



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

October 12, 2010

Ms. Mary A. Y. Okada, Ed.D.
President
Guam Community College
P. O. Box 23069
Barrigada, Guam 96921

VIA FACSIMILE: 734-5238

Re: Notice of Receipt of Appeal Regarding GCC Bid No. GCC-FB-10-015, Voice Over-Internet Protocol (VoIP) Telephone System Project.

Dear President Okada,

Please be advised that Berman O'Connor & Mann, legal counsel of record for Pacific Data Systems, Inc. (hereafter "PDS"), has filed an appeal with the Office of Public Accountability (hereafter "OPA") on October 12, 2010 on Guam Community College's (hereafter "GCC") decision of PDS' protest of the above-stated procurement solicitation. The appeal has been assigned Master File No. **OPA-PA-10-005**.

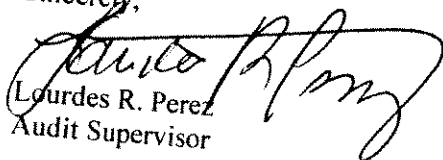
Immediate action is required of your office pursuant to the Rules of Procedure for Procurement Appeals, found in Chapter 12 of the Guam Administrative Regulations (GAR). Copies of the rules, the appeal, and all filing deadlines are available at our office and on our website at www.guamopa.org. The transmittal letter and the first page of the notice of appeal filed with OPA are enclosed for your reference.

Please provide the required notice of this appeal to the required parties with instructions that they should communicate directly with OPA regarding the appeal. 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, Chap 12, §12104(3), please submit one complete copy of the procurement record, as outlined in 5 GCA Chapter 5, §5249, to OPA by **Tuesday, October 19, 2010**, five working days following receipt of this notice of appeal; and one copy of the Agency Report, as outlined in 2 GAR Div 4, Chap 12, §12105, by **Tuesday, October 26, 2010**, ten working 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 the Appellant (protesting vendor).

Thank you for your prompt attention to this matter. Please contact Anne Camacho at 475-0390 ext. 219 or email address acamacho@guamopa.org should you have any questions regarding this notice.

Sincerely,


Lourdes R. Perez
Audit Supervisor

Enclosure: First Page of Notice of Appeal- OPA-PA-10-005
Cc: Legal Counsel for Appellant – Berman O'Connor & Mann (Via Facsimile 477-4366)

COPY



1 **BERMAN O'CONNOR & MANN**
 2 Suite 503, Bank of Guam Bldg.
 3 111 Chalan Santo Papa
 4 Hagåtña, Guam 96910
 5 Telephone No.: (671) 477-2778
 6 Facsimile No.: (671) 477-4366
 7
 8 Attorneys for Appellant:
 9 **PACIFIC DATA SYSTEMS, INC.**

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 FILE NO. OPA-PA: 10-005

7 **OFFICE OF PUBLIC ACCOUNTABILITY**

9 In the Appeal of
 10 **PACIFIC DATA SYSTEMS, INC.,**
 11 Appellant.

Docket No. OPA-PA 10-005

PROCUREMENT APPEAL

13 **APPELLANT INFORMATION**

14 The Appellant is Pacific Data Systems, Inc. ("PDS"), 185 Ilipog Drive, HBC
 15 Building, Suite 204-A, Tamuning, Guam, 96913, Tel. 300-0200.

16 **APPEAL INFORMATION**

- 17 A. Purchasing Agency: Guam Community College ("GCC").
- 18 B. Identification Number of Procurement: IFB GCC-FB-015.
- 19 C. The Decision being appealed was made on October 5, 2010 by the Head of
 20 Purchasing Agency through counsel.
- 21 D. This Appeal is made from a Decision on Protest of GCC Intent to Award.
- 22 E. Names of Competing Bidders: TeleGuam Holdings LLC; IT&E, Inc.

23 **STATEMENT OF GROUNDS FOR APPEAL**

24 **A. Factual Background**

25 1. GCC issued the Invitation for Bid on May 3, 2010 for Voice Over-Internet
 26 Protocol (VoIP) Telephone System Project. Relevant pages from the IFB are attached
 27 hereto as Exhibit "1".



FAX

To: **Mary Okada, Ed.D.**
President, Guam Community College

Bill R. Mann
Legal Counsel for Pacific Data Systems, Inc.

From: **Doris Flores Brooks, CPA, CGFM**
Public Auditor
OPA Procurement Appeals
Suite 401 DNA Bldg.
238 Archbishop Flores St.
Hagatna, Guam 96910

Agency: _____ Pages: 3 (Including cover)

CC: _____ Date: October 12, 2010

Fax: GCC: 734-5238
Berman O'Connor & Mann: 477-4366 Point of Contact: **Tel: 475-0390 x 219 (Anne Camacho)**
Nos. **Fax: 472-7951**

Re: **Appeal No. OPA-PA-10-005: Notice of Receipt of Appeal**

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●Comments:

See attachment for reference.

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Anne Camacho – acamacho@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
CP: Completed
FA: Fail

TU: Terminated by user
TS: Terminated by system
RP: Report

G3: Group 3
EC: Error Correct