



RECEIVED
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 PROCUREMENT APPEALS
 MAY 17 2012
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 FILE NO. OPA-PA 12-011

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

PART I- To be completed by OPA

In the Appeal of _____)
)
)
)
 (Name of Company), APPELLANT)
)
)
)
 _____)
)
)
)

NOTICE OF APPEAL

Docket No. OPA-PA 12-011

PART II- Appellant Information

Name: Pacific Data Systems
 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

B) Identification/Number of Procurement, Solicitation, or Contract: GSA-064-11

C) Decision being appealed was made on 05/03/12 (date) by:
 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)

Appendix A: Notice of Appeal Form
PROCUREMENT APPEAL

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

- TeleGuam Holdings, Inc. and its wholly owned subsidiaries; GTA Telecom, LLC, GTA Services, LLC, and Pulse Mobile, LLC
- NTT DOCOMO dba DOCOMO Pacific
- PTI Pacifica, Inc. dba IT&E
- Guam Telecom LLC dba MCV
- Pacific Data Systems

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;

GSA IFB 064-11 included Bid Terms and Conditions at #5 (copy attached as Exhibit A) that specified that bidder's submissions would be evaluated with a Local Procurement Preference in accordance with 5 G.C.A. Chapter 5 Section 5003. However, the award made by GSA for Bid Form 10 in this IFB did not factor in the 15% Local Procurement Preference into consideration when evaluating the bid submission from PDS and GTA.

PDS submitted with its response to this IFB a completed Local Procurement Preference Application (attached as Exhibit B) qualifying PDS for the 15% Local Procurement Preference for this Bid. GTA did not submit a Local Procurement Preference Application with its bid submission. After the award by GSA to GTA for Bid Form 10 (Bid Status issued on April 27, 2012 attached as Exhibit C), PDS Protested this oversight by GSA (attached as Exhibit D).

In the GSA answer to the PDS Protest (included at Exhibit E), GSA stated that it evaluated the PDS and GTA bids equally saying that GTA also qualified for the Local Procurement Preference even though GTA had not filed an application for the preference consideration as required by GSA policy and practice.

It is PDS' position that GSA has established a past policy and precedent that Bidders must submit an application to qualify for Section 5003 Local Procurement Preference. GSA has developed and published a form for this purpose. PDS has complied with this requirement and thus should be granted the Local Procurement Preference while GTA has not complied and therefore can not be granted the Local Procurement Preference.

2. A statement specifying the ruling requested;

We request that that OPA review the matter and order GSA to rescind the award of Bid Form 10 to GTA and to redo the Bid Form 10 evaluation taking into consideration the 15% Local Procurement Preference that the PDS bid qualifies for and denying any Local Procurement Preference to the GTA bid. GSA should make the award of Bid Form 10 to the lowest responsive bidder after appropriate adjustments required by 5 G.C.A. Chapter 5 Section 5003.

Appendix A: Notice of Appeal Form
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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.

We have attached the following exhibits in support of this appeal:

- Exhibit A: GSA IFB 064-11 Page 19 of 56 with Bid Terms and Conditions
- Exhibit B: PDS Local Procurement Preference Application submitted with PDS 064-11 Bid
- Exhibit C: GSA Bid Status for IFB 064-11 issued on April 27, 2012
- Exhibit D: PDS Protest of Bid Form 10 Award to GTA
- Exhibit E: GSA Response to PDS Protest denying Bid Form 10 Protest

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 the Public Auditor 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 the Public Auditor within 24 hours if court action commences regarding this Appeal or the underlying procurement action.

Submitted this 17th day of MAY, 2012.

By: _____

APPELLANT JOHN DAY
PRESIDENT - PACIFIC DATA SYSTEMS

or

By: _____

Appellant's Duly Authorized Representative
(Address)
(Phone No.)

APPENDIX A

Appendix A: Notice of Appeal Form
PROCUREMENT APPEAL

Exhibit A

GSA IFB 064-11 Page 19 of 56
with Bid Terms and Conditions

**GOVERNMENT OF GUAM
GENERAL TERMS AND CONDITIONS**

SEALED BID SOLICITATION AND AWARD

Only those Boxes checked below are applicable to this bid.

- [X] 1. **AUTHORITY:** This solicitation is issued subject to all the provision of the Guam Procurement Act (5GCA, Chapter 5) and the Guam Procurement Regulations (copies of both are available at the Office of the Complier of laws, Department of Law, copies available for inspection at General Services Agency). It requires all parties involved in the Preparation, negotiation, performance, or administration of contracts to act in good faith.
- [X] 2. **GENERAL INTENTION:** Unless otherwise specified, it is the declared and acknowledged intention and meaning of these General Terms and conditions for the bidder to provide the Government of Guam (Government) with specified services or with materials, supplies or equipment completely assembled and ready for use.
- [X] 3. **TAXES:** Bidders are cautioned that they are subject to Guam Income Taxes as well as all other taxes on Guam Transactions. Specific information on taxes may be obtained from the Director of Revenue and Taxation.
- [X] 4. **LICENSING:** Bidders are cautioned that the Government will not consider for award any offer submitted by a bidder who has not complied with the Guam Licensing Law. Specific information on licenses may be obtained from the Director of Revenue and Taxation.
- [X] 5. **LOCAL PROCUREMENT PREFERENCE:** All procurement of supplies and services where possible, will be made from among businesses licensed to do business on Guam in accordance with section 5008 of the Guam Procurement Act (5GCA, Chapter 5) and Section 1-104 of the Guam Procurement Regulations.
- [X] 6. **COMPLIANCE WITH SPECIFICATIONS AND OTHER SOLICITATION REQUIREMENTS:**
Bidders shall comply with all specifications and other requirements of the Solicitation.
- [] 7. **“ALL OR NONE” BIDS:** NOTE: By checking this item, the Government is requesting all of the bid items to be bided or none at all. The Government will not award on an itemized basis.
- [X] 8. **INDEPENDENT PRICE DETERMINATION:** The bidder, upon signing the Invitation for Bid, certifies that the prices in his bid were derived at without collusion, and acknowledge that collusion and anti-competitive practices are prohibited by law. Violations will be subject to the provision of Section 5651 of that of the Guam Procurement Act. Other existing civil, criminal or administrative remedies are not impaired and may be in addition to the remedies in Section 5651 of the Government code.
- [X] 9. **BIDDER’S PRICE:** The Government will consider not more than two (2) (Basic and Alternate) item prices and the bidder shall explain fully each price if supplies, materials, equipment, and/or specified services offered comply with specifications and the products origin. Where basic or alternate bid meets the minimum required specification, cost and other factors will be considered. Failure to explain this requirement will result in rejection of the bid.
- [X] 10. **BID ENVELOPE:** Envelope shall be sealed and marked with the bidder's name, Bid number, time, date and place of Bid Opening.
- [X] 11. **BID GUARANTEE REQUIREMENT:** Bidder is required to submit a Bid Guarantee Bond or standby irrevocable Letter of Credit or Certified Check or Cashier’s Check in the same bid envelope to be held by the Government pending award. The Bid Guarantee Bond, Letter of Credit, Certified Check or Cashier’s Check must be issued by any local surety or banking institution licensed to do business on Guam and made payable to the Treasure of Guam in the amount of fifteen percent (15%) of his highest total bid offer. The Bid Bond must be submitted on Government Standard Form BB-1 (copy enclosed). Personal Checks will not be accepted as Bid Guarantee. If a successful Bidder (contractor) withdraws from the bid or fails to enter into contract within the prescribed time, such Bid guarantee will be forfeited to the Government of Guam. Bids will be disqualified if not accompanied by Bid Bond, Letter of Credit, Certified Check or Cashier’s check. Bidder must include in his/her bid, valid copies of a Power of Attorney from the Surety and a Certificate of Authority from the Government of Guam to show proof that the surety company named on the bond instrument is authorized by the Government of Guam and qualified to do business on Guam. For detailed information on bonding matters, contact the Department of Revenue and Taxation. Failure to submit a valid Power of Attorney and Certificate of Authority on the surety is cause for rejection of bid. (GPR Section 3-202.03.3) **Pursuant to Public Law 27-127, all competitive sealed bidding for the procurement of supplies or services exceeding \$25,000.00 a 15% Bid Security of the total bid price must accompany the bid package.**
- [X] 12. **PERFORMANCE GUARANTEE:** Bidders who are awarded a contract under this solicitation, guarantee that goods will be delivered or required services performed within the time specified. Failure to perform the contract in a satisfactory manner may be cause for suspension or debarment from doing business with the Government of Guam. In addition, the Government will hold the Vendor liable and will enforce the requirements as set forth in Section 40 of these General Terms and Conditions.
- [X] 13. **SURETY BONDS:** Bid and Performance Bonds coverage must be signed or countersigned in Guam by a foreign or alien surety’s resident general agent. The surety must be an Insurance Company, authorized by the government of Guam and qualified to do business in Guam. Bids will be disqualified if the Surety Company does not have a valid Certificate of Authority from the Government of Guam to conduct business in Guam.
- [X] 14. **COMPETENCY OF BIDDERS:** Bids will be considered only from the such bidders who, in the opinion of the Government, can show evidence of their ability, experience, equipment, and facilities to render satisfactory service.

Appendix A: Notice of Appeal Form
PROCUREMENT APPEAL

Exhibit B
PDS Local Procurement Preference Application
submitted with PDS 064-11 Bid

LOCAL PROCUREMENT PREFERENCE APPLICATION

Based on the law stipulated below, please place a check or mark an "x" on the (1-4) block indicating the section that applies to your business:

SGCA, Chapter 5, Section 5008 titled "Policy in Favor of Local Procurement" of the Guam Procurement Law

"All procurement of supplies and services shall be made from among business licensed to do business on Guam and that maintain an office or other facility on Guam, whenever a business that is willing to be a contractor is:

- 1. A licensed bona fide manufacturing business that adds at least twenty-five percent (25%) of the value of an item, not to include administrative overhead, using workers who are U.S. Citizens or lawfully admitted permanent residents or nationals of the United States, or persons who are lawfully admitted to the United States to work, based on their former citizenship in the Trust Territory of the Pacific Islands;
- 2. A business that regularly carries an inventory for regular immediate sale of at least fifty percent (50%) of the items of supplies to be procured;
- 3. A business that has a bona fide retail or wholesale business location that regularly carries an inventory on Guam of a value of at least one half of the value of the bid or one hundred fifty thousand dollars (\$150,000), whichever is less, of supplies and items of a similar nature to those being sought; or
- 4. A service business actually in business, doing a substantial portion of its business on Guam, and hiring at least ninety-five percent (95%) U.S. Citizens lawfully admitted permanent residents or nationals of the United States to work, based on their citizenship in any of the nations previously comprising the Trust Territory of the Pacific Islands.

Procurement of supplies and services from off-Guam may be made if no local agent for such supplies or services may be found on Guam or if the total cost F.O.B. job-site, unloaded, of procurement from off-island is not greater than eighty-five percent (85%) of the total cost F.O.B. job-site, unloaded, of the same supplies or services when procured from a local source. Justification for off-island procurement must be submitted in writing to the Superintendent of Education or his designee.

1. I, John Day, representative for Pacific Data Systems, have read the requirements of the law cited above and do hereby qualify and elect to be given the Local Procurement Preference for Bid No. GSA-064-11. By filing in this information and placing my signature below, I understand that Department of Education will review my application and shall determine whether or not the fifteen percent (15%) preference will be applied to the referenced bid.
2. I, _____, representative for _____, have read the requirements of the law cited above and do not wish to apply for the Local Procurement Preference for Bid No. _____.

Name: John Day
Address: 185 Hippog Dr., Ste. 204A
Tamuning, GU 96913

Title: President/COO
Telephone No: 671-300-0202
Fax No: 671-300-0265
E-Mail: john@pdsquam.com

Appendix A: Notice of Appeal Form
PROCUREMENT APPEAL

Exhibit C
GSA Bid Status for IFB 064-11
issued on April 27, 2012

GENERAL SERVICE AGENCY
(Ahensian Setbision Hinirat)
Government of Guam
P.O. Box FG, Agana, Guam 96910
Tel: 477-1710-13 Fax: 472-4217 / 475-1716/27

Accountability * Impartiality * Competence * Openness * Value

BID STATUS

Date: APRIL 27, 2012

Pacific Data Systems
Attn: John Day, President/COO
185 Llipog Drive, Suite 204A
Tamuning, Guam 96913
Tel: 300-0229 / Fax: 300-0265

BID INVITATION NO.: GSA-064-11 OPENING DATE: December 19, 2011

DESCRIPTION: TELECOMMUNICATION SERVICES

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

Cancelled (in its entirety), or partially cancelled due to:

- Insufficient funds;
- Change of specifications; or
- Insufficient number of bidders.

Rejected 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 requirement as stated in the IFB;
- Non-conformance with bid requirement: Bid Form 12 – Did not adhere to equal increments**
- Inability to provide future maintenance and services to the equipment;
- High Price for Bid Forms: 2, 3, 10**
- Others: Submitted "No Quote" for Bid Forms 8, 8A, 9 and 15**

Bid recommended for award: **MULTIPLE AWARD**

Teleguam Holdings, LLC – See attached award

Pacific Data Systems – See attached award

PTI Pacific Inc. dba: IT&E – See attached award

REMARKS:

Thank you for your participation with this bid. Please send your authorized personnel to pickup the original bid status and bid bond/cashier check.

Please Print
ACKNOWLEDGEMENT COPY (Re-fax to GSA)

Received BY: [Signature]

Date: 4-27-12 John Day

Vendor Name: Pacific Data Systems

Fax #'s: 472-4217 / 475-1727 / 1716

for: Pedro F. San Nicolas 4/27/12

CLAUDIA S. ACFALLE
Chief Procurement Officer

Bid Form 2 – Non-Recurring and Monthly Recurring Cost (MRC) for Centrex Telephone Service**Teleguam Holdings, LLC :**

Analog Plain Old Telephone Services	Total MRC:	\$27.21
Digital (VoIP) Centrex with all Features Provided in IFB	Total MRC:	\$16.00

Bid Form 3 – Centrex Telephone Instruments**Teleguam Holdings, LLC**

	Monthly Lease Purchase	Purchase Price
1. Single Line Analog Phone with call hold	\$1.85	\$61.20
2. Up to 8 Line with Digital display, Hands-Free	\$3.52	\$116.64
3. 4 Line with Digital display, Hand-Free telephone	\$4.93	\$163.30
4. Up to 8 Line with Digital display, Hands-Free	\$3.52	\$116.64
5. Wireless Handset (Plantronics CS50)	\$6.70	\$221.94
6. Cisco Attendent Console	\$2.35	\$77.79

Bid Form 5 – Non-Recurring and Monthly Recurring Cost (MRC) for Non Centrex Telephones**Pacific Data Systems**

Wireless or Cable Telephone	Total MRC:	\$16.24
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Bid Form 6 – Non-Centrex Telephone Instruments**Pacific Data Systems**

	Monthly Lease Purchase	Purchase Price
1. Single Line Phone with Call Hold and Message waiting Lamp.	\$3.65	\$95.00
2. Single Line Digital display with Hands-Free, Display, Speaker Phone, Programmable Feature Keys and Wireless Handset Option	\$2.50	\$65.00
3. 4 Line digital with Digital Display, Hands-Free, Hold, Speaker Phone, Programmable Feature Keys and Wireless Handset Option	\$3.65	\$95.00
4. 6 Line digital with Digital Display, Hands-Free, Hold, Speaker Phone, Programmable Feature Keys and Wireless Handset Option	\$5.95	\$155.00
5. Attendent Console	\$3.65	\$95.00

Bid Form 8 - Monthly Recurring Cost for Mobile Telephone Service and Device

BIDDER NAME: TELEGUAM HOLDINGS LLC	
BLACKBERRY (Plan 1)	Mobile Service:
Monthly Recurring Cost (MRC) for mobile phone service that provides: (a) 1,000 minutes, per subscriber, for Off-Net calls within Guam which are pooled with other GovGuam subscribers; (b) no charge for ON-NET calls to/from any other subscriber of the Bidder (within Guam); (c) free Nights and Weekends; and Unlimited Text Messaging to the World.	\$ 13.90
MRC for Unlimited data plan within Guam with data tethering device to enable a laptop to use the data capability (Data tethering device must be provided when this option is selected).	\$ 22.95
Cost of Phone (phone must have large display, keyboard, 4 GB of memory (iPhone, Android, or other equal phone).	\$ -
Per Minute Cost of Long Distance Call to the United States (\$.10 = 10 cents per minute)	\$ 0.03
Per Minute Cost of Long Distance Call to the CNMI	\$ 0.03
Per Minute Call to US State when Roaming within the United States	\$ 0.35
Per Minute Call to/from Guam when Roaming in the United States	\$ 0.35

ANDROID (Plan 2)	Mobile Service:
Monthly Recurring Cost (MRC) for mobile phone service that provides: (a) 1,000 minutes, per subscriber, for Off-Net calls within Guam which are pooled with other GovGuam subscribers; (b) no charge for ON-NET calls to/from any other subscriber of the Bidder (within Guam); (c) free Nights and Weekends; and Unlimited Text Messaging to the World.	\$ 13.90
MRC for Unlimited data plan within Guam with data tethering device to enable a laptop to use the data capability (Data tethering device must be provided when this option is selected).	\$ 29.95
Cost of Phone (phone must have large display, keyboard, 4 GB of memory (iPhone, Android, or other equal phone).	\$ -
Per Minute Cost of Long Distance Call to the United States (\$.10 = 10 cents per minute)	\$ 0.03
Per Minute Cost of Long Distance Call to the CNMI	\$ 0.03
Per Minute Call to US State when Roaming within the United States	\$ 0.35
Per Minute Call to/from Guam when Roaming in the United States	\$ 0.35

Iphone, 8GB (Plan 3)	Mobile Service:
Monthly Recurring Cost (MRC) for mobile phone service that provides: (a) 1,000 minutes, per subscriber, for Off-Net calls within Guam which are pooled with other GovGuam subscribers; (b) no charge for ON-NET calls to/from any other subscriber of the Bidder (within Guam); (c) free Nights and Weekends; and Unlimited Text Messaging to the World.	\$ 13.90
MRC for Unlimited data plan within Guam with data tethering device to enable a laptop to use the data capability (Data tethering device must be provided when this option is selected).	\$ 29.95
Cost of Phone (phone must have large display, keyboard, 4 GB of memory (iPhone, Android, or other equal phone).	\$ 100.00
Per Minute Cost of Long Distance Call to the United States (\$.10 = 10 cents per minute)	\$ 0.03
Per Minute Cost of Long Distance Call to the CNMI	\$ 0.03
Per Minute Call to US State when Roaming within the United States	\$ 0.35
Per Minute Call to/from Guam when Roaming in the United States	\$ 0.35

Iphone 4, 32GB (Plan 4)	Mobile Service:
Monthly Recurring Cost (MRC) for mobile phone service that provides: (a) 1,000 minutes, per subscriber, for Off-Net calls within Guam which are pooled with other GovGuam subscribers; (b) no charge for ON-NET calls to/from any other subscriber of the Bidder (within Guam); (c) free Nights and Weekends; and Unlimited Text Messaging to the World.	\$ 13.90
MRC for Unlimited data plan within Guam with data tethering device to enable a laptop to use the data capability (Data tethering device must be provided when this option is selected).	\$ 29.95
Cost of Phone (phone must have large display, keyboard, 4 GB of memory (iPhone, Android, or other equal phone).	\$ 300.00
Per Minute Cost of Long Distance Call to the United States (\$.10 = 10 cents per minute)	\$ 0.03
Per Minute Cost of Long Distance Call to the CNMI	\$ 0.03
Per Minute Call to US State when Roaming within the United States	\$ 0.35
Per Minute Call to/from Guam when Roaming in the United States	\$ 0.35

Bid Form 8A - Mobile Data Card

BIDDER NAME: TELEGUAM HOLDINGS LLC		USAC SPIN: 43002715	
Description		Mobile Service Cost	
MRC for Unlimited Air-Card "data-only" plan within Guam.		\$	29.95
Data Device that enables a Mobile Wifi to the Data Card		\$	-

BIDDER NAME: PTI PACIFICA INC DBA IT&E		USAC SPIN: 143032800	
Description		Mobile Service Cost	
MRC for Unlimited Air-Card "data-only" plan within Guam.		\$	29.95
Data Device that enables a Mobile Wifi to the Data Card		\$	-

Bid Form 10 – ISDN PRI, ISDN BRI, SIP Trunks, and DID's

- <u>Teleguam Holdings, LLC</u>	<u>Installation:</u>	<u>MRC</u>
1. Integrated Services Digital Networking PRI Interface (23B+1D)	Waived	\$423.37
2. Integrated Services Digital Networking (Basic Rate Interface – 128 Kbps)	Waived	\$105.68
3. SIP Per Trunk Rate	Waived	\$12.00
4. DID Number Block of 25 Numbers	-0-	\$ 2.50 \$

Bid Form 11 – GovGuam Wide Area Network (1 and 10 Gbps)

- <u>Pacific Data Systems</u>	<u>Installation:</u>	<u>MRC</u>
1. 1,000 Mbps or 1 Gbps Dedicated for GovGuam (100% CIR, Ring Topology, NMS)	-0-	\$870.00
2. 10,000 Mbps or 10 Gbps Dedicated for Govguam (100% CIR, Ring topology, NMS)	-0-	\$1,500.00

Bid Form 12 – Broadband Internet Access Services**Teleguam Holdings, LLC**

		<u>Installation</u>	<u>MRC for 1 Mbps Internet Access QoS and SLA</u>
1 to 25 Mbps	Broadband Internet Access with SLA for Capacity, Latency and Hops to US	Waived	\$65.00
26 to 50 Mbps	Broadband Internet Access with SLA for Capacity, Latency and Hops to US	Waived	\$60.00
51 to 75 Mbps	Broadband Internet Access with SLA for Capacity, Latency and Hops to US	Waived	\$55.00
75 to 100 Mbps	Broadband Internet Access with SLA for Capacity, Latency and Hops to US	Waived	\$50.00
101 to 125 Mbps	Broadband Internet Access with SLA for Capacity, Latency and Hops to US	Waived	\$45.00
126 to 150 Mbps	Broadband Internet Access with SLA for Capacity, Latency and Hops to US	Waived	\$40.00
151 to 175 Mbps	Broadband Internet Access with SLA for Capacity, Latency and Hops to US	Waived	\$35.00
175 to 200 Mbps	Broadband Internet Access with SLA for Capacity, Latency and Hops to US	Waived	\$30.00

Bid Form 13 – Cable, DSL or Wireless Internet Services for Small Offices**Pacific Data Systems**

		<u>Installation</u>	<u>MRC for Internet Services</u>
2 Mbps	The DSL or Cable Internet Service must include 8 External IP Addresses	-0-	\$35.00
7 Mbps	the DSL or Cable Internet Service must include 10 External IP Addresses	-0-	\$48.00

Bid Form 14 – Routers Managed Switches, and Network Equipment Price Bid and Evaluation Model

<u>Pacific Data Systems</u>	Cisco 3800 Router with LC Ports \$12,040.00
(37% discount) =	\$7,585.20
(15% for Shipping & Installation) =	\$1,806.00
(15% discount Annual Maintenance =	\$1,806.00 with a <u>Total Proposed Price of \$11,197.20</u>

Bid Form 15 – Television Services**Teleguam Holdings, LLC**

<u>Television Service</u>	<u>Description</u>	<u>Installation</u>	<u>MRC</u>
Analog and digital television service (GTA Essential Package: 39 Channels + 1 Set Top Box	The initial drop to a building unless a drop already exists.	\$ -	\$ 40.95
Analog and digital television service (GTA Choice Package: 110 Channels + 1 Set Top Box	Each Additional drop within the same building.	\$ 29.95	\$ 5.95

Message Confirmation Report

27-APR-2012 16:26 FRI

WorkCentre M20 Series
Machine ID : Pacific Data Systems
Serial Number : not installed
Fax Number : 6713000265

Name/Number : 94724217
Page : 5
Start Time : 27-APR-2012 16:24 FRI
Elapsed Time : 01' 46"
Mode : STD G3
Results : O.K

GENERAL SERVICE AGENCY
(Aghensian Setbision Hinirat)
Government of Guam
P.O. Box FG, Agana, Guam 96910
Tel: 477-1710-13 Fax: 472-4217 / 475-1716/27

Accountability * Impartiality * Competence * Openness * Value

BID STATUS

Date: APRIL 27, 2012

Pacific Data Systems
Attn: John Day, President/COO
185 Lilihog Drive, Suite 204A
Tamuning, Guam 96913
Tel: 300-0229 / Fax: 300-0265

BID INVITATION NO.: GSA-064-11

OPENING DATE: December 19, 2011

DESCRIPTION: TELECOMMUNICATION SERVICES

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

[] Cancelled (in its entirety), or partially cancelled due to:

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[X] Rejected due to:

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- () Not meeting the delivery requirement as stated in the IFB;
- (X) Non-conformance with bid requirement: Bid Form 12 – Did not adhere to equal increments
- () Inability to provide future maintenance and services to the equipment;
- (X) High Price for Bid Forms: 2, 3, 10
- (X) Others: Submitted "No Quote" for Bid Forms 8, 8A, 9 and 15

[X] Bid recommended for award: **MULTIPLE AWARD**

Teluguam Holdings, LLC – See attached award

Pacific Data Systems – See attached award

PTI Pacific Inc. dba: IT&E - See attached award

REMARKS:

Thank you for your participation with this bid. Please send your authorized personnel to pickup the original bid status and bid bond/cashier check.

Appendix A: Notice of Appeal Form
PROCUREMENT APPEAL

Exhibit D
PDS Protest of Bid Form 10 Award to GTA



April 30, 2012

HAND DELIVERY

RECEIVED

22
12 APR 30 PM 3:02

GOVT OF GUAM
257

Ms. Claudia S. Acfalle
Chief Procurement Officer
General Services Agency
Government of Guam
148 Marine Corps Drive
Piti, GU 96915

Re: Protest of GSA IFB GSA-064-11

Dear Ms. Acfalle:

This is a protest by Pacific Data Systems ("PDS") regarding the awards described in the Bid Status issued by GSA for the above referenced bid on April 27, 2012 (copy attached as Exhibit 1). PDS now Protests this action by GSA in accordance with 5 G.C.A. §5425(a). This timely protest by PDS is made for the following reasons:

1. The Teleguam Holdings, LLC (GTA) offer for Bid Form 2 and 3 should be rejected for non-compliance with Bid specifications

Bid Form 1 and 3 provide required telephone service and telephone instrument specifications. Bid Form 1 at point #27 states "Caller ID – The Bidder shall provide Caller ID (name and number) on all display phones." and Bid Form 3 defines specifications for 4 telephone instruments at follows:

- Single Line Analog Phone with call hold.
- Single Line **Digital Display** with Hands-Free, Display, Programmable Feature keys and wireless handset option. (emphasis added)
- 4 Line Digital **with Digital Display**, Hands-Free, Hold, Programmable Feature keys and Wireless handset option. (emphasis added)
- 6 Line Digital **with Digital Display**, Hands-Free, Hold, Programmable Feature keys and Wireless handset option. (emphasis added)

As highlighted above, the Bid Form 3 specifications require the use of a digital display on the telephone to be used for the Single Line Digital, 4 Line Digital, and 6 Line Digital telephones. Though the GTA Bid Form 3 indicates that the telephone GTA bid, the Cisco SPA501G, meets this requirement for the Single Line Digital Display unit (see Exhibit 2 for GTA's Bid Form 3), a verification of this phone's capabilities shows that the Cisco SPA501G, **does not come with any type of digital display**. See the attached Exhibit 3 which is a datasheet for the SPA501G with our comments showing the lack of digital display on this model of Cisco phone.

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The lack of a display on the Cisco SPA501G telephone instrument bid by GTA is a major deficiency that will greatly reduce the functionality of the telephone service and telephone operation; for example, no caller-id information can be displayed for incoming phone calls as required by the above referenced Bid Form 1 requirements (example point #27 regarding display of Caller ID). The Cisco SPA501G telephone does not meet the Bid specifications as highlighted above and as such this offer by GTA must be rejected by GSA as non-responsive. Since Bid Form 2 and 3 are used together to provide telephone services and both are required submissions for these parts of the bid, rejection of GTA's Bid Form 3 due to the telephone instrument deficiency also invalidates the Bid Form 2 award to GTA as well.

This point of the PDS protest can be resolved by GSA rejecting the GTA's Bid Form 2 and 3 bid submissions as non-responsive and making an award of Bid Form 2 and 3 to PDS; which has submitted a compliant offer for Telephone Service and Telephone instruments and is the lowest responsive and responsible bidder.

2. The Teleguam Holdings, LLC (GTA) GTA offer for Bid Form 3 should be rejected for non-compliance with Bid General Terms and Conditions related to multiple price offers

The Bid Form 3 used by GTA does not reflect the amended format issued on September 16, 2011, by GSA in Amendment 4. In addition, the GTA Bid Form 3 contains modifications to the format of Bid Form 3 that includes several additional telephone models beyond that required by the Government. This appears to be an alternate offer by GTA for consideration by the Government. However, GTA did not present this offer as required by the Bid General Terms and Conditions #9 BIDDER'S PRICE which states:

The Government will consider not more than two (2) (Basic and Alternate) item prices and the bidder shall explain fully each price if supplies, materials, equipment, and/or specified services offered comply with specifications and the products origin. Where basic or alternate bid meets the minimum required specifications, cost and other factors will be considered. Failure to explain this requirement will result in the rejection of the bid.

Further, GSA provided additional clarification to bidders regarding how to make alternate or optional pricing offers in its answers to bidder's questions that was issued on September 17, 2011. At page 10 in a response labeled "To Question 2" GSA stated "If the Bidder has another plan that improves on lessening the overall cost to GovGuam, then, provide copy and provide a second Bid Form labeled "Alternate Bid". GTA did not follow these directions in the completion of Bid Form 3 and as such their bid for this part should be rejected.

This point of the PDS protest can be resolved by GSA rejecting the GTA Bid Form 3 bid as non-responsive and making an award of Bid Form 3 to PDS; which has submitted a compliant offer for Telephone Service and Telephone instruments and is the lowest responsive and responsible bidder.

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3. GSA has made inappropriate substitutions in its award of Bid Form 3 to Teleguam Holdings, LLC (GTA)

The Bid Status issued by GSA on April 27, 2012, at page two shows the detail of the award that GSA is making under Bid Form 3. Six (6) lines are shown listing the four types of telephones and two additional lines are provided for Wireless headset and Attendant Console. However, this list of awarded items does not correspond with the Bid Form 3 that was turned in by GTA (attached as Exhibit 2). See the following comparison between the Bid Form 3 submitted by GTA and the 6 items listed in the GSA award:

GTA Bid Form 3 Submission			
Model Number	Description	Monthly Lease to Purchase	Purchase Price
Aastra 9116LP	Single line Analog Phone with call hold	\$1.85	\$61.20
Cisco SPA501G	up to 8 line with Digital Display, HandsFree	\$3.52	\$116.64
Cisco SPA504G	4 line with digital display, Hand Free telephone	\$4.93	\$163.30
Cisco SPA508G	up to 8 line with Digital Display, HandsFree	\$5.87	\$194.40
Cisco SPA500S	Cisco Attendant Console	\$2.35	\$77.79
Aastra 53i	up to 9 line Digital Display, Handsfree	\$4.96	\$164.34
Aastra 55i	up to 9 line Digital Display, Handsfree	\$5.65	\$187.14
Aastra 670i	Aastra Attendant Console	\$4.13	\$136.80
Plantronics CS50	Wireless Headset	\$6.70	\$221.94

GSA Award for Bid Form 3			
		Monthly Lease to Purchase	Purchase Price
1.	Single line Analog Phone with call hold	\$1.85	\$61.20
2.	up to 8 line with Digital Display, Hands-Free	\$3.52	\$116.64
3.	4 line with digital display, Hand-Free telephone	\$4.93	\$163.30
4.	up to 8 line with Digital Display, Hands-Free	\$3.52	\$116.64
5.	Cisco Attendant Console	\$2.35	\$77.79
6.	Wireless Headset (Plantronics CS50)	\$6.70	\$221.94

(Highlight and emphasis added)

As the highlight above shows, in the award made by GSA the Cisco SPA501G has been swapped with the Cisco SPA508G that was originally bid by GTA for the 6 line Digital phone requirement of the original Bid Form 3. This mistake has the effect of making the GTA offer cheaper than what GTA actually bid when the Bid Form 2 and 3 evaluation formula is applied to the GTA bid. Also, as noted in point #1 of this protest, the Cisco SPA501G being awarded by

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GSA does not meet the Bid Form 3 requirement for a digital display since it has no digital display (emphasis added).

Neither the Bidder, GTA, or GSA, can manipulate a bidder's submission after the bid has been turned in. PDS does not understand how this change and award could have been made or if this was a simple clerical error on the part of GSA. Whatever the case, no substitution or alteration is allowed under procurement rules and law. GSA must re-evaluate the bid award for Bid Form 2 and 3 based upon the actual submission made by GTA. In light of PDS protest #1, we believe the GSA evaluation should first deal with the potential rejection of the GTA bid for Bid Form 3 since it does not meet the required bid specifications for telephones with a digital display; however, if GSA improperly decides to accept the phones offered by GTA in its Bid Form 3, then the evaluation should be conducted on only the original Bid Form 3 submission of GTA.

4. GSA has made errors in its evaluation of the PDS and GTA bids for Bid Form 2; the PDS offer is the lowest priced bid based on the Bid Form 2 evaluation formula

PDS has prepared the attached Exhibit 4 that uses the evaluation formula documented at the bottom of Bid Form 2 to calculate the lowest bid for this Bid Form. The evaluation formula is stated as follows:

The Bid Award for Centrex Services will be based on the One-Time cost (Column B) plus 24x the Total MRC (Column J) + 5x the average cost of the Monthly Lease to Purchase of phones and 5x the average cost of the Purchase Price for the Phones as described in Bid Form 3. The phones that will be factored into the evaluation include the Single Line Analog, Single Line Display, 4 Line Digital and 6 Line Digital Display Handset.

Exhibit 4 shows that using the GTA Bid Form 2 services and GTA phone configuration for Bid Form 3, as defined in the GSA Bid Status award, GTA scores a total of \$1,624.54.¹ PDS' Bid for Bid Form 2 and 3 results in an evaluation score of \$1,612.45. This makes the PDS bid the lowest bid for Bid Form 2. GSA should rescind the award of Bid Form 2 to GTA and award these services to PDS as the lowest responsive and responsible bidder.

5. GSA has made errors in its evaluation of the PDS and GTA bids for Bid Form 3; the PDS offer is the lowest priced bid based on the Bid Form 3 evaluation formula

¹ As noted in PDS protest point #3, PDS believes that GSA made an inappropriate change in the GTA Bid Form 3 submission. However, PDS has used these figures to illustrate that even in the most favorable of interpretations of the phone configuration for GTA, the PDS offer is still lower.

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PDS has prepared the attached Exhibit 4 that uses the evaluation formula documented at the bottom of Bid Form 3 to calculate the bid award for this Bid Form. The evaluation formula is stated as follows:

The average cost of the Monthly Lease to Purchase and Purchase Price of the phones for the offered phones (e.g. Single Analog, Single Line Display, 4 Line Display, and 6 Line Digital Display Handset) will be determined by adding the cost together and then dividing by 4. This will then be factored into the evaluation analysis as described in the Centrex MRC.

Exhibit 4 shows that using the GTA phone configuration for Bid Form 3, as defined in the GSA Bid Status, GTA scores a total of \$589.50.² PDS' Bid for Bid Form 3 results in an evaluation score of \$528.13. This makes the PDS bid the lowest bid for Bid Form 3. GSA should rescind the award of Bid Form 3 to GTA and award this Bid Form to PDS as the lowest responsive and responsible bidder.

6. GSA did not consider the PDS Local Procurement Preference application in the award of Bid Form 10; PDS is the lowest responsive and responsible bidder after application of the 15% Local Procurement Preference.

PDS included with its bid submission (copy provided attached as Exhibit 5) an Application for Local Procurement Preference as specified in the Bid General Terms and Conditions #5 LOCAL PROCUREMENT PREFERENCE which states:

All procurement of supplies and services where possible, will be made from among businesses licensed to do business on Guam in accordance with section 5008 of the Guam Procurement Act (5GCA, Chapter 5) and Section 1-104 of the Guam Procurement Regulations.

The bid evaluation performed by GSA did not take into consideration the 15% local preference that should have been granted to PDS for Bid Form 10. As shown below, had GSA properly applied the local procurement preference, as required by law, PDS would have been determined to be the lowest bidder for Bid Form 10.

GTA Bid Form 10 Evaluation Score: \$311,536.80

PDS Bid Form 10 Evaluation Score: \$341,749.44, after local preference: **\$290,487.02**

As the above clearly shows, the PDS offer for Bid Form 10 was lower than the GTA offer after the Local Procurement Preference is applied. The bid evaluation performed by GSA did not take into consideration the 15% local preference that should have been granted to PDS for Bid Form 10. In order to resolve this protest, GSA should rescind the award of Bid Form 10 to GTA and award Bid Form 10 services to PDS as the lowest bidder.

² Ibid.

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It should be noted that the PDS Local Procurement Preference application has been made in this bid and is meant to apply to all Bid Forms submitted by PDS in this procurement. PDS expects that GSA will apply the Local Procurement Preference as applicable in this bid.

GSA is reminded that PDS has made a timely protest and under 5 G.C.A. §5425(g) no further action on this procurement can be taken until this protest has been duly reviewed and a determination made by the Chief Procurement Officer. PDS is available to meet with the Chief Procurement Officer in an effort to resolve this protest so that this procurement may continue reference 5 G.C.A. §5425(b).

Sincerely,

A handwritten signature in black ink, appearing to read 'John Day', is written over the word 'Sincerely,'.

John Day
President

XC: Bill Mann – Attorney for PDS

Attachments:

- Exhibit 1: April 27, 2012 fax from GSA regarding Bid Status
- Exhibit 2: GTA Bid Form 3
- Exhibit 3: Cisco SPA501G Datasheet with PDS comments
- Exhibit 4: GTA and PDS Bid Form 2 & 3 Evaluation Worksheet
- Exhibit 5: Copy of PDS application for Local Procurement Preference filed with bid submission

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EXHIBIT 1

April 27, 2012 fax from GSA regarding Bid Status

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GENERAL SERVICE AGENCY
 (Ahensian Setbision Hinirat)
 Government of Guam
 P.O. Box FG, Agana, Guam 96910
 Tel: 477-1710-13 Fax: 472-4217 / 475-1716/27

Accountability * Impartiality * Competence * Openness * Value

BID STATUS

Date: APRIL 27, 2012

Pacific Data Systems
 Attn: John Day, President/COO
 185 Lipog Drive, Suite 204A
 Tamuning, Guam 96913
 Tel: 300-0229 / Fax: 300-0265

BID INVITATION NO.: GSA-064-11

OPENING DATE: December 19, 2011

DESCRIPTION: TELECOMMUNICATION SERVICES

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

Cancelled (in its entirety), or partially cancelled due to:

- Insufficient funds;
- Change of specifications; or
- Insufficient number of bidders.

Rejected 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 requirement as stated in the IFB;
- Non-conformance with bid requirement: Bid Form 12 – Did not adhere to equal increments**
- Inability to provide future maintenance and services to the equipment;
- High Price for Bid Forms: 2, 3, 10**
- Others: Submitted "No Quote" for Bid Forms 8, 8A, 9 and 15**

Bid recommended for award: **MULTIPLE AWARD**

Teleguam Holdings, LLC – See attached award

Pacific Data Systems – See attached award

PTI Pacific Inc. dba: IT&E – See attached award

REMARKS:

Thank you for your participation with this bid. Please send your authorized personnel to pickup the original bid status and bid bond/cashier check.

Please Print
 ACKNOWLEDGEMENT COPY (Re-fax to GSA)

Received BY: _____

Date: _____

Vendor Name: _____

Fax #'s: 472-4217 / 475-1727 / 1716

for: Pedro F. San Nicolas 4/27/12

CLAUDIA S. ACFALLE
 Chief Procurement Officer

Bid Form 8 - Monthly Recurring Cost for Mobile Telephone Service and Device

BIDDER NAME: TELEGUAM HOLDINGS LLC	
BLACKBERRY (Plan 1)	Mobile Service:
Monthly Recurring Cost (MRC) for mobile phone service that provides: (a) 1,000 minutes, per subscriber, for Off-Net calls within Guam which are pooled with other GovGuam subscribers; (b) no charge for ON-NET calls to/from any other subscriber of the Bidder (within Guam); (c) free Nights and Weekends; and Unlimited Text Messaging to the World.	\$ 13.90
MRC for Unlimited data plan within Guam with data tethering device to enable a laptop to use the data capability (Data tethering device must be provided when this option is selected).	\$ 22.95
Cost of Phone (phone must have large display, keyboard, 4 GB of memory (iPhone, Android, or other equal phone).	\$ -
Per Minute Cost of Long Distance Call to the United States (\$.10 = 10 cents per minute)	\$ 0.03
Per Minute Cost of Long Distance Call to the CNMI	\$ 0.03
Per Minute Call to US State when Roaming within the United States	\$ 0.35
Per Minute Call to/from Guam when Roaming in the United States	\$ 0.35

ANDROID (Plan 2)	Mobile Service:
Monthly Recurring Cost (MRC) for mobile phone service that provides: (a) 1,000 minutes, per subscriber, for Off-Net calls within Guam which are pooled with other GovGuam subscribers; (b) no charge for ON-NET calls to/from any other subscriber of the Bidder (within Guam); (c) free Nights and Weekends; and Unlimited Text Messaging to the World.	\$ 13.90
MRC for Unlimited data plan within Guam with data tethering device to enable a laptop to use the data capability (Data tethering device must be provided when this option is selected).	\$ 29.95
Cost of Phone (phone must have large display, keyboard, 4 GB of memory (iPhone, Android, or other equal phone).	\$ -
Per Minute Cost of Long Distance Call to the United States (\$.10 = 10 cents per minute)	\$ 0.03
Per Minute Cost of Long Distance Call to the CNMI	\$ 0.03
Per Minute Call to US State when Roaming within the United States	\$ 0.35
Per Minute Call to/from Guam when Roaming in the United States	\$ 0.35

Iphone, 8GB (Plan 3)	Mobile Service:
Monthly Recurring Cost (MRC) for mobile phone service that provides: (a) 1,000 minutes, per subscriber, for Off-Net calls within Guam which are pooled with other GovGuam subscribers; (b) no charge for ON-NET calls to/from any other subscriber of the Bidder (within Guam); (c) free Nights and Weekends; and Unlimited Text Messaging to the World.	\$ 13.90
MRC for Unlimited data plan within Guam with data tethering device to enable a laptop to use the data capability (Data tethering device must be provided when this option is selected).	\$ 29.95
Cost of Phone (phone must have large display, keyboard, 4 GB of memory (iPhone, Android, or other equal phone).	\$ 100.00
Per Minute Cost of Long Distance Call to the United States (\$.10 = 10 cents per minute)	\$ 0.03
Per Minute Cost of Long Distance Call to the CNMI	\$ 0.03
Per Minute Call to US State when Roaming within the United States	\$ 0.35
Per Minute Call to/from Guam when Roaming in the United States	\$ 0.35

Iphone 4, 32GB (Plan 4)	Mobile Service:
Monthly Recurring Cost (MRC) for mobile phone service that provides: (a) 1,000 minutes, per subscriber, for Off-Net calls within Guam which are pooled with other GovGuam subscribers; (b) no charge for ON-NET calls to/from any other subscriber of the Bidder (within Guam); (c) free Nights and Weekends; and Unlimited Text Messaging to the World.	\$ 13.90
MRC for Unlimited data plan within Guam with data tethering device to enable a laptop to use the data capability (Data tethering device must be provided when this option is selected).	\$ 29.95
Cost of Phone (phone must have large display, keyboard, 4 GB of memory (iPhone, Android, or other equal phone).	\$ 300.00
Per Minute Cost of Long Distance Call to the United States (\$.10 = 10 cents per minute)	\$ 0.03
Per Minute Cost of Long Distance Call to the CNMI	\$ 0.03
Per Minute Call to US State when Roaming within the United States	\$ 0.35
Per Minute Call to/from Guam when Roaming in the United States	\$ 0.35

Bid Form 12 – Broadband Internet Access Services

<u>Teleguam Holdings, LLC</u>		<u>Installation</u>	<u>MRC for 1 Mbps Internet Access QoS and SLA</u>
1 to 25 Mbps	Broadband Internet Access with SLA for Capacity, Latency and Hops to US	Waived	\$65.00
26 to 50 Mbps	Broadband Internet Access with SLA for Capacity, Latency and Hops to US	Waived	\$60.00
51 to 75 Mbps	Broadband Internet Access with SLA for Capacity, Latency and Hops to US	Waived	\$55.00
75 to 100 Mbps	Broadband Internet Access with SLA for Capacity, Latency and Hops to US	Waived	\$50.00
101 to 125 Mbps	Broadband Internet Access with SLA for Capacity, Latency and Hops to US	Waived	\$45.00
126 to 150 Mbps	Broadband Internet Access with SLA for Capacity, Latency and Hops to US	Waived	\$40.00
151 to 175 Mbps	Broadband Internet Access with SLA for Capacity, Latency and Hops to US	Waived	\$35.00
175 to 200 Mbps	Broadband Internet Access with SLA for Capacity, Latency and Hops to US	Waived	\$30.00

Bid Form 13 – Cable, DSL or Wireless Internet Services for Small Offices

<u>Pacific Data Systems</u>		<u>Installation</u>	<u>MRC for Internet Services</u>
2 Mbps	The DSL or Cable Internet Service must include 8 External IP Addresses	-0-	\$35.00
7 Mbps	the DSL or Cable Internet Service must include 10 External IP Addresses	-0-	\$48.00

Bid Form 14 – Routers Managed Switches, and Network Equipment Price Bid and Evaluation Model

<u>Pacific Data Systems</u>	Cisco 3800 Router with LC Ports	\$12,040.00
(37% discount) =	\$7,585.20	
(15% for Shipping & Installation) =	\$1,806.00	
(15% discount Annual Maintenance =	\$1,806.00 with a Total Proposed Price of \$11,197.20	

Bid Form 15 - Television Services**Teleguam Holdings, LLC**

Television Service	Description	Installation	MRC
Analog and digital television service (GTA Essential Package: 39 Channels + 1 Set Top Box	The initial drop to a building unless a drop already exists.	\$ -	\$ 40.95
Analog and digital television service (GTA Choice Package: 110 Channels + 1 Set Top Box	Each Additional drop within the same building.	\$ 29.95	\$ 5.95



EXHIBIT 2

GTA Bid Form 3

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Bid Form 3 - Centrex Telephone Instruments

BIDDER NAME: Teleguam Holdings LLC and its wholly owned subsidiaries GTA Telecom LLC, GTA Services LLC and Pulse Mobile LLC	USAC SPIN: 143002715 (GTA Telecom LLC) and/or 143016481 (Pulse Mobile LLC)
--	---

The Bidder shall provide a description, purchase price, and monthly rental rate for all phones and accessories.

The Bidder shall describe the features of the phone and provide brochures in the IFS. The Bidder may expand the height of the rows to accommodate a complete description.

Model Number	Description	Monthly Lease to Purchase Price	Purchase Price
Aastra 9116LP	Single Line Analog Phone with call hold	\$ 1.85	\$ 61.20
Cisco SPA501G	up to 8 line with Digital Display, HandsFree - see data sheet	\$ 3.52	\$ 116.64
Cisco SPA504G	4 line with digital display, Hand Free telephone - see data sheet	\$ 4.93	\$ 163.30
Cisco SPA508G	up to 8 line with Digital Display, HandsFree - see data sheet	\$ 5.87	\$ 194.40
Cisco SPA500S	Cisco Attendant Console	\$ 2.35	\$ 77.79
Aastra 53i	up to 9 line Digital Display, HandsFree - see data sheet	\$ 4.96	\$ 164.34
Aastra 55i	up to 9 line Digital Display, HandsFree - see data sheet	\$ 5.65	\$ 187.14
Aastra 670i	Aastra Attendant Console	\$ 4.13	\$ 136.60
Plantronics CS50	Wireless Headset - See Data Sheet	\$ 6.70	\$ 221.94



EXHIBIT 3

Cisco SPA501G Datasheet with PDS comments

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Cisco SPA501G Basic 8-Line IP Phone



Highlights

- Full-featured 8-line business-class IP phone supporting Power over Ethernet (PoE)
- Connects directly to an Internet telephone service provider or to an IP private branch exchange (PBX)
- Easy installation and highly secure remote provisioning, as well as menu-based and web-based configuration
- Wideband audio for unsurpassed voice clarity and enhanced speaker quality
- Paper label insert for buttons to indicate speed dials, shared lines, or extensions
- Supports up to two Cisco® SPA500S Expansion Module, adding an additional 64 buttons *
- Supports both Session Initiation Protocol (SIP) and Smart Phone Control Protocol (SPCP) with the Cisco Unified Communications 500 Series for Small Business

NO DISPLAY

Comprehensive Interoperability and SIP-Based Feature Set

Part of the Cisco Small Business Pro Series, the SIP-based Cisco SPA501G Basic 8-Line IP Phone (Figure 1) has been tested to ensure comprehensive interoperability with equipment from voice over IP (VoIP) infrastructure leaders, enabling service providers to quickly roll out competitive, feature-rich services to their customers.

With hundreds of features and configurable service parameters, the Cisco SPA501G addresses the requirements of traditional business users while building on the advantages of IP telephony. Features such as easy station moves and shared line appearances (across local and geographically dispersed locations) are just some of the many advantages of the Cisco SPA501G.

Carrier-Grade Security, Provisioning, and Management

The Cisco SPA501G uses standard encryption protocols to perform highly secure remote provisioning and unobtrusive in-service software upgrades. Remote provisioning tools include detailed performance measurement and troubleshooting features, enabling network providers to deliver high-quality support to their subscribers. Remote provisioning also saves service providers the time and expense of managing, preloading, and reconfiguring customer premises equipment.

- On-hook default audio configuration (speakerphone and headset)
- Multiple ring tones with selectable ring tone per line
- Date and time with support for intelligent daylight savings
- Call start time stored in call logs
- Distinctive ringing based on calling and called number
- 10 user-downloadable ring tones
- Speed dialing, eight entries
- Configurable dial/numbering plan support
- Intercom**
- Group paging**
- Network Address Translation (NAT) Traversal, including Simple Traversal of UDP Through NATs (STUN) support
- DNS SRV and multiple A records for proxy lookup and proxy redundancy
- Syslog, debug, report generation, and event logging
- Highly secure call encrypted voice communications support
- Built-in web server for administration and configuration with multiple security levels
- Automated remote provisioning, multiple methods; up to 256-bit encryption (HTTP, HTTPS, Trivial File Transfer Protocol [TFTP])
- Option to require administrator password to reset unit to factory defaults

Hardware Features

- Paper label area NO DIGITAL DISPLAY
- Dedicated illuminated buttons for:
 - Audio mute on/off
 - Headset on/off
 - Speakerphone on/off
- Voicemail message waiting indicator (VMWI) light
- Voicemail message retrieval button
- Dedicated hold button
- Settings button for access to IVR menu
- Volume control rocking up/down knob controls handset, headset, speaker, ringer
- Dedicated keys for redial, cancel, conference, and transfer
- Standard 12-button dialing pad
- High-quality handset and cradle
- Built-in high-quality microphone and speaker
- Headset jack: 2.5 mm
- Two Ethernet ports with integrated Ethernet switch: 10/100BASE-T RJ-45
- 802.3af-compliant PoE
- Optional 5 VDC universal (100-240V) switching; power supply is ordered separately (Cisco PA100)

Documentation

- Quick-Start Installation and Configuration Guide
- User Guide
- Administration Guide
- Provisioning Guide (for service providers only)

Package Contents

- Cisco SPA501G Basic 8-Line IP phone, handset, and stand
- Handset cord
- RJ-45 Ethernet cable
- Quick-Start Guide
- CD

Specifications

Table 1 gives specifications for the Cisco SPA501G Basic 8-Line IP Phone.

Table 1. Specifications for the Cisco SPA501G Basic 8-Line IP Phone

Note: Many features are programmable within a defined range or list of options. Please see the SPA Administration Guide for details. The target configuration profile is uploaded to the SPA501G at the time of provisioning.

Specifications	
Data networking	<ul style="list-style-type: none"> • MAC address (IEEE 802.3) • IPv4 (RFC 791) • Address Resolution Protocol (ARP) • DNS: A record (RFC 1706), SRV record (RFC 2782) • Dynamic Host Configuration Protocol (DHCP) client (RFC 2131) • Internet Control Message Protocol (ICMP) (RFC 792) • TCP (RFC 793) • User Datagram Protocol (UDP) (RFC 768) • Real-Time Transport Protocol (RTP) (RFC 1889, 1890) • Real-Time Control Protocol (RTCP) (RFC 1889) • Differentiated Services (DiffServ) (RFC 2475) • Type of service (ToS) (RFC 791, 1349) • VLAN tagging 802.1p/Q: Layer 2 quality of service (QoS) • Simple Network Time Protocol (SNTP) (RFC 2030)

Table 2 compares the SPA501G Basic 8-Line IP Phone with other Cisco SPA 500 Series IP Phones.

Table 2. Cisco SPA Series IP Phone Comparison

NO DIGITAL DISPLAY

Model	Voice Lines	Ethernet Ports	High-Resolution Graphical Display	PoE Support
SPA501G	8	2	No	Yes
SPA502G	1	2	Yes	Yes
SPA504G	4	2	Yes	Yes
SPA508G	8	2	Yes	Yes
SPA509G	12	2	Yes	Yes
SPA525G/SPA525G2	5	2	Color	Yes

Tables 3 and 4 give part numbers for the Cisco SPA501G and optional support and accessories.

Table 3. Ordering Information

Part Number	Description
SPA501G	Cisco SPA501G Basic 8-Line IP Phone
CON-SBS-SVC1	3-year Cisco Small Business Support Service

Table 4. Optional Accessories

Part Number	Description
MB100	Wall-mount brackets for SPA500, CP500, and SPA 900 Series
PA100-NA	Power supply for SPA500, CP500, and SPA 900 Series-5V/2A (North America style plug)
PA100-UK	Power supply for SPA500, CP500, and SPA 900 Series-5V/2A (UK style plug)
PA100-EU	Power supply for SPA500, CP500, and SPA 900 Series-5V/2A (EU style plug)
PA100-AU	Power supply for SPA500, CP500, and SPA9xx-5V/2A (AU style plug). Power supply for SPA500 and SPA 900 Series-5V/2A (NA)
WBP54G	802.11b/g wireless bridge

Service and Support

The Cisco Small Business Support Service provides three years affordable peace of mind coverage, to help protect your investment and derive maximum value from your Cisco Small Business solution. The subscription-based service offers software updates, telephone and online chat access to the Cisco Small Business Support Center, and next business day hardware replacement.

Cisco Small Business products are supported by professionals in Cisco Small Business Support Center locations worldwide who are specifically trained to understand your needs. The Cisco Small Business Support Community, an online forum, enables you to collaborate with your peers and reach Cisco technical experts for support information.

Warranty

This Cisco Small Business product is covered by a Cisco 1-year limited hardware warranty with return to factory replacement and a 90-day limited software warranty. In addition, Cisco offers software updates for bug fixes for the warranty term, and telephone and online chat technical support at no charge for the first 12 months following the date of purchase. To download software updates, go to: <http://www.cisco.com/cisco/web/download/index.html>.

Product warranty terms and other information applicable to Cisco products are available at <http://www.cisco.com/go/warranty>.



EXHIBIT 4

GTA and PDS Bid Form 2 & 3 Evaluation Worksheet

Pacific Data Systems

185 Ilipog Drive, HBC Suite 204A, Tamuning, GU 96913
Main: (671) 300-0200 | Fax: (671) 300-0265 | www.pdsguam.com

EXHIBIT 4

GSA-064-11 Bid Form 2 and 3 EVALUATION Worksheet

GTA Bid Forms				EVALUATION	
Bid Form	Description	Installation	Total MRC	Multiplier	Score
2	Analog Plain Old Telephone Service (POTS)	-	\$27.21	24	653.04
	Centrex with all Features Provided in the IFB	-	\$16.00	24	384.00
3	Averages as req'd for Evaluation Formula	Monthly Lease to Purchase	Purchase Price	5	589.50
	Aastra 9116LP	\$1.85	\$61.20		
	Cisco SPA501G	\$3.52	\$116.64		
	Cisco SPA504G	\$4.93	\$163.30		
	Cisco SPA501G	\$3.52	\$116.64		
	Cisco SPA500S	\$2.35	\$77.79		
	Aastra 53i	\$4.96	\$164.34		
	Aastra 55i	\$5.65	\$187.14		
	Aastra 670i	\$4.13	\$136.80		
	Plantronics CS50	\$6.70	\$221.94		
					Total Score BF3 **
					1,626.54
					Total Score BF2 *

PDS Bid Forms				EVALUATION	
Bid Form	Description	Installation	Total MRC	Multiplier	Score
2	Analog Plain Old Telephone Service (POTS)	-	\$28.94	24	694.56
	Centrex with all Features Provided in the IFB	-	\$16.24	24	389.76
3	Averages as req'd for Evaluation Formula	Monthly Lease to Purchase	Purchase Price	5	528.13
	Aastra 9116LP	3.00	95.00		
	GS280	2.00	65.00		
	GS2100	3.00	95.00		
	GS2120	4.50	155.00		
	TL7610	\$3.13	\$102.50		
	GS2000EXP	\$11.50	\$295.00		
	Attendant Console	\$3.00	\$95.00		
					Total Score BF3 **
					1,612.45
					Total Score BF2 *

* Bf2 Evaluation Formula: The Bid Award for Centrex Services will be based on the One-Time cost (Column B) plus 24x the Total MRC (Column J) + 5x the average cost of the Monthly Lease to Purchase of phones and 5x the average cost of the Purchase Price for the Phones as described in Bid Form 3. The phones that will be factored into the evaluation include the Single Line Analog, Single Line Display, 4 Line Digital and 6 Line Digital Display Handset.

** Bf3 Evaluation Formula: The average cost of the Monthly Lease to Purchase and Purchase Price of the phones for the offered phones (e.g. Single Analog, Single Line Display, 4 Line Display, and 6 Line Digital Display Handset) will be determined by adding the cost together and then dividing by 4. This will then be factored into the evaluation analysis as described in the Centrex MRC.



EXHIBIT 5

Copy of PDS application for Local Procurement Preference
filed with bid submission

Pacific Data Systems

185 Ilipog Drive, HBC Suite 204A, Tamuning, GU 96913
Main: (671) 300-0200 | Fax: (671) 300-0265 | www.pdsguam.com

LOCAL PROCUREMENT PREFERENCE APPLICATION

Based on the law stipulated below, please place a check or mark an "x" on the (1-4) block indicating the section that applies to your business:

5GCA, Chapter 5, Section 5008 titled "Policy in Favor of Local Procurement" of the Guam Procurement Law

"All procurement of supplies and services shall be made from among business licensed to do business on Guam and that maintain an office or other facility on Guam, whenever a business that is willing to be a contractor is:

- 1. A licensed bona fide manufacturing business that adds at least twenty-five percent (25%) of the value of an item, not to include administrative overhead, using workers who are U.S. Citizens or lawfully admitted permanent residents or nationals of the United States, or persons who are lawfully admitted to the United States to work, based on their former citizenship in the Trust Territory of the Pacific Islands;
- 2. A business that regularly carries an inventory for regular immediate sale of at least fifty percent (50%) of the items of supplies to be procured;
- 3. A business that has a bona fide retail or wholesale business location that regularly carries an inventory on Guam of a value of at least one half of the value of the bid or one hundred fifty thousand dollars (\$150,000), whichever is less, of supplies and items of a similar nature to those being sought; or
- 4. A service business actually in business, doing a substantial portion of its business on Guam, and hiring at least ninety-five percent (95%) U.S. Citizens lawfully admitted permanent residents or nationals of the United States to work, based on their citizenship in any of the nations previously comprising the Trust Territory of the Pacific Islands.

Procurement of supplies and services from off-Guam may be made if no local agent for such supplies or services may be found on Guam or if the total cost F.O.B. job-site, unloaded, of procurement from off-island is not greater than eighty-five percent (85%) of the total cost F.O.B. job-site, unloaded, of the same supplies or services when procured from a local source. Justification for off-island procurement must be submitted in writing to the Superintendent of Education or his designee.

1. I, John Day, representative for Pacific Data Systems, have read the requirements of the law cited above and do hereby qualify and elect to be given the Local Procurement Preference for Bid No. GSA-064-11. By filing in this information and placing my signature below, I understand that Department of Education will review my application and shall determine whether or not the fifteen percent (15%) preference will be applied to the referenced bid.
2. I, _____, representative for _____, have read the requirements of the law cited above and do not wish to apply for the Local Procurement Preference for Bid No. _____.

Name: John Day
Address: 185 Hipog Dr., Ste. 204A
Tamuning, GU 96913

Title: President/COO
Telephone No: 671-300-0202
Fax No: 671-300-0265
E-Mail: john@pdsguam.com

Appendix A: Notice of Appeal Form
PROCUREMENT APPEAL

Exhibit E
GSA Response to PDS Protest
denying Bid Form 10 Protest

Eddie Baza Calvo
Governor



GENERAL SERVICES AGENCY

(Ahensian Setbision Hinirat)
Department of Administration

Ray Tenorio
Lieutenant Governor

Benita A. Manglona
Director

148 Route 1 Marine Drive, Piti, Guam 96915
Tel: (671) 475-1707 Fax Nos: (671) 475-1727 / 475-1716

Anthony C. Blaz
Deputy Director

May 3, 2012

Memorandum

Mr. John Day
President
Pacific Data Systems
185 Llipog Drive
HBC Suite 204A
Tamuning, Guam 96913

Re: Protest of GSA Bid Number GSA-064-11

Dear Mr. Day:

I am in receipt of your memorandum dated April 30, 2012, in which you stated six (6) separate reasons for protesting the above stated bid.

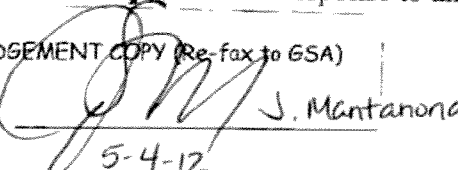
1. The Teleguam Holdings, LLC (GTA) offer for Bid Form 2 and 3 should be rejected for non-compliance with the bid specifications. You stated that the GTA Bid Form 3 indicated that the telephone that we reviewed and awarded upon (Cisco SPA501G) does not come with any type of digital display.
Response: We have reviewed your comments and have revised the bid award as a review of the GTA submission of the Cisco SPA501G did not meet specifications. After reviewing all of the other submissions for bid form 2 and 3, the Bid Status have been revised. Please see Bid Status.

2. The Teleguam Holdings, LLC (GTA) offer for Bid Form 3 should be rejected for non-compliance with Bid General Terms and Conditions related to multiple price offers.

Response: See response to answer number 1.

3. GSA has made inappropriate substitutions in its award of Bid Form 3 to Teleguam Holdings, LLC.

Response: See response to answer number 1.

Please Print	
ACKNOWLEDGEMENT COPY (Re-fax to GSA)	
Received BY:	 J. Mantanona
Date:	5-4-12
Vendor Name:	Pacific Data Systems
Fax #'s :	472-4217 / 475-1727 / 1716

COMMITTED TO EXCELLENCE

4. GSA has made errors in its evaluation of the PDS and GTA bids for Bid Form 2; the PDS offer is the lowest price bid based on the Bid Form 2 evaluation formula.
Response: See response to answer number 1.
5. GSA has made errors in its evaluation of the PDS and GTA bids for Bid Form 3; the PDS offer is the lowest priced bid based on the Bid Form 3 evaluation formula.
Response: See response to answer number 1.
6. GSA did not consider the PDS Local Procurement Preference application in the award of Bid Form 10; PDS is the lowest responsive and responsible bidder after application of the 15% local procurement preference.
Response: Local procurement preference was not applicable in this case as all of the businesses which submitted a bid was considered to meet the requirements to be considered local and have the local preference available. As such, there was no benefit available to any of the submitted vendors. Therefore, your protest on this issue is denied.

Therefore, your protest is granted in part and denied in part. You have the right to seek any administrative or judicial review available by law.


CLAUDIA S. ACFALLE
Chief Procurement Officer

Message Confirmation Report

04-MAY-2012 08:22 FRI

WorkCentre M20 Series
Machine ID : Pacific Data Systems
Serial Number : not installed
Fax Number : 6713000265

Name/Number : 94751727
Page : 2
Start Time : 04-MAY-2012 08:22 FRI
Elapsed Time : 00' 44"
Mode : STD G3
Results : O.K

Eddie Baza Calvo
Governor



GENERAL SERVICES AGENCY

(Aghensian Setbision Minirat)
Department of Administration

Ray Tenorio
Lieutenant Governor

Benita A. Manglona
Director

148 Route 1 Marine Drive, P.O. Box 96915
Tel: (671) 475-1707 Fax Nos: (671) 475-1727 / 475-1716

Anthony C. Blaz
Deputy Director

May 3, 2012

Memorandum

Mr. John Day
President
Pacific Data Systems
185 Llipog Drive
HBC Suite 204A
Tamuning, Guam 96913

Re: Protest of GSA Bid Number GSA-064-11

Dear Mr. Day:

I am in receipt of your memorandum dated April 30, 2012, in which you stated six (6) separate reasons for protesting the above stated bid.

- The Teleguam Holdings, LLC (GTA) offer for Bid Form 2 and 3 should be rejected for non-compliance with the bid specifications. You stated that the GTA Bid Form 3 indicated that the telephone that we reviewed and awarded upon (Cisco SPA501G) does not come with any type of digital display.
Response: We have reviewed your comments and have revised the bid award as a review of the GTA submission of the Cisco SPA501G did not meet specifications. After reviewing all of the other submissions for bid form 2 and 3, the Bid Status have been revised. Please see Bid Status.
- The Teleguam Holdings, LLC (GTA) offer for Bid Form 3 should be rejected for non-compliance with Bid General Terms and Conditions related to multiple price offers.
Response: See response to answer number 1.
- GSA has made inappropriate substitutions in its award of Bid Form 3 to Teleguam Holdings, LLC.
Response: See response to answer number 1.

Please Print
ACKNOWLEDGEMENT COPY (By fax to GSA)

Received BY: J. Montanona

Date: 5-4-12

Vendor Name: Pacific Data Systems

Fax #'s : 472-4217 / 475-1727 / 1716

COMMITTED TO EXCELLENCE