

Suite 401 DNA Building  
 238 Archbishop Flores St.  
 Hagåtña, Guam 96910



# FAX

<b>To:</b>	<b>Ms. Carmen T. Charfauros</b> <b>Supply Management Administrator</b> Department of Education 501 Mariner Avenue B-Building, Suite 116 Barrigada, Guam 96913 Phone: (671) 475-0438 Fax: (671) 472-5001 Email: <a href="mailto:ctcharfauros@gdoe.net">ctcharfauros@gdoe.net</a>	<b>From:</b>	<b>Benjamin J.F. Cruz</b> <b>Public Auditor</b> Office of Public Accountability
		<b>Pages:</b>	8 (including cover page)
<b>CC:</b>	<b>Appellant Pacific Data Systems, Inc.</b> J & G Commercial Plaza, Bldg. B, Suite 101 130 East Marine Corp Drive Hagåtña, Guam 96910 Phone: (671) 646-2307 Fax: (671) 649-7245 Email: <a href="mailto:Scott.kadiasang@gu.g4s.com">Scott.kadiasang@gu.g4s.com</a>	<b>Date:</b>	September 20, 2021
		<b>Phone:</b> <b>Fax:</b>	(671) 475-0390 x. 204 (671) 472-7951

**Re:** OPA-PA-21-007 Notice of Receipt of Appeal

For Review     
  Please Comment     
  Please Reply     
  Please Recycle

**Comments:**

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

Thank you,  
 Jerrick Hernandez, Auditor  
[jhernandez@guamopa.com](mailto:jhernandez@guamopa.com)



## OFFICE OF PUBLIC ACCOUNTABILITY

Suite 401 Pacific News Building, 238 Archbishop Flores St., Hagåtña, Guam 96910

Phone: (671) 475-0390 / FAX: (671) 472-7951

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September 20, 2021

Ms. Carmen T. Charfauros  
Supply Management Administrator  
Department of Education  
501 Mariner Avenue  
B-Building, Suite 116  
Barrigada, Guam 96913

VIA FACSIMILE: (671) 472-5001

Re: Notice of Receipt of Appeal – OPA-PA-21-007

Dear Ms. Charfauros,

Please be advised that G4S Security Systems (Guam) Inc. (hereinafter referred to as “G4S” filed an appeal with the Office of Public Accountability (OPA) on September 17, 2021, regarding the Department of Education’s (DOE) response to G4S’ protest of the procurement award for GDOE-IFB 026-2021 for Indoor and Outdoor Wireless Local Area Network (WLAN) Infrastructure Installation Project. OPA has assigned this appeal case number OPA-PA-21-007.

Immediate action is required of DOE pursuant to the Rules of Procedure for Procurement Appeals, found in Chapter 12 of the Guam Administrative Regulations (GAR). Copies of the rules, the appeal, and all filing deadlines are available at OPA’s office and on its website at [www.opaguam.org](http://www.opaguam.org). The first eight pages of the notice of appeal filed with OPA is enclosed for your reference.

Please provide the required notice of this appeal to the relative parties with instructions that they should communicate directly with OPA regarding the appeals. You are also responsible for giving notice to the Attorney General or other legal counsel for your agency. Promptly provide OPA with the identities and addresses of interested parties and a formal entry of appearance by your legal counsel.

Pursuant to 2 GAR, Div. 4, Ch. 12, §12104(3), the submission of one complete copy of the procurement record for the procurement solicitation above, as outlined in Title 5, Chapter 5, §5249 of the Guam Code Annotated is required no later than **Monday, September 27, 2021**, five work days following this Notice of Receipt of Appeal. We also request one copy of the Agency Report for each of the procurement solicitations cited above, as outlined in 2 GAR, Div. 4, Chap. 12, §12105, by **Monday, October 4, 2021**, ten work days following receipt of this notice.

When filing all other required documents with our office, please provide one original and one copy to OPA (electronic filings will be acceptable), and serve a copy to G4S. Although the Guam

Procurement Law and Regulations require only one copy of the procurement record, OPA respectfully asks that DOE provide one original and one electronic file of the said record, which will be distributed as follows: Copy-1: Master File; and Copy-2: Public Auditor and/or Hearing Officer.

Thank you for your prompt attention to this matter. Please contact Jerrick Hernandez at 475-0390 ext. 204 or [jhernandez@guamopa.com](mailto:jhernandez@guamopa.com) should you have any questions regarding this notice.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Benjamin J.F. Cruz', with a stylized flourish at the end.

Benjamin J.F. Cruz  
Public Auditor

Enclosure: First Three Pages of the Notice of Appeal – OPA-PA-21-007

Cc: Appellant G4S



Jerrick Hernandez &lt;jhernandez@guamopa.com&gt;

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**Procurement Appeal - GDOE IFB-026-2021**

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**Scott T. Kadiasang** <scott.kadiasang@gu.g4s.com>

Fri, Sep 17, 2021 at 4:41 PM

To: jhernandez@guamopa.com

Cc: Greg Duenas &lt;greg.duenas@gu.g4s.com&gt;, Cris Ortiz &lt;cris.ortiz@gu.g4s.com&gt;, Teresa Sakazaki &lt;teresa.sakazaki@gu.g4s.com&gt;, "Ronnie B. Delfin" &lt;ronnie.delfin@gu.g4s.com&gt;

Hafa Adai Mr. Hernandez,

Thank you for taking my call the other day.

Per our discussion, I've attached Appendix A: Notice of Appeal Form along with supporting documents to file our appeal.

Tomorrow (9/18/21) marks the 15th day since their decision.

Do I also send a copy of Appendix A to GDOE within the next 24 hours or is that something the OPA will do?

I have other supporting files and documents to provide but are unavailable at the moment. I can have them to you by the close of business on 9/24/2021.

Please advise on our next steps.

--

Thank you,

Scott T. Kadiasang  
Quality Control / Designer & Project Manager**G4S Security Systems (Guam), Inc.**

Main Office: +671 646-2307

Mobile: +671 686-6712

Fax: +671 649-7245

J &amp; G Commercial Plaza

Bldg. B, Suite 101

[130 East Marine Corp Drive](#)[Hagatna, GU 96910](#)[Scott.kadiasang@gu.g4s.com](mailto:Scott.kadiasang@gu.g4s.com)

Local website: [www.gu.g4s.com](http://www.gu.g4s.com)

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**9 attachments**

-  **procurement appeal.pdf**  
90K
-  **2022 License Information as of September 16, 2021 (1).xlsx**  
321K
-  **a91 IFB 026-2021 Bid Status - G4S - FINAL.pdf**  
324K
-  **a91 IFB 026-2021 Notice of Award to Technologies for Tomorrow - G4S - FINAL.pdf**  
390K
-  **appendix\_a\_-\_notice\_of\_appeal\_form GDOE IFB 026-2021.pdf**  
364K
-  **Letter of Protest 7.29.2021 - GDOE IFB 026-2021 Indoor and Outdoor Wireless Local Area Network (WLAN) Infrastructure Installation Project.pdf**  
50K
-  **21 GCA REAL PROPERTY CH 70 CONTRACTORS.pdf**  
654K
-  **IFB 026-2021 Response to Protest Received Aug 10, 2021 - FINAL.pdf**  
486K
-  **Appeal statement.pdf**  
70K



**Appendix A: Notice of Appeal Form  
PROCUREMENT APPEAL**

**PART I- To be completed by OPA**

In the Appeal of	)	
	)	<b>NOTICE OF APPEAL</b>
	)	
_____	)	
(Name of Company), APPELLANT	)	Docket No. OPA-PA_____
	)	
_____	)	

**PART II- Appellant Information**

Name: G4S Security Systems (Guam) Inc.  
Mailing Address: J&G Commercial Plaza, Bldg B. Suite 101  
130 East Marine Drive, Hagatna, GU 96910  
Business Address: Same as above  
Email Address: teresa.sakazaki@gu.g4s.com  
Daytime Contact No: (671) 483-5386  
Fax No.: (671) 649-7245

**PART III- Appeal Information**

- A) Purchasing Agency: Guam Department of Education
- B) Identification/Number of Procurement, Solicitation, or Contract: GDOE IFB 026-2021
- C) Decision being appealed was made on Sept. 03, 2021 (date) by:  
\_\_\_ Chief Procurement Officer \_\_\_ Director of Public Works X 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)*  
X 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:

<u>Technologies for Tomorrow</u>	_____
<u>Pacific Data Systems</u>	_____
<u>California Pacific Technical Services</u>	_____
_____	_____
_____	_____

**PART IV- Form and Filing**

In addition to this form, the Rules of Procedure for Procurement Appeals require the submission together with this form of additional information, including BUT NOT LIMITED TO:

1. A concise, logically arranged, and direct statement of the grounds for appeal;
2. A statement specifying the ruling requested;
3. Supporting exhibits, evidence, or documents to substantiate any claims and the grounds for appeal unless not available within the filing time in which case the expected availability date shall be indicated.

*Note: Please refer to 2 GAR § 12104 for the full text of filing requirements.*

**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 or her 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 17 day of Sept., 2021.

By: G4S Security Systems (Guam) Inc.  
APPELLANT

or

By: Crisanto Ortiz   
Appellant's Duly Authorized Representative  
(Address) 130 East Marine Corps Dr., Hagatna, Guam 96910  
(Phone No.) 646-2307



**G4S Security Systems (Guam), Inc.**

J&G Commercial Plaza  
Building B, Suite 101  
130 East Marine Corps Drive  
Hagatna, Guam 96910  
Tel: (671) 646-2307/08  
Fax: (671) 649-7245  
Email: [guam@gu.g4s.com](mailto:guam@gu.g4s.com)  
[www.gu.g4s.com](http://www.gu.g4s.com)

September 14, 2021

Guam Office of Public Accountability  
Suite 401 DNA Building  
238 Archbishop Flores Street  
Hagatna, Guam 96910  
Phone: 671-475-0390 ext. 204  
Fax: 671-472-7951

**Delivered by Email:**  
[jhernandez@guamopa.com](mailto:jhernandez@guamopa.com)

Attention: Jerrick Hernandez

Subject: Procurement Appeal

Hafa Adai,

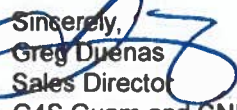
On behalf of G4S Security Systems (Guam) Inc. (G4S), we wish to appeal the recent decision made on September 3, 2021 by the Guam Department of Education's (GDOE) to deny our protest pertaining to the award to Technologies for Tomorrow (hereafter referred to as "TFT") for: GDOE IFB 026-2021. Our protest was on the grounds that TFT does not have a valid Guam Contractors License to perform service, maintain and/or install structured cabling on Guam.

It is our contention that although Guam Procurement Law mandates that an IFB shall be evaluated based on the requirements set forth in the IFB and that GDOE IFB 026-2021 in its published terms and conditions did not require the submission of a Guam Contractor's License, one must have been previously obtained to lawfully execute the terms of said IFB as a Specialty Contractor pursuant to 21 GCA Real Property CH. 70.

"No person within the purview of 21 GCA Real Property CH. 70 shall act, or assume to act, or advertise, as general engineering contractor, general building contractor or specialty contractor without a license previously obtained under and in compliance with this 21 GCA Real Property CH. 70 and the rules and regulations of the Contractors License Board"

The intent of this letter is to advance the position that "in the interest of the Government of Guam," the award should be to G4S, in the amount of \$1,944,000.00 as the most responsible bidder, therefore being the lowest bidder.

We look forward to a favorable consideration.

Sincerely,  
  
Greg Duenas  
Sales Director  
G4S Guam and CNMI  
G4S Security Systems (Guam), Inc.





Jerrick Hernandez &lt;jhernandez@guamopa.com&gt;

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**OPA-PA-21-007 Notice of Appeal**

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**Jerrick Hernandez** <jhernandez@guamopa.com>

Mon, Sep 20, 2021 at 12:45 PM

To: ctcharfauros@gdoe.net, "James L.G. Stake" &lt;jlgstake@gdoe.net&gt;, "Scott T. Kadiasang" &lt;scott.kadiasang@gu.g4s.com&gt;

Cc: Greg Duenas &lt;greg.duenas@gu.g4s.com&gt;, Cris Ortiz &lt;cris.ortiz@gu.g4s.com&gt;, Teresa Sakazaki &lt;teresa.sakazaki@gu.g4s.com&gt;, "Ronnie B. Delfin" &lt;ronnie.delfin@gu.g4s.com&gt;

Hafa Adai,

Please see attached Notice of Receipt of Appeal for OPA-PA-21-007. This email will serve as an official notice in lieu of a transmittal via Fax.

Please confirm receipt of this email and the attached document. Thank you.

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Regards,

**Jerrick J.J.G. Hernandez, MA, CGAP, CICA**

Auditor

Office of Public Accountability – Guam

[www.opaguam.org](http://www.opaguam.org)

Tel. (671) 475-0390 ext. 204

Fax (671) 472-7951

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**21-007 Notice of Receipt of Appeal.pdf**

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