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**PROCUREMENT APPEAL OF DENIAL OF PROCUREMENT PROTEST
IN THE OFFICE OF PUBLIC ACCOUNTABILITY**

PART I.

In the Appeal of

Track Me Guam, LLC,

Appellant.

DOCKET NO. OPA-PA- 21-002

NOTICE OF APPEAL

RECEIVED
OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS

DATE: 6/30/2021

TIME: 5:10 AM EPM BY: [Signature]

FILE NO OPA-PA: 21-002

PART II: APPELLANT INFORMATION

Appellant's Name	Track Me Guam, LLC
Appellant's Mailing Address	P.O. Box 218007, Barrigada Guam 96921
Appellant's Business Address	Harmon Mini Storage, 311 East Harmon Industrial Park Road, Unit C, Tamuning, Guam 96913
Appellant Representative's Direct Email Address	maps@trackmeguam.com

Appellant is represented by legal counsel in this appeal. For purposes of this appeal, please direct correspondence to Track Me Guam's ("TrackMe") counsels, Joshua D. Walsh and Edwin J. Torres of Razzano Walsh & Torres, P.C.

Counsel's Mailing Address	139 Murray Blvd. Ste. 100, Hagatna, Guam 96910
Counsel's Telephone	671-989-3009
Counsel's Facsimile	671-989-8750
Counsel's Direct Email Address	jdwalsh@rwtguam.com etorres@rwtguam.com

PART III: APPEAL INFORMATION

- A. Purchasing Agency: Guam Power Authority.
- B. Solicitation Number: GPA-IFB-024-21.
- C. The Decision being appealed was provided to the Appellant on March 8, 2021. The Decision was made by the Head of the Purchasing Agency, Mr. John M. Benavente, P.E.
- D. This Appeal is made from the Denial of Procurement Protest provided to TrackMe on June 16, 2021.
- E. The name of the only competing offeror known to Appellant is: PTI Pacifica, Inc. dba: IT&E ("IT&E").

PART IV: STATEMENT OF GROUNDS FOR APPEAL

A. THE GROUNDS FOR APPEAL

1. Relevant Procedural and Factual History

The Guam Power Authority issued Bid Invitation GPA-024-21 seeking Fleet and Fuel Management Software Services for GPA's fleet. Bids were opened on January 28, 2021, and TrackMe was informed on March 8, 2021, that an award was recommended for IT&E.¹ TrackMe initiated an agency level protest on March 12, 2021, as the selection of IT&E under the IFB would mean that GPA would be selecting a non-responsive and ultimately non-responsible bidder, since IT&E's proposed tracking solution for GPA cannot comply with requirement C.1-17 Fuel dispense tracking as specified in the IFB.²

Following that initial protest, TrackMe obtained new information discovered on March 29, 2021, following GPA's production of documents to TrackMe, pursuant to a Sunshine Request submitted to GPA with TrackMe's first protest. From the documents produced, TrackMe identified four (4) issues with IT&E's bid that render the bid non-responsive and IT&E non-responsible: (1) inability to comply with requirement C.1-17 of the IFB; (2) inability to comply with requirement B.6 of the IFB; (3) inability to comply with requirement C.1-13; and (4) inability to comply with requirement C.2. Those failures were identified to GPA in TackMe's correspondence

¹ The Notice to TrackMe that it was not selected for Award is attached to this appeal as **Attachment A**.

² TrackMe's Original Protest of March 12, 2021, is attached to this appeal as **Attachment B**.

of April 6, 2021.³ On June 16, 2021, TrackMe received correspondence from GPA Denying its Protests of March 21 and April 6, 2021.⁴ This Notice of Appeal to the OPA followed.

2. **GPA's Protest Decision is Flawed, in that GPA did not substantively engage with the merits of TrackMe's protest, allowed IT&E to answer the question of responsiveness for the agency, and allowed IT&E to supplement its bid response.**

GPA's June 16, 2021, denial of TrackMe's protests did not substantively address the allegations that IT&E's was non-responsive to the IFB. Rather than conduct its own inquiry into the responsiveness of IT&E's submitted bid, GPA instead "requested that IT&E respond to each of the allegations raised" in the protests.⁵ GPA then accepted those responses, and denied the protest in a 1 ½ page letter that addressed none to the technical deficiencies raised by the protests. This constituted error by the agency, in that GPA (1) did not conduct its own examination of the merits of TrackMe's protests and instead simply asked IT&E to confirm if IT&E were indeed responsive, and (2) IT&E's supplemental responses to GPA to demonstrate responsiveness constituted an impermissible supplementation of its bid package opened on January 28, 2021.

³ That correspondence was sent to GPA on April 6, 2021, and is attached to this Notice of Appeal as **Attachment C**. TrackMe informed GPA in that correspondence that "To the extent that the Guam Power Authority considers these new matters not properly part of TrackMe's first protest submitted on March 12, 2021, GPA should consider this a second protest of Invitation for Bid GPA-024-21, Fleet and Fuel Management Software Services for the Authority's Fleet."

⁴ GPA's Protest Denial is attached to this Notice of Appeal as **Attachment D**.

⁵ Denial of Protest, pg. 1.

3. Despite IT&E's assurances to GPA, IT&E's bid is non-responsive to key requirements of the IFB.

GPA's anemic Protest Denial contained no substantive response to the material technical issues raised in TrackMe's protests. More, the post bid opening supplements by IT&E relied upon by GPA to determine IT&E's responsiveness — documents obtained on June 23, 2021, through Guam's freedom of information Sunshine Act — show that IT&E only addressed its failure to comply with IFB requirement C.1-17, and did not address the other material failings that formed the basis of TrackMe's April 6, 2021, Protest. GPA's failure to address those issues in its Protest decision violates procurement law, and leaves the technical failings of IT&E's submission as further grounds for appeal.

a. Failure to Comply with Requirement C.1-17.

IT&E is supplying GPA with "DFM 500D CAN," a differential fuel flow meter with associated software. Requirement C.1-17 mandates that the bidder provide a product that will supply data to include "date and time fuel dispense, amount of fuel dispensed in gallon, vehicle and/or equipment fueled, and personnel who dispensed the fuel." The DFM 500D CAN, however, does not have the capability of identifying what vehicle is being fueled nor the personnel who dispenses the fuel from the vehicle as required by GPA. GPA's IFB specifies a system that can monitor fuel dispensing, but the Wialon branded technology is only for fuel *consumption*, not fuel *dispensing*. More, the fact remains that IT&E's solution can only fulfill the requirements of the IFB by integrating the software proposed by IT&E with a Russian partner hardware solution from a Russian partner unprepared to do work in the United States market.

The DFM 500D CAN also cannot identify who the specific individual is dispensing the fuel. This system requires that the driver of the vehicle is the same person that should fuel the vehicle — a requirement not specified by GPA and contrary to actual practice. IT&E is non-responsive because it requires steps not identified in the IFB. Documents provided by the Agency also shows that the “iButton Key Fob” accessory offered by IT&E provides data on the person dispensing the fuel. The iButton, however, only provides the identity of the driver operating the vehicle. It does not identify the vehicle being fueled nor does it identify the personnel who specifically dispensed the fuel, both of which are key to successfully monitoring the data points set out in C.1-17. Thus, this accessory will not meet the C.1-17 requirement.

Additionally, the DFM 500D CAN only work with vehicles that have diesel fuel engines, not gasoline engines. The manual for the item states the DFM only works for diesel fuel, heating oil, burner oil, motor fuel, biofuel, and other liquid fuels and mineral oils with kinematic viscosity of 1.5 to 6 mm²/s.⁶ GPA’s vehicle listing identifies only vehicles that use gasoline engines. Installing the DFM 500D CAN will lead to problems that make IT&E a non-responsible bidder. First, installing this onto GPA’s gasoline vehicles may void the warranty for the vehicles. Second, gasoline is highly flammable, and installing this device would be very dangerous.

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⁶ The relevant page from the manual, page 14, is attached to this Notice of Appeal as **Attachment E**.

b. Failure to Comply with Requirement B.6

The IFB requires that the awardee be able to install the product within one (1) hour starting upon scheduled time of installation and/or replacement. TrackMe's investigation, however, of the DFM 500D CAN identified in GPA's sunshine response, has revealed that the installation time for the DFM 500D CAN is approximately four (4) hours. According to a third party fleet management provider utilizing the DFM 500D CAN, the DFM 500D CAN requires at least four (4) hours to install the product and software. This is clearly more than the one (1) hour mandated by GPA. IT&E's use of the DFM 500D CAN is non-responsive to the B.6 requirement, and the Agency protest denial does not address this issue.

c. Failure to Comply with Requirement C.1-13

C.1-13 requires that the bidder provide a system that can produce reports exportable to MX EXCEL, MS Word, CSV, and PDF file formats. MiFleet, IT&E's software, however, can only export to html, PDF, EXCEL, XML, and CSV.⁷ See attached picture of MiFleet's export page attached. The exportable formats do not include MS Word. Therefore, IT&E does not comply with C.1-13. IT&E is non-responsive to this requirement, and the Agency protest denial does not address this issue.

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⁷ The relevant picture of the MiFleet export page is attached to this Notice of Appeal as **Attachment F**.

d. Failure to Comply with Requirement C.2

C.2 requires the bidder provide a system that allows for remote disabling of a vehicle, unlocking of vehicle doors, and issuing of software updates. IT&E notified GPA that it would comply but GPA must “deliver the requirement i.e. older vehicle models may not be able to support fleet tracking application.”⁸ IT&E’s further response supplied by GPA’s sunshine request stated “Doing door lock/unlock feature that is controllable through the Electronic Control Unit (ECU) will only be possible with manufacturer’s Programming Guide for the Lock/Unlock for the specific vehicle models provided to IT&E by the Guam Power Authority.”⁹ This is not compliant with the C.2 requirement because IT&E is requesting GPA provide an accommodation not specified in the IFB. Nowhere in the IFB does it state GPA will provide access to the ECU if necessary. IT&E is simply non-responsive to this requirement because it requires an extra step not identified in the IFB, and the Agency protest denial does not address this issue.

B. RULING Requested

GlidePath respectfully requests that the Office of Public Accountability Order the following:

- (1) That GPA disqualify IT&E from eligibility for Award under this IFB, as IT&E’s proposal was non-responsive and did not materially comply with the technical requirements of the IFB established by GPA;
- (2) That GPA determine IT&E to be a non-responsible offeror given the

⁸ The relevant page from IT&E’s bid submission is attached to this Notice of Appeal as **Attachment G**.

⁹ IT&E’s letter dated February 11, 2021, is attached to this Notice of Appeal as **Attachment H**.

inability of its proposed solutions to the IFB to safely and efficiently perform as specified by GPA; and

- (3) That GPA award GPA-IFB-024-21, to TrackMe as the next lowest price responsive bidder to the IFB

C. SUPPORTING EXHIBITS, EVIDENCE OR DOCUMENTS

Submitted with this appeal are the following supporting exhibits, evidence, and documents:

- (1) The Notice to TrackMe that it was not selected for Award is attached as **Attachment A**.
- (2) TrackMe's Original Protest of March 12, 2021, is attached as **Attachment B**.
- (3) Correspondence sent to GPA on April 6, 2021, is attached as **Attachment C**.
- (4) GPA's Protest Denial is attached as **Attachment D**.
- (5) DFM Fuel Flow Meters Manual, page 14, is attached as **Attachment E**.
- (6) MiFleet export page is attached as **Attachment F**.
- (7) The relevant page from IT&E's bid submission is attached as **Attachment G**.
- (8) IT&E's letter dated February 11, 2021, is attached to this Notice of Appeal as **Attachment H**.


TrackMe anticipates providing further documentation, including independent expert engineering reports, to substantiate its claims as GPA submits the full contracting procurement record to the OPA, and allows TrackMe to review the procurement record in full.

PART V: DECLARATION RE COURT ACTION

Pursuant to 5 GCA Chapter 5, unless the court requests, expects, or otherwise expresses interest in a decision by the Public Auditor, the Office of Public Accountability will not take action on any appeal where action concerning the protest or appeal has commenced in any court. 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. 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.

Respectfully submitted this 30th day of June, 2021.

RAZZANO WALSH & TORRES, P.C.

By: 

JOSHUA D. WALSH
EDWIN J. TORRES
Attorneys for Appellant
Track Me Guam, LLC

EXHIBIT A



GUAM POWER AUTHORITY

ATURIDÁT ILEKTRESEDÁT GUÅHAN
P.O. BOX 2977 • HAGÁTÑA, GUAM U.S.A. 96932-2977

BID STATUS

March 08, 2021

Allan Delos Santos
General Manager
Track Me Guam, LLC dba: TrackMe! Guam
P.O. Box 218007
Barrigada, Guam 96921

BID INVITATION: GPA-024-21

OPENED: January 28, 2021

DESCRIPTION: Fleet and Fuel Management Software Services for the Authority's Fleet

The following is the result of the above-mentioned bid. Refer to items checked below.

- Cancelled (in its entirety), or partially canceled due to:**
- Insufficient funds;
 - Change of specifications;
 - Best interest of the Government;
- Not Awarded due to:**
- Late submission of bid;
 - No bid security or insufficient bid security amount submitted: as required by Section 11 of the General Terms and Conditions;
 - Not meeting the delivery requirements as stated in the IFB;
 - Non-conformance with the specifications;
 - Inability to provide future maintenance and services to the equipment;
 - High price; Line Item No.: 1.0; \$9,338.46/Monthly
 - Others:

Bid is recommended for award to PTI Pacifica, Inc. dba: IT&E for Line Item No.: 1.0 in the total amount of \$33,768.00 (April 01, 2021 through September 30, 2021).

The Guam Power Authority greatly appreciates your interest and participation in our bids.


for JOHN M. BENAVENTE, P.E.
General Manager 

EXHIBIT B



Via Hand Delivery and Email

March 12, 2021

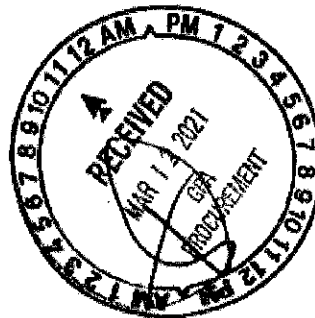
John M. Benavente, P.E.

General Manager

Guam Power Authority

Post Office Box 2977

Hagåtña, Guam 96932-2977



BID PROTEST, NOTICE OF TRIGGER FOR AUTOMATIC STAY, and SUNSHINE ACT REQUEST

Re: Invitation for Bid GPA-024-21

Fleet and Fuel Management Software Services for the Authority's Fleet

Dear Mr. Benavente;

Bid Protest

Track Me Guam, LLC ("TrackMe" or the "Bidder") respectfully submits this protest of Invitation for Bid GPA-024-21, Fleet and Fuel Management Software Services for the Authority's Fleet (the "Protest").

On January 8, 2021, GPA issued Invitation for Bid GPA-024-21 (the "IFB"). On March 11, 2021, TrackMe was notified by the Guam Power Authority ("GPA") that TrackMe was not selected by GPA for award. Instead, GPA's notice explains that GPA has recommended award to PTI Pacifica, Inc. dba IT&E ("IT&E") because of their lower price. As was relayed in our prior communications to GPA, the selection of IT&E under this IFB would mean that GPA would be selecting a non-responsive and non-responsible bidder, since IT&E's proposed tracking solution cannot comply with requirement C.1-17 Fuel dispense tracking as specified in the IFB. Our past correspondence with GPA explaining this problem is attached to this protest letter. GPA responded to our expressions of concern on March 5 explaining that evaluation of the proposals was ongoing. Unfortunately, GPA moved ahead with a decision to make an award to IT&E. While that notice is dated March 8, 2021, it was not provided to us until March 11, 2021.

As we explained previously to GPA, the supplier of the software offered by IT&E has made it clear the software cannot accomplish the bid requirements, and that the only way to potentially fulfill the requirements would be to integrate that software with a Russian partner hardware solution from a Russian partner unprepared to do work in the United States market. Despite this, GPA has chosen to award the IFB to IT&E. Because of this, TrackMe is compelled to protest the award to IT&E. IT&E's bid of



software that cannot fulfill the material requirements of the IFB renders their bid non-responsive to the IFB. More, since IT&E's bid is dependent on software that does not exist and that must be mated to Russian hardware unsuitable for the United States, IT&E is a non-responsive bidder and cannot perform the requirements of the IFB. This is unsurprising, given IT&E's relatively recent attempted entry into the tracking industry.

Requested Remedy by GPA

It is clear from IT&E's own supplier that IT&E submitted a technically unacceptable bid. GPA appears to have simply ignored that software deficiency. TrackMe respectfully requests that GPA review the matter thoroughly as was indicated on March 5, 2020, reject IT&E's submission, and award the IFB to TrackMe as the next lowest responsive and responsible bidder.

Sunshine Act Request

In addition to our Protest, TrackMe requests that GPA provide to the company the complete Procurement Record kept for the IFB, including any record of investigation that followed our expressions of concern to GPA about IT&E's ability to fulfill the requirements of the IFB.

TrackMe has been honored to serve as GPA's vendor for tracking services for over 5 years, and we would welcome the opportunity to discuss this protest with the Agency, as well as the remedy we have requested in order to resolve this Protest. We are available to discuss this letter, its Protest, or other matters related to the IFB with GPA at any time. We understand how a protest like this triggers the automatic stay of procurement provisions under Guam law and halts the selection process. We look forward to the opportunity to find an agreeable resolution to this Protest in as expeditious a manner as can be achieved so that the stay can be lifted, and the process can continue.

Sincerely,


Yosi Veksler
PRESIDENT TRACK ME

Enclosures: Correspondence with GPA re: IT&E software supplier.

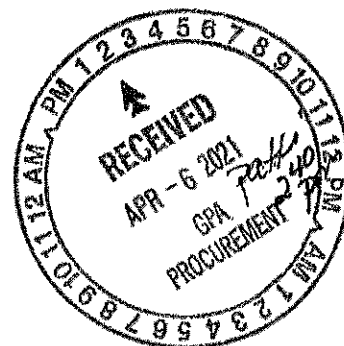
EXHIBIT C



Via Hand Delivery and Email

April 6, 2021

John M. Benavente, P.E.
General Manager
Guam Power Authority
Post Office Box 2977
Hagåtña, Guam 96932-2977



BID PROTEST

Re: Invitation for Bid GPA-024-21

Fleet and Fuel Management Software Services for the Authority's Fleet

Dear Mr. Benavente;

Bid Protest Supplement

Track Me Guam, LLC ("TrackMe" or the "Bidder") respectfully submits additional information confirming the non-responsible/non-responsive nature of IT&E's bid for GPA-024-21 (the "IFB"). To the extent that the Guam Power Authority considers these new matters not properly part of TrackMe's first protest submitted on March 12, 2021, GPA should consider this a second protest of Invitation for Bid GPA-024-21, Fleet and Fuel Management Software Services for the Authority's Fleet (the "Protest").

On January 8, 2021, GPA issued Invitation for Bid GPA-024-21 (the "IFB"). On March 11, 2021, TrackMe was notified by the Guam Power Authority ("GPA") that TrackMe was not selected by GPA for award. Instead, GPA's notice explains that GPA has recommended award to PTI Pacifica, Inc. dba IT&E ("IT&E") because of their lower price. On March 11, 2021, TrackMe submitted its first protest to GPA regarding fatal deficiencies in IT&E's bid. TrackMe has yet to receive a decision from GPA regarding that first protest.

This supplemental information / second protest is based on new information discovered on March 29, 2021 following GPA's production of documents to TrackMe on March 25, 2021, pursuant to a Sunshine Request submitted to GPA with TrackMe's first protest. From the documents produced, TrackMe has identified four (4) more issues with IT&E's bid that render the bid non-responsive and IT&E non-responsible: (1) inability to comply with requirement C.1-17 of the IFB; (2) inability to comply with requirement B.6 of the IFB; (3) inability to comply with requirement C.1-13; and (4) inability to comply with requirement C.2.

Failure to Comply with Requirement C.1-17

GPA's response to the Sunshine Request shows that IT&E is supplying GPA with "DFM 500D CAN," a differential fuel flow meter. Requirement C.1-17 mandates that the bidder provide a product that will supply data to include "date and time fuel dispense, amount of fuel dispensed in gallon, vehicle and/or



equipment fueled, and personnel who dispensed the fuel." The DFM 500D CAN, however, does not have the capability of identifying what vehicle is being fueled nor the personnel who dispenses the fuel into the vehicle. This product is also only for monitoring fuel consumption, not fuel dispensing. The manual, attached here for GPA's review, demonstrates that the DFM 500D CAN is only for fuel *consumption*, and not fuel *dispensing*. Nowhere in the manual does it provide a method to identify how much fuel is dispensed.

The DFM 500D CAN also cannot identify who the specific individual is dispensing the fuel. The documents produced by GPA pursuant to the Sunshine Request reveals that GPA will provide the "iButton Key Fob" accessory to provide data on the person dispensing the fuel. The iButton alone, however, only provides the identity of the driver operating the vehicle. It does not identify the vehicle being fueled nor does it identify the personnel who specifically dispensed the fuel. Thus, this accessory will not meet the C.1-17 requirement.

Additionally, the DFM 500D CAN only works with vehicles that have diesel fuel engines, not gasoline engines. The manual states the DFM only works for diesel fuel, heating oil, burner oil, motor fuel, biofuel, and other liquid fuels and mineral oils with kinematic viscosity of 1.5 to 6 mm²/s. See Manual, pg. 14. GPA's vehicle listing identifies vehicles that use gasoline engines. Installing the DFM 500D CAN will lead to problems that make IT&E a non-responsible bidder. First, installing this onto GPA's gasoline vehicles may void the warranty for the vehicles. Second, gasoline is highly flammable, and installing this device would be very dangerous.

Failure to Comply with Requirement B.6

The IFB requires that the awardee be able to install the product within one (1) hour starting upon scheduled time of installation and/or replacement. TrackMe's investigation, however, of the DFM 500D CAN, identified in GPA's sunshine response, has revealed that the installation time for the DFM 500D CAN is at a minimum of four (4) hours and could last as long as several days. According to a third party fleet management provider utilizing the DFM 500D CAN, the DFM 500D CAN requires at a minimum of (4) hours to install the product. See attached screenshot of a third party management software provider (Navixy) utilizing the DFM 500D CAN that states the installation time from four (4) hours to several days. This is clearly more than the one (1) hour mandated by GPA. IT&E's use of the DFM 500D CAN is non-responsive to the B.6 requirement.

Failure to Comply with Requirement C.1-13

C.1-13 requires that the bidder provide a system that can produce reports exportable to MS EXCEL, MS Word, CSV, and PDF file formats. MiFleet, IT&E's software, however, can only export to html, PDF, EXCEL, XML, and CSV. See attached picture of MiFleet's export page attached. The exportable formats do not include MS Word. Therefore, IT&E does not comply with C.1-13. IT&E is non-responsive to this requirement.

Failure to Comply with Requirement C.2

C.2 requires the bidder provide a system that allows for remote disabling of a vehicle, unlocking of vehicle doors, and issuing of software updates. IT&E notified GPA that it would comply but GPA must



"deliver the requirement i.e. older vehicle models may not be able to support fleet tracking application." IT&E's further response supplied by GPA's sunshine request stated "Doing door lock/unlock feature that is controllable through the Electronic Control Unit (ECU) will only be possible with manufacturer's Programming Guide for the Lock/Unlock for the specific vehicle models provided to IT&E by the Guam Power Authority." This is not compliant with the C.2 requirement because IT&E is requesting GPA provide an accommodation not specified in the IFB. Nowhere in the IFB does it state GPA will provide access to the ECU if necessary. IT&E is simply non-responsive to this requirement because it requires an extra step not identified in the IFB.

Requested Remedy by GPA

It is further clear from the sunshine response from GPA that IT&E submitted a technically unacceptable bid. GPA appears to have simply ignored multiple deficiencies that render IT&E non-responsive and non-responsible for this project. TrackMe respectfully requests that GPA review the matter thoroughly, reject IT&E's submission, and award the IFB to TrackMe as the next lowest responsive and responsible bidder.

As TrackMe highlighted in its first protest, TrackMe has been honored to serve as GPA's vendor for tracking services for over 5 years, and we would welcome the opportunity to discuss both this protest and the first protest with the Agency, as well as the remedy we have requested in order to resolve this Protest. We are available to discuss this letter, both protests, or other matters related to the IFB with GPA at any time. We understand that an automatic stay of procurement under Guam law and has already been issued by GPA. We look forward to the opportunity to find an agreeable resolution to this Protest in as expeditious a manner as can be achieved so that the stay can be lifted, and the process can continue.

Sincerely,


PRESIDENT TRACK ME

Enclosures: DFM 500D CAN Manual, MiFleet Export page, Third Party Fleet Management Software Provider (Navixy) page

EXHIBIT D



GUAM POWER AUTHORITY

ATURIDÁT ILEKTRESEDÁT GUAHAN
P.O. BOX 2977 • AGANA, GUAM U.S.A. 96932-2977

Tel: (671) 648-3225; Fax: 648-3290

PLEASE ACKNOWLEDGE
RECEIPT BY SIGNING BELOW
AND RETURN TO STEPHANIE
TAJERON BY EITHER FAX NO.:
(671) 648-3165 OR EMAIL
smtaljeron@gpagwa.com.

DENIAL OF PROCUREMENT PROTEST

PRINT/SIGNATURE _____ DATE _____

June 10, 2021

COMPANY _____

VIA E-mail: trackme@trackmeguam.com

APPRECIATE YOUR IMMEDIATE
RESPONSE. THANK YOU.

Mr. Yosi Veksler
Track Me Guam, LLC
321 E. Harmon Ind Park Rd, Warehouse 6A
Tamuning, Guam 96913

RE: Guam Power Authority's Response to Track Me Guam, LLC's Protest dated March 12, 2021, for GPA-IFB-024-21, Fleet and Fuel Management Software Services

Dear Mr. Veksler:

I have reviewed your protest letter dated March 12, 2021, and April 6, 2021, protesting the Guam Power Authority's (GPA) proposed award to PTI Pacifica, Inc. dba IT&E. Your Protest is hereby denied for the following reasons:

1. You indicated in your letter that you believe that PTI Pacifica, Inc. dba IT&E's bid should not be considered as you allege that the PTI Pacifica, Inc. dba IT&E bid is non-compliant with the requirements of the bid package. GPA reviewed the responses provided by IT&E and has determined that it meets the bid requirements. GPA requested that IT&E respond to each of the allegations raised that it did not meet the bid specifications, and IT&E provided responses which were reviewed by the bid evaluation committee which determined the bid specifications were met by IT&E. GPA reviewed the bid packages and provided a notice of intent to award to the lowest responsible and **responsive** bidder. A responsive bidder is a person who has submitted a bid which conforms in all material respects to the Invitation for Bids. 5 GCA §5201(g) and 2

a bid which conforms in all material respects to the Invitation for Bids. 5 GCA §5201(g) and 2 GAR, Div. 4, Chap. 3, §3109(n)(2).

2. GPA has determined that PTI Pacifica, Inc. dba IT&E should be awarded the bid for Fleet and Fuel Management Software Services, as they were deemed to be the lowest, responsive and responsible bidder. The PTI Pacifica, Inc. dba IT&E bid was responsive to the IFB and complied with the specifications set forth in the IFB. Therefore, GPA hereby finds that there is no merit to the Track Me Guam, LLC's claim that their bid was the lowest **responsive** bid, and the Track Me Guam, LLC's bid was properly rejected due to high price.

Track Me Guam, LLC is hereby ON NOTICE that this is the Guam Power Authority's final decision concerning Track Me Guam, LLC's March 12, 2021, and April 6, 2021, protest for the above described IFB. You are hereby advised that Track Me Guam, LLC has the right to seek judicial review.

Sincerely,


JOHN M. BENAVENTE, P.E.
General Manager

EXHIBIT E

Distinctive design features of DFM fuel flow meters:

- DFM structure provides fluid flow even in case the ring is blocked (e.g. as a result of clogging of the chamber);
- special coating of the ring ensures its durability and wear resistance;
- measuring chamber is made of durable and lightweight zinc-aluminum (ZA) alloy;
- built-in mud filter effectively protects the chamber from clogging. Filter can be removed and cleaned without disassembling the body of the DFM;
- M14x1.5 and M16x1.5 threaded fittings allow DFM mounting on any automotive vehicles without any special adapters;
- increased nominal bore for minimum fuel flow hydraulic resistance;
- improved magnetic circuit reduces sensitivity to hydraulic shocks in the engine fuel system.

1.6 Technical specifications

1.6.1 Working fluids

DFM can be used for following fluids flow measurement:

- diesel fuel (GOST 305, STB 1658);
- heating oil (GOST 10585);
- burner oil (GOST 10585, STB 1906);
- motor fuel (GOST 1667);
- biofuel (GOST R 52808, STB 1658);
- Other liquid fuels and mineral oils with kinematic viscosity of 1.5 to 6 mm²/s.

Attention!

- 1) All DFM are verified with diesel fuel. Indicate viscosity when ordering DFM for measuring different fluid type.
- 2) When operating with fluids having kinematic viscosity over 6 mm²/s (the upper limit of DFM capacity range) will get lower than nominal one and the pressure drop will increase.
- 3) Impurities size should not exceed 0.08 mm.
- 4) DFM flow meters are made of petrol resistant materials. However the declared lifetime of the measuring chamber is not guaranteed when operating with petrol (see 1.6.3).

EXHIBIT F

MIFleet Export Page

Export to File [X]

File name:

File format:

- HTML
- PDF
- Excel
- XML
- CSV

Parameters:

- Compress report files
- Split chart by [dropdown]
- Disable links to Google Maps in PDF and Excel files
- Attach map (for PDF and HTML, only)
 - Squeeze in all graphics
 - Hide cartographic basis
- Generate report

Cancel

EXHIBIT G

INVITATION FOR BID NO.: GPA-024-21
 Requisition No.: 34708

NO.	DESCRIPTION	QTY.	U/I	MONTHLY:	ANNUALLY:
C.1-13	Provide upon request customizable reports to be saved and/or exported to MS EXCEL, MS Word, CSV, Adobe PDF file formats.				Comply
C.1-14	Provide multiple data-specific reports to include Individual trip data by vehicle, distance traveled by vehicle, distance traveled by driver, summary reports of all by group description, service/ maintenance history and how often the vehicles are used.				Comply
C.1-15	Provide the following data-specific reports to include, date of trip, drive (start & end time), drive (duration), driver, speed (average, top, duration & count), vehicle idle time by minutes, idle time count, travel distance, vehicle/ equipment division and location.				Comply
C.1-16	Provide vehicle mileage reports that include engine hours, driver usage, estimated fuel consumption.				Comply
C.1-17	Provide fuel dispense tracking report for Authority's Service Truck (Official 6463). Data to include date and time of fuel dispense, amount of fuel dispensed in gallons, vehicle and/or equipment fueled, and personnel who dispensed the fuel.				Comply. IT&E solution can provide the required reports, save of the tracking mechanism of the vehicle being tracked and through the Web Fob assignment.
C.2	Provide web based vehicle interaction. Enabling Technical assistance personnel and/or Authorized GPA personnel to remote disable vehicle, unlock vehicle doors, and provide software updates.				Comply. Vehicle must be able to support the application to deliver the requirement. i.e. older vehicle models may not be able to support fleet tracking applications.
C.3	All Fleet Management historical data shall be maintained for the term of the contract and/or all option years.				Comply
C.3-1	Access; upon request to all historical data, for personnel authorized by the Fleet Support Service Manager.				Comply
D.	PRODUCT SUPPORT:				COMPLY / NON-COMPLIANCE:
D.1	New driver access key step up, access key issuance and issuance tracking				Comply
D.2	Training services for use of the software must be available throughout the duration of the contract, include new employee training and refresher courses.				Comply
D.3	All trainings will be coordinated and scheduled by the Guam Power Authority's Transportation Division as required.				Comply
E.	GUARANTEES:				COMPLY / NON-COMPLIANCE:
E.1	Dealer shall warrant the software and all auxiliary equipment conforms to the proposed specifications and be free of defects from material, workmanship and title.				Comply
E.2	Manufacturer's brochure/s (original) shall be submitted and attached on bid submittal.				Comply

EXHIBIT H

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February 11, 2021

Jamie L.C. Pangelinan
Supply Management Administrator
Guam Power Authority
688 Route 15, Suite 100
Mangilao, Guam 96913

Dear Ms. Pangelinan,

Please see clarifications below for GPA-Q24-21:

1. **Page 6 of 23, C.1-17- Provide fuel dispense tracking report for Authority's Service Truck (Official 6463). Data to include date and time of fuel dispense, amount of fuel dispensed in gallons, vehicle and/or equipment fueled, and personnel who dispensed the fuel. Please confirm that your company will be providing all necessary equipment and/or devices to meet the required specification.**
 - a. Yes, IT&E will be able to provide all hardware. We will need to know exactly what hardware will remain with fuel tank and what will be removed from the previous solution. For example, is the current flow meter built into the fuel tanker, or will it be removed. Typically, if it is a fuel tanker and its purpose is refueling, it should have its own flow monitor put in place by the fuel tank manufacturer. If the previous solution provider removes the flow meter, since it is most likely inline, wouldn't it completely disable the fueling capability of the tanker? If the flow meter belongs to the previous solution provider, would they be replacing it with original factory flow meter?
2. **Page 6 of 23, C.2- Provide web-based vehicle interaction. Enabling Technical assistance personnel and/or Authorized GPA personnel to remote disable vehicle, unlock vehicle doors, and provide software updates. Please clarify what specific specifications would not be met and what vehicles and/or equipment's would not be supported.**
 - a. Over the Air updates are a standard feature on IT&E's MIFleet solution. Doing a door lock/unlock feature that is controlled through the Electronic Control Unit (ECU) will only be possible with the manufacturer's Programming Guide for the Lock/Unlock feature for the specific vehicle models, provided to IT&E by the Guam Power Authority. However, a door lock/unlock enable/disable feature could be done, where instead of remotely unlocking/locking the doors, we would be able to disable/enable power to the lock/unlock control unit (by cutting power to the door control unit).
3. **Brochure under Mifleet White Glove Support POST – SALES SUPPORT**
 - a. Out of the box call when devices are installed (five days)
 - i. Yes. Remote platform training, customizations for real-time notifications, reports, and automatic reports.
 - b. Follow up call to make sure all reports are being utilized (one month)
 - i. Yes, IT&E will provide, to include follow-up customizations to platform views.

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Continued

- c. Follow up touch points throughout the next 12 months and beyond to check in and see if they require additional devices (3,6,9,12 months)
 - i. Yes, IT&E will provide, to include follow-up customizations to platform views.
- d. Please confirmed that technical support services are available for the entirety of the contract to include any and all exercised option years.
 - i. Yes, hardware and platform support.

Please let me know if the responses above addresses your concerns. We are looking forward to working with your team on the solutions. May I add, in the event that IT&E is considered, and because we are not the current provider, soonest notification or intent to award will be appreciated. This will allow us to position our inventory and resources to meet the Agency's deadline.

My Best Regards,

Auriann C.
Auriann Camacho
Business Account Manager
PTI Pacifica, Inc. dba IT&E
671 456-2874