



Jerrick Hernandez <jhernandez@guamopa.com>

OPA-PA-21-001 Notice of Receipt of Appeal

Greta Balmeo <gbalmeo@ghura.org>

Thu, May 27, 2021 at 4:25 PM

To: Jerrick Hernandez <jhernandez@guamopa.com>

Cc: Ray Topasna <rstopasna@ghura.org>, Elizabeth Napoli <efnapoli@ghura.org>, acp <acp@perezlawguam.com>, "Julie G. Lujan" <juls@ghura.org>, John Day <john@pdsguam.com>

Hi Jerrick,

Good afternoon.

Attached in this email is the Procurement Record pertaining to OPA-PA-21-001 (IFB#GHURA-COCC-021-003 Metrolan). Also attached are: Designation of Interested Parties and Entry of Appearance. I will be on my way to deliver hard copies to your office shortly.

Thank you,
Greta Balmeo
671-475-1356

[Quoted text hidden]

3 attachments

 **Procurement Record IFB#GHURA-COCC-021-003 METROLAN.pdf**
5750K

 **OPA-PA-21-001 Designation of Interested Parties.pdf**
514K

 **OPA-PA-21-001 Entry of Appearance.pdf**
276K

1 **LAW OFFICE OF ANTHONY C. PEREZ**

2 Suite 802, DNA Building
3 238 Archbishop Flores Street
4 Hagåtña, Guam 96910
Telephone No. (671) 475-5055/7
Facsimile No. (671) 477-5445

5 *Attorney for Guam Housing &*
6 *Urban Renewal Authority*

7 **BEFORE THE OFFICE OF PUBLIC ACCOUNTABILITY**
8 **HAGATNA, GUAM**

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


APPEAL NO: OPA-PA-21-001

11
12 Appellant.

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16 **GUAM HOUSING AND URBAN RENEWAL AUTHORITY**

17 **PROCUREMENT RECORD**

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23 **LAW OFFICE OF ANTHONY C. PEREZ**

24 By: 
25 **ANTHONY C. PEREZ, ESQ.**
26 *Attorney for Guam Housing and Urban*
27 *Renewal Authority*
28

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**AGENCY SUBMISSION OF
PROCUREMENT RECORD**

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15 **COMES NOW** the Guam Housing & Urban Renewal Authority (GHURA) by and
16 through its legal counsel, Anthony C. Perez, and submits the procurement record in accordance
17 with 5 GCA § 5249. This record is provided pursuant to 2 GAR, Div. 4, § 12104(c)(3).
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V. The requesting agency's determination of need.

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TAB A

Procurement Record

The date, time, subject matter and names of participants at any meeting including government employees that is in any way related to a particular procurement

GHURA Log of Communication

Project: IFB#GHURA-COCC-021-003 Metrolan

	Date	Time	Contact name	Company	Method	Reason for communication
1	1/13/2021	10:00 a.m.	Greta Balmeo	GHURA	Zoom Mtg	Pre-Bid Conference
2	1/21/2021	9:30 a.m.	Greta Balmeo	GHURA	Site Visit	Docomo
3	2/2/2021	9:30 a.m.	Greta Balmeo	GHURA	Site Visit	IT&E
4	2/24/2021	12:15 p.m.	Greta Balmeo	GHURA	Zoom Mtg	Clarification on bid design, required docs
5	3/4/2021	12:00 p.m.	GHURA Board of Commisisoners	GHURA	Zoom Mtg	Board meeting for approval of Metrolan award
6	4/5/2021	10:30 a.m.	Greta Balmeo	GHURA	Zoom Mtg	Discussion w/ IT&E, GHURA, Attorney Perez
7	4/9/2021	12:00 p.m.	Greta Balmeo	GHURA	Zoom Mtg	Negotiation meeting w/ PDS, GHURA, Attorney Perez

TAB B

Procurement Record

A log of all communications between government employees and any member of the public, potential bidder, vendor or manufacturer which is in any way related to the procurement

GHURA Log of Communication
Project: IFB#GHURA-COCC-021-003 Metrolan

Date	Contact name	Company	Method	Reason for communication
1 9/29/2020	Greta Balmeo	GHURA	Email	Provided MIS IFB draft for development of specifications
2 12/18/2020	Greta Balmeo	GHURA	Email	Proposed IFB Procurement schedule
3 12/30/2020	Julie Lujan	GHURA	Email	IFB (1 st draft)
4 12/31/2020	Greta Balmeo	GHURA	Email	Request for Advertisement to the Post
5 01/04/2021	Julie Lujan	GHURA	Email	Final draft for IFB specifications
6 01/05/2021	Greta Balmeo	GHURA	Email	Final draft for IFB specifications
7 01/11/2021	Franklin Artero	PDS	Email	Expressed interest in Pre-Bid Conference
8 01/12/2021	Eleonor Lujan-Torres	DOCOMO	Email	Confirmation for Pre-Bid Conference Attendance
9 01/13/2021	Greta Balmeo	GHURA	Zoom Meeting	*Refer to Tab (Pre-Bid) *Insert: Refer to GHURA site for recording
10 01/14/2021	Greta Balmeo	GHURA	Email	Schedule for PDS registration payment
11 01/19/2021	Greta Balmeo	GHURA	Email	Disseminate site visit schedule to bidders
12 01/19/2021	Eleonor Lujan-Torres	DOCOMO	Email	Site visit clarification
13 01/21/2021	Eleonor Lujan-Torres	DOCOMO	Email	Bidder question deadline
14 01/21/2021	Eleonor Lujan-Torres	DOCOMO	Site Visit	Site visit (DOCOMO) bidder
15 01/21/2021	Eleonor Lujan-Torres	DOCOMO	Email	Extension request for bidder questions deadline & bid submission
16 01/22/2021	Franklin Artero	PDS	Email	RFI submission
17 01/22/2021	Judy Rosario	GTA	Email	RFI submission
18 01/23/2021	Greta Balmeo	GHURA	Email	Advised bidders of question deadline extension
19 01/23/2021	Eleonor Lujan-Torres	DOCOMO	Email	Follow-up on bid deadline extension request
20 01/24/2021	Eleonor Lujan-Torres	DOCOMO	Email	Follow-up on bid deadline extension request
21 01/25/2021	Judy Rosario	GTA	Email	Follow-up on Q'S deadline & GTA's RFI
22 01/25/2021	Greta Balmeo	GHURA	Email	Issued Addendum No. 1 to Bidders
23 01/26/2021	Eleonor Lujan-Torres	DOCOMO	Email	Clarification on Addendum 1
24 01/26/2021	Eleonor Lujan-Torres	DOCOMO	Email	Questions submission / RFI
25 01/26/2021	Greta Balmeo	GHURA	Email	Addendum 2 issued
26 01/29/2021	Franklin Artero	PDS	Email	Follow-up to PDS's RFI on 01/22/2021
27 01/29/2021	Greta Balmeo	GHURA	Email	Addendum 3 issued to bidders
28 01/30/2021	Franklin Artero	PDS	Email	2 nd follow-up to PDS's RFI on 01/22/2021

GHURA Log of Communication
Project: IFB#GHURA-COCC-021-003 Metrolan

29	01/30/2021	Greta Balmeo	GHURA	Email	Address PDS RFI response follow-up
30	02/01/2021	Franklin Artero	PDS	Email	Acknowledgement of GHURA's pending response
31	02/01/2021	Greta Balmeo	GHURA	Email	Addendum 4 issued
32	2/02/2021	Greta Balmeo	GHURA	Site Visit	IT&E
33	02/02/2021	John Day	PDA	Email	Request for deadline extension
34	02/03/2021	Eleonor Lujan-Torres	DOCOMO	Email	Schedule bid registration payment & bid deadline clarification
35	02/04/2021	Eleonor Lujan-Torres	DOCOMO	Email	Follow-up on bid deadline
36	02/04/2021	Greta Balmeo	GHURA	Email	Addendum 5 issued
37	02/04/2021	John Day	PDS	Email	Acknowledged Addendum 5 – Notice of additional bidder questions
38	02/05/2021	John Day	PDS	Email	Submission of additional questions & clarifications
39	02/09/2021	Greta Balmeo	GHURA	Email	Response to PDS additional questions & clarifications
40	02/10/2021	Eleonor Lujan-Torres	DOCOMO	Email	Schedule bid drop-off
41	02/11/2021	Greta Balmeo	GHURA	Email	Response confirming bid drop-off schedule
42	02/11/2021	Eleonor Lujan-Torres	DOCOMO	Email	Clarification on bid opening details (process)
43	02/12/2021	Franklin Artero	PDS	Phone call	Requesting copy of Affidavit for disclosure of COI form
44	02/12/2021	Greta Balmeo	GHURA	Email	Disseminated Affidavit for disclosure of COI form & Bid opening details (process)
45	02/12/2021	Eleonor Lujan-Torres	GHURA	Phone Call	Clarification on Affidavit COI form
46	02/12/2021	Eleonor Lujan-Torres	GHURA	Email	Additional Clarification on COI form submission
47	02/12/2021	Greta Balmeo	GHURA	Email	Guidance on submission of COI form
48	02/12/2021	Greta Balmeo	GHURA	Bid Opening	Meeting (Refer to Tab II)
49	02/13/2021	Franklin Artero	PDS	Email	FOIA Request
50	02/18/2021	Greta Balmeo	GHURA	Email	GHURA response to PDS FOIA request
51	02/19/2021	Franklin Artero	PDS	Email	Clarification on Docomo's submission of COI form
52	02/19/2021	Greta Balmeo	GHURA	Email	Response to PDS's clarification of Docomo's COI Form Submission

GHURA Log of Communication
Project: IFB#GHURA-COCC-021-003 Metrolan

53	02/23/2021	John Day	PDS	Email	PDS' review and identifications of IT&E bid deficiencies
54	02/23/2021	Greta Balmeo	GHURA	Email	Confirmation of PDS' review of IT&E bid
55	02/23/2021	John Day	PDS	Email	PDS review & identification of DPAC bid deficiencies
56	02/23/2021	Greta Balmeo	GHURA	Email	Request for Zoom Mtg. w/ IT&E to clarify topology
57	02/24/2021	Auriann Camacho	IT&E	Email	Confirmation for Zoom Mtg. @ 12:15 p.m. on 02/24/2021
58	02/24/2021	Greta Balmeo	GHURA	Zoom Meeting	Clarification on Topology & missing information on required documents
59	02/24/2021	Greta Balmeo	GHURA	Meet P/Up	IT&E pick-up of original file to address minor informalities on required documents
60	02/25/2021	Greta Balmeo	GHURA	Meet P/Up	IT&E drop-off original file with completed information
61	03/04/2021	GHURA BOC	GHURA	Zoom Meeting	BOC Approval of award to IT&E
62	03/12/2021	Greta Balmeo	GHURA	Email	Issued notices of award& non-awards to vendors
63	03/12/2021	Eleonor Lujan-Torres	DOCOMO	Email	Acknowledgement of Non-Award
64	03/12/2021	Auriann Camacho	IT&E	Email	Acknowledgement of Award
65	03/16/2021	Franklin Artero	PDS	Email	Acknowledgement of Non-Award
66	03/26/2021	Franklin Artero	PDS	Drop-off & Email	PDS Protest of IFB#GHURA-COCC-021-003 Metrolan
67	04/02/2021	Greta Balmeo	GHURA	Email	Schedule Zoom Mtg. w/ IT&E for Multipoint clarification on 04/05/2021
68	04/05/2021	Auriann Camacho	IT&E	Email	Confirmation on Zoom Mtg. for 04/05/2021 @ 10:30 a.m.
69	04/05/2021	Greta Balmeo	GHURA	Email	Reschedule Zoom Mtg. to 04/05/2021 @ 2 p.m.
70	04/05/2021	Auriann Camacho	IT&E	Email	Confirmation for Zoom Mtg. @ 2 p.m. on 04/05/2021
71	04/05/2021	Greta Balmeo	GHURA	Zoom Meeting	Clarification on Bid Sow Mtg. w/ IT&E & Attorney Perez & GHURA
72	04/05/2021	Greta Balmeo	GHURA	Email	Email PDS requesting Zoom Mtg. to discuss protest
73	04/06/2021	Joh Day	PDS	Email	Confirm Zoom Mtg.
74	04/08/2021	Greta Balmeo	GHURA	Email	Sent Zoom Mtg. details for 04/09/2021 @ 12 p.m.
75	04/09/2021	Greta Balmeo	GHURA	Zoom Meeting	Mtg. w/ PDS & GHURA & Attorney Perez

GHURA Log of Communication
Project: IFB#GHURA-COCC-021-003 Metrolan

76	04/12/2021	John Day	PDS	Email	Request for GHURA decision response
77	04/12/2021	Auriann Camacho	IT&E	Email	Follow-up on status of IT&E Protest
78	04/26/2021	Auriann Camacho	IT&E	Email	Follow-up on status of IT&E Protest
79	04/26/2021	Greta Balmeo	GHURA	Email	Response to IT&E Protest
80	05/05/2021	Greta Balmeo	GHURA	Email	Issued GHURA'S decision to PDS protest - John Day
81	05/05/2021	John Day	PDS	Email	Acknowledge receipt
82	05/18/2021	Auriann Camacho	IT&E	Email	Follow-up on PDS Protest
83	05/18/2021	Greta Balmeo	GHURA	Email	GHURA response update to IT&E w/ PDS protest
84	05/20/2021	Jerrick Hernandez	OPA	Email	OPA Notice of Appeal
85	05/20/2021	Greta Balmeo	GHURA	Email	Send acknowledgement of receipts of NOA

TAB C

Procurement Record

Sound recordings of all pre-bid conferences; negotiations arising from a request for proposals and discussions with vendors concerning small purchase procurement

TAB C

Procurement Record

Sound recordings of all pre-bid conferences; negotiations arising from a request for proposals and discussions with vendors concerning small purchase procurement

Response: Please refer to the GHURA's website link below to access the Pre-Bid Conference Meeting via Zoom which was held on January 13, 2021 at 10:00 a.m.

<https://www.ghura.org/doing-business-us/bidsproposalsrelease-funds/invitation-bids>

Pre-Bid Conference Minutes

To: Distribution of Bidders

Date: January 13, 2021 at 10:00 a.m.

From: Greta Balmeo, Procurement

Subject: IFB#GHURA-COCC-021-003 Metrolan – Connectivity/Internet/Telecom Bundled Services

GHURA Representatives:

Julie Lujan, MIS
Joyce Aguon, MIS
Bill Eriksen, MIS
Greta Balmeo, Procurement

Attendance:

Eleanor Lujan-Toves, Docomo
Brianna Taijeron, Docomo
Marcel Buensuceso, Docomo
Sean Ly, Docomo
Judy Rosario, GTA
Russel Wilson, GTA
Franklin Artero, PDS
John Day, PDS
Jonathan Cheng, IT&E
Janet Aguon, IT&E
Julian Coopernurse, IT&E

Housekeeping:

- Bids must be received at the Sinajana Main Office no later than 2:00 p.m. on Friday, January 29, 2021. Bids received after the deadline will not be accepted.
- Contractors must allow ample time to submit bids. Parking is limited due to activities with Section 8 and the Mayor's office. COVID-19 social distancing practices and staggered operating hours.
- On the bid due date, a sign will be posted at the front door with Procurement number to call to submit bid. When contractors submit their bid, they must ensure they sign the bid submission form.
- Bid registration form must be completed and submitted in person or by email.
- The \$50.00 registration fee must be made by the bid due date. You may call or email Ms. Greta Balmeo to schedule an appointment for payment at the GHURA Main Office.

- Procurement schedule:
 - Bid available date: January 5, 2020
 - Pre-Bid Conference: January 13, 2020 10:00 a.m.
 - Site Visit: *Upon request*
 - Deadline for Questions/Requests: January 22, 2021 by 5 p.m. (Friday)
 - GHURA's response: January 27, 2021 by 5 p.m. (Wednesday)
 - Bid Closing: January 29, 2021 at 2 p.m. (Friday)
- All correspondence shall be addressed to the Executive Director, Mr. Ray Topasna, the Contracting Officer for GHURA, and attention to Ms. Greta Balmeo, Buyer Supervisor II
- Ms. Greta Balmeo is the point of contact for inquiries and requests pertaining to the procurement process
- All technical questions must be submitted in writing and GHURA will provide a response by issuing an addendum.

Bid Requirements:

- HUD Form 5369-B (Instruction to Offerors Non-Construction)
- AG Forms must be signed and notarized:
 - AG 002 – Disclosing Ownership and Commission
 - AG 003 – Affidavit re Non-Collusion
 - AG 004 – Affidavit re No Gratuities or Kickbacks
 - AG 005 – Affidavit re Ethical Standards
 - AG 006 – Declaration Re Compliance with U.S. DOL Wage Determination
 - AG 007 – Affidavit re Contingent Fees
- Bid Form
 - 3 Bid Items
 - Metrolan connectivity (industry Standard)
 - Internet Services
 - Voice Service
- Bid Bond Requirement
 - Fifteen (15) percent of total bid cost
 - Cashier's checks are acceptable
- This is an ALL or NONE bid. IFB award will go to the lowest, responsive, responsible bidder.

REMINDER:

All technical questions must be submitted in writing and responses will be issued as an addendum.

Questions & Responses:

1. How will vendor drop IFB bid packet?

Due to COVID-19 and staggered operations/shifts all due dates are listed in the IFB package. On the bid due date, a sign will be posted at the front entrance with instructions for vendors to contact Procurement directly to submit their bid. Procurement staff will meet the vendor at the front entrance to accept the bid submission.

2. How will the vendor pay for bid packet?

Vendor may call or email in advance to schedule for bid packet payment of \$50.00. GHURA Procurement/staff will meet vendor outside GHURA's front entrance. Vendors must complete the bid registration form.

3. a. Regarding IFB General Terms and Conditions, 1. AUTHORITY. It lists HUD Procurement Standards and Guam Procurement Act. If there is any conflict between the two, which one would apply?

Rule of thumb would be to abide by the more restrictive of the two standards. In instances where local/state law conflicts with federal regulation, federal regulation supersedes local/state law.

b. Is GHURA using federal or local funds?

GHURA is 100% federally funded through the U.S. Department of Housing and Urban Development (HUD).

4. IFB Bid regarding monthly recurring costs. Certain services, taxes, fees, surcharges are part of the bid package pricing. Should these be included in the monthly and/or non-recurring costs of BID ITEMS 1 – 3?

All applicable costs, services, taxes, surcharges, etc. should be included in the bid, whether non-recurring or monthly. No additional line-item cost will be added for such fees.

5. a. Regarding Bid Item 3 Voice Services, B. Sinajana Main Office. Are all sites 5 lines?

Only Sinajana Main Office requires 5 lines with 8 hours available in the event(s) of site power outage(s).

b. Voice services are required for 8 hours if there is a power outage?

Yes.

6. Who is current vendor?

Pacific Data Systems

7. Regarding General Terms and Conditions, Item 9. Bidder's Prices.

IFB#GHURA—COCC-021-003 is an ALL or NONE bid. General Terms and Conditions, Item 9 will be labelled as UNMARKED. No alternate pricing will be accepted.

8. Regarding General Terms and Conditions, Item 25. SCHEDULE FOR DELIVERY.

Successful vendor(s) shall be operational and ready to deliver no later than thirty (30) days after receipt of order. Is the 30 days from receipt of order?

Yes.

9. Is wireless or underground services allowed?

Yes. Cloud-based is not allowed.

10. a. Regarding Static IP's - How many are required for IFB Bid Packet?

A total of 15 static/public IPs are required – 3 at GHURA Sinajana Office. Two per remote sites (6 remote sites).

b. Will an additional cost line item be added to enter IP costs?

No additional line-item cost will be added for such fees. These fees shall be entered in the monthly costs line item of the bid as applicable.

11. Regarding landlines. Will wireless or copper be acceptable?

Wireless is acceptable if powered up to the 8 hours due to a power outage. All sites must have this provision if a wireless solution is offered.

12. Regarding wireless solutions. If wireless is not acceptable via the cloud, then is point-to-point solution (not multipoint) acceptable?

Yes.

13. Requesting a site visit by vendor.

Vendors may request a site visit. Procurement staff to establish a schedule with vendors, MIS and Site Office Staff. Vendors will be notified of date and time.

TAB D

Procurement Record

Brochures and submittals of potential vendors, manufacturers or contractors, and all drafts, signed and dated by the draftsman, and other papers or materials used in the development of specifications

TAB D

Procurement Record

Brochures and submittals of potential vendors, manufacturers or contractors, and all drafts, signed and dated by the draftsman, and other papers or materials used in the development of specifications

Response: No brochures or submittals were utilized in the development of specifications. No documents responsive to 5 GCA § 5249(d) exist.

TAB E

Procurement Record

The requesting agency's determination of need.



GHURA

Guam Housing and Urban Renewal Authority
Aturidat Ginima' Yan Rinueban Siudad Guahan
117 Bien Venida Avenue, Sinajana, GU 96910
Phone: (671) 477-9851 · Fax: (671) 300-7565 · TTY: (671) 472-3701
Website: www.ghura.org



January 4, 2021

MEMORANDUM

To: MEMO TO FILE

From: Greta Balmeo, Procurement 

Subject: MEMO TO FILE

The Guam Housing and Urban Renewal Authority determined that Metrolan services are needed for the operation of the Authority. Due to the expiring contract, issuing an invitation for bid to secure a new contract is in the best interest of the Authority.