

1 **DEPARTMENT OF EDUCATION**

Laura J. Mooney, Legal Counsel

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5 **IN THE OFFICE OF PUBLIC ACCOUNTABILITY**
6 **PROCUREMENT APPEAL**

7 In the Appeal of)

APPEAL NO. OPA-PA 10-010

8 TOWN HOUSE DEPARTMENT)

PURCHASING AGENT

9 STORES, INC. DBA ISLAND)

DEPARTMENT OF EDUCATION'S

BUSINESS SYSTEMS AND SUPPLIES)

IFB 006-2010 BID ANALYSIS

Appellant.)

AND INTENT TO MAKE AN AWARD

11
12 Please be advised that DOE in compliance with the OPA's Decision in this matter has
13 completed the (1) bid analysis on March 14, 2011 and (2) has issued an intent to make an award
14 on March 15, 2011. Attached are copies of the procurement file documents with regard to those
15 matters.

16 **PURCHASING AGENT**
17 **DEPARTMENT OF EDUCATION**

18 By: 
19 **LAURA J. MOONEY**
20 Counsel for Department of Education

21
22 **RECEIVED**
OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS

23 MARCH 18 2011

24 TIME: 4:36 PM BY: Vince D.

25 FILE NO. OPA-PA: 10-010



**GUAM PUBLIC SCHOOL SYSTEM
OFFICE OF SUPPLY MANAGEMENT**

*Manuel F.L. Guerrero / Administration Building
2nd Floor, Suite B-202
Hagåtña, Guam 96932
Telephone: (671) 475-0436/0440
Fax: (671) 472-5001*



NERISSA BRETANIA UNDERWOOD, Ph.D.
Superintendent of Education

MARCUS Y. PIDO
Supply Management Administrator

BID STATUS

March 15, 2011

Island Business Systems and Supplies (IBSS)
545 Route 8
Maite, Guam 96910
Tel: (671) 472-2200
Fax: (671) 477-7660
E-Mail: rfranquez@ibssguam.com

Bid no.: GDOE IFB-006-2010 OPENED: Friday, May 21, 2010 @ 10:00 a.m.

Description: SMALL MULTIFUNCTION COPIER MACHINES

The following is the evaluation results of subject bid: Refer to items checked below.

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

- Insufficient funds
- Change of specifications
- Insufficient number of bidders

// Rejected due to:

- Late submission of bid
- No bid deposit submitted, as required by Section 11 of the General Terms and Conditions
- Bid received after the hour established by the Invitation as the time by which all bids must be received.
- Not meeting the delivery requirement as stated in the Invitation for Bid.
- Non-conformance with specifications
- Inability to provide future maintenance and services to the equipment
- High price
- Others:

Bid is recommended for award to: Xerox Corporation

// Remarks:

Sincerely,

MARCUS Y. PIDO
Supply Management Administrator

ACKNOWLEDGMENT RECEIPT

Signature

Date: _____ Time: _____



**GUAM DEPARTMENT OF EDUCATION
OFFICE OF SUPPLY MANAGEMENT**

*Manuel F.L. Guerrero / Administration Building
2nd Floor, Suite B-220
Hagåtña, Guam 96932
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Fax: (671) 472-5001*



NERISSA BRETANIA-UNDERWOOD, Ph.D.
Superintendent of Education

MARCUS Y. PIDO
Supply Management Administrator

LETTER OF INTENT

March 15, 2011

To: XEROX Corporation
137 Murray Blvd., Suite 101
Hagatna, Guam 96910
Tel: (671) 477-9456
Fax: (671) 472-3844

Attn: Margaret Tyquiengco
General Manager

Reference: Notice of Intent of Possible Award
Small Multifunction Copier Machines
Formal Bid: GDOE IFB 006-2010

Dear Ms. Tyquiengco,

As a result of the evaluation of the above reference Bid Invitation, your company has been determined to be the Lowest Most Responsive and Responsible Offeror. Therefore, the Department intends to award the Bid to your Company.

You are hereby advised that this letter is only a notice of possible intent to award and should not be construed as an award by the Guam Department of Education, Office of Supply Management.

If you have any questions regarding this matter, kindly contact our office at 300-1581.

Please acknowledge receipt and return by facsimile to (671) 472-5001.

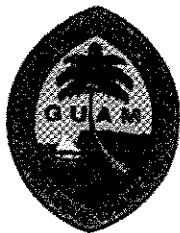
Sincerely,

MARCUS Y. PIDO
Supply Management Administrator

ACKNOWLEDGMENT RECEIPT

Signature

Date: _____ Time: _____



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Superintendent of Education

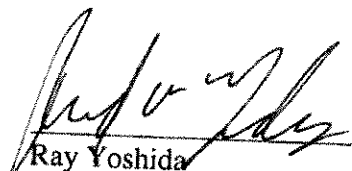
MARCUS Y. PIDO
Supply Management Administrator

March 14, 2011


To: File
From: Buyer I
Subject: Evaluation
Reference: Small Multifunction Copier Machines
Formal Bid: GDOE IFB 006-2010

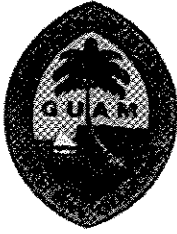
Pursuant to Appeal No. OPA-PA-10-010: Decision, received by our office on March 07, 2011 from the Office of Public Accountability and being in compliance with Chapter III, §3.9.14.3. of the Department of Education Procurement Regulations and is hereby making the award in accordance to 5 G.C.A. §5211(g)

This memo to file is the determination of the evaluator that the findings of the bid are to the best of their knowledge and concur with such findings.


Ray Yoshida 3-14-2011
Date


Kathrina Bayson 3/14/11
Date

Witness:

Albert G. Garcia 03/14/2011
Date



Nerissa Bretania Underwood, Ph.D.
Superintendent of Education

**OFFICE OF SUPPLY MANAGEMENT
GUAM DEPARTMENT OF EDUCATION**

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Fax: (671) 472-5001



Marcus Y. Pido
Supply Management Administrator

March 14, 2011

MEMORANDUM

To: Supply Management Administrator
From: Buyer I
Subject: Analysis and Recommendation
Reference: Small Multifunction Copier Machines
Formal Bid: GDOE IFB 006-2010

Referenced IFB was published in a local newsprint media on Friday, April 30, 2010. It was issued on Monday, May 3, 2010 and was opened on Friday, May 21, 2010.

Four (4) Prospective Bidders acquired the Invitation for Bid packages through GDOE Procurement Office, and two (2) had submitted their offer, namely:

1. Island Business Systems & Supplies; and
2. Xerox Corporation.

The aforementioned companies have submitted qualifying bid proposals. The items awarded are as follows:

Xerox Corporation:

Item Number(s): 1, 2, and 3


Island Business Systems and Supplies:

No award

Based on the analysis, it is recommended that the award be made to the lowest, most responsive and responsible bidder.

Your approval is therefore solicited before any action can be taken on this matter.


Kathrina Bayson


APPROVED
MARCUS Y. PIDO
Supply Management Administrator

03/14/2011
Date



Nerissa Bretania Underwood, Ph.D.
Superintendent of Education

**OFFICE OF SUPPLY MANAGEMENT
GUAM DEPARTMENT OF EDUCATION**

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Fax: (671) 472-5001*



Marcus Y. Pido
Supply Management Administrator

MEMORANDUM

March 14, 2011

To: **FILE**

From: Buyer I

Subject: Determination

Reference: Small Multifunction Copier Machines
Formal Bid: GDOE IFB 006-2010

This memorandum to file is to confirm findings of the evaluation for the above referenced IFB.

Two (2) Prospective Bidders had submitted their offer, namely, Island Business Systems & Supplies (IBSS): and Xerox Corporation.

A total of three (3) items were included on this IFB. Each item was evaluated as follows:

Item No. 1 – Small Multifunction Copier **94 EA**

Although IBSS came in as the lowest bidder, the specifications provided did not include all the necessary requirements provided in the initial bid packet, specifically, User Account setup: Enables user to track prints, copies, faxes, and scans. There was no indication in the brochures/literature provided by IBSS stating that the Small Multifunction Copier they were offering consists of that specific requirement. Xerox Corporation, on the other hand, did meet all the specification requirements. Therefore, Item No. 1 is awarded to the most responsive and responsible bidder, Xerox Corporation.

Item No. 2 – Software Specifications **100 Seat**

Both IBSS and Xerox Corporation met the specification requirements for this particular item. Therefore, Item No. 1 is awarded to the lowest, most responsive and responsible bidder, Xerox Corporation.

Item No. 3 – Network Device Management Software **100 Seat**

Both IBSS and Xerox Corporation met the specification requirements for this particular item. Both provided the item at no charge. It is therefore in the best interest of the Department to award the item to the Xerox Corporation, who will be awarded Items No. 1 and 2.

In conclusion, the Items awarded are as follows:

Xerox Corporation: Items No. 1, 2, and 3.
Island Business Systems & Supplies: No Award.


Kathrina Bayson