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DATE: 5/22/2015

TIME: 11:50 AM PM BY: M.B.

FILE NO OPA-PA: 15-003

PACIFIC DATA SYSTEMS
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**BEFORE THE
OFFICE OF PUBLIC ACCOUNTABILITY**

In the Appeal of PACIFIC DATA SYSTEMS, INC.)	
)	OPA-PA-15-003
)	PROPOSED REMEDIES
Appellant)	
)	

Based on the request of the Hearing Officer in this Appeal, the Appellant Pacific Data Systems, Inc. (PDS) submits the following proposed Remedies for this Appeal.

I. A FINDING THAT THE CURRENT RFQ IS AMBIGUOUS AND MUST BE CANCELLED

The OPA should issue a finding that the currently worded RFQ specifications are ambiguous and in violation of Guam Procurement Law and Regulation. If the specifications are not modified (see point #2 below) to come into compliance, then the OPA should order that the current procurement should be cancelled.

II. A FINDING THAT THE CURRENT RFQ IS AMBIGUOUS AND MUST BE CHANGED

The OPA should issue a finding that the currently worded RFQ specifications are ambiguous and in violation of Guam Procurement Law and Regulation. If the GSA proceeds with this procurement, the specifications must be modified to clearly define the services being procured by GSA. In this case, if the Government is going to proceed with a procurement for Dark Fiber services, the required changes in the specifications must include the following details in order to clearly specify the requirements and to eliminate any ambiguities.

- 1 A. GSA shall identify the number of fiber optic strands required between the locations. PDS
2 recommends that this be specified as 1 or 2 strands.
- 3 B. GSA shall specify the type of fiber optic strands to be provided (Multi Mode or Single Mode).
4 Given the distance of the link specified in this appeal (OOT to Gov Office) PDS recommends
5 Single Mode fiber.
- 6 C. GSA shall specify the optical characteristics that the fiber shall meet (link loss per KM, signal
7 loss per splice, maximum number of splices over the link, signal loss per connector). PDS
8 recommends use of Telecommunications Industry Association (TIA) standards to establish
9 the exact requirements,
- 10 D. GSA shall specify the optical connectors to be used to terminate the fiber optic strands (ex:
11 ST, SC, FC, LC).

12

13 **III. A FINDING THAT GSA MUST CANCEL AND REBID ANY OTHER PROCUREMENTS WHERE**
14 **THE SAME SERVICE SPECIFICATIONS LANGUAGE WAS USED.**

15 During the Hearing in this Appeal, GSA provided testimony from Ben Camacho that GSA had
16 used the same ambiguous service specifications in 4 other procurements for the Department of
17 Public Health and Social Services. Mr. Camacho noted that these procurements only had bids
18 submitted by one company; Docomo Pacific. It is clear that these procurements were also not
19 properly conducted by GSA and as such were illegally awarded to Docomo Pacific. An order by
20 the OPA cancelling these procurements is in the best interests of the Public and insures the
21 integrity of the Procurement Process.

22 **RESPECTFULLY SUBMITTED** this 22nd day of May, 2015.

23 **PACIFIC DATA SYSTEMS**

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JOHN DAY - President