

1 **MICHAEL A. PANGELINAN, ESQ.**
2 **JANALYNN CRUZ DAMIAN, ESQ.**
3 **CALVO FISHER & JACOB LLP**

4 Attorneys at Law
5 259 Martyr Street, Suite 100
6 Hagatna, Guam 96910
7 Telephone No.: (671) 646-9355
8 Facsimile No.: (671) 646-9403

9 Attorneys for Interested Party
10 Docomo Pacific, Inc.

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FILE NO OPA-PA: 14-013

8 **OFFICE OF PUBLIC ACCOUNTABILITY**
9 **PROCUREMENT APPEAL**

10 In the Appeal of

11
12 PACIFIC DATA SYSTEMS, INC.

13
14 Appellant.

DOCKET NO. OPA-PA-14-013

**INTERESTED PARTY DOCOMO
PACIFIC, INC.'S COMMENTS TO
GUAM POWER AUTHORITY'S
AGENCY REPORT**

15
16 DOCOMO PACIFIC, INC. ("Docomo"), an Interested Party in the above-captioned
17 appeal, hereby submits the following comments to the Agency Report filed by the Guam Power
18 Authority ("GPA"). Docomo concurs with and joins in the position of GPA that Docomo has the
19 appropriate authority to provide the services sought by GPA in the IFB, specifically Bid Items A-
20 3, A-4, and A-5.

21 The IFB specifically allows bidders to include affiliate companies in support of the
22 performance of the services solicited under the IFB. The IFB provides:

23 2.10.1.1 Technical Proposal

24 Each BIDDER's Technical Proposal shall include the following:

25 a. Business Structure and Business Approach

26 The CONTRACTOR shall provide company information such as name, local
27 address, corporate headquarters (if any) and affiliate company in support for
28 the performance of its contractual obligations.

(IFB p. 12; Procurement Record ("PR") p. 691.)

1 Docomo made clear in its Technical Proposal that services would be provided by affiliate
2 companies:

3 With the recent acquisition of MCV Broadband, Docomo Pacific now provides
4 our customers a full suite of enterprise level solutions to include Wireless Voice
5 & Data Services ... Cable TV services, High Speed Internet Data solutions and
6 business telephone services/systems (SIP) with long distance capabilities to
7 enhance your communication needs.

8 (Docomo Technical Proposal Cover Page; PR p. 450.)

9 With the full suite of enterprise service offerings above, Docomo Pacific has the
10 capability of providing service to the Federal and Local Government. We are
11 confident that the expertise and direction of both legacy companies (MCV
12 Broadband and Docomo Pacific), now combined, offer the most and reliable
13 services to Guam and the Marianas.

14 (Docomo Technical Proposal, Business Structure & Approach p. 1; PR p. 453.)

15 In 2013, Docomo Pacific acquired MCV Broadband expanding our service
16 offering into a full suite of enterprise level solutions including Landline Phone,
17 Internet, Cable TV, Fiber Solutions, and Enterprise WiFi services.

18 (Docomo Technical Proposal, Experience & Qualifications; PR p. 397.)

19 Docomo's Technical Proposal illustrated Docomo's and its affiliate companies'
20 (including Guam Telecom, LLC's) compliance with local and federal regulatory requirements.

21 (Docomo Technical Proposal, Federal and Regulatory Compliance; PR pp. 555-570.) Docomo's
22 Technical Proposal included Guam Telecom's Certificate of Authority from the Guam Public
23 Utilities Commission (Id; PR p. 562-570.) Docomo's Technical Proposal included the business
24 licenses for its affiliate companies Guam Cablevision, LLC and Guam Telecom. (Docomo
25 Technical Proposal, Required Forms; PR pp. 663-667.)

26 Docomo understood the services solicited by GPA and understood that GPA would
27 accept services being performed by affiliate entities as clearly set forth on page 12 of the IFB.
28 Accordingly, Docomo presented its technical qualifications for the wide range of voice and data
services being solicited by including the appropriate certifications for services to be provided by
affiliate companies.¹ This was clearly permitted by the IFB and Docomo's Technical Proposal

¹ A chart setting forth the relationship between Docomo Pacific, Inc. and Guam Telecom, LLC is attached to the Declaration of James W. Hofman, II, filed concurrently herein.

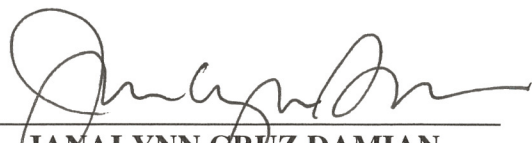
1 conformed in all material respects to the IFB. 5 GCA § 5201(g) (“Responsive bidder means a
2 person who has submitted a bid which conforms in all material respects to the Invitation for
3 Bids.”)

4 For all the foregoing reasons and for all the reasons set forth in GPA’s Agency Report,
5 Docomo is a qualified bidder and GPA’s intent to award Bid Items A-3, A-4 and A-5 to Docomo
6 must stand. Accordingly, Docomo concurs with and joins in GPA’s request that Appellant’s
7 appeal be dismissed.

8 Respectfully submitted this 12th day of January, 2015.

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CALVO FISHER & JACOB LLP
Attorneys for Interested Party
Docomo Pacific, Inc.

By: 
JANALYNN CRUZ DAMIAN

1 **CERTIFICATE OF SERVICE**

2 I, Janalynn Cruz Damian, do hereby certify that on January 12, 2015, I caused to have
3 copies of 1) **INTERESTED PARTY DOCOMO PACIFIC, INC.'S COMMENTS TO**
4 **GUAM POWER AUTHORITY'S AGENCY REPORT** and 2) **DECLARTION OF JAMES**
5 **W. HOFMAN, II IN SUPPORT OF DOCOMO PACIFIC, INC.'S COMMENTS TO**
6 **GUAM POWER AUTHORITY'S AGENCY REPORT** filed with the Office of Public
7 Accountability on January 12, 2015, to be served upon the following, by hand delivery:

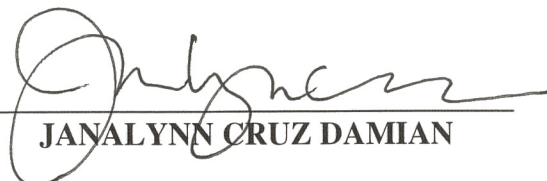
8 D. Graham Botha, Esq.
9 Guam Power Authority
10 Route 15, Fadian
11 Mangilao, Guam
Attorneys for Guam Power Authority

Pacific Data Systems, Inc.
185 Ilipog Drive, Suite 204A
Tamuning, Guam 96913

12 Dated this 12th day of January, 2015.

13 **CALVO FISHER & JACOB LLP**
14 Attorneys for Interested Party
15 Docomo Pacific, Inc.

16
17 By:


JANALYNN CRUZ DAMIAN