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OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS

IN THE APPEAL OF	)	**APPEAL NO. OPA-PA-16-002**
	)	
1-A GuamWEBZ,	)	**PURCHASING AGENCY'S**
	)	**ERRATA RE**
	)	**AGENCY REPORT, TAB 4**
Appellant.	)	
	)	

Recently, undersigned counsel discovered that a page is missing from the Bid Protest in Tab 4 of the Agency Report due to an inadvertent mis-feed when the protest was copied. With apologies for the oversight, Purchasing Agency Guam Community College submits this missing page for Tab 4 for its Agency Report. (*See* Attach.)

The attached page is numbered "GCC – AR – Tab 4 – 0002.1" and should be inserted after the page numbered "GCC – AR – Tab 4 – 0002."

Respectfully submitted this 1st day of June, 2016.

CABOT MANTANONA LLP
Attorneys for Purchasing Agency
Guam Community College

By: _____
REBECCA J. WRIGHTSON

ORIGINAL

Because WSI has failed to retain a valid business license for over two years according to Department of Revenue and Taxation, and yet has conducted "business" on Guam and with GCC, it is fair to say that the actions of WSI lack integrity, judgment, and efficiency. Based on this, WSI shall be deemed non-responsible.

Item no 17 (f) reads:
"The previous and existing compliance by the bidder with laws and regulations relative to procurement."

Because WSI has failed to retain a valid business license for over two years according to Department of Revenue and Taxation, and yet has conducted "business" on Guam and with GCC, it is fair to say that WSI has not been and is not currently in compliance with the laws and regulations relative to procurement. Based on this, WSI shall be deemed non-responsible.

Item 17 (i) reads:
"The compliance with all of the conditions to the Solicitation."

As noted above in "A" and "B", WSI has not been in compliance with all the conditions of the solicitation. Based on this, WSI shall be deemed non-responsible.

D. WSI's "Proprietary" proposal should be disqualified

GCC in its bid request has stated, that GCC wants a *website "...using a **reliable** Content Management System (CMS)."* Based on this requirement, GCC wants a CMS that is deemed "reliable". It is surprising that GCC has wrongly deemed WSI's proprietary CMS as "reliable".

"Reliable" means "able to be trusted to do or provide what is needed; able to be relied on; giving the same result on successive trials".

There is no way that GCC can accept for sure that the proprietary CMS WSI has offered is indeed reliable. There aren't enough successive trials to prove that WSI's proprietary CMS is reliable. There aren't enough reviews, tests, case-studies, or literature available about the proprietary CMS. After all, GCC cannot attest that the proprietary CMS is reliable because GCC does not know enough about it, and does not know of its make-up and workings, because the CMS is "proprietary". GCC has chosen to work with a proprietary software which it cannot analyze thoroughly. Hence, it cannot consider it "reliable". Based on this, GCC should not have considered and should in turn disqualify WSI's "proprietary" bid offer, because it cannot be considered a "reliable Content Management System".
In comparison, Drupal, the CMS offered by GuamWEBZ, has hundreds of thousands of reviews, tests, case studies, literature, and support communities of millions of members. When doing a simple background check on Drupal, it is easy to conclude that Drupal, used by thousands of large websites including universities and government agencies, is indeed a "reliable" CMS platform. Most industry experts can conclude that Drupal is reliable based on its open source and publicly published documentation. Drupal's make-up and workings can be analyzed by GCC.

E. WSI has submitted two proposals and should be disqualified for doing so, while GCC skewed the evaluation process by evaluating separately two proposals from WSI

Based on the Evaluation Sheets completed by all the evaluators of the GCC Web Site Advisory Committee for the said bid, it is obvious that WSI has submitted two proposals in the guise of one proposal. WSI should be disqualified for submitting two proposals.
All the evaluators have completed evaluations sheets with three columns, for 3 proposals. Two of the columns are for proposals from WSI, one marked as "WSI Prop.", while the other marked "WSI Drupal". The third column is marked for GuamWEBZ, "Guam Webz Drupal".