

1 **GUAM DEPARTMENT OF EDUCATION**  
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**RECEIVED**  
OFFICE OF PUBLIC ACCOUNTABILITY  
PROCUREMENT APPEALS

DATE: 28 SEPT 2012

TIME: 8:15  AM  PM BY: MH

FILE NO OPA-PA: 12-014

5 **BEFORE THE OFFICE OF PUBLIC ACCOUNTABILITY**

6 **PROTEST OF ARRA-RELATED PROCUREMENT**  
7 **GDOE IFB NO. IFB 014-2012**

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9  
10 PACIFIC DATA SYSTEMS ("PDS")

11 vs.

12 DEPARTMENT OF EDUCATION,

OPA-PA-12-014

**SUBMISSION OF PROCUREMENT  
RECORD**

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15 The Guam Department of Education ("GDOE"), the purchasing agency in the matter  
16 referenced above, hereby submits the following exhibits as the procurement record to date  
17 regarding GDOE Invitation for Bid ("IFB") No. 014-2012:

18 1. Log of date, time, subject matter, and names of participants at meetings relating to IFB014-2012 Not  
19 Applicable

20 2. Log of communication between GDOE employees and members of the public, potential bidders, vendors, or  
21 manufacturers relating to IFB014-2012

22 **Bates Stamp Nos. GDOE001-002**

**Exhibit 1**

23 3. Sound recording of all pre-bid conference, negotiations arising from a request for proposals and discussions with  
24 vendors concerning small purchase procurement. Not  
25 Applicable

26 4. Brochures and submittals of potential vendors, manufacturers or contractors, and all drafts, signed and dated by the  
27 draftsman, and other papers or materials used in the development of specifications.  
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2 *Materials used in the development of the specifications for*  
3 *IFB014-2012 are referenced within the IFB014-2012 at*  
4 *Section 2.1.2*

- 5 5. Written Determination of Need

6 **Bates Stamp Nos. GDOE003**

**Exhibit 2**

7 6. Pacific Data Systems filed a Protest with the Office of Public Accountability on  
8 September 26, 2012. Pacific Data Systems served GDOE with a copy of the Protest on  
9 September 26, 2012. Both Pacific Data Systems and the Office of Public Accountability have  
10 copies of the Protest. For this reason, GDOE has not attached a copy of the Protest herewithin.

- 11 7. A copy of the bid or offer submitted by Pacific Data Systems:

12 *Protestor's bid (Pacific Data Systems)*

13 **Bates Stamp Nos. GDOE004-00245**

**Exhibit 3**

14 *A copy of the Protestor's bid is being provided to the Office of*  
15 *Public Accountability (OPA) pursuant to 2 GAR §12105(b). A*  
16 *portion of Protestor's bid, specifically, bates stamp numbers*  
17 *0109-0154, has been designated as proprietary and is exempt*  
18 *from public disclosure at this time pursuant to 2 GAR §3109.*  
19 *GDOE therefore requests, pursuant to 2 GAR §§12104(c)(4) and*  
20 *12106, that such sections be sealed and protected from public*  
21 *disclosure by the OPA unless Protestor waives any claim*  
22 *regarding the non-public nature of the document.*  
23 *The sections containing proprietary information are designated*  
24 *herein with a red tab. These sections will not be served on*  
25 *Protestor unless GDOE is ordered to do so by the OPA.*

- 26 8. A copy of the bid considered for award, submitted by Softchoice:

27 **Bates Stamp Nos. GDOE00246-00378**

**Exhibit 4**

28 *A copy of the Softchoice's bid is being provided to the Office of*  
*Public Accountability (OPA) pursuant to 2 GAR §12105(b).*

9. A copy of the bid submitted by Compacific:

**Bates Stamp Nos. GDOE00379-00514**

**Exhibit 5**

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*A copy of the Compacific's bid is being provided to the Office of Public Accountability (OPA) pursuant to 2 GAR §12105(b). A portion of Compacific's bid, specifically, bates stamp numbers 0507-0514, has been designated as proprietary and is exempt from public disclosure at this time pursuant to 2 GAR §3109. GDOE therefore requests, pursuant to 2 GAR §§12104(c)(4) and 12106, that such sections be sealed and protected from public disclosure by the OPA unless Compacific waives any claim regarding the non-public nature of the document.*

*The sections containing proprietary information are designated herein with a red tab. These sections will not be served on Protestor unless GDOE is ordered to do so by the OPA.*

- 10. GDOE IFB014-2012  
**Bates Stamp No. GDOE00515-00573** **Exhibit 6**
  
- 11. Abstract of Bids  
**Bates Stamp No. GDOE00574-00579** **Exhibit 7**
  
- 12. Notice of Bid Status and Intent to Award  
**Bates Stamp No. GDOE00580-00584** **Exhibit 8**
  
- 13. Communication between GDOE and prospective bidders regarding IFB014-2012  
**Bates Stamp No: GDOE00585-00662** **Exhibit 9**
  
- 14. Purchase Orders for IFB014-2012  
**Bates Stamp No: GDOE00663-00683** **Exhibit 10**
  
- 15. Documentation regarding funding for IFB014-2012 as including American Recovery and Reinvestment Act ("ARRA") funds

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**Bates Stamp No: GDOE00684**

**Exhibit 11**

16. Technical Evaluations and Analysis and Recommendations

**Bates Stamp No: GDOE00685-00686 and 00690-00698**

**Exhibit 12**

17. Declaration regarding Court Action

**Bates Stamp No: GDOE00707**

**Exhibit 13**

18. Emails dated September 27, 2012 regarding extension of funding deadline and potential for loss of ARRA funds

**Bates Stamp No: GDOE00699-00702**

**Exhibit 14**

19. Notice of Publication and GDOE Website Log

**Bates Stamp No: GDOE00703-00706**

**Exhibit 15**

GDOE reserves the right to supplement this record and to file separately its Answer to the allegations contained in the Protest filed by Pacific Data Systems in this matter.

Dated this 27<sup>th</sup> day of September, 2012.

Respectfully submitted,

**GUAM DEPARTMENT OF EDUCATION**

By: \_\_\_\_\_

**ANDREW T. PEREZ, ESQ.**  
*Legal Counsel*