



RECEIVED
OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS

DATE: 3/25/2015

TIME: 4:20 AM PM BY: M.B.

Appendix A: Notice of Appeal Form

PROCUREMENT APPEAL FILE NO OPA-PA: 15-003

PART I- To be completed by OPA

In the Appeal of)	
)	NOTICE OF APPEAL
)	
<u>Pacific Data Systems, Inc (PDS)</u>)	
(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: RFQ15000381
- C) Decision being appealed was made on March 10, 2015 (date) by:
 GSA 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)

E) Names of Competing Bidders, Offerors, or Contractors known to Appellant:

Unknown

Appendix A: Notice of Appeal Form
PROCUREMENT APPEAL

PART IV- FORM AND FILING

This is a Procurement Appeal made under §12201 by Pacific Data Systems (PDS) of a Protest Decision by General Services Agency (GSA) regarding Request for Quote (RFQ) RFQ15000381. PDS believes a conflict exists with the RFQ service term language used by GSA with a previous Settlement Agreement made with PDS related to the same services that are currently under procurement appeal. The original protest was made by PDS on March 3, 2015 (see Exhibit 4). The PDS Protest was denied by GSA in a Decision letter faxed to PDS on March 10, 2015 (see Exhibit 5).

Background

On or about February 6, 2015, GSA issued RFQ1500381 (see Exhibit 1) and requested a quote from PDS for the services described therein. On February 12, 2015 PDS requested clarification of several of the RFQ terms; one of which was the question if the services were subject to termination once the procurement appeal related to GSA-064-11 is resolved (reference the PDS - GSA Settlement Agreement related to these types of temporary services - see Exhibit 3). GSA responded to PDS' question on February 23, 2015 stating that "No" the services would not be terminated upon the resolution of GSA-064-11 (Exhibit 2 is the email string between PDS and GSA related to these questions). This "No" response by GSA was interpreted by PDS as a breach of the PDS - GSA Settlement Agreement (see Exhibit 3) and resulted in a Protest made by PDS on March 3, 2015.

PDS Appeal

In denying the PDS Protest, the GSA Protest decision states that the PDS - GSA Settlement Agreement does not apply to this procurement since GSA is procuring Dark Fiber services and not any of the Telecommunications Services covered under the applicable GSA-064-11 procurement. GSA seems to have made this determination via its interpretation of the language of the RFQ, since the language mentions "Dark Fiber". Specifically the RFQ service specifications state as follows for each item of the RFQ:

Item 1: Service for 1G Dark Fiber from OOT to Governor Complex

Item 2: Installation Dedicate Fiber Strand to Office of Technology Switch. Point to Point Fiber with No Equipment/Hardware in between. Vendor will provide 1G SFP Fiber Module for (1) 3COM 5500 and (1) Brocade Switch.

GSA ignores that the RFQ service specifications clearly state that the service will be a 1G service and that the vendor is responsible to provide the required 1G SFP Fiber Module to "lite" the Dark Fiber to a 1Gb capacity between the two points. What GSA has in fact specified is a 1G point to point telecommunications service between Office of Technology (OOT) and the Governor Complex. This is the same 1Gb service as specified in Part 11 of the GSA-064-11 procurement and therefore subject to the terms of the PDS - GSA Settlement Agreement.

Appendix A: Notice of Appeal Form
PROCUREMENT APPEAL

The GSA Protest decision also mistakenly mischaracterizes the PDS protest as a protest by PDS of this type of temporary RFQ procurement for these services. PDS does not object to GSA's use of qualified RFQ procurements to enable temporary telecommunications services, what PDS objects to is the issuance of these procurements by GSA with vague and ambiguous wording that seems to be designed to circumvent the existing PDS - GSA Settlement Agreement that applies to these types of procurements.

RULING REQUESTED BY THE OPA IN THIS APPEAL:

- A. PDS seeks a *de novo* review of the GSA RFQ terms and conditions and a decision as to whether the terms of RFQ conflicts with the PDS - GSA Settlement Agreement in place regarding these types of temporary telecom service procurements.
- B. PDS requests an order from the OPA that requires GSA to make required modifications to the procurement terms and conditions to make the procurement compliant with the PDS - GSA Settlement Agreement or in the alternative to cancel the procurement.
- C. PDS requests that a hearing be held on this matter at the earliest opportunity.

SUMMARY OF SUPPORTING EXHIBITS ATTACHED HERETO:

- Exhibit 1: GSA RFQ15000381, issued on or about February 6, 2015
- Exhibit 2: PDS - GSA email string regarding questions over RFQ terms and specifications
- Exhibit 3: PDS - GSA Settlement Agreement, May 18, 2012
- Exhibit 4: PDS Protest of March 3, 2015
- Exhibit 5: GSA Protest Decision, March 10, 2015

PART V – DECLARATION REGARDING COURT ACTION

The undersigned party does hereby confirm that to the best of his 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.

Submitted this 25th day of March, 2015.

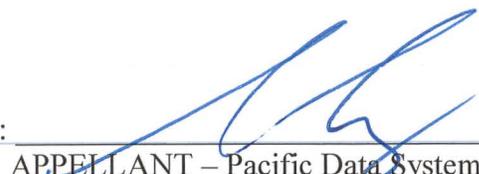
By: 
APPELLANT – Pacific Data Systems
by John Day, its President

EXHIBIT 1

URGENT

URGENT

REQUEST FOR QUOTATION

BUYER : Sarrosa, Tianna J. - GSA
TELEPHONE: 475-1712
FAX NO. : 475-1727

Please respond as soon possible but no later than: 2/05/2015 REAP
Requisition Number: Q150640032
RFQ #: RFQ15000381
Date: 2/02/2015

VENDOR: PACIFIC DATA SYSTEMS
P00767A1 185 ILIPOG DRIVE
STE 204A
TAMUNING, GU 96913
Phone (671) 300-0215 Fax (671) 300-0265
PLEASE FURNISH PRICE QUOTE, DELIVERY TIME AND TERMS BASED ON F.O.B. DESTINATION FOR THE ITEMS LISTED BELOW. PLEASE RESPOND BY THE ABOVE DATE.

Quoted by Print/Signature: Quote Date: Phone Number:

** Delivery Date Required: The party making the foregoing bid is genuine and that said bidder agrees, that they are fully aware and is in compliance with Title 5 G.C.A. Chapter 5 - 5801 and 5802
** Delivery Date Offered: Wage Determination, and that the attached is the most recent issued by U.S. D.O.L. for the positions required to implement the required service as per the following specification.
Terms: Therefore, under penalty of perjury, I certify that the facts stated above are true.
Prices good for: ___ Days Signature Date:

1. Offering Recycle Products () YES () NO
2. Offering Biodegradable Products () YES () NO
Please separate your offer of recyclable and/or biodegradable products from regular products.

THIS IS NOT AN ORDER

Table with 7 columns: ITEM, DESCRIPTION - OR EQUAL, QTY, UOM, UNIT PRICE, TOTAL PRICE, AVAILABILITY. Contains 2 rows of service and installation details.

NOTE: The Government of Guam encourage offers of "EARTH FRIENDLY" products.
COMMITTED TO EXCELLENCE
CONTINUED ON NEXT PAGE

REQUEST FOR QUOTATION

BUYER : Sarrosa, Tianna J. - GSA
 TELEPHONE: 475-1712
 FAX NO. : 475-1727

Please respond as soon possible but no later than: 2/05/2015	Requisition Number: Q150640032 RFQ #: RFQ15000381	Date: 2/02/2015
-----------------------------------------------------------------	------------------------------------------------------	--------------------

VENDOR: PACIFIC DATA SYSTEMS P00767A1 185 ILIPOG DRIVE STE 204A TAMUNING, GU 96913 Phone (671) 300-0215 Fax (671) 300-0265	PLEASE FURNISH PRICE QUOTE, DELIVERY TIME AND TERMS BASED ON F.O.B. DESTINATION FOR THE ITEMS LISTED BELOW. PLEASE RESPOND BY THE ABOVE DATE.
----------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------

Quoted by Print/Signature:	Quote Date:	Phone Number:
----------------------------	-------------	---------------

** Delivery Date Required:	The party making the foregoing bid is genuine and that said bidder agrees, that they are fully aware and is in compliance with Title 5 G.C.A. Chapter 5 - 5801 and 5802 Wage Determination, and that the attached is the most recent issued by U.S. D.O.L. for the positions required to implement the required service as per the following specification. Therefore, under penalty of perjury, I certify that the facts stated above are true. Signature _____ Date: _____
** Delivery Date Offered:	
Terms: Prices good for: _____ Days	

1. Offering Recycle Products () YES () NO
 2. Offering Biodegradable Products () YES () NO
 Please separate your offer of recyclable and/or biodegradable products from regular products.

THIS IS NOT AN ORDER

ITEM	DESCRIPTION - OR EQUAL	QTY	UOM	UNIT PRICE	TOTAL PRICE	AVAILA-BILITY
	3COM 5500 AND (1) BROCODE SWITCH. VENDOR MUST BE CHECKPOINT FIREWALL CERTIFIED AND AUTHORIZED DEALER. *ALL OR NONE AWARD					

NOTE: The Government of Guam encourage offers of "EARTH FRIENDLY" products.

EXHIBIT 2

John Mantanona

From: Tianna Sarrosa <tianna.sarrosa@gsa.guam.gov>
Sent: Monday, February 23, 2015 11:06 AM
To: John Mantanona
Subject: Fwd: 3rd Follow-Up: GSA REQUEST FOR QUOTE - Dark Fiber (RFQ#15000381)

Hi John,

As for item # 1. the response would be no, and for item # 2 The dedicate point to point fiber will be the connection, it will handle all traffic from the requesting department:
EX: GSA/Payroll/FMS/Email/
Internet/Video/VOIP/Federal traffic.

I hope this clarifies your inquiry.

Please respond with a quote or no quote for the request.

Thank you

On Mon, Feb 23, 2015 at 9:38 AM, Tianna Sarrosa <tianna.sarrosa@gsa.guam.gov> wrote:
Hi John,

Sorry for not responding sooner, im waiting for a response as soon as I get it, ill let you know.

Thank you

On Mon, Feb 23, 2015 at 7:40 AM, John Mantanona <jsm@pdsguam.com> wrote:

Tianna,

I hope all is well, I've sent a couple emails regarding clarification to the RFQ that was sent to us. Kindly advise status of this RFQ (RFQ#15000381) as I would like an opportunity to responsibly respond to this request.

Best regards,

John Mantanona

Account Manager

Tel: [671-300-0229](tel:671-300-0229) | Email: jsm@pdsguam.com

CONFIDENTIALITY NOTICE:

This e-mail is the property of Pacific Data Systems and may contain confidential and privileged material for the sole use of the intended recipient(s). Any review, use, distribution or disclosure by others is strictly prohibited. If you are not the intended recipient(s), or authorized to receive for the recipient(s), please contact the sender at [671-300-0200](tel:671-300-0200), 185 Ilipog Drive, Suite 204A, Tamuning, GU 96913 and/or reply to sender and delete all copies of the message. This e-mail, and any attachments hereto, are not intended to be an offer, or an acceptance, and does not create or evidence a binding and enforceable contract between Pacific Data Systems and the intended recipient(s) or any other party, and may not be relied on by anyone as the basis of a contract by estoppel or otherwise. Thank you.

From: John Mantanona [<mailto:jsm@pdsquam.com>]
Sent: Thursday, February 19, 2015 3:10 PM
To: Tianna Sarrosa <tianna.sarrosa@gsa.quam.gov> (tianna.sarrosa@gsa.quam.gov)
Subject: 2nd Follow-Up: GSA REQUEST FOR QUOTE - Dark Fiber

Tianna,

And advisement to the clarification questions? I would like to respond to your RFQ.

Best regards,

John Mantanona

From: John Mantanona [<mailto:jsm@pdsquam.com>]
Sent: Wednesday, February 18, 2015 11:48 AM
To: '<tianna.sarrosa@gsa.quam.gov>'
Cc: john@pdsquam.com
Subject: Follow-Up: GSA REQUEST FOR QUOTE - Dark Fiber

Tianna,

Thank you for the REVISED RFQ (#RFQ15000692). I am still awaiting your clarification and advisement to the following questions on Mr. Day's email dated 2/12/15:

1. "please confirm that the terms that PO issued for this procurement will be subject to termination upon the resolution of the pending procurement appeal in GSA-11-064."

2. "Also, regarding the requirements for this RFQ, this looks like an Intra-State Telecom Service (a circuit that connects two points on Guam), please confirm so that we can quote this accordingly."

I look forward to your timely feedback so that I can provide you with a responsible response.

Best regards,

John Mantanona

From: John Mantanona [<mailto:jsm@pdsquam.com>]
Sent: Tuesday, February 17, 2015 10:14 AM
To: <tianna.sarrosa@gsa.guam.gov>
Subject: Follow-Up: GSA FW: REQUEST FOR QUOTE - Dark Fiber

Tianna can you advise on Mr. Days question below as stated in his clarification email sent to you last week?

"Also, regarding the requirements for this RFQ, this looks like an Intra-State Telecom Service (a circuit that connects two points on Guam), please confirm so that we can quote this accordingly."

Your timely response will assist me with providing you the appropriate response to your RFQ.

Best regards,

John Mantanona

Direct: [671-300-0229](tel:671-300-0229) | Saipan: [670-235-4364](tel:670-235-4364)

On Feb 12, 2015, at 3:27 PM, John Day <john@pdsquam.com> wrote:

Hi Tianna,

Regarding this RFQ, I checked with John M. and he has not rec'd anything deleting the Checkpoint requirement, please resend.

Reference our conversation on the service term, please confirm that the terms that PO issued for this procurement will be subject to termination upon the resolution of the pending procurement appeal in GSA-11-064.

Also, regarding the requirements for this RFQ, this looks like an Intra-State Telecom Service (a circuit that connects two points on Guam), please confirm so that we can quote this accordingly.

Thanks!

John Day

From: Tianna Sarrosa [<mailto:tianna.sarrosa@gsa.guam.gov>]
Sent: Tuesday, February 10, 2015 11:04 AM
To: John Mantanona
Subject: REQUEST FOR QUOTE

Please respond to the attached.

With a quote or no quote.

Thank you

--
Tianna J. Sarrosa
General Services Agency
Buyer
Tel No. 671-475-1712

Fax: 671-472-4217

<2015-02-10 (1).pdf>

--
Tianna J. Sarrosa
General Services Agency

Buyer
Tel No. 671-475-1712
Fax: 671-472-4217

--

Tianna J. Sarrosa
General Services Agency
Buyer
Tel No. 671-475-1712
Fax: 671-472-4217

EXHIBIT 3

4. GSA agrees to cancel the request for quotes (RFQ) procurements that are the subject of these appeals. GSA agrees to issue RFQs for small purchases only, to all telecom service providers on Guam. The RFQs will cover the Government of Guam telecommunication needs until September 30, 2012 or until implementation of service under GSA-IFB-064-11, whichever first occurs.
5. The parties agree that each shall bear their respective attorneys fees and costs.
6. The parties agree to vacate all dates on the scheduling order.
7. The parties agree that this is a full and final settlement of OPA-PA-12-002 thru 006 and OPA-PA-12-009.

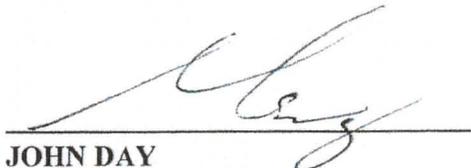
NOW THEREFORE, the parties agree and request the Office of the Public Accountability to dismiss with prejudice the above captioned appeals.

SO STIPULATED:

OFFICE OF THE ATTORNEY GENERAL
Leonardo M. Rapadas, Attorney General

PACIFIC DATA SYSTEMS


FRED NISHIHARA
 Assistant Attorney General
 Attorneys for General Services Agency


JOHN DAY
 President, Pacific Data Systems

Dated: 5.18.12

Dated: 5-18-2012


CLAUDIA S. ACFALLE
 CPO, General Services Agency

Dated: 5/18/2012

SO ORDERED: 5/18/2012

OFFICE OF PUBLIC ACCOUNTABILITY
The Public Auditor of Guam

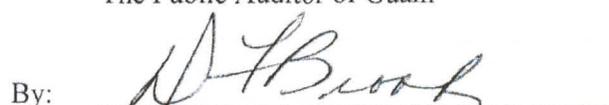
By: 
DORIS FLORES BROOKS

EXHIBIT 4



COPY

March 3, 2015

VIA HAND DELIVERY

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

RECEIVED
2015 MAR -3 PM 3:33
GOV'T OF GUAM
G.S.A.

Re: Protest of GSA Request for Quote No. RFQ15000381

Dear Ms. Acfalle:

As a result of GSA's response to our clarification questions received on February 23, 2015 (copy attached), PDS is filing this PROTEST in accordance with 5 G.C.A. § 5425(a) in reference to the above GSA RFQ.

PDS makes this timely protest for the following reasons:

1. The 1Gb WAN service being procured under this RFQ is the same as the GGWAN services previously procured under GSA-IFB-064-11 (Bid Form Part 11) that is currently under procurement appeal. Temporary procurement of these services is subject to the terms of the Settlement Agreement entered into by PDS, GSA, the AG, and OPA on May 18, 2012 (copy attached). GSA has violated this agreement for its failure to condition the term of the services according to the Settlement Agreement (see point #4).

GSA is reminded that PDS has filed a timely protest of the above referenced procurement under 5 G.C.A. § 5425(g) and no further action on this procurement can be taken until this protest has been duly reviewed and an appropriate determination made.

Sincerely,

John Mantanona
Account Manager

Attachments: GSA RFQ No. RFQ15000381
GSA's response to Clarification Questions dated 2/23/15 (email)
Settlement Agreement dated 5/18/12

REVISED

2/16/15

URGENT

REQUEST FOR QUOTATION

URGENT

BUYER : Sarrosa, Tianna J. - GSA
 TELEPHONE: 475-1712
 FAX NO. : 475-1727

Please respond as soon possible but no later than: 2/05/2015 <i>2/16/15</i>	Requisition Number: Q150640032 RFQ #: RFQ15000381	Date: 2/02/2015
----------------------------------------------------------------------------------------	------------------------------------------------------	----------------------------

VENDOR: PACIFIC DATA SYSTEMS P00767A1 185 ILIPOG DRIVE STE 204A TAMUNING, GU 96913 Phone (671) 300-0215 Fax (671) 300-0265	PLEASE FURNISH PRICE QUOTE, DELIVERY TIME AND TERMS BASED ON F.O.B. DESTINATION FOR THE ITEMS LISTED BELOW. PLEASE RESPOND BY THE ABOVE DATE.
----------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------

Quoted by Print/Signature:	Quote Date:	Phone Number:
----------------------------	-------------	---------------

** Delivery Date Required:	The party making the foregoing bid is genuine and that said bidder agrees, that they are fully aware and is in compliance with Title 5 G.C.A. Chapter 5 - 5801 and 5802 Wage Determination, and that the attached is the most recent issued by U.S. D.O.L. for the positions required to implement the required service as per the following specification. Therefore, under penalty of perjury, I certify that the facts stated above are true. Signature _____ Date: _____
** Delivery Date Offered:	
Terms: Prices good for: _____ Days	

- 1. Offering Recycle Products () YES () NO
 - 2. Offering Biodegradable Products () YES () NO
- Please separate your offer of recyclable and/or biodegradable products from regular products.

THIS IS NOT AN ORDER

ITEM	DESCRIPTION - OR EQUAL	QTY	UOM	UNIT PRICE	TOTAL PRICE	AVAILABILITY
1	SERVICE FOR 1G DARK FIBER FROM OOT TO GOVERNOR COMPLEX	8	MOS			
2	INSTALLATION DEDICATE FIBER STRAND TO OFFICE OF TECHNOLOGY FIBER SWITCH. POINT TO POINT FIBER WITH NO EQUIPMENT/HARDWARE IN BETWEEN. VENDOR WILL PROVIDE 1G S FP FIBER MODULE FOR (1)	1	LOT			

NOTE: The Government of Guam encourage offers of "EARTH FRIENDLY" products.
 COMMITTED TO EXCELLENCE
 CONTINUED ON NEXT PAGE

REQUEST FOR QUOTATION

BUYER : Sarrosa, Tianna J. - GSA
 TELEPHONE: 475-1712
 FAX NO. : 475-1727

Please respond as soon possible but no later than: 2/05/2015		Requisition Number: Q150640032 RFQ #: RFQ15000381		Date: 2/02/2015		
VENDOR: PACIFIC DATA SYSTEMS P00767A1 185 ILIPOG DRIVE STE 204A TAMUNING, GU 96913 Phone (671) 300-0215 Fax (671) 300-0265		PLEASE FURNISH PRICE QUOTE, DELIVERY TIME AND TERMS BASED ON F.O.B. DESTINATION FOR THE ITEMS LISTED BELOW. PLEASE RESPOND BY THE ABOVE DATE.				
Quoted by Print/Signature:		Quote Date:		Phone Number:		
** Delivery Date Required:		The party making the foregoing bid is genuine and that said bidder agrees, that they are fully aware and is in compliance with Title 5 G.C.A. Chapter 5 - 5801 and 5802 Wage Determination, and that the attached is the most recent issued by U.S. D.O.L. for the positions required to implement the required service as per the following specification. Therefore, under penalty of perjury, I certify that the facts stated above are true. Signature _____ Date: _____				
** Delivery Date Offered:						
Terms: Prices good for: _____ Days						
1. Offering Recycle Products () YES () NO 2. Offering Biodegradable Products () YES () NO Please separate your offer of recyclable and/or biodegradable products from regular products.						
THIS IS NOT AN ORDER						
ITEM	DESCRIPTION - OR EQUAL	QTY	UOM	UNIT PRICE	TOTAL PRICE	AVAILA- BILITY
	3COM 5500 AND (1) BROCODE SWITCH. *ALL OR NONE AWARD					

John Mantanona

From: Tianna Sarrosa <tianna.sarrosa@gsa.guam.gov>
Sent: Monday, February 23, 2015 11:06 AM
To: John Mantanona
Subject: Fwd: 3rd Follow-Up: GSA REQUEST FOR QUOTE - Dark Fiber (RFQ#15000381)

Hi John,

As for item # 1. the response would be no, and for item # 2 The dedicate point to point fiber will be the connection, it will handle all traffic from the requesting department:
EX: GSA/Payroll/FMS/Email/
Internet/Video/VOIP/Federal traffic.

I hope this clarifies your inquiry.

Please respond with a quote or no quote for the request.

Thank you

On Mon, Feb 23, 2015 at 9:38 AM, Tianna Sarrosa <tianna.sarrosa@gsa.guam.gov> wrote:
Hi John,

Sorry for not responding sooner, im waiting for a response as soon as I get it, ill let you know.

Thank you

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Tianna,

I hope all is well, I've sent a couple emails regarding clarification to the RFQ that was sent to us. Kindly advise status of this RFQ (RFQ#15000381) as I would like an opportunity to responsibly respond to this request.

Best regards,

John Mantanona

Account Manager

Tel: [671-300-0229](tel:671-300-0229) | Email: jsm@pdsguam.com

CONFIDENTIALITY NOTICE:

This e-mail is the property of Pacific Data Systems and may contain confidential and privileged material for the sole use of the intended recipient(s). Any review, use, distribution or disclosure by others is strictly prohibited. If you are not the intended recipient(s), or authorized to receive for the recipient(s), please contact the sender at 671-300-0200, 185 Ilipog Drive, Suite 204A, Tamuning, GU 96913 and/or reply to sender and delete all copies of the message. This e-mail, and any attachments hereto, are not intended to be an offer, or an acceptance, and does not create or evidence a binding and enforceable contract between Pacific Data Systems and the intended recipient(s) or any other party, and may not be relied on by anyone as the basis of a contract by estoppel or otherwise. Thank you.

From: John Mantanona [mailto:jsm@pdsguam.com]
Sent: Thursday, February 19, 2015 3:10 PM
To: Tianna Sarrosa <tianna.sarrosa@gsa.guam.gov> (tianna.sarrosa@gsa.guam.gov)
Subject: 2nd Follow-Up: GSA REQUEST FOR QUOTE - Dark Fiber

Tianna,

And advisement to the clarification questions? I would like to respond to your RFQ.

Best regards,

John Mantanona

From: John Mantanona [mailto:jsm@pdsguam.com]
Sent: Wednesday, February 18, 2015 11:48 AM
To: '<tianna.sarrosa@gsa.guam.gov>'
Cc: john@pdsguam.com
Subject: Follow-Up: GSA REQUEST FOR QUOTE - Dark Fiber

Tianna,

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1. "please confirm that the terms that PO issued for this procurement will be subject to termination upon the resolution of the pending procurement appeal in GSA-11-064."

2. "Also, regarding the requirements for this RFQ, this looks like an Intra-State Telecom Service (a circuit that connects two points on Guam), please confirm so that we can quote this accordingly."

I look forward to your timely feedback so that I can provide you with a responsible response.

Best regards,

John Mantanona

From: John Mantanona [mailto:jsm@pdsguam.com]
Sent: Tuesday, February 17, 2015 10:14 AM
To: <tianna.sarrosa@gsa.guam.gov>
Subject: Follow-Up: GSA FW: REQUEST FOR QUOTE - Dark Fiber

Tianna can you advise on Mr. Days question below as stated in his clarification email sent to you last week?

"Also, regarding the requirements for this RFQ, this looks like an Intra-State Telecom Service (a circuit that connects two points on Guam), please confirm so that we can quote this accordingly."

Your timely response will assist me with providing you the appropriate response to your RFQ.

Best regards,

John Mantanona

Direct: [671-300-0229](tel:671-300-0229) | Saipan: [670-235-4364](tel:670-235-4364)

On Feb 12, 2015, at 3:27 PM, John Day <john@pdsguam.com> wrote:

Hi Tianna,

Regarding this RFQ, I checked with John M. and he has not rec'd anything deleting the Checkpoint requirement, please resend.

Reference our conversation on the service term, please confirm that the terms that PO issued for this procurement will be subject to termination upon the resolution of the pending procurement appeal in GSA-11-064.

Also, regarding the requirements for this RFQ, this looks like an Intra-State Telecom Service (a circuit that connects two points on Guam), please confirm so that we can quote this accordingly.

Thanks!

John Day

From: Tianna Sarrosa [<mailto:tianna.sarrosa@gsa.quam.gov>]
Sent: Tuesday, February 10, 2015 11:04 AM
To: John Mantanona
Subject: REQUEST FOR QUOTE

Please respond to the attached.

With a quote or no quote.

Thank you

--

Tianna J. Sarrosa
General Services Agency
Buyer
Tel No. 671-475-1712

Fax: 671-472-4217

<2015-02-10 (1).pdf>

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Tianna J. Sarrosa
General Services Agency

Buyer
Tel No. 671-475-1712
Fax: 671-472-4217

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Tianna J. Sarrosa
General Services Agency
Buyer
Tel No. 671-475-1712
Fax: 671-472-4217

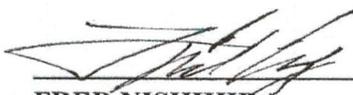
4. GSA agrees to cancel the request for quotes (RFQ) procurements that are the subject of these appeals. GSA agrees to issue RFQs for small purchases only, to all telecom service providers on Guam. The RFQs will cover the Government of Guam telecommunication needs until September 30, 2012 or until implementation of service under GSA-IFB-064-11, whichever first occurs.
5. The parties agree that each shall bear their respective attorneys fees and costs.
6. The parties agree to vacate all dates on the scheduling order.
7. The parties agree that this is a full and final settlement of OPA-PA-12-002 thru 006 and OPA-PA-12-009.

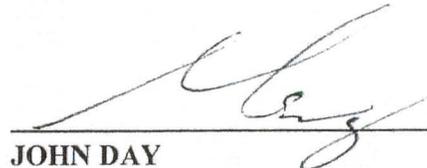
NOW THEREFORE, the parties agree and request the Office of the Public Accountability to dismiss with prejudice the above captioned appeals.

SO STIPULATED:

OFFICE OF THE ATTORNEY GENERAL
Leonardo M. Rapadas, Attorney General

PACIFIC DATA SYSTEMS


FRED NISHIHARA
 Assistant Attorney General
 Attorneys for General Services Agency


JOHN DAY
 President, Pacific Data Systems

Dated: 5.18.12

Dated: 5-18-2012


CLAUDIA S. ACFALLE
 CPO, General Services Agency

Dated: 5/18/2012

SO ORDERED: 5/18/2012

OFFICE OF PUBLIC ACCOUNTABILITY
The Public Auditor of Guam

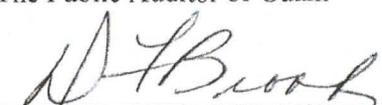
By: 
DORIS FLORES BROOKS

EXHIBIT 5

Fax

To: John Mantanona

From: Claudia S. Acfalle
Chief Procurement Officer

Agency Pacific Data Systems

Fax: (671) 300-0265

Pages: 3 pages including cover

Phone: (671) 300-0200

Date: 03/10/15

Re: Protest for GSA Request for Quote
No. RFQ15000381

cc:

Urgent For Review Please Comment Please Reply Please Recycle

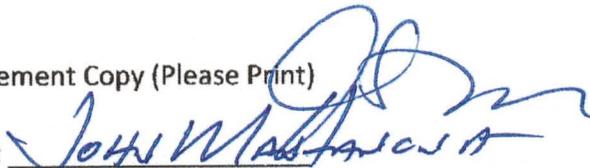
● **Comments:**

To follow is a letter from the CPO regarding the above subject. Please acknowledge receipt by re-sending this cover page.

Thank You.

Acknowledgement Copy (Please Print)

Received By:



Date:

3/10/15 4:46 pm

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 / 472-4217

Ray Tenorio
Lieutenant Governor

Anthony C. Blaz
Acting Director

Alfred F. Duenas
Deputy Director

March 10, 2015

Memorandum

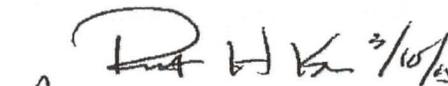
Mr John Mantanona
Account Manager
Pacific Data Systems
185 Ilipog Drive
HSC Suite 2044
Tamuning, Guam 96913

Re: Protest of RFQ15000381

Dear Mr. Mantanona:

We are in receipt of your protest dated March 3rd, in which you are protesting the Request for Quotation for a 1 Gb Wan service. The bases for your complaint is that you believe that this is the same request for service that is part of GSA bid number 064-11, which is currently under litigation. Because the entire bid is under an appeal, the services that are required is being procured through an emergency procurement. Furthermore, and more importantly, the issue of "dark fiber" is not in the bid document.

Therefore, based upon all of the facts, your protest is DENIED. You have the right to seek any administrative or judicial review authorized by law.


CLAUDIA S. ACFALLE
Chief Procurement Officer

GovGuam GSA Mail - PROTEST FOR DARK FIBER

<https://mail.google.com/mail/u/0/?ui=2&ik=e461b41af1&view=pt&s...>

Tianna Sarrosa <tianna.sarrosa@gsa.guam.gov>

PROTEST FOR DARK FIBER

2 messages

Tianna Sarrosa <tianna.sarrosa@gsa.guam.gov>
To: Ben Camacho <bencamac@teleguam.net>

Wed, Mar 4, 2015 at 9:27 AM

Hi Ben,

Please see attached protest letter submitted by PDS.

Is the Dark Fiber 1GB part of any of the services that was awarded under GSA-064-11 ?

Please advise ASAP.

Thank you

--

Tianna J. Sarrosa
General Services Agency
Buyer
Tel No. 671-475-1712
Fax: 671-472-4217**PROTEST FOR Q150640032.pdf**
42K

Ben Camacho <bencamac@teleguam.net>
Reply-To: bencamac@teleguam.net
To: Tianna Sarrosa <tianna.sarrosa@gsa.guam.gov>

Wed, Mar 4, 2015 at 9:52 AM

Dark fiber not included in bid.

Ben
Sent from my MPULSE BlackBerry powered by GTAI

From: Tianna Sarrosa <tianna.sarrosa@gsa.guam.gov>
Date: Wed, 4 Mar 2015 09:27:46 +1000
To: Ben Camacho <bencamac@teleguam.net>
Subject: PROTEST FOR DARK FIBER
[Quoted text hidden]

