

1 **PACIFIC DATA SYSTEMS**  
185 ILIPOG DRIVE  
2 HBC BLDG SUITE 204A  
TAMUNING, GUAM 96913  
3 TELEPHONE: (671) 300-0200  
FACSIMILE: (671) 300-0265  
4

**RECEIVED**  
OFFICE OF PUBLIC ACCOUNTABILITY  
PROCUREMENT APPEALS  
DATE: 5/8/15  
TIME: 1600  AM  PM BY: CP  
FILE NO OPA-PA: 15-003

5 **BEFORE THE**  
6 **OFFICE OF PUBLIC ACCOUNTABILITY**

7 )  
8 In the Appeal of )  
PACIFIC DATA SYSTEMS, INC. ) OPA-PA-15-003  
9 )  
10 ) WITNESS LIST, ADMISSION OF FACT, AND LIST  
Appellant ) OF ISSUES FILED BY APPELLANT PACIFIC DATA  
11 ) SYSTEMS, INC.

12 The Appellant Pacific Data Systems, Inc. ("PDS") files the following in response to the Scheduling  
13 Order dated April 28, 2015.

14 **I. PDS WITNESS LIST**

15 Peter Duenas, PDS Network Planning and Design

16 Jeff Tester, PDS Outside Plant Manager

17 John S. Mantanona, PDS Account Manager - Government of Guam

18 **II. LIST OF EXHIBITS (see attached)**

19 Exhibit 1 Picture of 1G SFP

20 Exhibit 2 Picture of Fiber Cable (Dark Fiber)

21 Exhibit 3 GSA-064-11Description for Item #5.1 (Page 1 and Page 48)

22 Exhibit 4 Settlement Agreement dated May 18, 2012

23 Exhibit 5 Techopedia Definition for Dark Fiber  
24  
25

- 1 Exhibit 6 Techopedia Definition for Small Form-Factor Pluggable  
2 Transceiver (SFP)  
3 Exhibit 7 Copy of RFQ #15000381  
4 Exhibit 8 Dark Fiber and 1GB Data Service Diagram  
5

6 **III. ADMISSIONS OF FACT**

- 7 1. PDS admits that GSA may procurement temporary Data Services for Data Services  
8 that are contained in the previous GSA IFB GSA-064-11. Any temporary services  
9 procured by GSA fall under the terms of the PDS-GSA Settlement Agreement.  
10 2. PDS admits that GSA may purchase Dark Fiber Data Services and these services are  
11 not covered by the PDS-GSA Settlement Agreement.

12 **IV. LIST OF ISSUES**

- 13 1. What is the nature of the services covered by this RFQ; is this an RFQ for Dark Fiber  
14 Services or for 1GB Data Services. PDS contends that the GSA is requesting a 1Gb  
15 Data Service.  
16 2. If it is determined that the GSA RFQ is for 1Gb Data Services, then the applicability  
17 of the PDS-GSA Settlement Agreement to these services should be determined by  
18 the OPA.  
19

20 **RESPECTFULLY SUBMITTED** this 8<sup>th</sup> day of May, 2015.

21 **PACIFIC DATA SYSTEMS**

22   
23 \_\_\_\_\_  
24 **JOHN DAY**  
25 *President*



## Exhibit List for OPA-PA-15-003

- Exhibit 1 Picture of 1G SFP
- Exhibit 2 Picture of Fiber Cable (Dark Fiber)
- Exhibit 3 GSA-064-11Description for Item #5.1 (Page 1 and Page 48)
- Exhibit 4 Settlement Agreement dated May 18, 2012
- Exhibit 5 Techopedia Definition for Dark Fiber
- Exhibit 6 Techopedia Definition for Small Form-Factor Pluggable Transceiver (SFP)
- Exhibit 7 Copy of RFQ #15000381
- Exhibit 8 Dark Fiber and 1GB Data Service Diagram

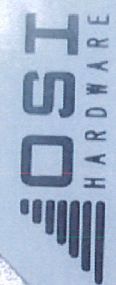
# EXHIBIT 1





E1MG-LX-OM-OSI

1000BASE-LX SFP 1310nm



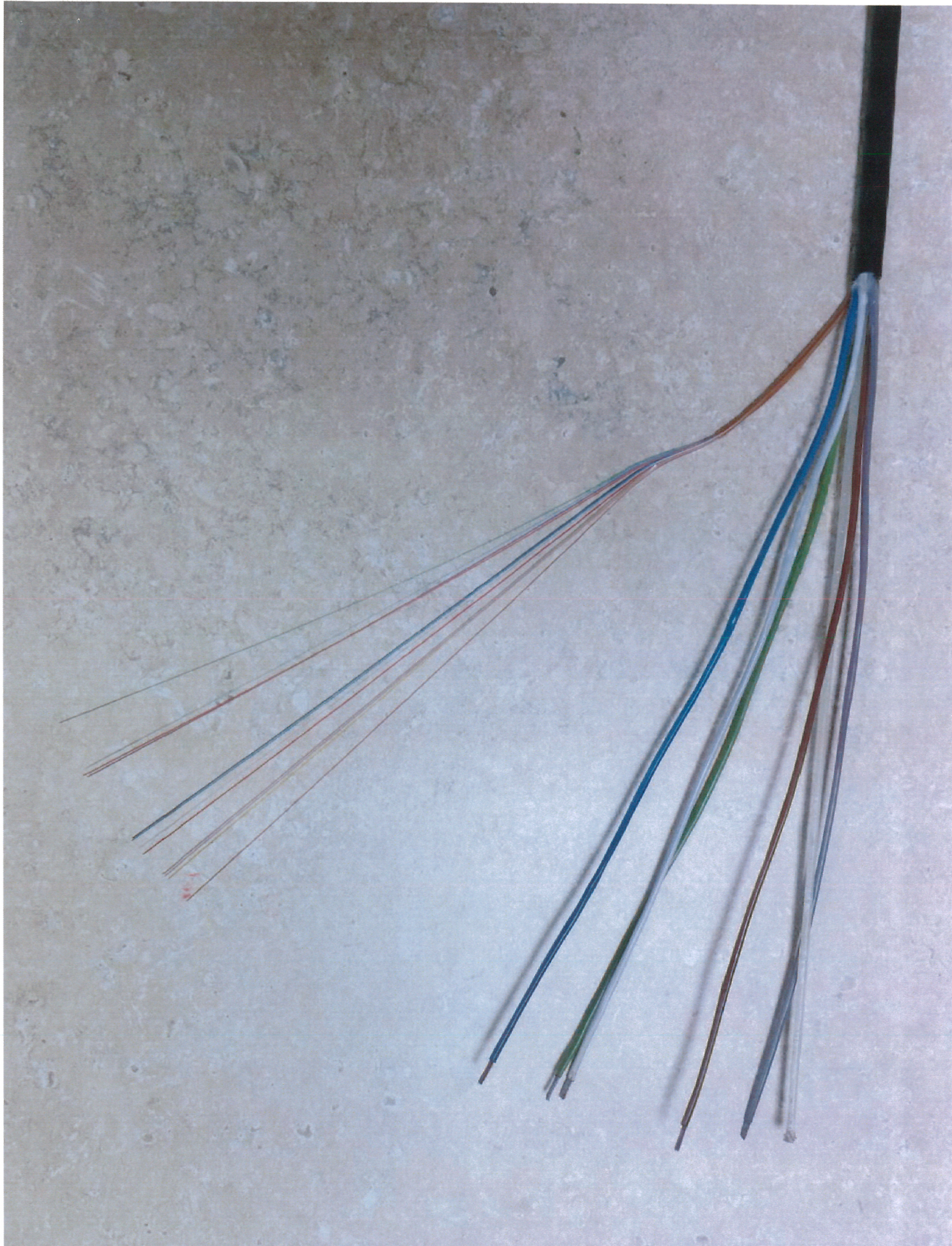
HARDWARE

SN: ZZ160123142

www.osihardware.com

# EXHIBIT 2





# EXHIBIT 3



INVITATION FOR BID

ISSUING OFFICE:

CLAUDIA S. ACFALLE  
Chief Procurement Officer

GENERAL SERVICES AGENCY  
GOVERNMENT OF GUAM  
148 ROUTE 1, MARINE DRIVE  
PITI, GUAM 96915

DATE ISSUED: **JUNE 22, 2011**

BID INVITATION NO: **GSA-064-11**

BID FOR: Telecommunication Services, Mobile Telephone Services, Integrated Services Digital Networking (ISDN) Primary Rate Interface (PRI), Basic Rate Interface (BRI, and Session Initiation Protocol (SIP) Trunks, GGWAN Data Communication Services, Broadband Internet Access, DSL/Cable or Wireless Internet Services, Television Services, Routers, Managed Switches, and Network Equipment and Direct Inward Dialing (DID) Numbers.

SPECIFICATION: **See Attached**

DESTINATION: **All Government of Guam to include Autonomous Agencies**

REQUIRED DELIVERY DATE: **For a period of five (5) year upon availability of funds with an option to renew for two (2) additional one (1) year extensions upon availability of funds.**

INSTRUCTION TO BIDDERS:

INDICATE WHETHER:  INDIVIDUAL  PARTNERSHIP  CORPORATION

INCORPORATED IN: \_\_\_\_\_

This bid shall be submitted in duplicate and sealed to the issuing office above no later than (Time) **10:00 AM**, Date: **7/20/11** and shall be publicly opened. Bid submitted after the time and date specified above shall be rejected. See attached General Terms and Conditions, and Sealed Bid Solicitation for details.

The undersigned offers and agrees to furnish within the time specified, the articles and services at the price stated opposite the respective items listed on the schedule provided, unless otherwise specified by the bidder. In consideration to the expense of the Government in opening, tabulating, and evaluating this and other bids, and other considerations, the undersigned agrees that this bid remain firm and irrevocable within **90** calendar days from the date opening to supply any or all the items which prices are quoted.

NAME AND ADDRESS OF BIDDER:

SIGNATURE AND TITLE OF PERSON  
AUTHORIZED TO SIGN THIS BID:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

AWARD: CONTRACT NO.: \_\_\_\_\_ AMOUNT: \_\_\_\_\_ DATE: \_\_\_\_\_

ITEM NO(S). AWARDED: \_\_\_\_\_

CONTRACTING OFFICER:

\_\_\_\_\_  
CLAUDIA S. ACFALLE  
Chief Procurement Officer

NAME AND ADDRESS OF CONTRACTOR:

SIGNATURE AND TITLE OF PERSON  
AUTHORIZED TO SIGN THIS CONTRACT:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_

ITEM NO.	DESCRIPTION	MONTHLY PRICE	ANNUAL PRICE
----------	-------------	---------------	--------------

5.1 Dedicated Government of Guam Wide Area Network (GGWAN) Data Communication Services as per the Following specifications

The Government of Guam requires a high-speed Ethernet based Wide Area Network Service. These Ethernet services will be used to establish the GovGuam Wide Area Network. These services shall be provisioned via fiber optics cables and shall be in a ring topology which interconnects only GovGuam sites.

The Bidder is to provide a network design and a cost for capacity between GovGuam sites and potential GovGuam Server Hubs throughout the island. Appendix E of Attachment A shows the number of sites that are currently using a 5 Mbps Ethernet based service. The Bidder should be aware that it is expected that more sites will probably interconnect to this service.

The sites include, but are not limited to, the GovGuam Data Center (GDC) located at the Department of Administration in Hagatna, the Department of Education FSAIS Office in Hagatna, the University of Guam Computer Center, the Guam Memorial Hospital Authority (GMHA) Computer Center, the Community Health Centers, Department of Public Health and Social Services, and locations not yet specified.

**SPECIFICATIONS**

**BIDDING ON / REMARKS**

The network capacity must be configured to support DWDM connection speeds of 1,000 or 10,000 Mbps to each agency of the GovGuam that selects participation in this network.

\_\_\_\_\_

The GovGuam plans to select data rates of either 1 or 10 Gbps, and does not require the Bidder to mix data rates.

\_\_\_\_\_

Each site must be connected to the next site with a minimum of 3 strands of fiber. The minimum presumes that the Bidder may want to implement the fiber DWDM with filters

\_\_\_\_\_

Each site must have capacity to route traffic to two sites and be interconnected in a ring network topology.

\_\_\_\_\_

Each connection in the network must have a 100% Committed Information Rate (CIR) for the service.

\_\_\_\_\_

No other non-GovGuam entity shall share the use of the DWDM wavelength.

\_\_\_\_\_

Bidder shall support Gigabit Ethernet and Fast Ethernet protocols.

\_\_\_\_\_

Bidder must not require use of the wavelength or require any data to be passed through any router or other equipment of the Bidder.

\_\_\_\_\_

Bidder must provide the GovGuam have a Network Management Capability that enables the GovGuam to monitor the network nodes and status. The Bidder must provide the Network Management system to monitor all network ports from a central location.

\_\_\_\_\_

The NMS must be able to monitor and measure fiber losses between points on the node.

\_\_\_\_\_

The NMS must provide status and alarms for service degradation.

\_\_\_\_\_

Bidder must not restrict the GovGuam from monitoring any node on the network.

\_\_\_\_\_

Bidder must provide user manuals on the NMS at the time of Bid Submission.

\_\_\_\_\_

# EXHIBIT 4




4. GSA agrees to cancel the request for quotes (RFQ) procurements that are the subject of these appeals. GSA agrees to issue RFQs for small purchases only, to all telecom service providers on Guam. The RFQs will cover the Government of Guam telecommunication needs until September 30, 2012 or until implementation of service under GSA-IFB-064-11, whichever first occurs.
5. The parties agree that each shall bear their respective attorneys fees and costs.
6. The parties agree to vacate all dates on the scheduling order.
7. The parties agree that this is a full and final settlement of OPA-PA-12-002 thru 006 and OPA-PA-12-009.

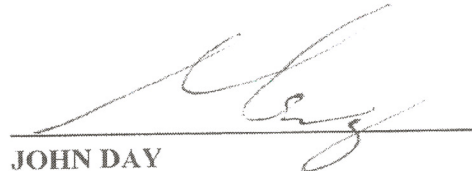
**NOW THEREFORE**, the parties agree and request the Office of the Public Accountability to dismiss with prejudice the above captioned appeals.

**SO STIPULATED:**

OFFICE OF THE ATTORNEY GENERAL  
Leonardo M. Rapadas, Attorney General

PACIFIC DATA SYSTEMS

  
\_\_\_\_\_  
**FRED NISHIHARA**  
Assistant Attorney General  
Attorneys for General Services Agency

  
\_\_\_\_\_  
**JOHN DAY**  
President, Pacific Data Systems

Dated: 5.18.12

Dated: 5-18-2012

  
\_\_\_\_\_  
**CLAUDIA S. ACFALLE**  
CPO, General Services Agency

Dated: 5/18/2012

**SO ORDERED:** 5/18/2012

OFFICE OF PUBLIC ACCOUNTABILITY  
The Public Auditor of Guam

By:   
\_\_\_\_\_  
**DORIS FLORES BROOKS**

# EXHIBIT 5





## Dark Fiber

### **Definition - What does *Dark Fiber* mean?**

Dark fiber is unused optical fiber that has been laid but is not currently being used in fiber-optic communications. Because fiber-optic cable transmits information in the form of light pulses, a "dark" cable refers to one through which light pulses are not being transmitted.

There are thousands of miles of dark fiber across the U.S., as companies have installed additional fiber optic systems. These companies assume that they will be able to lease those dark fibers to cable TV, telephone or other companies looking to expand their reach in the future. The fibers are neither controlled nor connected to the phone company, but the phone company provides the necessary functional components.

Dark fiber services are provided by local exchange carriers (LECs) to maintain optical fiber transmission capacity between customer locations where light for fibers is provided by the customers.

Dark fiber is also known as unlit fiber.

# EXHIBIT 6







## Small Form-Factor Pluggable Transceiver (SFP)

### **Definition - What does *Small Form-Factor Pluggable Transceiver (SFP)* mean?**

A small form-factor pluggable (SFP) transceiver is a compact, hot-swappable, input/output transceiver used in data communication and telecommunications networks. SFP interfaces between communication devices like switches, routers and fiber optic cables, and performs conversions between optical and electrical signals. SFP transceivers support communications standards including synchronous optical networking (SONET)/synchronous digital hierarchy (SDH), gigabit ethernet and fiber channel. They also allow the transport of fast Ethernet and gigabit Ethernet LAN packets over time-division-multiplexing-based WANs, as well as the transmission of E1/T1 streams over packet-switched networks.

SFP is also called a mini gigabit interface converter (GBIC) because its function is similar to the GBIC transceiver but with much smaller dimensions.

# EXHIBIT 7

URGENT

URGENT

REQUEST FOR QUOTATION

BUYER : Sarrosa, Tianna J. - GSA
TELEPHONE: 475-1712
FAX NO. : 475-1727

Please respond as soon possible but no later than: 2/05/2015
Requisition Number: Q150640032
RFQ #: RFQ15000381
Date: 2/02/2015

VENDOR: PACIFIC DATA SYSTEMS
P00767A1 185 ILIPOG DRIVE
STE 204A
TAMUNING, GU 96913
Phone (671) 300-0215 Fax (671) 300-0265
PLEASE FURNISH PRICE QUOTE, DELIVERY TIME AND TERMS BASED ON P.O.B. DESTINATION FOR THE ITEMS LISTED BELOW. PLEASE RESPOND BY THE ABOVE DATE.

Quoted by Print/Signature: Quote Date: Phone Number:

\*\* Delivery Date Required: The party making the foregoing bid is genuine and that said bidder agrees, that they are fully aware and is in compliance with Title 5 G.C.A. Chapter 5 - 5801 and 5802 Wage Determination, and that the attached is the most recent issued by U.S. D.O.L. for the positions required to implement the required service as per the following specification.
\*\* Delivery Date Offered:
Terms:
Prices good for: Days
Therefore, under penalty of perjury, I certify that the facts stated above are true.
Signature Date:

1. Offering Recycle Products ( ) YES ( ) NO
2. Offering Biodegradable Products ( ) YES ( ) NO
Please separate your offer of recyclable and/or biodegradable products from regular products.

THIS IS NOT AN ORDER

Table with 7 columns: ITEM, DESCRIPTION - OR EQUAL, QTY, UOM, UNIT PRICE, TOTAL PRICE, AVAILABILITY. Row 1: SERVICE FOR 16 DARK FIBER FROM OOT TO GOVERNOR COMPLEX, 8, MOS. Row 2: INSTALLATION DEDICATE FIBER STRAND TO OFFICE OF TECHNOLOGY FIBER SWITCH. POINT TO POINT FIBER WITH NO EQUIPMENT/HARDWARE IN BETWEEN. VENDOR WILL PROVIDE 1G S FP FIBER MODULE FOR (1), 1, LOT.

NOTE: The Government of Guam encourage offers of "EARTH FRIENDLY" products.
COMMITTED TO EXCELLENCE
CONTINUED ON NEXT PAGE

REQUEST FOR QUOTATION

BUYER : Sarrosa, Tianna J. - GSA  
 TELEPHONE: 475-1712  
 FAX NO. : 475-1727

Please respond as soon possible but no later than: 2/05/2015	Requisition Number: Q150640032 RFQ #: RFQ15000381	Date: 2/02/2015
---	--	--------------------

VENDOR: PACIFIC DATA SYSTEMS P00767A1 185 ILIPOG DRIVE STR 204A TAMUNING, GU 96913 Phone (671) 300-0215 Fax (671) 300-0265	PLEASE FURNISH PRICE QUOTE, DELIVERY TIME AND TERMS BASED ON F.O.B. DESTINATION FOR THE ITEMS LISTED BELOW. PLEASE RESPOND BY THE ABOVE DATE.
--	--

Quoted by Print/Signature:	Quote Date:	Phone Number:
----------------------------	-------------	---------------

** Delivery Date Required:	The party making the foregoing bid is genuine and that said bidder agrees, that they are fully aware and is in compliance with Title 5 G.C.A. Chapter 5 - 5801 and 5802 Wage Determination, and that the attached is the most recent issued by U.S. D.O.L. for the positions required to implement the required service as per the following specification. Therefore, under penalty of perjury, I certify that the facts stated above are true. Signature _____ Date: _____
** Delivery Date Offered:	
Terms:	
Prices good for: _____ Days	

1. Offering Recycle Products ( ) YES ( ) NO  
 2. Offering Biodegradable Products ( ) YES ( ) NO  
 Please separate your offer of recyclable and/or biodegradable products from regular products.

THIS IS NOT AN ORDER

ITEM	DESCRIPTION - OR EQUAL	QTY	UOM	UNIT PRICE	TOTAL PRICE	AVAILABILITY
	3COM 5500 AND (1) BROCODE SWITCH.  VENDOR MUST BE CHECKPOINT FIREWALL CERTIFIED AND AUTHORIZED DEALER.  *ALL OR NONE AWARD					

NOTE: The Government of Guam encourage offers of "EARTH FRIENDLY" products.

# EXHIBIT 8



# OPA-PA-15-003

## Exhibit 8

