



# FAX

To: **Mr. Marcus Pido**  
**Supply Management Administrator**  
**Guam Department of Education**

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

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Agency: **General Services Agency** Pages 4 (including cover page)

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CC: John Day, President Date: September 27, 2012  
Pacific Data Systems

Rebecca Perez, Esq., Legal Counsel  
Guam Department of Education

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Fax: PDS: 300-0265 Point of Contact **Tel: 475-0390 x 210**  
GDOE: 472-5001 **(Vince Duenas)**  
Nos. **Fax: 472-7951**

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Re: **Notice of Receipt of Protest - OPA-PA-12-014**

Urgent     For Review     Please Comment     **Please Reply**     Please Recycle

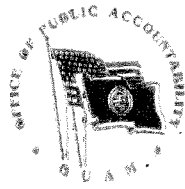
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**Please acknowledge receipt of this transmittal by re-sending this cover page along with your firm or agency's receipt stamp, date, and initials of receiver. Thank you.**

Vince Duenas – [vduenas@guamopa.org](mailto:vduenas@guamopa.org)

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OFFICE OF PUBLIC ACCOUNTABILITY

Doris Flores Brooks, CPA, CGFM

Public Auditor

September 27, 2012

Mr. Marcus Pido  
Supply Management Administrator  
Guam Department of Education  
M. F. L. Guerrero Administration Bldg.  
2<sup>nd</sup> Floor, Suite B-220  
Hagatna, Guam 96932

**VIA FACSIMILE: 472-5001**

Re: Notice of Receipt of Protest – OPA-PA-12-014

Dear Mr. Pido,

Please be advised that Pacific Data Systems (PDS) filed a protest with the Office of Public Accountability (OPA) on September 26, 2012 regarding the Guam Department of Education's (GDOE) procurement actions related to GDOE IFB No. 014-2012 Indefinite Quantity of Laptops, Mobile Computer Labs, Laptops with Docking Stations and Desktop Computers.

Immediate action is required of your office pursuant to the 5 G.C.A. § 5425.1. Protest Procedure for Procurement Funded with 2009 American Recovery and Reinvestment Act Moneys Allotted to the Guam Department of Education.

Please provide the required notice of this protest to the required parties with instructions that they should communicate directly with OPA regarding the protest. 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.

Please also submit one complete copy of the procurement record for the procurement solicitation above, as outlined in 5 GCA Chapter 5, §5249, and one copy of the Agency Report for the procurement solicitations cited above, as outlined in 2 GAR Div 4, Chap 12, §12105, immediately, as the Public Auditor *shall* issue a decision, in writing, within *no more than* ten (10) working days of receipt of the protest (5 GCA § 5425.1(a)). 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). *OPA respectfully asks that GDOE 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. 210 or [vduenas@guamopa.org](mailto:vduenas@guamopa.org) should you have any questions regarding this notice.

Sincerely,



Vincent Duenas  
Audit Supervisor

Enclosure: PDS' Protest of ARRA Funded Procurement – GDOE-IFB No. 14-2012

Cc: Mr. John Day, President of Pacific Data Systems  
Ms. Rebecca Perez, Esq., GDOE Legal Counsel



September 26, 2012

Mrs. Doris Flores Brooks  
Public Auditor  
Office of Public Accountability  
Government of Guam  
4<sup>th</sup> Floor DNA Building  
Hagatna, GU 96915

**RECEIVED DELIVERY**  
OFFICE OF PUBLIC ACCOUNTABILITY  
PROCUREMENT APPEALS

DATE: 26 SEPT 2012

TIME: 2:33  AM  PM BY: JBG

FILE NO OPA-PA: N/A

**Re: Protest of ARRA Funded Procurement – GDOE IFB No. 14-2012**

Dear Mrs. Flores Brooks:

This is a protest by Pacific Data Systems (“PDS”) regarding the procurement actions described by Guam Department of Education (GDOE) in its Notice of Bid Status and Intent to Award dated September 20, 2012, and received by PDS on September 21, 2012. A copy of the GDOE Notice of Bid Status and Intent to Award is attached hereto as Exhibit 1. Because the source of the funding for this procurement is from the American Recovery Reinvestment Act (ARRA), this protest is being made directly to the Office of Public Accountability in accordance with 5 G.C.A. §5425.1.

**Background:**

Invitation For Bid (IFB) No. 014-2012 was published by GDOE on June 29, 2012. A copy of IFB No. 14-2012 is attached hereto as Exhibit 2. The purpose of this IFB is to use ARRA funds to procure notebook/laptop/desktop computers for Students, Teachers, and other users at GDOE with these systems to be installed through-out GDOE schools and offices. Approximately 3,127 computers are involved in the procurement including various other equipment including monitors, backup power systems, computer carts, and professional services. The procurement involves the acquisition, configuration, delivery, and continuing service through a 3-year warranty program and non-warranty service plan for all items in the bid. A total of 9 bid items are to be procured on an “all or none basis”. No pre-bid meeting was held by GDOE to review the IFB specifications with bidders prior to bid turn-in. GDOE responded to bidders questions via Amendment #1 on 07/26/2012 and two other amendments were issued delaying the turn-in date of the bid and clarifying Energy Star requirements for bid item #8 Backup Battery System (Amendment #2 and #3 respectively). Copies of all amendments are included in the attached Exhibit 2.

On August 15, 2012, GDOE publicly opened bid submissions from three bidders; Pacific Data Systems, Softchoice, and Compacific. A complete copy of the PDS bid is attached hereto as Exhibit 3. A copy of the bid abstract that was provided to the Bidders by GDOE at the bid opening is attached hereto as Exhibit 4. The results of the total bid amounts for each bidder are summarized below:

Bidders	Amount of Bids (total of all 9 items on the Bid Form)
Pacific Data Systems:	\$2,487,000
Softchoice:	\$2,538,000
Compacific:	\$2,799,000

**Pacific Data Systems**

185 Ilipog Drive, HBC Suite 204A, Tamuning, GU 96913  
Main: (671) 300-0200 | Fax: (671) 300-0265 | [www.pdsquam.com](http://www.pdsquam.com)