid Form 2 & Bid Form 3) of the Bid, including but not limited to:

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<sup>1</sup> See Exhibit B. Amendments #1- #3 related to the change of the Bid Opening Date.

1. *Page 36 of Bid.* GSA deleted "Bidding On/Remarks Column" in its entirety, adding "Refer to appropriate Bid Forms for each item number." Exhibit B. at 4.

2. *On Bid Form 0 (BF1) through 15 (BF15) was replaced by Revised Bid Forms,* GSA amended to read: "Revised Bid Form 0 (RBF1) through Revised Bid Form 15 (RFB15)." Exhibit B at 7.

On September 17, 2011, GSA issued its Responses to Questions Lodged by Prospective Bidders. *See* Exhibit C. In GSA's letter, the Bidders were reminded to read all of the requirements in the excel spreadsheet carefully before responding and that the revised Bid Forms are in addition to any bid specifications provide in Amendment No. 4 to this IFB. All Bid Forms were replaced and labeled RFB 0 through RFB 15. Exhibit C at 1.

On April 20, 2012 GSA requested clarification in regards to GTA's Bid Form 3. GSA inquired whether GTA's proposed instrument described as "Up to 8 line with Digital Display, Hand Free" for \$3.52 per month also met other requirements in the IFB. GSA specifically asked "[i]f the agency or department only needed 2 or 3 lines will the \$3.52 still apply as the cost of the monthly cost or is it per line?" *See* Exhibit D. GTA responded on the same day April 20, 2012, confirming that the proposed instrument described as Up to 8 line with Digital Display, Hand Free does meet the specifications should the agency need 2 or 3 lines, and that the instrument carries the same cost of \$3.52 per month. *See* Exhibit E.

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

On April 27, 2012 GSA issued a Bid Status to all Bidders relative to IFB GSA-064-11. In that communication, GSA recommended an award be issued to GTA for Bid Forms 2 & 3. *See* Exhibit F. On April 30, 2012, PDS submitted its protest relative to the award of Bid Forms 2 & 3 to GTA, and asked that PDS be awarded Bid Forms 2 & 3.

D. Revised Bid Status and GTA's Protest

On May 3, 2012, GSA issued a Revised Bid Status which rejected GTA's bid for Bid Forms 2 & 3 on the grounds that its bid did not conform with the specifications offered on Bid Form 3 - "Up to 8 lines with digital display, hands free (Ref: SPA501G offered)." GSA also indicated the GTA's bid was rejected for Bid Forms 2 & 3 due to high price. *See* Exhibit G. GSA's response to PDS's protest further states that GTA's Bid should be rejected for non-compliance with Bid General Terms and Conditions related to multiple price offers. *See* Exhibit H.

On May 18, 2012 GTA filed a formal protest with the Chief Procurement Officer on three grounds. First, that GSA should not have revised the Bid Status relative to Bid Forms 2 & 3 because GTA's submission was compliant with the bid specifications as provided in the IFB and subsequent amendments. Second, GTA did not submit multiple price offers, instead GTA provided a range of phone instruments as requested by the bid specifications. Third, that the Revised Bid Status issued on May 3, 2012 must be rescinded because GTA's bid was the lowest responsible bid under the specifications and subsequent amendments in Bid Forms 2 & 3. On October 5, 2012, GSA denied GTA's protest for Bid Forms 2 & 3. *See* Exhibit A.

## **V. Grounds for Appeal.**

**A. GSA should not have revised the Bid Status relative to Bid Forms 2 & 3 because GTA's submission for Bid Form 3 was compliant with the Bid Specifications as provided by GSA.**

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).

GSA accepted GTA's product offering for telephone instruments at the bid opening and at

the award of the Bid Status on April 27, 2012. Specifications listed in Section 1.1 for Central Office Centrex Telephone Services **did not** require that instruments have a digital display.

Specifications for Telephone Stations provided on page 42 of the IFB requires the following:

1. Bidder shall offer a range of analog, single line feature phone, and multi-line feature phones. An automated call distribution station shall also be provided. The phone specifications and user manuals must be included.
2. All phones proposed must have a message waiting lamp.
3. Bidder must also provide a forty-eight (48) month lease to purchase plan for all the phones.
4. All feature phones must have a message waiting lamp that enables the user to know of voice mail.
5. All feature phones must have the number of programmable or multiple line keys available.
6. If VOIP is used, the feature phone must be SIP compliant and able to interoperate with Metaswitch features.
7. All feature phones must have hand-free speakerphone capability.
8. Phones must have option for wireless handsets.
9. Bidder must propose an Attendant console. The console must be able to show up to 50 lines line appearances.

Subsequent amendments to the IFB bid specifications **did not** require "digital displays." Instructions on Revised Bid Form 3 (RBF3) **did not** specify that the specifications were amended to require that all telephone instruments have "digital displays".<sup>2</sup> GSA cannot now change the specifications to require a digital display. In fact, from the December 9, 2011 opening of the bids to April 27, 2012, when the original award was made, GSA did not have any issues with the phone instruments submitted by GTA because all the instruments offered by GTA

---

<sup>2</sup> PDS filed a protest of the award of Bid Forms 2 & 3 to GTA on the basis that the instruments offered by GTA did not meet the bid specifications requiring a "digital display". PDS points to Item #27 on BF 1 - Caller Id which states that the bidder shall provide Caller ID (name and number) on all display phones. This specification relates to the Bid Form 2 - Telephone Services and not to the instruments. Specifications for the telephone instruments are presented five pages later in subsection (C).

met the specifications and requirements of the government of Guam.

Without providing the proper amendment to the specifications requiring that all instruments have "digital displays" for Bid Form 3, GSA must find that GTA's bid is responsive and rescind its Revised Bid Status issued on May 3, 2012.

GSA's response to GTA's protest was generally non-responsive, but also contained an admission that digital displays were not required. In its October 5, 2012 letter GSA states that "Bid Form 2 and revised Bid Form 3 indicated on the second row 'single line digital display' with hands free display" but also *admits* that "[t]here was no requirement that all instruments have a digital display," meaning that GTA's submission was fully responsive. Finally, GSA states that "[i]n reviewing [GTA's] submittal, there were only 3 areas where digital displays are required." Generally, GSA's response fails to properly address why GTA's bid submission was non-compliant.

**B. In its Revised Bid Status and Response to PDS's Protest filed on April 27, 2012, GSA erroneously determined that GTA submitted multiple price offers; rather, GTA provided a selection of telephone instruments to the government of Guam as required by the Bid Specifications.**

GSA accepted GTA's product offering as presented in Bid Form 3 and even sought clarification as to the price of a certain unit. GSA's bid specifications for telephone stations clearly state "[t]he Bidder **shall offer a range** of analog, single line, feature phone and multi-line feature phones. An automated call distribution station shall also be provided. The phone specifications and user manual must be included in the bid." *See Exhibit I.*

On April 27, 2012, PDS alleged that GTA's submission for Bid Form 3 was not responsive because GTA provided multiple pricing. On May 3, 2012, GSA revised its Bid Status finding that submitted multiple pricing. However, GTA did not submit multiple pricing, instead,

GTA submitted a "range of phones" as required by the bid. GSA erroneously deemed GTA's bid as non-conforming because it properly submitted more than one type of phone.

Offering a range of phones does equate to multiple price offers. Instead multiple price offers refers to offering different (multiple) prices on the same product. GSA received assurance that the instrument proposed at \$3.52 does in fact meet the requirements of the Bid and used this price in its evaluation. Bid Form 3 required the Bidders to offer a range of instruments and did not limit bidders to propose only one instrument. GSA cannot now deem GTA's bid as non-conforming because it complied with the requirement to offer a range of instruments. GSA must rescind its Revised Bid Status issued on May 3, 2012.

GSA's response to GTA's protest does not even address the issue of "multiple price offers." Instead it refers to its Response to Questions issued on September 17, 2011, which provides that potential bidders must refer to Revised Bid Forms that were issued as RFB 0 through RFB 15. Again, GSA failed to properly address the issue presented by GTA. In this case, GSA determined that GTA provided multiple price offers but does not address what part of GTA's bid submission for Bid Forms 2 & 3 constituted multiple pricing. GSA's response fails to properly address its findings that GTA submitted multiple price offers.

**C. GSA must rescind its Revised Bid Status dated May 3, 2012 and GSA's original Bid Status issued on April 27, 2012 be reinstated because GTA remains the lowest most responsible bidder under the requirements set forth in Bid Forms 2 & 3.**

The bid specifications included special conditions which state that "[t]he Bidder shall indicate on Bid Form 1 whether the Bidder complies with the Scope of Work proposed for the GovGuam. If the Bidder complies with a service, the bidder must provide a feature phone that meets all the requirements, including providing multiple function keys to activate the services." GTA acknowledged and complied with the requirements. *See Exhibit I.*



1. Bid Form 3

Bid Form 3 states that the average cost of the Monthly Lease to Purchase and Purchase Price for the phones offered (e.g., single analog, single line display, 4 line digital display, and 6 line digital display handset) will be determined by adding the costs together and then dividing by four (4). The average price will then be factored into the bid evaluation analysis as described in the Centrex MRC (Bid Form 2).

On April 20, 2012, GSA requested clarification on one of GTA's phone instruments. GTA offered an instrument described as a phone with up to 8 lines with digital display, hands free for \$3.52 per month. Specifically, GSA wanted to clarify that if an agency or department only required a 2 or 3 line phone will GTA's instrument described as a phone with up to 8 lines with digital display, hands free still cost \$3.52 per month. On the same day, GTA confirmed that the instrument described as a phone with up to 8 lines with digital display, hands free will cost the GovGuam \$3.52 per month. Irrespective of the model numbers cited on GTA's Bid Form GTA has acknowledged that it will provided a feature phone that meets all the specifications as required by GSA. *See Exhibit I.*

GSA correctly determined GTA's phone instruments complied with the specifications. GTA submitted at least one instrument that meets all the requirements of the IFB for a Monthly Lease Price of \$3.52 and a Purchase Price of \$116.64. On April 20, 2012, GTA again confirmed this statement. Thus GSA should have evaluated GTA's bid as follows:

| Description                                   | Monthly Lease | Purchase |
|---|---------------|----------|
|   | Purchase      | Price    |
| Single Line Analog with Call Hold             | \$1.85        | \$61.20  |
| Up to 8 Line with digital display, Hands Free | \$3.52        | \$116.64 |
| 4 line with digital display, Hands Free       | \$3.52        | \$116.64 |

|  |               |                 |
|--|---------------|-----------------|
| Up to 8 Line with digital display, Hands Free    | \$3.52        | \$116.64        |
| <b>Average Cost to be applied to Bid Form 2.</b> | <b>\$3.10</b> | <b>\$102.78</b> |

PDS submitted instruments with an average cost of \$3.13 for Monthly Lease Purchase and an average cost of \$102.50 for the Purchase Price.

## 2. Bid Form 2

Bid Form 2 states that the award for Centrex Services will be based on the one-time cost (Column B) plus 24 x the total MRC (Column J) + 5x the average cost of the monthly lease to purchase of phones and 5x the average cost of the purchase price for the phones as described in Bid Form 3. Phones that will be factored into the evaluation include the single analog, single line display, 4 line digital, and 6 line digital display handset.

On April 27, 2012 GSA correctly found that GTA was in fact the lowest responsible bidder and recommended that GTA be awarded the bid for Bid Forms 2 & 3. See Table 1 and 2 below.

**Table 1. GTA Bid Form 2 Submission**

| Items                              | One Time Installation Cost | 24 x Total MRC (RBF 2) | 5 x Avg Cost of Monthly Lease to Purchase Price (RBF3) | 5 x Purchase Price (RBF3) | Total Bid         |
|------------------------------------|----------------------------|------------------------|--|---------------------------|-------------------|
| Analog Plain Old Telephone Service | Waived                     | \$653.04               | \$15.51  | \$513.90                  |                   |
| Centrex w/ all Features in IFB     | Waived                     | \$384.00               | \$15.51  | \$513.90                  |                   |
| <b>Total</b>                       | Waived                     | \$1,037.04             | \$15.51  | \$513.90                  | <b>\$1,566.45</b> |

**Table 2. Pacific Data Systems Bid Form 2 Submission**

| Items                              | One Time Installation Cost | 24 x Total MRC (RBF 2) | 5 x Avg Cost of Monthly Lease to Purchase Price (RBF3) | 5 x Purchase Price (RBF3) | Total Bid         |
|------------------------------------|----------------------------|------------------------|--|---------------------------|-------------------|
| Analog Plain Old Telephone Service | \$0                        | \$694.56               | \$15.63  | \$512.50                  |                   |
| Centrex w/ all Features in IFB     | \$0                        | \$389.76               | \$15.63  | \$512.50                  |                   |
| <b>Total</b>                       | \$0                        | \$1,084.32             | \$15.63  | \$512.50                  | <b>\$1,612.45</b> |

GTA's total price is \$1,566.45 and PDS's total price was \$1,612.45. Based on the analysis above, GSA must rescind its Revised Bid Status issued on May 3, 2012 and reissue its original Bid Status dated April 27, 2012, awarding Bid Forms 2 & 3 to GTA.

Yet again, GSA failed to address GTA's grounds for protest. GSA's response to GTA is that "the lowest phone submitted by GTA did not have a digital display, thereby not meeting the specifications." GSA states that it then went to the next lowest cost, completely disregarding GTA's affirmation that the more expensive phone will be provided at the lowest cost provided (in this case \$3.52). Exhibit A at 2. GSA then stated that it "applied the cost difference between the two instruments to determine the cost." Exhibit A at 2. GSA failed to apply the proper bid price as offered and confirmed by GTA in its evaluation. 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 Forms 2 & 3 should be rescinded because GTA's Bid submission for Bid Forms 2 & 3 do in fact conform to the requirements of the IFB GSA 064-11 as amended.

C. GSA's proposed award of Bid Forms 2 & 3 to PDS is in violation of the Guam Procurement Law requiring an award of Bid Forms 2 & 3 to the lowest responsible 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 I. 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 Forms 2 & 3, 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.

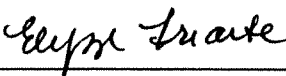
The undersigned party does hereby confirm that to the best of his or her knowledge, no case or action concerning the subject of this Appeal has been commenced in court. All parties are required to and the undersigned party agrees to notify the Office of Public Accountability within 24 hours if court action commences regarding this Appeal or the underlying procurement action.

**X. Request for Hearing**

GTA requests a hearing on this Appeal.

DATED: Hagåtña, Guam, 7 October 2012.

CARLSMITH BALL LLP

  
\_\_\_\_\_  
ELYZE M. IRIARTE  
Attorneys for Appellant  
TeleGuam Holdings, LLC


**VERIFICATION**

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

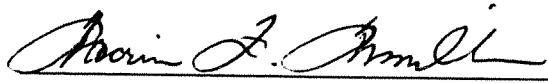
I, John J. Kim, as Controller and Contracting Officer of TeleGuam Holdings LLC, and its wholly owned subsidiaries GTA Telecom, LLC; GTA Services, LLC; and Pulse Mobile, LLC am authorized to make this verification.

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 7<sup>th</sup> day of October, 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 7th day of October, 2012.

  
\_\_\_\_\_  
NOTARY PUBLIC



**NACRINA F. MENDIOLA**  
**NOTARY PUBLIC**  
In and for Guam, U.S.A.  
My Commission Expires: Apr. 06, 2015  
624 N. Marine Corps. Drive Tamuning, Guam 96913

# EXHIBIT A

Eddie Baza Calvo  
Governor



**GENERAL SERVICES AGENCY**

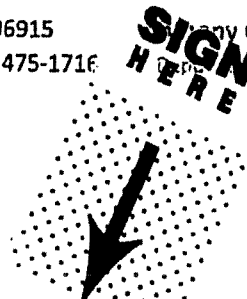
(Ahensian Setbision Hinirat)  
Department of Administration

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

Ray Tenorio  
Lieutenant Governor

Benita A. Manglona  
Director

Ray C. Blaz  
Deputy Director



October 5, 2012

Memorandum

Mr. Vincent C. Camacho  
c/o Carlsmith Ball LLP  
134 W. Soledad Avehkh\  
Bank of Hawaii Building, Suite 401  
Hagatna, Guam 96910

Please Print  
ACKNOWLEDGEMENT COPY (Re-fax to GSA)

Received BY: \_\_\_\_\_

Date: \_\_\_\_\_

Vendor Name: \_\_\_\_\_

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

Re: Protest on GSA Bid Number 064-11

Dear Mr. Camacho:

I am in receipt of your memorandum dated May 18, 2011, in which you protested the government's determination and award on bid forms 2 and 3.

You protested on the following basis:

1. You indicated that GSA should not have revised the Bid Status relative to Bid Forms 2 and 3 because GTA's submission for Bid Form 3 was compliant with the Bid Specifications.

Response: Bid Form 2 and revised bid form 3 both indicated on the second row "single line "DIGITAL DISPLAY" with hands free display, programmable feature and wireless handset options". There was no requirement that all instruments have a digital display. In reviewing your submittal, there were only 3 areas where digital displays are required in bid form 3.

2. In its Revised Bid Status and response to PDS protest filed on April 27, 2012, GSA erroneously determined that Teleguam submitted multiple price offers: rather, Teleguam provided a selection of telephone instruments to the government of Guam as required by the bid specifications.

Response: The government responded to this/ On "Responses to Questions ledged by Prospective bidders" dated September 17, 2011 on item 2. "All Parts" a. Bid Form. We stated in pertinent part" 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 specifications provided for in Amendment No.4 to this IFB. All Bid Forms were replaced and label RFB 1 through RFB 15 (Refer to Amendment Number 4 item #34).

COMMITTED TO EXCELLENCE

FAX RECEIVED

OCT 05 2012

TIME: 2:45 PM

3. GSA's Revised Bid Status dated May 3, 2012, must be rescinded and GSA's original Bid Status issued on April 27, 2012 be reinstated because Teleguam is the lowest most responsible bidder under the requirements set forth in Bid Forms 2 and 3.

Response: The lowest listed phone submitted by GTA (Cisco SPA501G) did not have a digital display, thereby not meeting the specifications. GSA then went to the next lowest cost, the Cisco SPA504G. Based therefore upon the above stated information, GSA applied the cost difference between the two instruments to determine the cost.

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



ANITA CRUZ  
Buyer Supervisor



# EXHIBIT B

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-~~ACKNOWLEDGEMENT COPY~~  
Amendment No.: 4

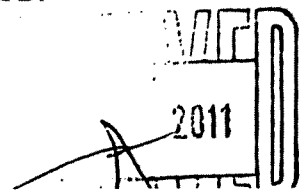
*Refer to GSA @ 475-1727*

**RECEIVED BY** [Signature]  
**DATE** 9/19/2011  
*Company Name Tele Guam Telecom 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 (¼) 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:

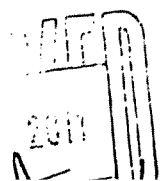
- (a) **Add Bid Form 8A Price Bid for Mobile Phone Services and Devices.**  
(b) **Change 10 to read from: ISDN PRI, BRI, and SIP Trunks to Now Read: ISDN, PRI, BRI, SIP Trunks and DID Number Blocks.**  
(c) **Delete Bid Form 16 in its entirety.**

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.**



GSA-064-11  
Amendment No. 4

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 (¼) 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.

GSA-064-11  
Amendment No. 4

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.

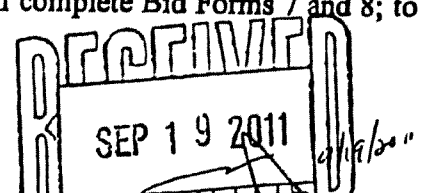
17. **On Page 43 of 56** under Conversion Plan change to read from: Bidder must submit a conversion plan. The plan requires that all government offices be converted within 90 calendar days; to Now Read:

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.



GSA-064-11  
Amendment No. 4

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.

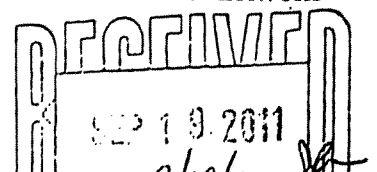
24. **On Page 47 of 56** under Special Conditions to read from: Bidder shall complete Bid Form 10 – ISDN PRI, ISDN BRI, AND SIP Trunks; to Now Read:

**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.

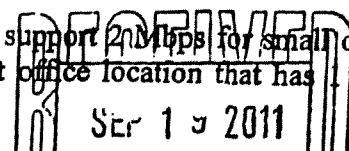
29. **On Page 49 of 56** under Specifications Paragraph 1 change to read from: 125 milliseconds to Now Read: 150 milliseconds with no more than 4 hops.

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 1 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:

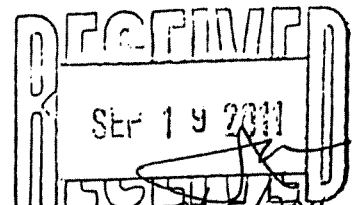
Bidder must have no more than 3 AS (Autonomous System) numbers to reach a Guam Site and have less than a 100 ms ping time.

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 C

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); GSWAN 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**

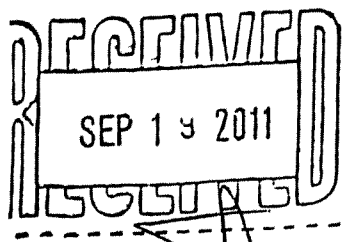
- a. **BID FORM** - The Bid Form in Excel can be picked up at GSA. For Bid Forms 0, 1, 4, and 7, the Bidders may use the Bid Form as the Point-by-Point Response. The Bidder are reminded and shall read all of the requirements in the excel spreadsheet carefully before responding. The Bid Forms are in addition 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

9/19/2011

- 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**

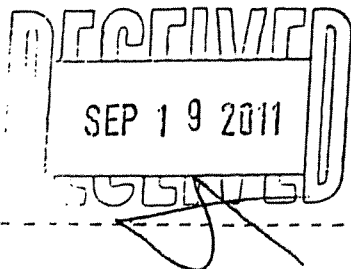
- a. The GovGuam Wide Area Network telecommunication connections are for point-to-point telecommunication services within Guam. The service is an intrastate digital private line service that will originate and terminate telecommunications to customer designated premises in Guam.
- b. The GovGuam Wide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

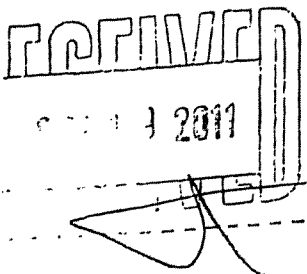
**GovGuam Response:**The GovGuam has compiled the location data and is found in Attachment B Locations Spreadsheet. (Refer to Amendment No. 4 item #1)

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.

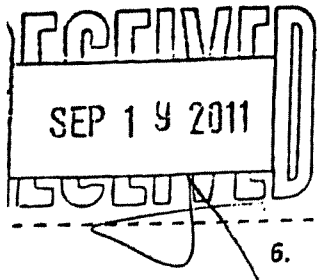
5. **Question from Guam Telecom – No. 5 - Is an IP (Internet Protocol) solution acceptable to GSA?**

**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.

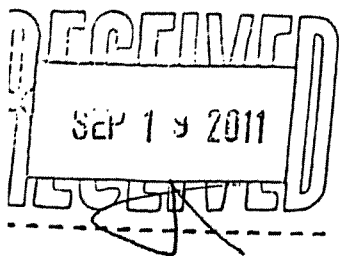
**Do you want legacy Ethernet? If so, please specify termination type.** No. The IFB will interface the WAN Ethernet to Layer 3 Switches. The termination will be fiber interface to Cisco Layer 3 switches.

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.

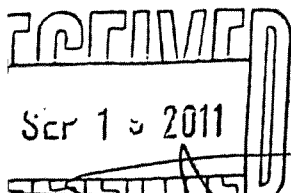
III. **QUESTIONS FROM PACIFIC DATA SYSTEMS (July 11, 2011)**

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.

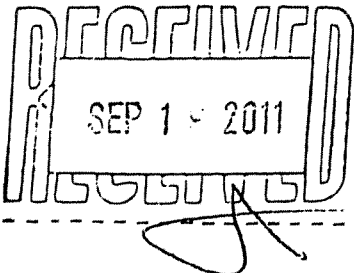
There is no set amount of mobile phones. However, the GovGuam Executive Branch (Line departments/agencies) will be using this Price List to obtain mobile phone services.

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?

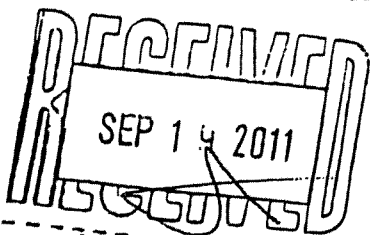
**GovGuam Response:** No. If the bidder shall use a Cashier's Check there are no other documents required. However, the check shall not expire until the end of the 12 months period. The check will be released at the end of the first contract term.

- 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.

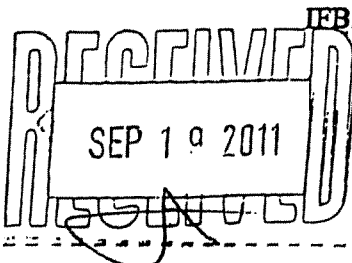
The Bidder shall be responsible for ensuring that this billing algorithm is used for billing purposes.

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 8<sup>th</sup> (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

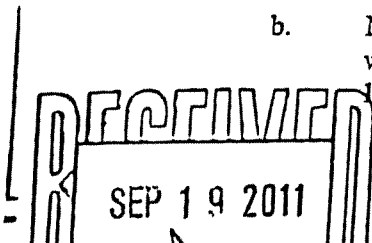
**NOTE:** (Refer to Amendment No. 4 item #34)

- 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 1 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.

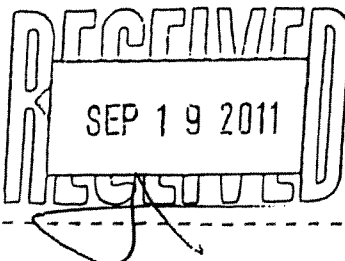
**GovGuam Response:** No. The GovGuam will issue a separate procurement for lower speed High-Capacity telecommunications services, if required.

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.

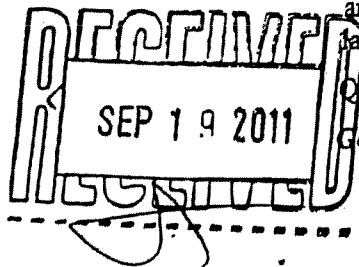
Question: Will change orders be required to implement price changes per this provision and if so should the change order box on page 21 be check-marked?

**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. 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...

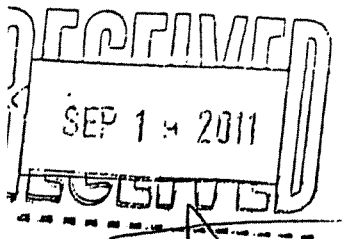
Question: Is the 10 to 70 MBPS per location or in the aggregate?

**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?

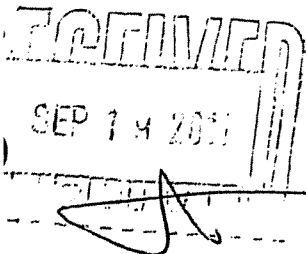
**GovGuam Response:** Yes. Bidders will be provided seven (7) working Days to respond.

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?

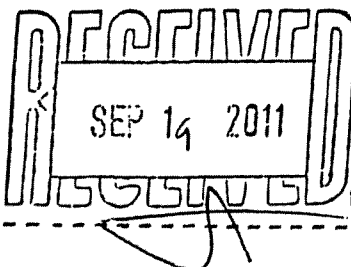
**GovGuam Response:** The voice services shall not require use of the GovGuam data network.

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

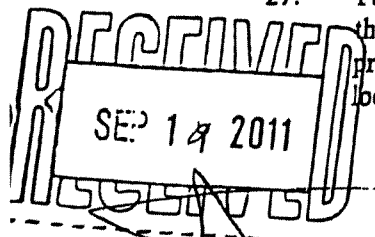
Also on Page 37 Should new Inside Wire (IW) be required for new phone service, the bidder shall be required to provide for the new Inside Wire at no additional charge.

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.

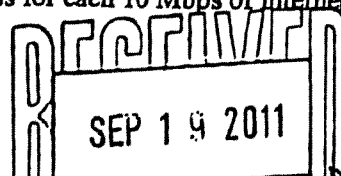
33. Page 49 -Bidder must provide a web-based, real-time, on-line monitoring tool to monitor the SLA and the overall capacity of the ISP. The tool must be equal in capability and functionality to the PRTG

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.

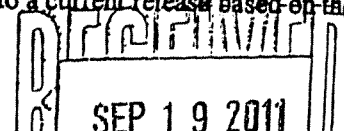
40. Page 54 Routers– Bidder shall also provide a Single % Price for the Annual Maintenance of the Equipment.

**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?

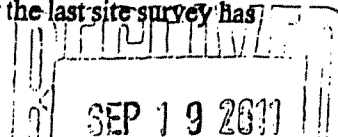
**GovGuam Response:** The GovGuam understand that there is a cost with updating the Cisco IOS (Internetwork Operating System) software release. Since the GovGuam cannot provide such information, the GovGuam will be responsible for directing the Bidder awarded the contract to update the Cisco IOS to a 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 Telecom 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 10 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?

SEP 18 2011

**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.

RECEIVED

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

RECEIVED  
SEP 19 2011  
GSA

# EXHIBIT D

Eddie Baza Calvo  
Governor



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

Ray Tenorio  
Lt. Governor

Benita Manglona  
Director, Dept. of Administration

Anthony C. Blaz  
Deputy Director

April 20, 2012

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

Re: Telecommunication Services – GSA-064-11

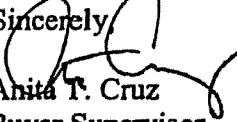
Dear Ms. Sgambelluri,

Buenas yan Hafa Adai! Clarification is being requested in regards to "Bid Form 3 – Centrex Telephone Instruments" and "Bid Form 6 – Non-Centrex Telephone Instruments" for the following:

- 1. Up to 8 line with Digital Display, Hand-Free \$3.52 monthly lease to purchase

Question: If the agency or department only needed 2 or 3 lines will the \$3.52 still apply as the cost for the monthly cost or is it per line?

Thank you for your attention and a quick response is greatly appreciated as time is of the essence in regards to this bid.

Sincerely,  
  
Anita T. Cruz  
Buyer Supervisor

Please Print  
 ACKNOWLEDGEMENT / COPY (Re-fax to GSA)  
 Received BY: KAREN D ANDERSON  
 Date: 4/20/12  
 Vendor Name: TELECOMM HOLDINGS LLC  
 Fax #'s: 472-4217 / 473-1727 / 1716

# EXHIBIT E



624 North Marine Corps Drive  
Tamuning, Guam 98913  
Tel: 671.644.0116  
Fax: 671.644.0103  
Cell phone: 671.488.6522  
Email: [jsgambv@gta.net](mailto:jsgambv@gta.net)  
Website: [www.gta.net](http://www.gta.net)

Fax No. 472.4217

January 11, 2012

Anita T. Cruz  
Buyer Supervisor  
General Services Agency of Guam  
148 Routes 1m, Marine Drive  
Piti, Guam 96915

Reference: Telecommunications Services GSA 064-11

Dear Ms. Cruz,

GTA TeleGuam, LLC is hereby submitting its response to the request for clarification to Bid Form 3 – Centrex Telephone Instruments and Bid Form Non Centrex Telephone Instruments for the following question requested by GSA.

- 1. Up to 8 Line with Digital Display, Hand-Free \$3.52 monthly lease to purchase

Question: If the agency or department only needed 2 or 3 lines will the \$3.52 still apply as the cost of the monthly cost or is it per line?

Response:

Yes.

If the agency needs 2 or 3 lines, and up to 8 lines, the same cost of \$3.52 per month will apply.

Sincerely,

GSA Acknowledged Receipt

4-20-12

Name/Date/Time

ANITA T. CRUZ

Jennifer Sgambelluri  
Sr. Account Manager  
Local Government Market

Page 1

# EXHIBIT F



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.

Rev: 1/95

Please Print  
 ACKNOWLEDGEMENT COPY (Re-fax to GSA)

Received BY: KAREN D. ARLING

Date: 4/27/12

Vendor Name: TELEGUAM HOLDINGS LLC

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

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

CLAUDIA S. ACFALLE  
 Chief Procurement Officer

**Bid Form 2 – Non-Recurring and Monthly Recurring Cost (MRC) for Centrex Telephone Service****Telequam 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**

|    |  | Monthly Lease   |                       |
|----|--|-----------------|-----------------------|
|    |  | <u>Purchase</u> | <u>Purchase Price</u> |
| -  | <b><u>Telequam Holdings, LLC</u></b>             |                 |                       |
| 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**

|   |                                    |            |         |
|---|------------------------------------|------------|---------|
| - | <b><u>Pacific Data Systems</u></b> |            |         |
|   | Wireless or Cable Telephone        | Total MRC: | \$16.24 |

**Bid Form 6 – Non-Centrex Telephone Instruments**

|    |   | Monthly Lease   |                       |
|----|---|-----------------|-----------------------|
|    |   | <u>Purchase</u> | <u>Purchase Price</u> |
| -  | <b><u>Pacific Data Systems</u></b>  |                 |                       |
| 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**

| <b>BIDDER NAME: TELEGUAM HOLDINGS LLC</b>  |                        |
|--|------------------------|
| <b>BLACKBERRY (Plan 1)</b>   | <b>Mobile Service:</b> |
| 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                |

| <b>ANDROID (Plan 2)</b>  | <b>Mobile Service:</b> |
|--|------------------------|
| 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                |

| <b>Iphone, 8GB (Plan 3)</b>  | <b>Mobile Service:</b> |
|--|------------------------|
| 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                |

| <b>Iphone 4, 32GB (Plan 4)</b>   | <b>Mobile Service:</b> |
|--|------------------------|
| 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                |

**Bid Form 8A - Mobile Data Card**

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

| <b>BIDDER NAME: PTI PACIFICA INC DBA IT&amp;E</b>        |  | <b>USAC SPIN: 143032800</b> |       |
|--|--|-----------------------------|-------|
| <b>Description</b>                                       |  | <b>Mobile Service Cost</b>  |       |
| 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**

|   |                      |            |
|---|----------------------|------------|
| - <b><u>Teleguam Holdings, LLC</u></b>                                      | <b>Installation:</b> | <b>MRC</b> |
| 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)**

|  |                      |            |
|--|----------------------|------------|
| - <b><u>Pacific Data Systems</u></b>   | <b>Installation:</b> | <b>MRC</b> |
| 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<br/>Internet Access<br/>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<br/>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**

|                                     |  |             |
|-------------------------------------|--|-------------|
| <u>Pacific Data Systems</u>         | 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 <u>Total Proposed Price of \$11,197.20</u> |             |

**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 G

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

# REVISED BID STATUS

Date: **MAY 03, 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 offered on Bid Form 3 – Up to 8 line with Digital Display, Hands Free (Ref: SPA501G offered)
- Inability to provide future maintenance and services to 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.

Please Print  
ACKNOWLEDGEMENT COPY (Re-fax to GSA)

Rev: 1/95 Received BY: [Signature]

Date: 5/4/12

Vendor Name: TeleGuam Holdings LLC

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

*Adria F. San Nicolas 5/3/12*  
CLAUDIA S. ACFALLE  
Chief Procurement Officer

**TELECOMMUNICATION SERVICES GSA-064-11  
REVISED BID AWARD – MAY 03, 2012**

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

|   |                    |
|---|--------------------|
| <b><u>Pacific Data Systems:</u></b>       |                    |
| Analog Plain Old Telephone Services       | Total MRC: \$28.94 |
| Centrex with all Features Provided in IFB | Total MRC: \$16.24 |

**Bid Form 3 – Centrex Telephone Instruments**

| <b><u>Pacific Data Systems:</u></b> |   | <u>Monthly Lease</u> |                       |
|-------------------------------------|---|----------------------|-----------------------|
|                                     |   | <u>Purchase</u>      | <u>Purchase Price</u> |
| 1.                                  | <b><u>9116LP</u></b> - Single Line Analog Phone with call hold  | \$3.00               | \$95.00               |
| 2.                                  | <b><u>GXP285</u></b> – Single Line Digital Display with Hands-Free, Display Programmable Feature Keys and Wireless Handset Option | \$2.00               | \$65.00               |
| 3.                                  | <b><u>GXP2100</u></b> - 4 Line with Digital display, Hands-Free, Hold, Programmable Feature Keys and Wireless Handset Option      | \$3.00               | \$95.00               |
| 4.                                  | <b><u>GXP2120</u></b> – 6 Line Digital with Digital Display, Hands-Free, Programmable Feature Keys and Wireless Handset Option    | \$4.50               | \$155.00              |
| 5.                                  | <b><u>TL7610</u></b> – Wireless Handset to be used with the Digital Telephone   | \$11.50              | \$295.00              |
| 6.                                  | <b><u>GXPEXP</u></b> – Attendant Console  | \$3.00               | \$95.00               |

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

|                                    |  |            |         |
|------------------------------------|--|------------|---------|
| <b><u>Pacific Data Systems</u></b> |  | Total MRC: | \$16.24 |
| Wireless or Cable Telephone        |  |            |         |

**Bid Form 6 – Non-Centrex Telephone Instruments**

| <b><u>Pacific Data Systems</u></b> |   | <u>Monthly Lease</u> |                       |
|------------------------------------|---|----------------------|-----------------------|
|                                    |   | <u>Purchase</u>      | <u>Purchase Price</u> |
| 1.                                 | <b><u>966LP</u></b> - Single Line Phone with Call Hold and Message waiting Lamp.  | \$3.65               | \$95.00               |
| 2.                                 | <b><u>GXP285</u></b> - Single Line Digital display with Hands-Free, Display, Speaker Phone, Programmable Feature Keys and Wireless Handset Option   | \$2.50               | \$65.00               |
| 3.                                 | <b><u>GXP2100</u></b> - 4 Line digital with Digital Display, Hands-Free, Hold, Speaker Phone, Programmable Feature Keys and Wireless Handset Option | \$3.65               | \$95.00               |
| 4.                                 | <b><u>GXP2120</u></b> - 6 Line digital with Digital Display, Hands-Free, Hold, Speaker Phone, Programmable Feature Keys and Wireless Handset Option | \$5.95               | \$155.0               |
| 5.                                 | <b><u>GXPEXP</u></b> - Attendant Console  | \$3.65               | \$95.00               |



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

| <b>BIDDER NAME: TELEGUAM HOLDINGS LLC</b>  |    |                        |
|--|----|------------------------|
| <b>BLACKBERRY (Plan 1)</b>   |    | <b>Mobile Service:</b> |
| 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                   |

| <b>ANDROID (Plan 2)</b>  |    | <b>Mobile Service:</b> |
|--|----|------------------------|
| 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                   |

| <b>Iphone, 8GB (Plan 3)</b>  |    | <b>Mobile Service:</b> |
|--|----|------------------------|
| 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                   |

| <b>Iphone 4, 32GB (Plan 4)</b>   |    | <b>Mobile Service:</b> |
|--|----|------------------------|
| 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: <b>TELEGUAM HOLDINGS LLC</b>                |                     | USAC SPIN: <b>43002715</b> |
|--|---------------------|----------------------------|
| 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: <b>PTI PACIFICA INC DBA IT&amp;E</b>        |                     | USAC SPIN: <b>143032800</b> |
|--|---------------------|-----------------------------|
| 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>   | Installation: | MRC        |
|---|---------------|------------|
| 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>  | Installation: | MRC        |
|--|---------------|------------|
| 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**

**Teleguam Holdings, LLC**

|                 |   | <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**

**Pacific Data Systems**

|        |   | <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 <b><u>Total Proposed Price of \$11,197.20</u></b> |

**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    |

# Transmission Report

|            |            |               |                      |
|------------|------------|---------------|----------------------|
| Date/Time  | 04-05-2012 | 09:12:59 a.m. | Transmit Header Text |
| Local ID 1 | 644-4776   |               | Local Name 1         |
| Local ID 2 |            |               | Local Name 2         |
|            |            |               | G.TA Sales           |
|            |            |               | Line 2               |

This document : Confirmed  
(reduced sample and details below)  
Document size : 8.5"x14"

**GENERAL SERVICE AGENCY**  
(Alabama Substation District)  
Department of Guam  
P.O. Box 903, Agaña, Guam 96910  
Tel: 472-1710-13 Fax: 472-4317 / 472-171627

---

Accountability \* Impartiality \* Competence \* Openness \* Value

**REVISED  
BID STATUS**

Date: **05/09/2012**

TeleGuam Holdings, LLC  
Attn: Jennifer Sponheim  
624 North Marian Corps Drive  
Taraueing, Guam 96913  
Tel: 644-0118 / Fax: 644-0183

BID INVITATION NO.: **GSA-364-11**      OPENING DATE: **December 18, 2011**

DESCRIPTION: **TELECOMMUNICATION SERVICES**

The following is the result of the above-mentioned bid. Enter in 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 providing the delivery requirement as stated in the ITR;
- Non-conformance with the specification offered on Bid Form 3 - Up to 8 Line with Digital Display, Hands Free (Rat: SPAS1G) offered;
- Inability to provide future maintenance and services to the equipment;
- High Prices: Bid Forms 2, 3, 5, 4, 11, 13, and 14
- Other:

Bid recommended for awards: **MULTIPLE AWARD**

TeleGuam Holdings, LLC - See attached award  
Pacific Data Systems - See attached award  
PTI Pacific Inc. dba: ITAB - See attached award

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

*Arlene F. San Nicolas 5/3/12*  
CLAUDIA R. ACVALLES  
Chief Procurement Officer

Transmit ACKNOWLEDGEMENT COPY (forward to GSA)  
Rev: 1/09 Received BY: ARLENE F. SAN NICOLAS  
Date: 5/3/12  
Vendor Name: TELEGUAM HOLDINGS, LLC  
Fax # : 472-4317 / 472-1717 / 1715

| Total Pages Scanned : 1 |     |                | Total Pages Confirmed : 1 |          |       |      |      |          |         |
|-------------------------|-----|----------------|---------------------------|----------|-------|------|------|----------|---------|
| No.                     | Job | Remote Station | Start Time                | Duration | Pages | Line | Mode | Job Type | Results |
| 001                     | 821 | 671-475-1727   | 09:12:09 a.m. 04-05-2012  | 00:00:16 | 1/1   | 1    | EC   | HS       | CP31200 |

Abbreviations:

|                  |                   |                   |                          |
|------------------|-------------------|-------------------|--------------------------|
| HS: Host send    | PL: Polled local  | MP: Mailbox print | TU: Terminated by user   |
| HR: Host receive | PR: Polled remote | CP: Completed     | TS: Terminated by system |
| WS: Waiting send | MS: Mailbox save  | FA: Fail          | RP: Report               |
|                  |                   |                   | G3: Group 3              |
|                  |                   |                   | EC: Error Correct        |

# EXHIBIT H

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, P.O. Box 96915  
Tel: (671) 475-1707 Fax Nos: (671) 475-1727 / 475-1716

Anthony C. Blaz  
Deputy Director

May 3, 2012

Memorandum

Mr. John Day  
President  
Pacific Data Systems  
185 Llipog Drive  
HBC Suite 204A  
Tamuning, Guam 96913

Re: Protest of GSA Bid Number GSA-064-11

Dear Mr. Day:

I am in receipt of your memorandum dated April 30, 2012, in which you stated six (6) separate reasons for protesting the above stated bid.

1. The Teleguam Holdings, LLC (GTA) offer for Bid Form 2 and 3 should be rejected for non-compliance with the bid specifications. You stated that the GTA Bid Form 3 indicated that the telephone that we reviewed and awarded upon (Cisco SPA501G) does not come with any type of digital display.  
Response: We have reviewed your comments and have revised the bid award as a review of the GTA submission of the Cisco SPA501G did not meet specifications. After reviewing all of the other submissions for bid form 2 and 3, the Bid Status have been revised. Please see Bid Status.

2. The Teleguam Holdings, LLC (GTA) offer for Bid Form 3 should be rejected for non-compliance with Bid General Terms and Conditions related to multiple price offers.  
Response: See response to answer number 1.

3. GSA has made inappropriate substitutions in its award of Bid Form 3 to Teleguam Holdings, LLC.  
Response: See response to answer number 1.

Please Print  
ACKNOWLEDGEMENT COPY (Re-fax to GSA)

Received BY: J. M. Mantanora

Date: 5-4-12


Vendor Name: Pacific Data Systems

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

**GTA**  
TELEGUAM  
REGULATORY  
DATE: 5-8-12 TIME: \_\_\_\_\_ INITIAL: [Signature]

4. GSA has made errors in its evaluation of the PDS and GTA bids for Bid Form 2; the PDS offer is the lowest price bid based on the Bid Form 2 evaluation formula.  
**Response:** See response to answer number 1.
5. GSA has made errors in its evaluation of the PDS and GTA bids for Bid Form 3; the PDS offer is the lowest priced bid based on the Bid Form 3 evaluation formula.  
**Response:** See response to answer number 1.
6. GSA did not consider the PDS Local Procurement Preference application in the award of Bid Form 10; PDS is the lowest responsive and responsible bidder after application of the 15% local procurement preference.  
**Response:** Local procurement preference was not applicable in this case as all of the businesses which submitted a bid was considered to meet the requirements to be considered local and have the local preference available. As such, there was no benefit available to any of the submitted vendors. Therefore, your protest on this issue is denied.

Therefore, your protest is granted in part and denied in part. You have the right to seek any administrative or judicial review available by law.

  
CLAUDIA S. ACFALLE  
Chief Procurement Officer

# EXHIBIT I



Form 1 - Point-by-Point Response for Centrex Telephone Service

|  |   |
|--|---|
| <b>BIDDER NAME:</b> Teleguam Holdings LLC and its wholly owned subsidiaries GTA Telecom LLC, GTA Services LLC and Pulse Mobile LLC | <b>USAC SPIN:</b> 143002715 (GTA Telecom LLC) and/or 143016481 (Pulse Mobile LLC) |
|--|---|

The Bidder shall complete Columns C and D. If the response is unclear, then, the Bidder may be deemed non-responsive. All documentation in the proposal to support the position in Column C should be noted in Column D.

| Column A  | Column B                            | Column C   | Column D                 |
|---|-------------------------------------|--|--------------------------|
| General and Special Requirements  | Type (Informational or Requirement) | Bidder Shall Acknowledgement and State Agreement and Compliance (Or Provide Detailed Explanation of Issue and/or Deficiency and How it Will be Resolved) | References in Proposal   |
| 28. Auto-Attendant – The capability for the user to provide for automated answering of incoming calls by an interactive voice response system that plays customer-defined announcements, and responds to DTMF key tones from the caller so as to direct the call to the most appropriate location in the business. In general, there is no direct interaction between auto-attendant services and SIP phones. | Requirement                         | Acknowledge and Comply   | Tab 4                    |
| 29. Automatic Route Selection (also known as Least Cost Routing) – The ability to route calls to be completed automatically through least cost route possible based on LD provider, time-of-day, and day (e.g. weekday, weekend, holiday).  | Requirement                         | Long Distance Rates are based on provider selected. GTA will allow GovGuam agencies to PIC selected provider.  |                          |
| <b>C. TELEPHONE STATIONS</b>  |                                     |  |                          |
| 1. The Bidder shall offer a range of analog, single line feature phone, and multi-line Feature Phones. An Automated Call Distribution station shall also be provided. The phone specifications and user manuals must be included in the Bid.  | Requirement                         | Acknowledge and Comply   | Tab 4                    |
| 2. All phones proposed must have a Message Waiting lamp.  | Requirement                         | Acknowledge and Comply   | Tab 4                    |
| 3. The Bidder must also provide a forty-eight (48) month lease-to-purchase plan for all the phones.   | Requirement                         | Acknowledge and Comply   | RBF3 Centrex Instruments |
| 4. All Feature phones must have a Message Waiting lamp that enables the user to know of voice mail.   | Requirement                         | Acknowledge and Comply   | Tab 4                    |
| 5. The Feature Phones must have the number of programmable or multiple line keys available.   | Requirement                         | Acknowledge and Comply   | Tab 4                    |
| 6. If VOIP is used, the Feature phones must be SIP compliant and able to interoperate with all Metaswitch features.   | Requirement                         | Acknowledge and Comply   | Tab 4                    |
| 7. All Feature Phones must have hands-free speakerphone capability.   | Requirement                         | Acknowledge and Comply   | Tab 4                    |
| 8. The Bidder phones must have an option for wireless handsets.   | Requirement                         | Acknowledge and Comply   | Tab 4                    |
| 9. The Bidder must propose an Attendant console. The console must be able to show up to 50 line appearances.  | Requirement                         | Acknowledge and Comply   | Tab 4                    |
| <b>SPECIAL CONDITIONS</b>   | Requirement                         | Acknowledge and Comply   |                          |

### Bid Form 1 - Point-by-Point Response for Centrex Telephone Service

**BIDDER NAME:** Teleguam Holdings LLC and its wholly owned subsidiaries GTA Telecom LLC, GTA Services LLC and Pulse Mobile LLC

**USAC SPIN:** 143002715 (GTA Telecom LLC) and/or 143016481 (Pulse Mobile LLC)

The Bidder shall complete Columns C and D. If the response is unclear, then, the Bidder may be deemed non-responsive. All documentation in the proposal to support the position in Column C should be noted in Column D.

| Column A   | Column B  | Column C   | Column D                             |
|--|---|--|--------------------------------------|
| <p><b>General and Special Requirements</b></p>   | <p><b>Type<br/>(Informational or Requirement)</b></p> | <p><b>Bidder Shall Acknowledgement and State Agreement and Compliance<br/>(Or Provide Detailed Explanation of Issue and/or Deficiency and How It Will be Resolved)</b></p> | <p><b>References in Proposal</b></p> |
| <p>1. The Bidder shall complete Bid Forms 7, 8 and 8A [Per Amendment No. 4, Item 18 - changed from 1, 2, &amp; 3].<br/>Reminder, the Bidder shall provide 1 original and 4 copies</p>  | <p><b>Requirement</b></p>                             | <p><b>Acknowledge and Comply</b></p>   |                                      |
| <p>2. The Bidder shall indicate in Bid Form 1 whether the Bidder complies with the Scope of Work proposed for the GovGuam. If the Bidder complies with a service level, the Bidder must provide a feature phone that meets all of the requirements, including providing multiple function keys to activate the services.</p> | <p><b>Requirement</b></p>                             | <p><b>Acknowledge and Comply</b></p>   |                                      |

**Eddie Baza Calvo**  
Governor



**GENERAL SERVICES AGENCY**

(Ahensian Setbision Hinirat)  
Department of Administration  
148 Route 1 Marine Drive, Piti, Guam 96915  
Tel: (671) 475-1707 Fax Nos: (671) 475-1727 / 475-1716

**Ray Tenorio**  
Lieutenant Governor

**Anthony C. Blaz**  
Deputy Director

**Benita A. Manglona**  
Director

October 8, 2012

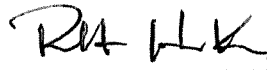
Attachment #34

Memorandum

To: Attorney General of Guam  
From: Chief Procurement Officer, Acting  
General Services Agency  
Subject: Notice of Appeal to the Office of Public Accountability

Please take notice that GTA represented by the Carlsmith law firm has filed a protest on GSA bid number 064-11. This bid has been protested and appealed before and your attorney of record is Fred Nishihira. Please inform this agency who the attorney of record will be.

Thank you.

  
ROBERT H. KONO  
Acting

**Eddie Baza Calvo**  
Governor



**GENERAL SERVICES AGENCY**

(Ahensian Setbision Hinirat)

Department of Administration

148 Route 1 Marine Drive, Piti, Guam 96915

Tel: (671) 475-1707 Fax Nos: (671) 475-1727 / 475-1716

**Ray Tenorio**  
Lieutenant Governor

**Benita A. Manglona**  
Director

**Anthony C. Blaz**  
Deputy Director

October 8, 2012

Attachment #35

Memorandum

To: Attorney General of Guam  
From: Chief Procurement Officer, Acting  
General Services Agency  
Subject: Notice of Appeal to the Office of Public Accountability

Please take notice that GTA represented by the Carlsmith law firm has filed a protest on GSA bid number 064-11. This bid has been protested and appealed before and your attorney of record is Fred Nishihira. Please inform this agency who the attorney of record will be.

Thank you.

*Robert H. Kono*  
ROBERT H. KONO  
Acting

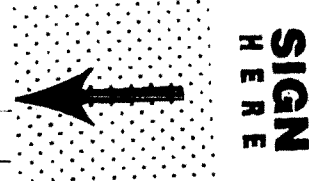
Please Print  
ACKNOWLEDGEMENT COPY (Re-fax to GSA)

Received BY: Rachel Cruz

Date: 10/8/12

Vendor Name: \_\_\_\_\_

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



Eddie Baza Calvo  
Governor



**GENERAL SERVICES AGENCY**

(Aghenslan 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

Attachment #36

October 5, 2012

Mr. Steven Carrara  
General Counsel  
IT and E  
122 W. Harmon Industrial Park  
Harmon, Guam

Re: Protest on GSA Bid Number 064-11

I am in receipt of your protest (received by this office on May 10, 2012), in regards to the above stated matter. You had protested the award to GTA on the following:

Teleguam 's Major Shareholder Disclosure and Commission Affidavit violated 5 GCA section 5233. The submission by Teleguam did not meet the requirement as stated in the law. However, under 2 GAR, Division 4, Section 3109(m)(4)(A) through 3109(m)(c), in which mistakes in a bid are discovered after the time and date set for bid opening and before an award, the Chief Procurement Officer determined that these were minor informalities and were cured pursuant to the law. Therefore, your protest on this matter is rejected.

That Teleguam's bid was improperly conditioned. We have reviewed the bid and find it to be without merit. Therefore your protest on this matter is rejected.

Teleguam Bid Form 8A was non-responsive and must be rejected. We have reviewed this matter and find that it is without merit. Therefore, your protest on this issue is rejected.

Your protest is hereby rejected. You have the right to seek administrative or judicial review as authorized by law.

**SIGN  
HERE**



*ANITA CRUZ*  
ANITA CRUZ  
Buyer Supervisor

Please Print

ACKNOWLEDGEMENT COPY (Re-fax to GSA)

Received BY: STZ

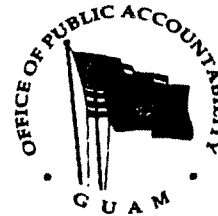
Date: 10/9/12

Vendor Name: P11 Paupna

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

Attachment #37

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



# FAX

|               |  |               |  |
|---------------|--|---------------|--|
| <b>To:</b>    | <b>Claudia Acfalle</b><br>Chief Procurement Officer<br>General Services Agency | <b>From:</b>  | <b>Doris Flores Brooks</b><br>Guam Public Auditor<br>Office of Public Accountability |
| <b>Phone:</b> | 475-1707   | <b>Pages:</b> | 4 (including cover page)   |
| <b>Fax:</b>   | 475-1727   | <b>Date:</b>  | October 9, 2012  |
| <b>CC:</b>    | Elyze M. Iriarte, Esq.<br>Attorneys for Appellant<br>TeleGuam Holdings, LLC.   | <b>Phone:</b> | 475-0390 x. 216 201  |
| <b>Phone:</b> | 472-6813   | <b>Fax:</b>   | 472-7951   |
| <b>Fax:</b>   | 477-4375   |               |  |

**Re:** Notice of Receipt of Appeal: OPA-PA-12-016

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](mailto: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

October 9, 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-12-016

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 October 8, 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-12-016.

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](http://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.

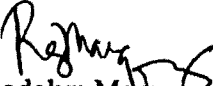
Pursuant to 2 GAR, Div. 4, Ch. 12, §12104(3), the submission of one complete copy of the procurement record for the procurement solicitation above, as outlined in Title 5, Chapter 5, §5249 of the Guam Code Annotated is required. However, we recognize that the procurement record for IFB No. GSA-064-11 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-12-016 by **Tuesday, October 16, 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 **Tuesday, October 23, 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 me at 475-0390 ext. 201 or [mhuffer@guamopa.org](mailto:mhuffer@guamopa.org) should you have any questions regarding this notice.

Sincerely,

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

Enclosure: First Page of the Notice of Appeal – OPA-PA-12-016

Cc: Ms. Elyze M. Iriarte, ESQ., Attorney for Appellant TeleGuam Holdings, LLC



CARLSMITH BALL LLP

ELYZE M. IRIARTE  
eiriarte@carlsmith.com  
VINCENT C. CAMACHO  
vcamacho@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")

**RECEIVED**  
OFFICE OF PUBLIC ACCOUNTABILITY  
PROCUREMENT APPEALS

DATE: 10/08/12

TIME: 900  AM  PM BY: MT

FILE NO OPA-PA: 12-0114

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-\_\_\_\_\_

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

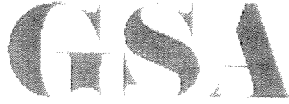
TeleGuam Holdings, LLC and its wholly owned subsidiaries, GTA Telecom, LLC; GTA Services, LLC; and Pulse Mobile, LLC (hereinafter referred to as "GTA") hereby appeal a decision rendered by the General Services Agency of the government of Guam (hereinafter referred to as "GSA") on October 5, 2012, denying GTA's protest of the Bid Status Intent to Award Bid Forms 2 and 3, 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 Elyze M. Iriarte, Esq.,



Eddie Baza Calvo  
Governor



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

Ray Tenorio  
Lt. Governor

Benita Manglona  
Director, Dept. of Admin.

Anthony C. Blaz  
Deputy Director

**FACSIMILE TRANSMITTAL COVER LETTER**

Attachment #38

DATE: October 9, 2012

**PLEASE DELIVER THE FOLLOWING TO:**

Attachment #39

NAME: Public Auditor 472-7951

cc: Carlsmith Ball, LLC 477-4375

FROM: **GENERAL SERVICES AGENCY**  
NAME: Chief Procurement Officer, Acting  
Robert Kono

TITLE/SECTION: Admin. Tel: 475-1720 / Fax: 475-1727

**ATTACHMENTS / REFERENCE and / or COMMENTS:**

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

This transmittal contains the following:

1. GSA Memorandum dated 10/8/12, Ref: Inquiry to OPA-PA-12-016
2. GSA Memorandum dated 10/9/12, Ref: Procurement Record for OPA 012-016

Regards,  
Marie Villanueva

**CONFIDENTIALITY NOTICE:**

The information on this Facsimile is intended for the named recipients ONLY. It may contain instructions requiring the immediate attention of the addressee. If you received this Facsimile in error, or if there is a transmission error, please notify us immediately.  
THANK YOU.

Number of pages (including this cover letter): (3)

Sent by: MNV Date: 10/9/12

**Eddie Baza Calvo**  
Governor



**GENERAL SERVICES AGENCY**

(Ahensian Setbision Hinirat)  
Department of Administration

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

**Ray Tenorio**  
Lieutenant Governor

**Benita A. Manglona**  
Director

**Anthony C. Blaz**  
Deputy Director

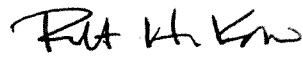
October 8, 2012

Memorandum

To: Public Auditor  
From: Chief Procurement Officer, Acting  
Subject: Inquiry to OPA –PA -12-016

Pursuant to your decision on OPA 012-12, on Friday, October 5, 2012, I attempted to answer all of the protests filed in GSA bid number 064-11. Unfortunately, I discovered that I overlooked a protest filed by GTA on May 11, 2012. Prior to an appeal that was filed by GTA on October 8, 2012, (OPA-PA-12-016) I had made arrangements to start a review of the technical questions raised by the protest regarding bid form 11.

Since an appeal is filed on this matter and no response was provided, and that you had ordered a response to all protests within thirty (30) days in the previous appeal, I am requesting a ruling as to whether I can go ahead and response to this protest. Based upon my initial discussion with the technical advisor, I believe that it will take about two (2) weeks to formulate a response.

  
ROBERT H. KONO  
Acting

Cc: Carlsmith Law Firm  
Attn: Elyze M. McDonald

**Eddie Baza Calvo**  
Governor



**GENERAL SERVICES AGENCY**

(Ahensian Setbision Hinirat)  
Department of Administration

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

**Ray Tenorio**  
Lieutenant Governor

**Benita A. Manglona**  
Director

**Anthony C. Blaz**  
Deputy Director

October 9, 2012

Memorandum

To: Office of Public Accountability

From: Chief Procurement Officer (Acting)  
General Services Agency

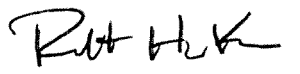
Subject: Procurement Record for OPA 012-016

I am in receipt of your memorandum dated October 9, 2012, in which you informed the General Services Agency that Guam Teleguam, LLC (GTA) filed an appeal with your office, relative to the procurement solicitation (Invitation for Bid No. GSA-064-11). Pursuant to the rules, you are requesting a complete procurement record be provided by Tuesday, October 16, 2012

The Office of Public Accountability already has the complete procurement record of GSA-064-11, as PDS has previously filed an appeal (See case OPA-012-11). The complete record is over 1000 pages. We respectfully request that the OPA use the current procurement record without the need for the government to provide a duplicate record. You had authorize this also in OPA- PA -12-12.

For your information, there are still 4 or 5 protests that should they also appeal, there will no change to the procurement record that you already have. These protests have been submitted in the procurement record in OPA-012-11 and can be found on Tab 15, which is in book 6 and 7. If you require a complete record, even though it will be a duplication of what you have, you are looking at over 5,000 pages being given to you. We believe that in an effort to improve the efficiency and economic impact on the government of Guam GSA, we are requesting that you take judicial notice that the record has been submitted in OPA Case No. 012-11, and therefore meeting the record requirement of 2 GAR.

We hope that you will allow the use of the procurement record that you already have in the other case for this matter. For your information, we had already provided a complete record of the procurement record to GTA in OPA-012-11. Please inform us if this is acceptable or not.

  
ROBERT H. KONO  
Acting

Cc: Elyze M. Iriarte, Carlsmith

# Transmission Report

Date/Time  
Local ID 1

10-09-2012  
03:40:00 p.m.  
671-475-1727

03:40:00 p.m.

Transmit Header Text  
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GSA BUYERS XEROX

**This document : Confirmed  
(reduced sample and details below)  
Document size : 8.5"x11"**

Eddie Baza Calvo  
Governor



Benito Manglona  
Director, Dept. of Admin.

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

Ray Tenorio  
Lt. Governor

Anthony C. Blaz  
Deputy Director

**FACSIMILE TRANSMITTAL COVER LETTER**

DATE: October 9, 2012

**PLEASE DELIVER THE FOLLOWING TO:**

NAME: Public Auditor 472-7951

cc: Cursmith Ball, LLC 477-4375

FROM: **GENERAL SERVICES AGENCY**

NAME: Chief Procurement Officer, Acting  
Robert Kono

TITLE/SECTION: Admin. Tel: 475-1720 / Fax: 475-1727

**ATTACHMENTS / REFERENCE and / or COMMENTS:**

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

This transmittal contains the following:

1. GSA Memorandum dated 10/8/12, Ref: Inquiry to OPA-PA-12-016
2. GSA Memorandum dated 10/9/12, Ref: Procurement Record for OPA 012-016

Regards,  
Muric Villanueva

**CONFIDENTIALITY NOTICE:**

The information on this Facsimile is intended for the named recipients ONLY. It may contain instructions requiring the immediate attention of the addressee. If you received this Facsimile in error, or if there is a transmission error, please notify us immediately. THANK YOU.

Number of pages (including this cover letter): (3)  
Sent by: MNV Date: 10/9/12

Total Pages Scanned : 3

Total Pages Confirmed : 3

| No. | Job | Remote Station | Start Time               | Duration | Pages | Line | Mode | Job Type | Results |
|-----|-----|----------------|--------------------------|----------|-------|------|------|----------|---------|
| 001 | 175 | 94774375       | 03:37:59 p.m. 10-09-2012 | 00:00:37 | 3/3   | 1    | EC   | HS       | CP33600 |

**Abbreviations:**

HS: Host send  
HR: Host receive  
WS: Waiting send

PL: Polled local  
PR: Polled remote  
MS: Mailbox save

MP: Mailbox print  
RP: Report  
FF: Fax Forward

CP: Completed  
FA: Fail  
TU: Terminated by user

TS: Terminated by system  
G3: Group 3  
EC: Error Correct

# Transmission Report

Date/Time  
Local ID 1

10-09-2012  
671-475-1727

03:38:58 p.m.

Transmit Header Text  
Local Name 1

GSA BUYERS XEROX

This document : Confirmed  
(reduced sample and details below)  
Document size : 8.5"x11"

Eddie Baza Calvo  
Governor



Benita Manglona  
Director, Dept. of Admin.

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

Ray Tenorio  
Lt. Governor

Anthony C. Blaz  
Deputy Director

## FACSIMILE TRANSMITTAL COVER LETTER

DATE: October 9, 2012

### PLEASE DELIVER THE FOLLOWING TO:

NAME: Public Auditor 472-7951

cc: Carlsmith Ball, LLC 477-4375

FROM: **GENERAL SERVICES AGENCY**  
NAME: Chief Procurement Officer, Acting  
Robert Kono

TITLE/SECTION: Admin. Tel: 475-1720 / Fax: 475-1727

### ATTACHMENTS / REFERENCE and / or COMMENTS:

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

This transmittal contains the following:

1. GSA Memorandum dated 10/8/12, Ref: Inquiry to OPA-PA-12-016
2. GSA Memorandum dated 10/9/12, Ref: Procurement Record for OPA 012-016

Regards,  
Marie Villanueva

#### CONFIDENTIALITY NOTICE:

The information on this Facsimile is intended for the named recipient ONLY. It may contain instructions requiring the immediate attention of the addressee. If you received this Facsimile in error, or if there is a transmission error, please notify us immediately. THANK YOU.

Number of pages (including this cover letter): (3)

Sent by: MNV Date: 10/9/12

Total Pages Scanned : 3

Total Pages Confirmed : 3

| No. | Job | Remote Station | Start Time               | Duration | Pages | Line | Mode | Job Type | Results |
|-----|-----|----------------|--------------------------|----------|-------|------|------|----------|---------|
| 001 | 174 | 4727951        | 03:37:33 p.m. 10-09-2012 | 00:00:47 | 3/3   | 1    | EC   | HS       | CP26400 |

#### Abbreviations:

HS: Host send

HR: Host receive

WS: Waiting send

PL: Polled local

PR: Polled remote

MS: Mailbox save

MP: Mailbox print

RP: Report

FF: Fax Forward

CP: Completed

FA: Fail

TU: Terminated by user

TS: Terminated by system

G3: Group 3

EC: Error Correct

671-475-1727

03:39:23 p.m.

10-09-2012

1/3

Eddie Baza Calvo  
Governor

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

Ray Tenorio

Attachment #40



Bcnita Manglona  
Director, Dept. of Admin.

Anthony C. Blaz  
Deputy Director

**FACSIMILE TRANSMITTAL COVER LETTER**

CARLSMITH BALL LLP  
FAX RECEIVED

DATE: October 9, 2012

OCT 09 2012

**PLEASE DELIVER THE FOLLOWING TO:**

TIME: 3:44 *See*

NAME: Public Auditor 472-7951

cc: Carlsmith Ball, LLC 477-4375

FROM: **GENERAL SERVICES AGENCY**  
NAME: Chief Procurement Officer, Acting  
Robert Kono

TITLE/SECTION: Admin. Tel: 475-1720 / Fax: 475-1727

**ATTACHMENTS / REFERENCE and / or COMMENTS:**

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Regards,  
Marie Villanueva

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Number of pages (including this cover letter): (3)

Sent by: MNV Date: 10/9/12



4727951

OFFICE OF PUBLIC AUDIT

05:04:43 p.m.

10-09-2012

1/3

671-475-1727

03:38:10 p.m.

10-09-2012

1/3

Attachment #41

Eddie Baza Calvo  
Governor

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



Benita Mangiona  
Director, Dept. of Admin.

Anthony C. Blaz  
Deputy Director

**FACSIMILE TRANSMITTAL COVER LETTER**

DATE: October 9, 2012

**RECEIVED**  
OFFICE OF PUBLIC ACCOUNTABILITY  
PROCUREMENT APPEALS

**PLEASE DELIVER THE FOLLOWING TO:**

DATE: 10/09/12  
TIME: 4:15  AM  PM BY: MH  
FILE NO OPA-PA: 12-014

NAME: Public Auditor 472-7951

cc: Carlsmith Ball, LLC 477-4375

FROM: **GENERAL SERVICES AGENCY**  
NAME: Chief Procurement Officer, Acting  
Robert Kono

**CARLSMITH BALL LLP**  
**FAX RECEIVED**

TITLE/SECTION: Admin. Tel: 475-1720 / Fax: 475-1727

OCT 09 2012

TIME: 4:35 PM

**ATTACHMENTS / REFERENCE and / or COMMENTS:**

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

This transmittal contains the following:

1. GSA Memorandum dated 10/8/12, Ref: Inquiry to OPA-PA-12-016
2. GSA Memorandum dated 10/9/12, Ref: Procurement Record for OPA 012-016

Regards,  
Marie Villanueva

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Number of pages (including this cover letter): (3)

Sent by: MNV

Date: 10/9/12

Eddie Baza Calvo  
Governor



**GENERAL SERVICES AGENCY**

(Ahensian Setbision Hinirat)  
Department of Administration

Ray Tenorio  
Lieutenant Governor

Benita A. Mangiona  
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 8, 2012

Memorandum

To: Public Auditor  
From: Chief Procurement Officer, Acting  
Subject: Inquiry to OPA -PA -12-016

**RECEIVED**  
OFFICE OF PUBLIC ACCOUNTABILITY  
PROCUREMENT APPEALS  
DATE: 10/09/12  
TIME: 4:15  AM  PM BY: MH  
FILE NO OPA-PA: 12-016

Pursuant to your decision on OPA 012-12, on Friday, October 5, 2012, I attempted to answer all of the protests filed in GSA bid number 064-11. Unfortunately, I discovered that I overlooked a protest filed by GTA on May 11, 2012. Prior to an appeal that was filed by GTA on October 8, 2012, (OPA-PA-12-016) I had made arrangements to start a review of the technical questions raised by the protest regarding bid form 11.

Since an appeal is filed on this matter and no response was provided, and that you had ordered a response to all protests within thirty (30) days in the previous appeal, I am requesting a ruling as to whether I can go ahead and response to this protest. Based upon my initial discussion with the technical advisor, I believe that it will take about two (2) weeks to formulate a response.

*Robert H. Kono*  
ROBERT H. KONO  
Acting

Cc: Carlsmith Law Firm  
Attn: Elyze M. McDonald

Eddie Baza Calvo  
Governor



**GENERAL SERVICES AGENCY**

(Aghenslan Setbision Hinirat)

Ray Tenorio  
Lieutenant Governor

Department of Administration

Benita A. Mangiona  
Director

148 Route 1 Marine Drive, Piti, Guam 96915

Anthony C. Blaz

Tel: (671) 475-1707 Fax Nos: (671) 475-1727 / 475-1716

Deputy Director

October 9, 2012

Memorandum

**RECEIVED**  
OFFICE OF PUBLIC ACCOUNTABILITY  
PROCUREMENT APPEALS

To: Office of Public Accountability

DATE: 10/09/12

From: Chief Procurement Officer (Acting)  
General Services Agency

TIME: 4:15 PM BY: MH

FILE NO OPA-PA: 12-010

Subject: Procurement Record for OPA 012-016

I am in receipt of your memorandum dated October 9, 2012, in which you informed the General Services Agency that Guam Teleguam, LLC (GTA) filed an appeal with your office, relative to the procurement solicitation (Invitation for Bid No. GSA-064-11). Pursuant to the rules, you are requesting a complete procurement record be provided by Tuesday, October 16, 2012

The Office of Public Accountability already has the complete procurement record of GSA-064-11, as PDS has previously filed an appeal (See case OPA-012-11). The complete record is over 1000 pages. We respectfully request that the OPA use the current procurement record without the need for the government to provide a duplicate record. You had authorize this also in OPA- PA -12-12.

For your information, there are still 4 or 5 protests that should they also appeal, there will no change to the procurement record that you already have. These protests have been submitted in the procurement record in OPA-012-11 and can be found on Tab 15, which is in book 6 and 7. If you require a complete record, even though it will be a duplication of what you have, you are looking at over 5,000 pages being given to you. We believe that in an effort to improve the efficiency and economic impact on the government of Guam GSA, we are requesting that you take judicial notice that the record has been submitted in OPA Case No. 012-11, and therefore meeting the record requirement of 2 GAR.

We hope that you will allow the use of the procurement record that you already have in the other case for this matter. For your information, we had already provided a complete record of the procurement record to GTA in OPA-012-11. Please inform us if this is acceptable or not.

ROBERT H. KONO  
Acting

Cc: Elyze M. Iriarte, Carlsmith

F4711-033

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

**RECEIVED**  
OFFICE OF PUBLIC ACCOUNTABILITY  
PROCUREMENT APPEALS

DATE: 10/15/12  
TIME: 3:55  AM  PM BY: GH  
FILE NO OPA-PA: 12-016

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

IN THE PETITION OF )  
TELEGUAM HOLDINGS LLC )  
Appellant )

DOCKET NO: OPA-PA-016-12  
OBJECTION TO APPEAL, MOTION FOR  
DISMISSAL

Pacific Data Systems (PDS) hereby makes this objection to the Appeal filed by Teleguam Holdings LLC (GTA) pursuant to 2 GAR §12104(c)(9). This procurement appeal is not properly before the Office of Public Accountability (OPA) and must be dismissed since the original protest made by GTA was not timely filed with the General Services Agency (GSA); the GTA protest was filed 15 days after GTA knew or should have known of the procurement issue that was the subject of the GTA protest (ref 5 GCA §5425(a)).

GTA's original protest to GSA, and the basis for this appeal, stems from a revised Bid Status that was issued by GSA on May 3, 2012 in GSA-064-11<sup>1</sup>. The May 3, 2012 date of this notice by GSA to GTA is referenced in the GTA protest and appeal filing and is not a matter of dispute. Fifteen (15) days after receiving the GSA notice, GTA filed its protest with GSA on May 18, 2012<sup>2</sup>. In its decision of October 5, 2012<sup>3</sup>, GSA did deny the GTA protest but did not do so for lack of timeliness of the GTA filing. As noted, the GTA protest was not timely filed and should have been rejected by GSA for this reason.

<sup>1</sup> Reference Exhibit G of GTA 10/08/2012 OPA Appeal filing  
<sup>2</sup> Reference GTA 10/08/2012 OPA Appeal filing at IV.D page 5  
<sup>3</sup> Reference Exhibit A of GTA 10/08/2012 OPA Appeal filing

*Johnnie*  
OCT 15 4 22

1 To be timely, GTA must have submitted its protest in writing within 14 days after it knew or  
2 should have known of the facts giving rise to the procurement issues. 5 G.C.A. §5425. The very first  
3 instance in which GTA knew or should have known of the GSA decision was on May 3, 2012. At that  
4 point, GTA had possession of the facts of the GSA decision in the procurement. Thus, GTA had 14 days  
5 from the date the GSA Notice was released to file a timely protest. GTA's protest dated May 18, 2012,  
6 was one day over the time allowed for a protest to be filed on the GSA decision.

7 PDS now requests that the OPA dismiss the current GTA appeal since the original protest filed  
8 with GSA was not timely filed and is in violation of 5 GCA §5425(a) and thus the OPA does not have  
9 jurisdiction over the protest.

10 **RESPECTFULLY SUBMITTED** this 15<sup>th</sup> day of October 2012.

11 **PACIFIC DATA SYSTEMS**

12   
13 \_\_\_\_\_  
14 **JOHN DAY**  
15 *President*

**RECEIVED** *From - 634*  
OFFICE OF PUBLIC ACCOUNTABILITY  
PROCUREMENT APPEALS

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

DATE: 10/15/12

TIME: 3:55  AM  PM BY: JH

FILE NO OPA-PA: 12-016

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

IN THE PETITION OF  
  
TELEGUAM, INC.  
  
Appellant

DOCKET NO: OPA-PA-016-12

REQUEST FOR NOTICE AND INCLUSION  
AS AN INTERESTED PARTY

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

**RESPECTFULLY SUBMITTED** this 15<sup>th</sup> day of October 2012.

**PACIFIC DATA SYSTEMS**

  
**JOHN DAY**  
President

*PH 4:21*  
*RECEIVED*  




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

fy 2013 - 034

October 16, 2012

Mr. Robert H. Kono  
Acting Chief Procurement Officer  
General Services Agency  
P.O. Box 884  
Hagatna, Guam 96932

**VIA FACSIMILE: 475-1727**

Re: Procurement Record for OPA-PA-12-016

Dear Mr. Kono,

In your memorandum dated October 9, 2012, you inquired whether the procurement record submitted for OPA-PA-12-011 on May 24, 2012 is acceptable to use for the current appeal, OPA-PA-12-016. You also stated that the procurement record was complete and that OPA authorized the use of the same procurement record for OPA-PA-12-012. However, we did not find GTA's May 11, 2012 protest in the procurement record provided.

OPA requests that GSA provide a copy of (1) GTA's May 11, 2012 protest, (2) decisions on all protests, and (3) other documents relevant to Invitation for Bid No. GSA-064-11 to complete the procurement record. OPA also requires GSA to certify that the procurement record submitted for OPA-PA-12-012 and other supplemental documents are complete in its entirety.

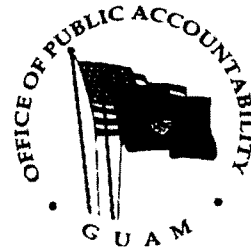
Should you have additional questions or concerns, please contact Audit Supervisor Rodalyn Marquez at 475-0390 ext. 204 or Audit Staff Joy Bulatao at ext. 216.

*Senseramente,*

Doris Flores Brooks, CPA, CGFM  
Public Auditor

Cc: Attorney Elyze M. Iriarte, GTA's counsel, Carlsmith Ball, LLP  
Mr. John Day, President, Pacific Data Systems

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



# FAX

|            |   |                              |   |
|------------|---|------------------------------|---|
| <b>To:</b> | <b>Robert H. Kono</b><br><b>Acting Chief Procurement Officer</b><br>General Services Agency<br>Fax: 475-1727/475-1716 | <b>From:</b>                 | <b>Doris Flores Brooks</b><br><b>Guam Public Auditor</b><br>Office of Public Accountability |
| <b>CC:</b> | <b>Elyze M. Iriarte, Esq.</b><br><b>GTA's Counsel</b><br>Carlsmith Ball, LLP<br>Fax: 477-4375                         | <b>Pages:</b>                | 2 (including cover page)  |
|            | <b>John Day</b><br><b>President</b><br>Pacific Data Systems<br>Fax: 300-0265  | <b>Date:</b>                 | Tuesday,<br>October 16, 2012  |
|            |   | <b>Phone:</b><br><b>Fax:</b> | 475-0390 x. 216<br>472-7951   |

**Re:** Procurement Record for OPA-PA-12-016

Urgent    For Review    Please Comment    Please Reply    Please Recycle

**Comments:**

Please acknowledge receipt of the attached letter by re-faxing the attached letter with your firm's acknowledgement to OPA.

Thank you,

**Joy Bulatao**

Audit Staff

(w) 671-475-0390 ext. 216

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.



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 17, 2012

To: Office of Public Accountability  
From: Acting Chief Procurement Office  
General Services Agency  
Subject: Certification of Procurement Record  
OPA=PA-012-16

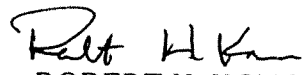
**RECEIVED**  
OFFICE OF PUBLIC ACCOUNTABILITY  
PROCUREMENT APPEALS

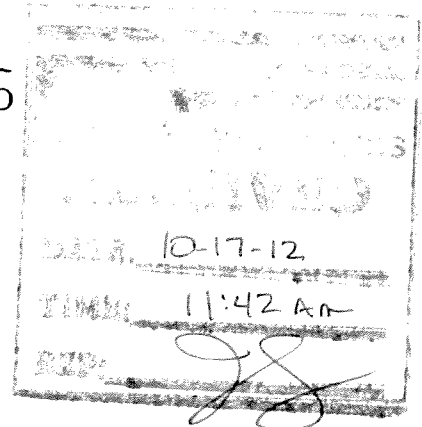
DATE: 10/17/12  
TIME: 11:20  AM  PM BY: MIT  
FILE NO OPA-PA: 12-016

I am in receipt of your memorandum dated October 9, 2012 in which you requested that we certify that the procurement record submitted in GSA bid number 064-11 was complete as submitted in OPA-PA-012-11.

Based upon a telephone inquiry from Ms. Marquez, a review of the procurement record submitted in OPA-PA-12-11 was not complete. We discovered that the protest filed on May 11, 2012 was not submitted. Therefore, this document is now submitted to complete the record. Therefore we certify that the procurement record in GSA bid number 064-11 is complete as of the time of it is initial submission.

Further documents that occurred after the initial submission will be attached to the agency record that will be submitted by October 23, 2012 as requested.

  
ROBERT H. KONO  
Acting



attacment  
Cc GTA  
PDS

RECEIVED  
CARLS. J. BALL  
DATE: 10/17/12 TIME: 11:25 a.m.

**Eddie Baza Calvo**  
Governor



**GENERAL SERVICES AGENCY**

(Ahensian Setbision Hinirat)  
Department of Administration

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

**Ray Tenorio**  
Lieutenant Governor

**Benita A. Manglona**  
Director

**Anthony C. Blaz**  
Deputy Director

October 17, 2012

To: Office of Public Accountability

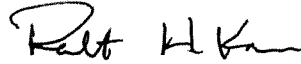
From: Acting Chief Procurement Office  
General Services Agency

Subject: Certification of Procurement Record  
OPA=PA-012-16

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ROBERT H. KONO  
Acting

attacment  
Cc GTA  
PDS

11/2011

# CARLSMITH BALL LLP

A LIMITED LIABILITY LAW PARTNERSHIP

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

VCAMACHO@CARLSMITH.COM

Py 2011-427

May 11, 2012

8

## VIA HAND DELIVERY

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

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, Hagåtña, 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, GGUAN 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 #4<sup>1</sup> 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.

<sup>1</sup> *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.

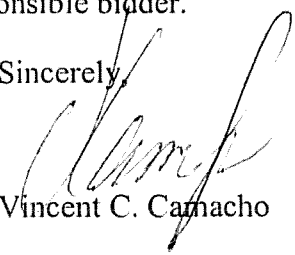
Ms. Claudia S. Acfalle

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. Camacho

VCC/ips

4834-4390-1967.2

Attachments



# **EXHIBIT A**

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 Manglona  
Director, Department of Administration

George A. Santos  
Deputy Director

**Response to Questions Lodged by Prospective Bidders**  
**September 16, 2011**

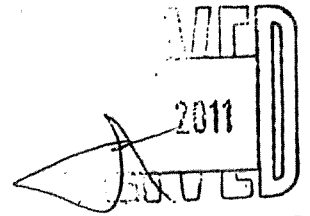
Bid Invitation No. GSA-064-~~ACKNOWLEDGEMENT COP~~  
Amendment No.: 4

*Refer to GSA @ 475-1727*  
**RECEIVED BY** [Signature]  
**DATE** 9/19/2011  
*company Name Tele Guam Hcc 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 (¼) 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.**

Handwritten signature and date '2/19/2011' over a stamp.

GSA-064-11  
Amendment No. 4

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:**

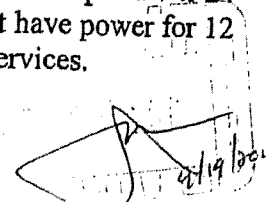
Bidders who are awarded a contract as a result of a solicitation that will be funded by ARRA must be willing to participate in, either scheduled or unannounced, interviews and examinations of any pertinent books, documents, paper, and records of Bidder related to Bidder's charges and performance under 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:**

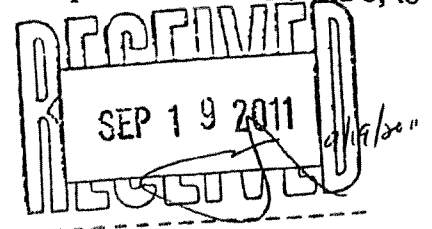
- (a) The bidder may provide an IP Protocol solution for the digital services. However, the bidder must provide a solution that will meet the requirements for 15% of the lines to be powered pm a 7 x 24 hour basis even if the power to the building is down, and the rest of the lines must have power for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

A handwritten signature and date stamp are located in the bottom right corner of the page. The signature is written in black ink and appears to be "P. [unclear]". Below the signature, the date "2/19/2011" is stamped in a circular or rectangular box.

GSA-064-11  
Amendment No. 4

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.



GSA-064-11  
 Amendment No. 4

- 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:**  

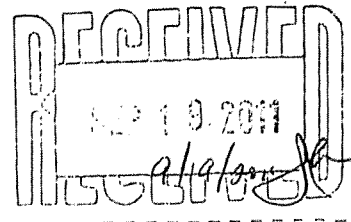
Bidder shall be responsible for providing the ISDN channel service units at the GovGuam site, NT1s.
- 23. **On Page 47 of 56** under Specifications Add:  

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.

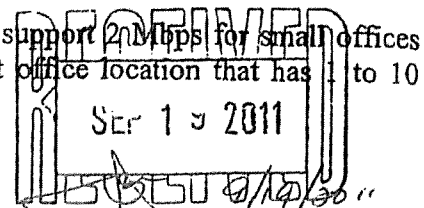
The IFB may be used by departments/agencies such as Guam Memorial Hospital Authority, the Department of Education, the Guam Community College, the University of Guam, Office of the Attorney General, and the like. Each agency that elects to use the Price List established by this IFB shall designate its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

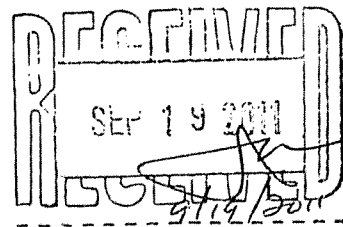
33. **On Page 56 of 56** under Special Conditions Delete Bid Form 16 in its entirety.

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 B**

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. Sant  
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); GGMAN Data Communication Services; Broadband Internet Access; 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

DATE

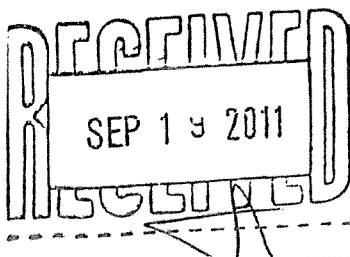
9/19/2011

Telegraph HOLDINGS LLC

- 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**

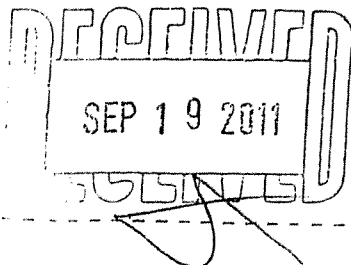
- a. The GovGuam Wide Area Network telecommunication connections are for point-to-point telecommunication services within Guam. The service is an intrastate digital private line service that will originate and terminate telecommunications to customer designated premises in Guam.
- b. The GovGuam Wide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

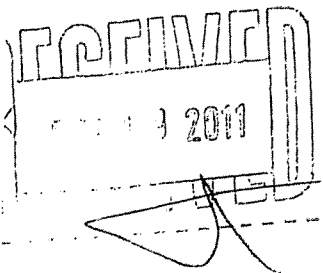
**GovGuam Response:**The GovGuam has compiled the location data and is found in Attachment B Locations Spreadsheet. (Refer to Amendment No. 4 item #1)

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.

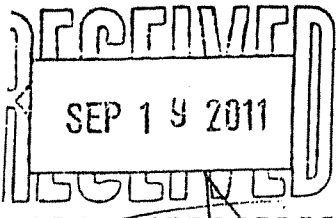
5. **Question from Guam Telecom – No. 5 - Is an IP (Internet Protocol) solution acceptable to GSA?**

**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 conferencing, 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.

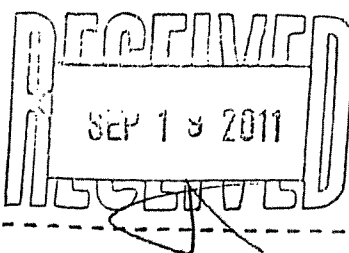
**Do you want legacy Ethernet? If so, please specify termination type.** No. The IFB will interface the WAN Ethernet to Layer 3 Switches. The termination will be fiber interface to Cisco Layer 3 switches.

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.

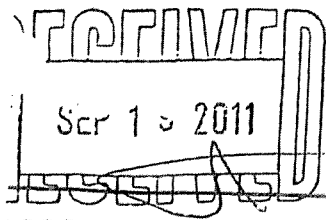
III. **QUESTIONS FROM PACIFIC DATA SYSTEMS (July 11, 2011)**

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.

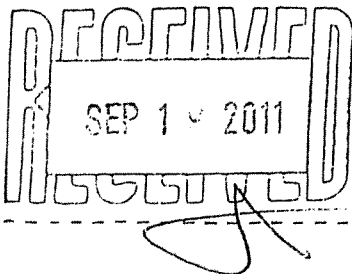
There is no set amount of mobile phones. However, the GovGuam Executive Branch (Line departments/agencies) will be using this Price List to obtain mobile phone services.

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?

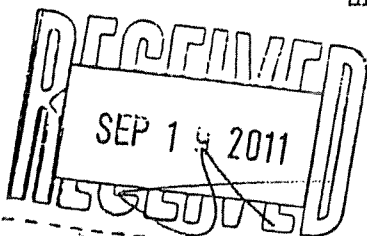
**GovGuam Response:** No. If the bidder shall use a Cashier's Check there are no other documents required. However, the check shall not expire until the end of the 12 months period. The check will be released at the end of the first contract term.

- 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.

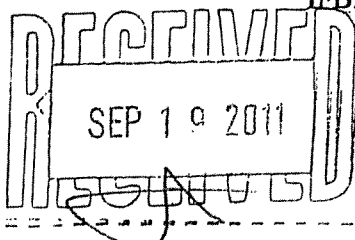
The Bidder shall be responsible for ensuring that this billing algorithm is used for billing purposes.

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 8<sup>th</sup> (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)

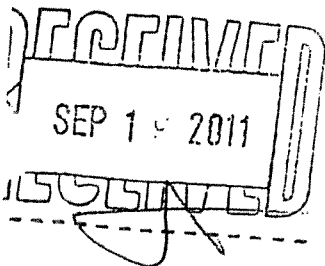
B. **SPECIFIC QUESTIONS**

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)

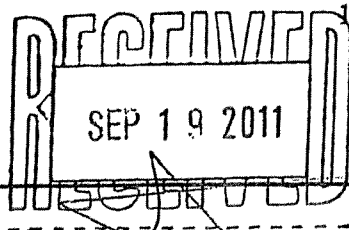
5. Bid Form 10- ISDN PRI, ISDN BRI, and SIP Trunks

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



**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.

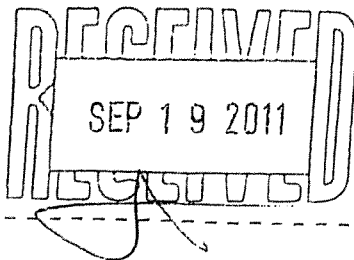
**GovGuam Response:** No. The GovGuam will issue a separate procurement for lower speed High-Capacity telecommunications services, if required.

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

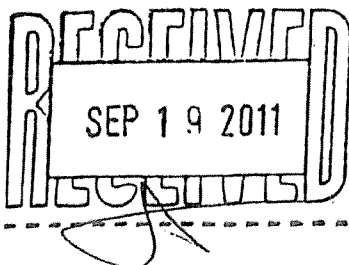
- a. As noted regarding Bid Form 10, this service should be included with Digital trunk service (Bid Form 10).

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.

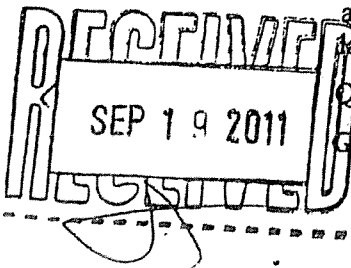
Question: Will change orders be required to implement price changes per this provision and if so should the change order box on page 21 be check-marked?

**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. 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...

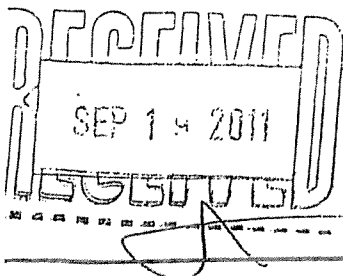
Question: Is the 10 to 70 MBPS per location or in the aggregate?

**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?

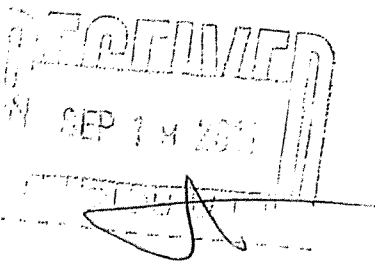
**GovGuam Response:** Yes. Bidders will be provided seven (7) working Days to respond.

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?

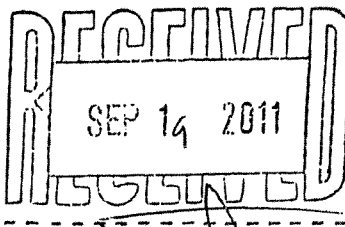
**GovGuam Response:** The voice services shall not require use of the GovGuam data network.

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?

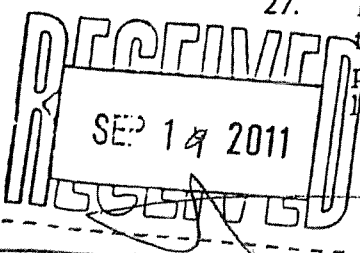
**GovGuam Response:** Three 3 pairs if Bidder is using separate transmit and receive fibers and 3 strands if the Bidder is using DWDM wavelengths with filters.

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.

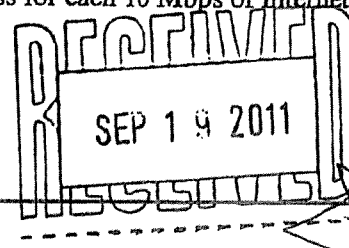
33. Page 49 -Bidder must provide a web-based, real-time, on-line monitoring tool to monitor the SLA and the overall capacity of the ISP. The tool must be equal in capability and functionality to the PRTG

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.

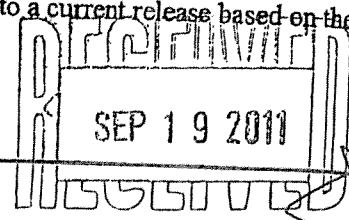
40. Page 54 Routers– Bidder shall also provide a Single % Price for the Annual Maintenance of the Equipment.

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.

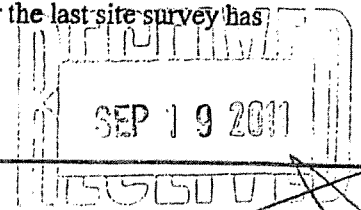


41. GTA is requesting to be provided a transcription of questions and responses at GSA Pre-Bid conference held at GSA on July 7, 2011.  
**GovGuam Response:** (Refer to Exhibit 2).
42. Will the contract awarded under this IFB supersede all previously existing and pending contracts awarded under IFBs, 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. 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. When can we expect answers to all submitted questions?

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

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. 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. 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



Response  
GSA IFB No. GSA-064-11

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?

SEP 18 2011

**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?

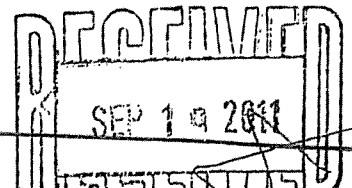
**GovGuam Response:** New equipment.

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.



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.

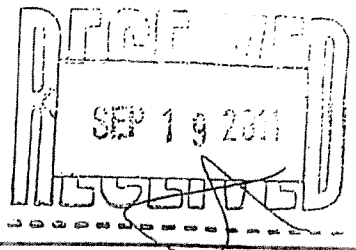
Please note that the PRI and DID number associated with the PRI will depend on which agency is connecting to the system.

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



# EXHIBIT C

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

Rev: 1/95

Please Print  
ACKNOWLEDGEMENT COPY (Re-fax to GSA)

Received BY: MARGEN D ANDIAGARD

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**

|    |  | <u>Monthly Lease</u> |                       |
|----|--|----------------------|-----------------------|
|    |  | <u>Purchase</u>      | <u>Purchase Price</u> |
| -  | <b><u>Teleguam Holdings, LLC</u></b>             |                      |                       |
| 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**

|   |                                    |            |         |
|---|------------------------------------|------------|---------|
| - | <b><u>Pacific Data Systems</u></b> |            |         |
|   | Wireless or Cable Telephone        | Total MRC: | \$16.24 |

**Bid Form 6 – Non-Centrex Telephone Instruments**

|    |   | <u>Monthly Lease</u> |                       |
|----|---|----------------------|-----------------------|
|    |   | <u>Purchase</u>      | <u>Purchase Price</u> |
| -  | <b><u>Pacific Data Systems</u></b>  |                      |                       |
| 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               | \$155.00              |
| 5. | Attendent Console   | \$3.65               | \$95.00               |

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

| <b>BIDDER NAME: TELEGUAM HOLDINGS LLC</b>  |                        |
|--|------------------------|
| <b>BLACKBERRY (Plan 1)</b>   | <b>Mobile Service:</b> |
| 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                |

| <b>ANDROID (Plan 2)</b>  | <b>Mobile Service:</b> |
|--|------------------------|
| 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                |

| <b>Iphone, 8GB (Plan 3)</b>  | <b>Mobile Service:</b> |
|--|------------------------|
| 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                |

| <b>Iphone 4, 32GB (Plan 4)</b>   | <b>Mobile Service:</b> |
|--|------------------------|
| 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**

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

| <b>BIDDER NAME: PTI PACIFICA INC DBA IT&amp;E</b>        |  | <b>USAC SPIN: 143032800</b> |
|--|--|-----------------------------|
| <b>Description</b>                                       |  | <b>Mobile Service Cost</b>  |
| 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**

|   |                             |                   |
|---|-----------------------------|-------------------|
| - <b><u>Teleguam Holdings, LLC</u></b>                                      | <b><u>Installation:</u></b> | <b><u>MRC</u></b> |
| 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)**

|  |                             |                   |
|--|-----------------------------|-------------------|
| - <b><u>Pacific Data Systems</u></b>   | <b><u>Installation:</u></b> | <b><u>MRC</u></b> |
| 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**

**Teleguam Holdings, LLC**

|                 |   | <u>Installation</u> | <u>MRC for 1 Mbps<br/>Internet Access<br/>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**

**Pacific Data Systems**

|        |   | <u>Installation</u> | <u>MRC for<br/>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**

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

**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 D**

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

|  |                                |   |                      |   |   |
|--|--------------------------------|---|----------------------|---|---|
| <b>BIDDER NAME:</b><br>PACIFIC DATA SYSTEMS  |                                | <b>USAC SPIN:</b> 143026234   |                      | <b>EVALUATION</b>   |   |
| 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 |   |
| <b>Internet Access in Mbps</b>   | <b>Installation (Per Node)</b> | <b>Per Node Monthly Recurring Cost (MRC) Including all Surcharges</b> | <b># of Services</b> | <b># of Months</b>  | <b>Total (60 Months + Installation)</b> |
| 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> |
|--|

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 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.

# **EXHIBIT E**

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

| <b>BIDDER NAME: Teleguam Holdings LLC and its wholly owned subsidiaries GTA Telecom LLC, GTA Services LLC and Pulse Mobile LLC</b>   |                         | <b>USAC SPIN: 43002715 (GTA Telecom LLC) and/or 143016481 (Pulse Mobile LLC)</b> |               | <b>EVALUATION</b>   |                                  |
|--|-------------------------|--|---------------|---|----------------------------------|
| 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 F**

| ITEM NO. | DESCR | ON | MONTHLY | ANNUAL PRICE |
|----------|-------|----|---------|--------------|
|----------|-------|----|---------|--------------|

**5.1 Dedicated Government of Guam Wide Area Network (GGWAN) Data Communication Services as per the Following specifications**

The Government of Guam requires a high-speed Ethernet based Wide Area Network Service. These Ethernet services will be used to establish the GovGuam Wide Area Network. These services shall be provisioned via fiber optics cables and shall be in a ring topology which interconnects only GovGuam sites.

The Bidder is to provide a network design and a cost for capacity between GovGuam sites and potential GovGuam Server Hubs throughout the island. Appendix E of Attachment A shows the number of sites that are currently using a 5 Mbps Ethernet based service. The Bidder should be aware that it is expected that more sites will probably interconnect to this service.

The sites include, but are not limited to, the GovGuam Data Center (GDC) located at the Department of Administration in Hagatna, the Department of Education FSAIS Office in Hagatna, the University of Guam Computer Center, the Guam Memorial Hospital Authority (GMHA) Computer Center, the Community Health Centers, Department of Public Health and Social Services, and locations not yet specified.

| SPECIFICATIONS   | BIDDING ON / REMARKS |
|--|----------------------|
| The network capacity must be configured to support DWDM connection speeds of 1,000 or 10,000 Mbps to each agency of the GovGuam that selects participation in this network.  |                      |
| The GovGuam plans to select data rates of either 1 or 10 Gbps, and does not require the Bidder to mix data rates.  |                      |
| 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  |                      |
| Each site must have capacity to route traffic to two sites and be interconnected in a ring network topology.   |                      |
| Each connection in the network must have a 100% Committed Information Rate (CIR) for the service.  |                      |
| No other non-GovGuam entity shall share the use of the DWDM wavelength.  |                      |
| Bidder shall support Gigabit Ethernet and Fast Ethernet protocols.   |                      |
| Bidder must not require use of the wavelength or require any data to be passed through any router or other equipment of the Bidder.  |                      |
| 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. |                      |
| The NMS must be able to monitor and measure fiber losses between points on the node.   |                      |
| The NMS must provide status and alarms for service degradation.  |                      |
| Bidder must not restrict the GovGuam from monitoring any node on the network.  |                      |
| Bidder must provide user manuals on the NMS at the time of Bid Submission.   |                      |





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

fy 2013 - 03x

October 16, 2012

Mr. Robert H. Kono  
Acting Chief Procurement Officer  
General Services Agency  
P.O. Box 884  
Hagatna, Guam 96932

**VIA FACSIMILE: 475-1727**

Re: Procurement Record for OPA-PA-12-016

Dear Mr. Kono,

In your memorandum dated October 9, 2012, you inquired whether the procurement record submitted for OPA-PA-12-011 on May 24, 2012 is acceptable to use for the current appeal, OPA-PA-12-016. You also stated that the procurement record was complete and that OPA authorized the use of the same procurement record for OPA-PA-12-012. However, we did not find GTA's May 11, 2012 protest in the procurement record provided.

OPA requests that GSA provide a copy of (1) GTA's May 11, 2012 protest, (2) decisions on all protests, and (3) other documents relevant to Invitation for Bid No. GSA-064-11 to complete the procurement record. OPA also requires GSA to certify that the procurement record submitted for OPA-PA-12-012 and other supplemental documents are complete in its entirety.

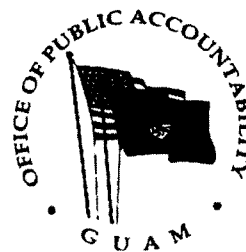
Should you have additional questions or concerns, please contact Audit Supervisor Rodalyn Marquez at 475-0390 ext. 204 or Audit Staff Joy Bulatao at ext. 216.

*Senseramente,*

Doris Flores Brooks, CPA, CGFM  
Public Auditor

Cc: Attorney Elyze M. Iriarte, GTA's counsel, Carlsmith Ball, LLP  
Mr. John Day, President, Pacific Data Systems

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



# FAX

|            |   |                              |   |
|------------|---|------------------------------|---|
| <b>To:</b> | <b>Robert H. Kono</b><br><b>Acting Chief Procurement Officer</b><br>General Services Agency<br>Fax: 475-1727/475-1716 | <b>From:</b>                 | <b>Doris Flores Brooks</b><br><b>Guam Public Auditor</b><br>Office of Public Accountability |
| <b>CC:</b> | <b>Elyze M. Iriarte, Esq.</b><br><b>GTA's Counsel</b><br>Carlsmith Ball, LLP<br>Fax: 477-4375                         | <b>Pages:</b>                | 2 (including cover page)  |
|            | <b>John Day</b><br><b>President</b><br>Pacific Data Systems<br>Fax: 300-0265  | <b>Date:</b>                 | Tuesday,<br>October 16, 2012  |
|            |   | <b>Phone:</b><br><b>Fax:</b> | 475-0390 x. 216<br>472-7951   |

**Re:** Procurement Record for OPA-PA-12-016

Urgent    For Review    Please Comment    Please Reply    Please Recycle

**Comments:**

Please acknowledge receipt of the attached letter by re-faxing the attached letter with your firm's acknowledgement to OPA.

Thank you,

**Joy Bulatao**

Audit Staff

(w) 671-475-0390 ext. 216

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.

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

Attachment #46

October 19, 2012

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

RECEIVED  
CARLSMITH BALL  
DATE: 10/19/12 TIME: 2:12p

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



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

October 22, 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-12-017

Dear Ms. Acfalle,

Please be advised that Pacific Data Systems, Inc (PDS) filed an appeal with the Office of Public Accountability (OPA) on October 19, 2012 of the General Services Agency (GSA)'s response to PDS' protest relative to the procurement solicitation Invitation for Bid No. GSA-064-11: Telecommunication Services. OPA has assigned this appeal case number OPA-PA-12-017.

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](http://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.

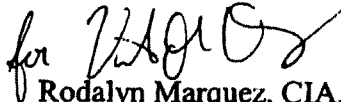
Pursuant to 2 GAR, Div. 4, Ch. 12, §12104(3), the submission of one complete copy of the procurement record for the procurement solicitation above, as outlined in Title 5, Chapter 5, §5249 of the Guam Code Annotated is required. However, we recognize that the procurement record for IFB No. GSA-064-11 was previously submitted for OPA-PA-12-011 on May 24, 2012, and supplemental records were submitted for OPA-PA-12-012 on September 6, 2012 and OPA-PA-12-016 on October 17, 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-12-017 by **Monday, October 29, 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 **Monday, November 5, 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 PDS. 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 me at 475-0390 ext. 201 or [mhuffer@guamopa.org](mailto: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-12-017

Cc: Mr. John Day, President, Pacific Data Systems



Appendix A: Notice of Appeal Form  
PROCUREMENT APPEAL

**RECEIVED**  
OFFICE OF PUBLIC ACCOUNTABILITY  
PROCUREMENT APPEALS  
DATE: 10/19/12  
TIME: 4:15  AM  PM BY: JB  
FILE NO OPA-PA: 12-017

**PART I- To be completed by OPA**

In the Appeal of

)  
) **NOTICE OF APPEAL**  
)

Pacific Data Systems, Inc (PDS)  
(Name of Company), APPELLANT

)  
) Docket No. OPA-PA \_\_\_\_\_  
)  
)

.....  
**PART II- Appellant Information**

Name: Pacific Data Systems, Inc (PDS)  
Mailing Address: 185 Ilipog Drive, Suite 204A  
Tamuning, GU 96913  
Business Address: same as above  
Email Address: John@pdsguam.com  
Daytime Contact No: 671-300-0202  
Fax No.: 671-300-0265

.....  
**PART III- Appeal Information**

- A) Purchasing Agency: General Services Agency (GSA)
- B) Identification/Number of Procurement, Solicitation, or Contract: IFB GSA-064-11
- C) Decision being appealed was made on October 5, 2012 (date) by:  
 Acting Chief Procurement Officer \_ Director of Public Works \_ Head of Purchasing Agency

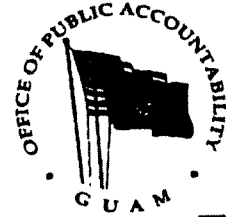
*Note: You must serve the Agency checked here with a copy of this Appeal within 24 hours of filing.*

D) Appeal is made from:

*(Please select one and attach a copy of the Decision to this form)*

- Decision on Protest of Method, Solicitation or Award  
 Decision on Debarment or Suspension  
 Decision on Contract or Breach of Contract Controversy  
(Excluding claims of money owed to or by the government)  
 Determination on Award not Stayed Pending Protest or Appeal  
(Agency decision that award pending protest or appeal was necessary to protect the substantial interests of the government of Guam)

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



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2012 OCT 22 PM 2:58

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G.S.A.

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|                              |  |                              |  |
|------------------------------|--|------------------------------|--|
| <b>To:</b>                   | <b>Robert Kono</b><br>Acting Chief Procurement<br>Officer<br>General Services Agency | <b>From:</b>                 | <b>Doris Flores Brooks</b><br>Guam Public Auditor<br>Office of Public Accountability |
| <b>Phone:</b><br><b>Fax:</b> | 475-1707<br>475-1727   | <b>Pages:</b>                | <b>4</b> (including cover page)  |
| <b>CC:</b>                   | <b>John Day</b><br>President<br>Pacific Data Systems                                 | <b>Date:</b>                 | October 22, 2012   |
| <b>Phone:</b><br><b>Fax:</b> | 300-0202<br>300-0265   | <b>Phone:</b><br><b>Fax:</b> | 475-0390 x. 201<br>472-7951  |

**Re:** OPA-PA-12-017 Notice of Receipt of New Appeal

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**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](mailto:mhuffer@guamopa.org)

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|               |   |               |   |
|---------------|---|---------------|---|
| <b>To:</b>    | Robert Kono<br>Acting Chief Procurement<br>Officer<br>General Services Agency | <b>From:</b>  | Doris Flores Brooks<br>Guam Public Auditor<br>Office of Public Accountability |
| <b>Phone:</b> | 475-1707  | <b>Pages:</b> | 4 (including cover page)  |
| <b>Fax:</b>   | 475-1727  | <b>Date:</b>  | October 22, 2012  |
| <b>CC:</b>    | John Day<br>President<br>Pacific Data Systems                                 | <b>Phone:</b> | 475-0390 x. 201   |
| <b>Phone:</b> | 300-0202  | <b>Fax:</b>   | 472-7951  |
| <b>Fax:</b>   | 300-0265  |               |   |

**Re:** OPA-PA-12-017 Notice of Receipt of New Appeal

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**Comments:**

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Thank you,  
 Michele Huffer  
 Administrative Officer  
[mhuffer@guamopa.org](mailto:mhuffer@guamopa.org)

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**Abbreviations:**

HS: Host send  
 HR: Host receive  
 WS: Waiting send

PL: Polled local  
 PR: Polled remote  
 MS: Mailbox save

MP: Mailbox print  
 RP: Report  
 FF: Fax Forward

CP: Completed  
 FA: Fall  
 TU: Terminated by user

TS: Terminated by system  
 G3: Group 3  
 EC: Error Correct