

Kevin J. Fowler  
ROBERTS FOWLER & VISOSKY, LLP  
Suite 201, Orlean Pacific Plaza  
865 South Marine Corps Drive  
Tamuning, Guam 96913  
Telephone No. (671) 646-1222  
Facsimile No. (671) 646-1223  
E-mail: [fowler@guamlawoffice.com](mailto:fowler@guamlawoffice.com)

Attorneys for Appellant  
Re/Max Diamond Realty

**RECEIVED**  
OFFICE OF PUBLIC ACCOUNTABILITY  
PROCUREMENT APPEALS

DATE: April 12, 2019

TIME: 4:26  AM  PM BY: FDJ

FILE NO OPA-PA: 19-023

**THE OFFICE OF PUBLIC ACCOUNTABILITY**

In the Procurement Appeal of )  
 )  
RE/MAX DIAMOND REALTY, )  
 )  
Appellant. )  
\_\_\_\_\_ )

Docket No. OPA-PA \_\_\_\_\_

**NOTICE OF PROCUREMENT  
APPEAL**

**Appellant Information:**

Re/Max Diamond Realty ("Re/Max")  
238 E. Marine Corps Drive, Suite 202  
Hagatna, Guam 96910  
Tel: (671)-479-9532

**Appeal Information:**

- A) Bureau of Statistics & Plans ("BSP")
- B) RFP-BSP-2019-001, a procurement solicitation for professional services.
- C) Decision being appealed is the BSP's March 28, 2019, denial of Re/Max's March 28, 2019, procurement protest.
- D) Appeal is made from a decision on protest of method, solicitation or award.
- E) Names of competing bidders: Quantum Technology Group.

**Form and Filing:**

1. On or about February 15, 2019, the BSP let the subject Request for Proposals ("RFP"), for professional services.

2. On or about March 8, 2019, Re/Max submitted its proposal in response to the RFP. *See*, Exhibit A.

3. In a letter dated March 18, 2019, the BSP advised Re/Max that, due to a withdrawal, Re/Max was the “Best Qualified Offeror.” *See*, Exhibit B.

4. On March 26, 2019, the BSP hand-delivered to Re/Max a “Notice of Termination of Negotiations”, dated March 22, 2019, advising that the BSP was terminating negotiations with Re/Max. *See*, Exhibit C.

5. On March 28, 2019, Re/Max served the BSP with its protest of the decision by the BSP to terminate negotiations with Re/Max. *See*, Exhibit D.

6. On March 28, 2019, within a few hours of serving its protest, the BSP delivered a letter to Re/Max denying its protest. *See*, Exhibit E. The protest denial did not address any of the points raised by Re/Max in its protest. While the letter makes reference to 2 GAR § 9101(e)(1) and implies that the BSP needed to proceed with the procurement without delay, this is not a substantial interest determination as authorized by 5 GCA § 5425(g)(1), because only the Chief Procurement Officer or the Director of the Department of Public Works can make or execute such a determination. The letter was signed by a Matthew Santos, who is not even the Director of the BSP, and is not the Chief Procurement Officer of the government of Guam or the Director of Public Works. Of course, even if the Chief Procurement Officer or the Director of Public Works desired to make or execute such a determination, they couldn’t do that without the written concurrency of the Attorney General.

7. On April 11, 2019, Re/Max received a “Notice of Award” from the BSP, which was dated April 10, 2019, and which purported to select Quantum Technology Group (“Quantum”) as the winning offeror. The “Notice of Award” confirms, however, that a contract has not been awarded to the selected offeror. *See*, Exhibit F.

8. In its letter terminating negotiations, the BSP stated that it could not agree that Re/Max had a “clear understanding of the scope of services, specifically, the essential requirements involved in providing the services in the RFP.” The BSP also stated that the parties could not agree “upon compensation which is fair and reasonable, taking into account the estimated value of the required services, and the scope, complexity, and nature of such services.”

9. Re/Max had an absolutely clear understanding of the scope of services. However, during negotiations with the BSP, its negotiators stated that the scope of services outlined in the RFP were only “guidelines” to be considered in formation of a proposal. The BSP negotiators also advised that the BSP only had a budget of \$1.0 Million Dollars for the procurement. However, in unsuccessfully seeking to inspect the BSP procurement file on April 11, 2019, Re/Max’s Leonard Campos was advised by BSP personnel that the offeror selected by the BSP had proposed a contract price of \$1.8 Million Dollars.

10. The Guam Procurement Act mandates that government agencies accord fair and equitable treatment to all persons dealing with the procurement system. *See*, 5 GCA § 5001(4) (“The underlying purposes and policies of this Chapter are: ... to ensure the fair and equitable treatment of all persons who deal with the procurement system of this Territory.”). Government agencies are also mandated to negotiate in good faith. *See*, 5 GCA § 5003 (“This chapter requires all parties involved in the negotiation ... of territorial contracts to act in good faith.”). The BSP violated these provisions by taking the position that its detailed scope of services in the RFP were mere “guidelines.” It also violated these provisions by advising Re/Max that the BSP only had a budget of \$1.0 Million Dollars, but then selecting an off-island offeror that proposed \$1.8 Million Dollars.

11. The Guam Procurement Act and its implementing regulations also have very strict requirements for the development of specifications. 2 GAR § 4102(a)(1), for example, requires that “[s]pecifications shall be drafted with the objective of clearly describing the territory’s requirements.” *See, also*, 2 GAR § 3114(f)(2) (“Proposals shall be evaluated only on the basis of evaluation factors stated in the Request for Proposals.”). The BSP violated the specification development provisions of Guam procurement law by articulating a very specific scope of services that offerors had to meet, but then taking the position that the scope of services were mere “guidelines” and that, therefore, Re/Max failed to illustrate that it had a “clear understanding of the scope of services, specifically, the essential requirements involved in providing the services in the RFP,” and, on that basis, terminating negotiations with Re/Max.

12. Re/Max requests that the Public Auditor rule that the BSP’s denial of Re/Max’s protest was arbitrary, capricious and an abuse of discretion, that the Public Auditor order the BSP to set aside its Notice of Award to Quantum and order the BSP to resume negotiations with Re/Max in good faith. Re/Max further requests that the Public Auditor immediately issue an order enforcing the automatic stay of procurement arising under 5 GCA § 5425(g).

13. Re/Max has attached all supporting documents as exhibits hereto.

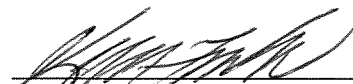
**Declaration regarding court action:**

Re/Max confirms that an action in court has not been commenced.

Dated this 12<sup>th</sup> day of April, 2019.

ROBERTS FOWLER & VISOSKY, LLP

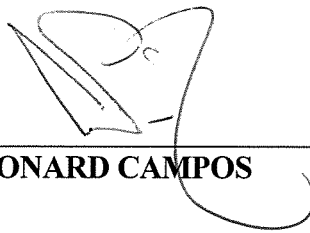
By:

  
\_\_\_\_\_  
**KEVIN J. FOWLER**  
Attorneys for Appellant  
Re/Max Diamond Realty

**VERIFICATION**

I, Leonard Campos, a duly authorized representative for Appellant Re/Max Diamond Realty, hereby declare under penalty of perjury under the laws of Guam that I have read the foregoing Notice of Appeal and that it is true and correct of my own knowledge, except as to those matters alleged upon information and belief and as to those matters, I believe them to be true.

Dated this 12<sup>th</sup> day of April, 2019.



---

**LEONARD CAMPOS**



# RFP SCOPE OF SERVICES - Requirements and Offeror Response

RFP Reference	Requirement or Specification	Offeror Comments
10)	Information Technology (IT)/Network room. This room must be centrally located and shall have floor to ceiling walls 120 square feet (10ft x 12ft) with slab to slab partitions to house sensitive computer equipment, such as servers, hubs, routers, telephone system, etc. The network room must have a fire floor with an automatic door closer with a cyber lock. The room must be air-conditioned to prevent equipment overheating. There shall be no windows for adequate protection of the equipment. Access into and out of this room should be from a single securable door. The IT/Server room must not be located near a bathroom, kitchen or other areas where plumbing fixtures are located. (See section III Scope of Services 2(a)(viii) IT Security Requirements)	✓ COMPLIES Please see attached proposed office layout provided in Section I.Q of this proposal.
11)	Badging Room. This room shall be centrally located with approximately 120 square feet (minimum 10ft x 12ft) of floor space with an automatic door closer with a cyber lock. (See Section III Scope of Services 2(a)(viii) IT Security Requirements)	✓ COMPLIES Please see attached proposed office layout provided in Section I.Q of this proposal.
12)	Security Officer Room. This area shall be partitioned to accommodate a security officer and two access controllers. This room shall be approximately 250 square feet and shall accommodate two desk and chair sets, two additional chairs, and shall be located near the main entrance. Access into and out of this office should be equipped with an automatic door closer and key access.	✓ COMPLIES Please see attached proposed office layout provided in Section I.Q of this proposal.
13)	Office Operations Work Area. This area shall be approximately 2,500 square feet of open space to accommodate office clerks and administrative staff with desks, tables, chairs, and office equipment for administrative support and Census operations activities. This area shall be partitioned to separate the office operations work area from other areas of the office space. This office shall be contiguous to the AMFO office.	✓ COMPLIES Please see attached proposed office layout provided in Section I.Q of this proposal.
14)	Field Operations Work Area. This area shall be approximately 4,000 square feet of open space to accommodate field operations supervisors, crew leaders and enumerators with desks, tables, chairs and office equipment for Census coordination, processing, follow-up and other program-related activities. This office shall be contiguous to the AMFO office. This area shall be partitioned to separate the field operations work area from other areas of the office space.	✓ COMPLIES Please see attached proposed office layout provided in Section I.Q of this proposal.
15)	Reception Area. The reception area shall be approximately 400 square feet of open space, have floor to ceiling walls, and must be situated so as to be the point of entry to the office. This area must be securely partitioned from the remainder of the office, have a glass window so personnel are able to see if anyone is in the reception area, have a doorbell, and fit a minimum of six (6) chairs and a table comfortably. Access to the rest of the office is via a door that remains locked when not in use. This space shall be equipped with sufficient security cameras for a higher level of security than other locations within the office space. The Offeror and/or subcontractor may make recommendations for camera placement in other areas. All camera placements are subject to approval by the USCB and BSP.	✓ COMPLIES Please see attached proposed office layout provided in Section I.Q of this proposal. Camera placements will be coordinated with USCB and BSP prior to installation.
16)	Inter-Office Conference Room. The conference area shall be approximately 1,200 square feet. This area shall be partitioned to separate the conference/training area from other areas of the office space. There shall be no pillars or lines-of-site obstruction in the conference/training area.	✓ COMPLIES Please see attached proposed office layout provided in this proposal.
17)	Entrance Conference/Training Room. The conference/training room shall accommodate a minimum occupancy of 50 people and be approximately 1,500 square footings.	✓ COMPLIES Please see attached proposed office layout provided in Section I.Q of this proposal.
18)	General Storage Area. The area shall be approximately 2,000 square feet of floor space for general storage use. This room shall be equipped with an automatic door closer, cyber-lock, central overhead lighting, and shelves capable of providing secure storage of all data collection materials. This area shall be partitioned to separate the general storage area from other areas of the office space.	✓ COMPLIES Please see attached proposed office layout provided in Section I.Q of this proposal.
19)	Mail Handling Area. This area shall be approximately 300 square feet of floor space to accommodate incoming and outgoing mail handling activities. This area shall be partitioned to separate the mail handling area from other areas of the office space.	✓ COMPLIES Please see attached proposed office layout provided in Section I.Q of this proposal.
20)	Kitchen/Break Room. This area must contain a sink, running water, space for equipment (refrigerator, microwave, water dispenser, trash containers, etc.) and must accommodate tables and chairs for a minimum seating of twenty (20) individuals.	✓ COMPLIES Please see attached proposed office layout provided in Section I.Q of this proposal.
21)	Restroom Facilities. A minimum of five restroom facilities, two male restroom facilities with a minimum of 1 stall and 1 urinal each, two female restroom facilities with a minimum of 2 stalls each and one (1) single-occupant restroom facility. The restroom facilities shall be located within the office space and must meet ADA and all applicable requirements.	✓ COMPLIES Proposed layout exceeds this requirement with 2 male, 2 female and 2 single occupant restroom facilities. See Section I.Q for additional details on the proposed office layout.
iv.	Building Codes. Offeror shall ensure that building meets all current local building codes and statutes (i.e. building, fire, safety, OSHA, ADA, etc.).	✓ COMPLIES The proposed RE/MAX property will be renovated to meet all local building codes and statutes applicable.
v.	Infrastructure capabilities. The site must have the cabling infrastructure to support the cable installation inside; this may include wire-mold or equal if surface mounted, inside wall conduit to outlet box with pull strings and rings, ladder trays or h-hoos - if installation is necessary - to ensure cable does not come into contact with suspended ceiling. Power poles and drilling through the floor may be needed; Provide capability for cabling to accommodate telecommunication service and equipment.	✓ COMPLIES The proposed site will be outfitted to support the required cable installation, telecommunication services and equipment to be installed at the location.
vi.	Air-Conditioning and Back-up Generator. The building must be equipped with an air-conditioning system and operational backup generator. The air conditioning system must be operational 24 hours a day, seven days a week. The offeror shall maintain automatic emergency lighting that activates in the event of a power outage or disruption and covers emergency exits and evacuation routes.	✓ COMPLIES The Air-Conditioning system will be operational 24 hours a day, seven days a week, to support Census operations as may be required.
vii.	Site Security	✓ COMPLIES The Intrusion Detection System will be deployed as specified.
1)	Intrusion Detection System. Basic Security-in-Depth (IDS)—Entry Doors: magnetic switch, alarm system keypad, passive infrared sensor (PIR), and an alarm panel (to designated monitoring center). Windows and other openings: glass-break detector, magnetic switches or shock sensors.	✓ COMPLIES Perimeter doors and windows will be outfitted with recessed magnetic contacts as specified.
a)	The system will consist of recessed magnetic contacts on each perimeter door and each perimeter window that opens.	✓ COMPLIES The proposed facility has no double sash windows.
b)	On a double sash window, both upper and lower sashes must be contacted.	✓ COMPLIES Acknowledged
c)	Fixed windows do not need magnetic contacts.	✓ COMPLIES Acknowledged
d)	The perimeter is considered any door or window leading to the outside of the site.	✓ COMPLIES The IDS will be programmed to report all conditions to a monitoring service provided by Demache Security.
e)	The IDS shall report all conditions (alarms, troubles, tests, restores, etc.) to an alarm monitoring service.	✓ COMPLIES The proposed project subcontractor will maintain and repair the IDS as needed.
f)	Maintenance and repair of the IDS is the responsibility of the installer.	✓ COMPLIES Acknowledged, requires a timely award of proposed project by April 1, 2019.
g)	The system must be fully functional by July 31, 2019.	✓ COMPLIES The alarm control panel will be outfitted with a minimum two 12-volt/7-amp hour batteries for 24-hour stand-by power.
h)	The alarm control panel will be installed with a minimum of two 12-volt/7-amp hour batteries for 24-hour stand-by power at a load of 140 mA to power the system in the event of an electrical power failure.	✓ COMPLIES Motion and glass break detectors will be powered by a separate power supply with a 12 volt/7 amp hour battery for 24-hour standby operation.
i)	All motion detectors and glass break detectors should be powered by a separate power supply, with one or two 12 volt/7amp hour batteries, for 24-hour stand-by operation.	✓ COMPLIES Facilities will be installed as specified.
j)	All IT/Network Rooms shall have a separate security (IDS) alarm partition.	✓ COMPLIES Facilities will be installed as specified.
k)	Perimeter and Entry Control. The building shall be monitored by a security personnel 24 hours a day, seven days a week to maintain secured access into premises. The main entrance to the Census Office site must have a secured vestibule/reception area with direct access to the conference room. This area needs to be equipped with the following:	✓ COMPLIES RE/MAX has a proposed subcontractor (Demache Security) that will provide required Perimeter and Entry Control.
1)	A handicapped-accessible vestibule at the main entrance;	✓ COMPLIES Facilities will be installed as specified.
2)	The exterior/perimeter door leading into the vestibule shall have a high security lock. This door will be unlocked during normal business hours and locked after hours.	✓ COMPLIES Facilities will be installed as specified.
3)	A 3' by 5' teller's window (with "Y" laminated, shatter resistant glass) with a "pass through" locked tray for passing of mail/documents to the receptionist;	✓ COMPLIES Facilities will be installed as specified.
4)	A speaker screen between the reception area and the vestibule;	✓ COMPLIES Facilities will be installed as specified.
5)	A doorbell next to the teller's window in the vestibule to ring at three locations inside the site;	✓ COMPLIES Facilities will be installed as specified.

# RFP SCOPE OF SERVICES - Requirements and Offeror Response

Req. Reference	Requirement Specification	Compliance	Officer Comments
	f) A fail-secure electronic strike release (with 12-hour backup) and an access code keypad (with override capability to the electronic strike release) on the door from the vestibule into the secured site with an automatic door closer.	✓ COMPLIES	Facilities will be installed as specified.
	g) Install an electronic strike release button near the security desk for the vestibule door leading into the reception area;	✓ COMPLIES	Facilities will be installed as specified.
	h) Install a distress button that is tied into the Intrusion Detection System (IDS)/local alarm system.	✓ COMPLIES	Facilities will be installed as specified.
	i) The conference room must be equipped with a minimum of three power outlets in the room and a minimum occupancy of 50.	✓ COMPLIES	Facilities will be installed as specified.
3)	Inter-Office Requirements.		
	a) A centrally located Badging Room (minimum 10ft x 12ft) is required. The Badging Room must have an automatic door closer with a cyber-lock.	✓ COMPLIES	A badging room is specified in the proposed layout.
	b) A storage Room is required, equipped with an automatic door closer, cyber-lock, central overhead lighting, and shelves capable of providing secure storage of all data collection materials. This is referred to as the Bin Files Room of approximately 2,000 square feet.	✓ COMPLIES	A Bin Files Room is specified in the proposed layout.
	c) Minimum of eight (8) office spaces, each equipped with an automatic door closer and key access	✓ COMPLIES	8 office spaces have been specified in the proposed layout.
	d) Minimum of one (1) conference room with an occupancy of 30.	✓ COMPLIES	A conference room with an occupancy of 30 is proposed.
4)	Emergency Exits.		
	a) All emergency exit doors shall be equipped with panic bar type hardware installation allowing exit without the use of a key.	✓ COMPLIES	Facilities will be installed as specified.
	b) The emergency exit locking equipment shall have a local alarm or alarm sounder (blood hound) that sounds when the door is open.	✓ COMPLIES	Facilities will be installed as specified.
	c) Automatic door closure devices are required.	✓ COMPLIES	Facilities will be installed as specified.
5)	Shipping / Receiving and Double Doors.		
	a) Where double doors are required, a single set of double doors will have slide bolts top and bottom to secure the second leaf.	✓ COMPLIES	Facilities will be installed as specified.
	b) Door closers and astragals are required.	✓ COMPLIES	Facilities will be installed as specified.
	c) Exterior double doors for shipping/receiving shall not have exterior knobs or handles.	✓ COMPLIES	Facilities will be installed as specified.
	d) An intercom with a camera to identify visitors at locked doors with inside video screen at security desk. An Aliphone JD Series or a comparable alternative can be used to fulfill this requirement.	✓ COMPLIES	Facilities will be installed as specified.
6)	Security Requirements.		
	a) All partitions and walls separating the Site from other site in the building shall extend from the structural floor slab to the ceiling slab or the roof. The use of wire mesh, plywood, or melton sensors (MS) may be an acceptable alternative to be used above ceiling, as determined by the site.	✓ COMPLIES	The proposed site is intended for the exclusive use of 2020 Census operations.
	b) Any IT/Network Room is required to be centrally located with slab-to-slab partitions.	✓ COMPLIES	The proposed IT/Network Room is centrally located.
	c) The IT/Network Room must have a tile floor and an automatic door closer.	✓ COMPLIES	Facilities will be installed as specified.
	d) The IT/Network Room must have a cyber-lock with control access to those with a need.	✓ COMPLIES	Facilities will be installed as specified.
	e) Any alarm wiring that runs through outside of the leased site shall be encased in conduit.	✓ COMPLIES	Facilities will be installed as specified.
	f) All locks and keys will be new or re-keyed as needed and under control of the Contractor.	✓ COMPLIES	Facilities will be installed as specified.
	g) A key log will be maintained.	✓ COMPLIES	A key log will be provided.
	h) Hinge pins located on the unsecured side of perimeter and critical interior doors must be designed to preclude door removal.	✓ COMPLIES	Facilities will be installed as specified.
	i) Site lighting as a security measure: if not present, install exterior lighting at entrances and exits;	✓ COMPLIES	Facilities will be installed as specified.
	j) Install blinds, curtains, or other window treatments in production areas that can be used to prevent visual observations;	✓ COMPLIES	Facilities will be installed as specified.
	k) Provide uninterruptible emergency power to essential electronic security system for a minimum of 4 hours.	✓ COMPLIES	Facilities will be installed as specified.
	l) Fire Safety: Employ and maintain fire suppression and detection devices/systems that can be activated in the event of a fire. Fire suppression and detection devices/systems include, but are not limited to, sprinkler systems, handheld fire extinguishers, fixed fire hoses, and smoke detectors.	✓ COMPLIES	Facilities will be installed as specified.
7)	If the building is not equipped with a sprinkler system, then the site must be protected by smoke detectors with a 24-hour a day contract monitoring service established, maintained and paid by the contractor. Lighted exit signs at each door in exit path. Display an Evacuation Plan at the main entrance.	✓ COMPLIES	Facilities will be installed as specified.
8)	Knox Box. If the building is equipped with a Knox Box, an access key will be placed within the Knox Box for emergency personnel access by the Bureau of Statistics and Plans' Director or designee and/or Census Advisor only	✓ COMPLIES	Acknowledged.
9)	IT Security Requirements		
1)	Badging Room Based Requirements		
	a) A centrally located Badging Room (minimum 10ft x 12ft) is required. The Badging Room must have an automatic door closer with a cyber-lock.	✓ COMPLIES	Facilities will be installed as specified.
	b) Two (2) Dedicated 220 volts, (NEMA 1E-30 Receptacle) 30 amp circuits.	✓ COMPLIES	Facilities will be installed as specified.
	c) Two (2) sets of network drops at one of the dedicated circuits for the field badge printers.	✓ COMPLIES	Facilities will be installed as specified.
	d) One network drop at one of the dedicated circuits for the office badge printer	✓ COMPLIES	Facilities will be installed as specified.
2)	Network Room Based Requirements		
	a) A centrally located Network Room (10ft x 12ft) is required with slab-to-slab partitions. The Network Room must have a tile floor and an automatic door closer. Must have a cyber-lock.	✓ COMPLIES	Facilities will be installed as specified.
	b) Furnish and install one 4ft by 8' by 3/4" sheet of plywood to be mounted on one wall for the installation of the Intrusion Detection System (IDS) panel and its associated electrical and telecommunications outlets.	✓ COMPLIES	Facilities will be installed as specified.
	c) The Network Room shall have a separate security (DS) alarm partition.	✓ COMPLIES	Facilities will be installed as specified.
	d) Floor Mounted 2-Post Network Rack and Ladder Rack for IT Equipment	✓ COMPLIES	Facilities will be installed as specified.
3)	Provide a floor mounted 2-post network rack in the center of the Network Room. Model Tripp Lite TAA/GSA 45U 2-post Open Frame Rack Cabinet 8000B Load Capacity, or similar.		
	a) The dedicated LS-30R receptacle must suspend above the rack via a stress relief cord to allow it to hang at 5' above the floor.	✓ COMPLIES	Facilities will be installed as specified.
	b) Install a patch panel in the 2 post rack and connect all CAT 6 cables.	✓ COMPLIES	Facilities will be installed as specified.
	c) Install a ladder rack connecting the 2-post network rack to the wall mounted plywood. Connect the ladder rack to the top of the network rack.	✓ COMPLIES	Facilities will be installed as specified.
4)	Network Room Electrical Requirements		
	a) Two (2) Dedicated 110/120 volt, (NEMA 1E-30 Receptacle) 30 amp circuits.	✓ COMPLIES	Facilities will be installed as specified.
	b) Two (2) Dedicated 110/120 volt, (NEMA 5-20R Receptacle) 20-amp circuits.	✓ COMPLIES	Facilities will be installed as specified.
	c) Two (2) Dedicated 110/120 volt, (NEMA 5-20R Receptacle) 20-amp circuits (convenience outlets).	✓ COMPLIES	Facilities will be installed as specified.
5)	Network Room Environmental Requirements.		
	a) The Network Room emits an estimate 22,290 BTUs per hour	✓ COMPLIES	Facilities will be installed as specified.
	b) This room must have separately zoned HVAC with an individual thermostat.	✓ COMPLIES	Acknowledged.
	c) The required room temperature is 59-55 degrees F (10-35C); the Temperature Gradient is 4 degrees C per hour; and the Relative Humidity level is 20% - 80% (30-70% noncondensing).	✓ COMPLIES	Facilities will be installed as specified.
	d) A minimum 75 cubic feet per minute of air circulation is required.	✓ COMPLIES	Facilities will be installed as specified.
	e) These temperatures and humidity ranges must be maintained 24 hours a day, 7 days a week.	✓ COMPLIES	Facilities will be installed as specified.
	f) The Census Bureau will provide an uninterruptible power source (UPS) for backup to the server room for a minimum of 4 hours.	✓ COMPLIES	Acknowledged; power connections will be provided to support the installation of this system.
6)	Census Bureau Electrical and Environmental Requirements		
	a) All electrical, telephone, and data outlets within the site shall be installed in accordance with the Census Bureau provided Data Item Descriptions (DID).	✓ COMPLIES	Facilities will be installed as specified.

# RFP SCOPE OF SERVICES - Requirements and Offeror Response

RFP Reference	Requirement/Specification	Compliance	Offeror Comments
	b) All electrical outlets shall be installed in accordance with NFPA Standard 70, local code, or IBC whichever is more stringent.	✓ COMPLIES	Facilities will be installed as specified.
	c) All outlets shall be marked/labeled and coded for ease of wire tracing; outlets shall be circled separately from lighting.	✓ COMPLIES	Facilities will be installed as specified.
	d) All floor outlets shall be flush with the plane of the finished floor.	✓ COMPLIES	Facilities will be installed as specified.
	e) Ensure that outlets and associated wiring (for electricity, voice, and data) to the workstation(s) shall be safely concealed in partitions, ceiling plenums, in recessed floor ducts, under raised flooring, or by use of a method acceptable to the Census Bureau. In any case, cable on the floor surface shall be minimized.	✓ COMPLIES	Facilities will be installed as specified.
	f) Furnish, install and test all voice and data cabling. All cables should be Cat6.	✓ COMPLIES	ALL CAT6 cables will be furnished, installed and tested.
	g) The awarded contractor will supply the Bureau of Statistics and Plans and the Census Bureau with a hard and soft copy of all test results done by the Fluke DSP 4300 or comparable.	✓ COMPLIES	CAT6 test results will be provided via hard and soft copy.
	h) The awarded contractor will provide test results for all cables per BICSI standards. If cable connectivity fails upon activation, or later, the awarded contractor will replace or repair at no cost to the government of Guam and the Census Bureau.	✓ COMPLIES	Test results for all cables will be per BICSI standards. Cable failures will be repaired or replaced.
	i) The awarded contractor will supply and install two analog telephone lines supporting the IDS.	✓ COMPLIES	Two analog lines will be installed to support the IDS.
	j) Furnish and install all RJ45/RJ11 connectors and wall plates (as required).	✓ COMPLIES	RJ45/RJ11 connectors and wall plates will be furnished and installed as required.
7)	Telecommunications Requirements		
	a) The site must have working telephone service and telephone equipment.	✓ COMPLIES	Working telephone service and equipment will be provided. Proposed Telecom Subcontractor, Pacific Data Systems, is authorized by the Guam Public Utility Commission to provide required telecommunications services and equipment.
	b) All site telephone numbers that are publicly distributed must be specific for 2020 Island Areas Censuses usage only. They may not have been previously used for any other purpose associated with the Bureau of Statistics and Plans or the site location.	✓ COMPLIES	All telephone numbers provided will be specific to the 2020 Census and not have been used for any other purposes. Proposed Telecom Subcontractor, Pacific Data Systems, is authorized by the Guam Public Utility Commission to provide required telecommunications services and equipment.
	c) The site must have adequate cable facilities/pairs from the local exchange carrier to provide 3 analog voice grade lines (local fire codes may require up to 4 lines) and two Ethernet MPLS circuits.	✓ COMPLIES	Adequate cable facilities will be provided to support 3 analog voice grade lines and two Ethernet MPLS circuits.
	d) If the site does not have adequate telecommunication cabling infrastructure for Census Bureau use, then the Census Bureau's Telecommunication provider will be responsible for providing two (2) cable lines to the site for the Census Bureau's use. Any and all connections associated with the ordering and installation of the physical cable to the site will be the responsibility of the Census Bureau's Telecommunication provider. These telecom lines will terminate inside the site at its Entrance Facility or the MDF (Main Distribution Frame).	✓ COMPLIES	Acknowledged.
	e) At the discretion of the Census Bureau, the Census Bureau may use their own contractor to extend the two (2) Telecom circuits from the site Entrance Facility or MDF to terminate. This extension will continue through the site's IDF (Intermediate Distribution Frame) to the plywood covered wall in the Network Room. The termination point for these circuits will be shown on the DIDs.	✓ COMPLIES	Acknowledged.
	f) The Census Bureau will order service and test the connection of the Telecom circuits inside the site at the MDF/POP (Main Distribution Frame/Point of Presence) for connectivity.	✓ COMPLIES	Acknowledged.
	g) Provide a secure infrastructure to run the telecom lines to support the Census Bureau's activities. The secure infrastructure will be required between all Census Bureau's occupied space, including transitions between floors or across all common hallways. The infrastructure must comply with all Census Bureau Information Technology Security (ITS) requirements.	✓ COMPLIES	A secure infrastructure will be provided to run the telecom lines to support the Census Bureau's telecommunication activities.
	h) Local Area Network (LAN), floor or wall outlets shall be provided as required. At a minimum, each network drop shall house one Cat6 cable with a RJ45 termination for voice and data.	✓ COMPLIES	Facilities will be installed as specified.
	i) The awarded contractor shall ensure that all outlets and associated wiring, copper, coaxial cable, optical fiber, or other transmission medium used to transmit telecommunications (voice, data, video, internet, or other emerging technologies) cables shall be safely concealed under raised floors, in floor ducts, walls, columns, or molding. All outlets and junction boxes (if required) shall be provided with rings and pull strings to facilitate the installation of cable. Some transmission medium may require special conduit, inner duct, or shielding as specified by the Census Bureau and/or on the design intent drawings.	✓ COMPLIES	Facilities will be installed as specified.
	8) Infrastructure for Cabling Inside Site		
	a) The awarded contractor must ensure the site has the cabling infrastructure to support the cable installation inside; this may include wire-mold or equal if surface mounted, inside wall conduit to outlet box with pull strings and rings, ladder trays or T-hooks - if installation is necessary - to ensure cable does not come into contact with suspended ceiling.	✓ COMPLIES	Facilities will be installed as specified.
	b) Power poles and drilling through the floor may be needed.	✓ COMPLIES	Will be provided if needed.
	c) The power poles shall have a split channel, T channel for electrical line and J channel for cabling.	✓ COMPLIES	Will be provided if needed.
	d) Power poles shall include a 10' wire whip at the base of the power pole.	✓ COMPLIES	Will be provided if needed.
	e) Ceiling junction box to power pole requires a 10-foot wire whip for churn, if needed.	✓ COMPLIES	Will be provided if needed.
	f) The Census Bureau will indicate on the Data Item Descriptions (DIDs) the suggested locations for all data drops, and planned infrastructure to ensure that a star topology configuration is maintained.	✓ COMPLIES	Acknowledged.
	g) Furnish and install the telecommunication cabling; the Census Bureau will indicate on the DIDs the suggested locations for all data drops.	✓ COMPLIES	RE/MAX's approved telecom subcontractor will work with the Census Bureau on the desired locations for all data drops.
	h) The planned infrastructure shall follow a star topology, and all Census Bureau cabling requirements are maintained.	✓ COMPLIES	Facilities will be installed as specified.
	9) Network Drop Requirements		
	a) Furnish and install all RJ45/Cat6 jacks (as required) and wall plates. Wall plates shall be marked/labeled with drop number.	✓ COMPLIES	Facilities will be installed as specified.
	b) Building Signage. Offer shall provide directional and location signage for the 2020 Guam Census Office. Signage is to be attached to the outside of the building.	✓ COMPLIES	Facilities will be installed as specified.
	c) Signage must be acrylic or plexiglass of at least 3 feet x 8 feet to be designed by offeror and approved by the Bureau of Statistics and Plans and highly visible to the public.	✓ COMPLIES	Facilities will be installed as specified.
k.	Electrical Outlets. The Guam Census Office will be using equipment using the North American standard 110V-120 volts and three-prong outlets. A minimum of three (3) electrical outlets must be installed in the following rooms: The Census Adviser's office, the Guam Census Office Manager's office, Partnership/Media Specialist office, Assistant Manager for Administration, Assistant Manager for Office Operations, Assistant Manager for Field Operations, Geographic Specialist office, Security Office area, Bin Files Room and Information Technology/Network room. The kitchen/break room must have appropriate outlets to accommodate a refrigerator, water dispenser, and microwave oven. Appropriate outlets must be made available for the copier machine.	✓ COMPLIES	Facilities will be installed as specified.
	All electrical, telephone, and data outlets within the site shall be installed in accordance with the USCIB Data Item Descriptions. All other work areas must conform to the electrical code requirements for Guam. All electrical outlets shall be installed in accordance with NFPA standard 70, local code, or IBC whichever is more stringent. All outlets shall be marked/labeled and coded for ease of wire tracing; outlets shall be circled separately from lighting. All floor outlets shall be flush with the plane of the finished floor.	✓ COMPLIES	All wiring and cabling will be installed in accordance with the USCIB Data Item Descriptions and applicable codes.



# RFP SCOPE OF SERVICES - Requirements and Offeror Response

RFP Reference	Requirement/Specification	Completion	Offeror Comments
xi.	Phone Jacks: A minimum of fifty (50) telephone jacks must be immediately available throughout the office space for telephone, internet and fax use. A minimum of one phone jack must be installed in each of the following rooms: Census Advisor's Office, Guam Census Office Manager's Office, Partnership/Media Specialist Office, Assistant Manager for Administration, Assistant Manager for Office Operations, Assistant Manager for Field Operations, Geographic Specialist Office, Security Office, Badging Room, Automation Room, Kitchen/Break Room and Reception Area. A minimum of two (2) phone jacks must be installed in the conference room area. A minimum of four (4) phone jacks must be installed in the administrative office. A minimum of 32 phone jacks must be installed and distributed in the office operations and field operations work area.	✓ COMPLIES	Facilities will be installed as specified.
xii.	Network connectivity. The offeror shall provide capability to accommodate U.S. Census Bureau required network connectivity.	✓ COMPLIES	Network connectivity shall have the capability as specified.
xiii.	Telephone Service and Telephone Equipment. The following are specifications for telephone service and equipment:		
	a) VOIP phone services	✓ COMPLIES	Proposed Telecom Subcontractor, Pacific Data Systems is authorized by the Guam Public Utility Commission to provide the required services. Services will be provided as specified.
	b) 3 analog voice grade service lines	✓ COMPLIES	Proposed Telecom Subcontractor, Pacific Data Systems is authorized by the Guam Public Utility Commission to provide the required services. Services will be provided as specified.
	c) ISDN/PRI for PSTN trunking supporting 50 extensions at time of highest utilization	✓ COMPLIES	Proposed Telecom Subcontractor, Pacific Data Systems is authorized by the Guam Public Utility Commission to provide the required services. Services will be provided as specified.
	d) Unique telephone numbers for each of the 50 extensions at time of highest utilization	✓ COMPLIES	Proposed Telecom Subcontractor, Pacific Data Systems is authorized by the Guam Public Utility Commission to provide the required services. Services will be provided as specified.
	e) Main telephone line. Preferred extension: 071-xxv-2020	✓ COMPLIES	Proposed Telecom Subcontractor, Pacific Data Systems is authorized by the Guam Public Utility Commission to provide the required services. Services will be provided as specified.
	f) Auto-attendant functionality for main line	✓ COMPLIES	Proposed Telecom Subcontractor, Pacific Data Systems, will provide system and/or services as specified.
	g) Caller ID	✓ COMPLIES	Proposed Telecom Subcontractor, Pacific Data Systems, will provide system and/or services as specified.
	h) Voice Mail	✓ COMPLIES	Proposed Telecom Subcontractor, Pacific Data Systems, will provide system and/or services as specified.
	i) Speed dial	✓ COMPLIES	Proposed Telecom Subcontractor, Pacific Data Systems, will provide system and/or services as specified.
	j) Long distance service	✓ COMPLIES	Proposed Telecom Subcontractor, Pacific Data Systems, will provide system and/or services as specified.
	k) Authentication code prompt for all long distance calling (Single code for all users)	✓ COMPLIES	Proposed Telecom Subcontractor, Pacific Data Systems, will provide system and/or services as specified.
	l) Detailed billing of long distance usage on all lines to support management audits/reviews	✓ COMPLIES	Proposed Telecom Subcontractor, Pacific Data Systems, will provide system and/or services as specified.
	Telephone Equipment		
	a) 50 digital business phone systems	✓ COMPLIES	Proposed Telecom Subcontractor, Pacific Data Systems, will provide system and/or services as specified.
	b) 1 digital business conference (speaker) system	✓ COMPLIES	Proposed Telecom Subcontractor, Pacific Data Systems, will provide system and/or services as specified.
	c) 1 operator console digital business phone system with appropriate expansion units)	✓ COMPLIES	Proposed Telecom Subcontractor, Pacific Data Systems, will provide system and/or services as specified.
	Schedule and Scalability Considerations		
	a) 1 September 2019 to 31 December 2019 - 3 analog lines, ISDN/PRI for trunking supporting 20 digital business phone systems, 1 digital business conference (speaker) system, and 1 operator console digital business phone system. (Locations to be determined)	✓ COMPLIES	Proposed Telecom Subcontractor, Pacific Data Systems is authorized by the Guam Public Utility Commission to provide the required services. Services will be provided as specified.
	b) 1 January 2020 to 31 July 2020 - ISDN/PRI for trunking supporting 50 digital business phone systems, 1 digital business conference (speaker) system, and 1 operator console digital business phone system. (Locations to be determined)	✓ COMPLIES	Proposed Telecom Subcontractor, Pacific Data Systems is authorized by the Guam Public Utility Commission to provide the required services. Services will be provided as specified.
	c) 1 August 2020 to 30 September 2020 - 3 analog lines, ISDN/PRI for trunking supporting 20 digital business phone systems, 1 digital business conference (speaker) system, and 1 operator console digital business phone system. (Locations to be determined)	✓ COMPLIES	Proposed Telecom Subcontractor, Pacific Data Systems is authorized by the Guam Public Utility Commission to provide the required services. Services will be provided as specified.
xiv.	Lighting. Lighting in all rooms must be suitable for an office environment.	✓ COMPLIES	Facilities will be installed as specified.
xv.	LIMITED OCCUPANCY		
xvi.	Provide limited occupancy of up to approximately 5,000 square feet to accommodate the management staff, security personnel, administrative staff and for general storage by September 1, 2019. All other office space requirements specified in the RFP must be ready for full occupancy on or before October 1, 2019.	✓ COMPLIES	Limited occupancy as specified will be made available September 1, 2019 with full occupancy ready for October 1, 2019. A timely award of the RE/MAX proposal is required to meet this schedule.
xvii.	FULL OCCUPANCY: The following scope of services define the occupancy requirements of the proposed contract:		
xviii.	Utilities. The cost of power, water and solid waste/cardboard disposal charges must be included in the proposed lease rental fee;	✓ COMPLIES	The cost of power, water and solid waste/cardboard disposal charges will be included in the proposed lease rental fee.
xix.	Asbestos-free: The offeror shall maintain an asbestos-free environment;	✓ COMPLIES	The leased premises is asbestos free.
xx.	Janitorial Services. Services shall include daily sweeping, vacuuming, dusting, emptying trash containers, cleaning of restrooms, providing and restocking restrooms with toilet paper, hand soap, trash liners and paper towels, cleaning of windows and other related services as necessary. Also, steam cleaning of carpets (if available) at least once a quarter shall be included. Janitorial services and hours of operations will be arranged and conducted with Census Security Officer or a Census staff present;	✓ COMPLIES	Janitorial services will be provided as specified.
xxi.	Building Maintenance: The offeror shall be responsible for the maintenance of the building to include replacement of burnt out bulbs, drainage of sewage, urinal backups, normal repairs, alterations/renovations, including doors and windows;	✓ COMPLIES	Building maintenance will be provided as needed.
xxii.	Parking: A minimum of 75 parking stalls shall be secured to accommodate employees privately-owned vehicles, official vehicles, and public parking. Minimum of three (3) parking stalls shall be accessible to the disabled with one (1) being van accessible. Parking stalls shall be clearly marked on asphalt concrete or similar pavement material;	✓ COMPLIES	Parking specifications will be adhered to as specified.
xxiii.	Lighting. Lighting in all rooms must be suitable for an office environment;	✓ COMPLIES	Facilities will be provided as specified.
xxiv.	Access. Access to the premises shall be available for Census staff to be able to work in the evenings, on weekends, holidays, or any other time;	✓ COMPLIES	Access to the premises shall be available as specified subject to Government Orders in Emergency situations.
xxv.	Disaster Preparedness and Post Disaster Procedures: Landlord shall ensure that disaster preparation and post disaster procedures suitable for the building exist and are approved by tenant. Landlord shall assist the tenant in securing the building in advance of a typhoon or tropical storm. A written plan for preparation and procedures shall be submitted by the landlord to the tenant within sixty (60) days of occupancy. Such procedures shall be implemented by the landlord during times of emergency to ensure the safety of tenant's property, equipment, employees and clients with minimal disruption to tenant's business. Tenant shall not be expected to assist with preparation, but may do so voluntarily if time permits. Tenant should be able to begin operations within twenty-four (24) hours after the disaster concludes.	✓ COMPLIES	RE/MAX will provide a disaster plan within 60 days of occupancy. RE/MAX will initiate post disaster procedures after Condition of Readiness 4 (COR4) is declared by the Governor or the all clear signal is given to ensure the safety of personnel.

# RFP SCOPE OF SERVICES - Requirements and Offeror Response

RFP Reference	Requirements or Specification	Compliance	Offeror Comments
	The Offeror shall assume costs for the following: Utilities: Such as power, water, and solid waste and cardboard disposal.	✓ COMPLIES	RE/MAX will assume costs for power, water, sewer, solid waste and cardboard disposal.
1)	Backup Generator: Shall have an operable standby generator with automatic transfer switch with sufficient capacity to operate the entire facility during power outages. Landlord shall provide emergency lighting and operations and maintenance of the generator. Offeror shall be responsible for fueling the generator in the event of a disaster. Full service maintenance shall be conducted at least once a quarter.	✓ COMPLIES	Facilities will be provided and maintained as specified.
2)	Air-conditioning Units and Air-conditioning Maintenance: Sufficient to supply office space requirements and operational 24 hours a day. Full service maintenance shall be conducted at least once a quarter.	✓ COMPLIES	Facilities will be provided and maintained as specified.
3)	Window Blinds: Shall provide blinds for all windows.	✓ COMPLIES	Window coverings will be provided.
4)	Pest Control Services: Shall be done at least once every quarter.	✓ COMPLIES	Pest control services will be done once every quarter.
5)	Building Maintenance: To include replacement of burnt out bulbs, draining of sewage, urinal backups, normal repairs, alterations/renovations, including doors and windows.	✓ COMPLIES	Building maintenance will be provided as needed.
6)	Security: Includes costs for a security alarm system, motion detectors and sensors on main and exit doorways and designated areas and provide security guard response in the event of a system breach. The offeror shall provide a 24-hour battery back-up alarm system.	✓ COMPLIES	Facilities will be provided and maintained as specified.
7)	Telephone Jacks, Telephone Equipment and Service: Shall be responsible for jack installations, telephone equipment and accessories, maintenance and service.	✓ COMPLIES	Facilities will be provided and maintained as specified.
8)	Network Infrastructure: Provide network infrastructure to accommodate U.S. Census Bureau required network connectivity.	✓ COMPLIES	RE/MAX has proposed a project subcontractor (Pacific Data Systems) that is capable and authorized to provide network infrastructure and connectivity as required.
9)	Fire alarm system: Shall provide a fire alarm system and maintenance services.	✓ COMPLIES	Facilities will be provided and maintained as specified.
10)	Solid Waste Disposal/Trash Collection: Shall provide solid waste/trash collection and cardboard disposal at least twice a week.	✓ COMPLIES	Facilities and/or services will be provided and maintained as specified.
11)	Janitorial Services: Includes daily sweeping, vacuuming, mopping, dusting, emptying trash containers, cleaning of restrooms, cleaning of windows and other related services as necessary. Also, steam cleaning of carpets (if available) at least once a quarter shall be provided.	✓ COMPLIES	Janitorial services will be provided as specified.
12)	Grounds Maintenance: Cleaning of the surrounding areas of the building, such as grass cutting, trimming of plants, litter removal, etc.	✓ COMPLIES	Grounds maintenance will be provided as needed.
13)	Renovation Costs: Should the proposed lease premises require modifications in order to meet the general layout, the offeror shall be responsible for renovation and other related costs.	✓ COMPLIES	RE/MAX will be responsible for the renovation and other related costs associated with the preparation of the proposed premises to meet the general layout described.
x.	No Security Deposit. No security deposit shall be required. No last month's rent shall be required in advance upon occupancy.	✓ COMPLIES	No security deposit and last month's rent will be required in advance. Final terms and costs of the proposed lease and various services are to be negotiated by the parties as part of the phase II award process.



**BUREAU OF  
STATISTICS & PLANS**  
SAGAN PLANU SIHA YAN EMFOTMASION

**Lourdes A. Leon Guerrero**  
Governor of Guam

**Joshua F. Tenorio**  
Lieutenant Governor

Government of Guam  
P.O. Box 2950 Hagåtña, Guam 96932  
Tel: (671) 472-4201/3  
Fax: (671) 477-1812



**Tyrone J. Taitano**  
Acting Director

MAR 18 2019

Mr. John Duenas  
Principal Broker  
RE/MAX Diamond Realty  
238 E. Marine Corps Drive, Suite 202  
Hagatna, Guam 96910

RE: RFP-BSP-2019-001 for Professional Services to Provide Information Technology Infrastructure, Site Security, Support and Management, and IT Compliant Office Space to Conduct the 2020 Guam Census

Subject: Determination of Best Qualified Offeror

Håfa Ådai Mr. Duenas,

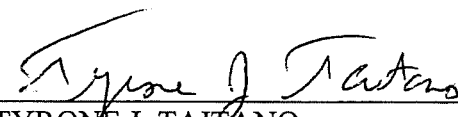
Thank you for submitting a proposal to the RFP referenced above. Due to a withdrawal, you are now the Best Qualified Offeror. Therefore, as the Best Qualified Offeror, we would like to begin negotiations with you.

Please submit your price proposal and your cost or pricing data no later than 3:00 p.m., Thursday, March 21, 2019, and we will begin negotiations on Friday, March 22, 2019 at 10:00 a.m. at the small conference room, Ricardo J. Bordallo, Governor's Complex, Adelup, Guam.

Pursuant to 2 CFR § 200.323(b), please include profit as a separate item in your proposed budget and pricing.

Thank you.

Sincerely,



TYRONE J. TAITANO  
Procurement Officer/Acting Director,  
Bureau of Statistics and Plans



**BUREAU OF  
STATISTICS & PLANS**  
SAGAN PLANU SIHA YAN EMFOTMASION

Lourdes A. Leon Guerrero  
Governor of Guam

Joshua F. Tenorio  
Lieutenant Governor

Government of Guam  
P.O. Box 2950 Hagåtña, Guam 96932  
Tel: (671) 472-4201/3  
Fax: (671) 477-1812



Tyrone J. Taitano  
Director

**NOTICE OF TERMINATION OF NEGOTIATIONS**

**MAR 22 2019**

TO: Mr. John Duenas, Principal Broker, RE/MAX Diamond Realty  
ADDRESS: 238 E. Marine Corps Drive, Suite 202  
FROM: Procurement Officer  
DATE: March 22, 2019  
RE: RFP-BSP-2019-001 re: Procurement of Professional Services to Provide  
Information Technology Infrastructure, Site Security, Support and Management,  
and IT Compliant Office Space to Conduct the 2020 Guam Census  
SUBJECT: Notice of Termination of Negotiations

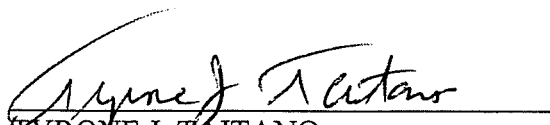
Håfa Ådai Mr. Duenas,

Thank you for your interest in the RFP referenced above. Your company is receiving this notice because compensation and contract requirements could not be agreed upon during negotiations conducted for this solicitation. We regret to inform you that due to the large disparity between the prices discussed during negotiations and the available funding under the terms and conditions of Federal Award/Contract No. 1333LB19C00000003, the Bureau of Statistics and Plans has no further recourse but to terminate further negotiations with your company for this RFP. The specific items we could not agree to were:

1. making certain that the offeror has a clear understanding of the scope of services, specifically, the essential requirements involved in providing the services in the RFP; and
2. agreeing upon compensation which is fair and reasonable, taking into account the estimated value of the required services, and the scope, complexity, and nature of such services.

We sincerely thank you for your interest in this solicitation. Should you have any questions, please contact me at 472-4201/2/3.

Sincerely,



TYRONE J. TAITANO  
Procurement Officer/Director,  
Bureau of Statistics and Plans



RECEIVED

MAR 28 2019

March 28, 2019

BUREAU OF STATISTICS AND PLANS  
*[Signature]* / 12:39

Tyrone J. Taitano  
Director  
Bureau of Statistics and Plans (BSP)  
513 West Marine Corps Drive  
Ricardo J. Bordallo Complex  
Hagatna, Guam 96910

**Subject: RFP-BSP-2019-001 Procurement of Professional Services to Provide Information Technology Infrastructure, Site Security, Support and Management, and IT Compliant Office Space to Conduct the 2020 Guam Census**

Re: Protest of the Termination of Negotiations per Notice Dated March 22, 2019

Hafa Adai Mr. Taitano,

Thank for your Notice of Termination of Negotiations dated March 22, 2019. For the record, RE/MAX Diamond Realty received the Notice on Tuesday, March 26, 2019 via hand delivery. This letter serves as our formal protest of the Bureau of Statistics and Plan's decision to terminate negotiations.

While we failed to reach agreement on compensation during our March 22<sup>nd</sup> negotiation session, we believe your listed reasons for terminating negotiations are incorrect and disingenuous. The following are those reasons restated.

1. Making certain that the offeror (RE/MAX Diamond Realty) has a clear understanding of the scope of services, specifically, the essential requirements involved in providing the services in the RFP; and
2. Agreeing upon compensation which is fair and reasonable, taking into account the estimated value of the required services, and the scope, complexity, and nature of such services.

**As to Reason 1.**, we believe our Project Team had a clear understanding of the scope of services as defined in the RFP. Section III, Scope of Services of the RFP defines the requirements of the Design and Installation phase of the proposed contract (Subsection 2. Services Required: a. Design and Installation). Furthermore, Paragraph iii. Office Space ends the provision by stating that "Interested offerors shall submit an office layout(s) with the RFP, which must include approximate square footage for the following areas at a minimum. This was followed by 21 separate descriptions of office space requirements. In fact, all 20 pages of the scope of services defined specific project requirements that formed the bases for our price proposal.

During our brief discussion at our March 22<sup>nd</sup> negotiation session, the BSP legal representative asserted that the scope of services were simply guidelines for preparing the price proposal. This assertion is inconsistent with the provisions of the RFP. If BSP intended the scope of services to be mere guidelines, the Bureau should have clearly stated this intent in the RFP documents. It was obvious to our Project Team that, as astounding as this may seem, it was BSP that did not have a clear understanding of the scope of services.

238 E. Marine Corps Drive, Suite 202 | Hagatna, Guam 96910  
T: (671) 479-9532 | remax-diamondrealty-guam.com

Exhibit     D

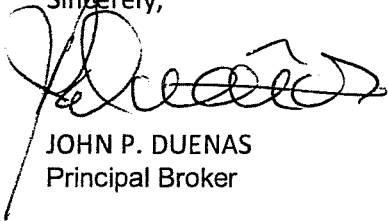


**As to Reason 2.**, the determination of what constitutes a fair and reasonable price can only be made if the price point for a good or a service is fair to both parties involved in a transaction. This amount is based upon a stated specification of the item or the scope of the service, prevailing conditions and the timeliness of performance. In the case of BSP's solicitation, the scope of services defines the basis for pricing. BSP cannot possibly determine if RE/MAX Diamond Realty's price proposal is fair and reasonable unless it can compare our pricing with that estimated by BSP based on a common understanding of the scope of services. You indicated in our meeting that your budget was \$1 million. A comparison between your detailed pricing that established your \$1 million budget and our detailed pricing based on your scope of services is the only way to determine if our pricing is indeed fair and reasonable. If BSP's intended scope of services is more or less than what is stated in the RFP, then your solicitation is defective and your reason for determining that our price is not fair or reasonable had no basis.

We entered negotiations with the willingness to discuss the price for each item of infrastructure and service as articulated in the scope of services with the goal of reaching agreement on a fair contract price. If during or after negotiations, we find that we simply cannot arrive at a mutually agreed price, then BSP would be justified in deciding to move on to the next qualified offeror. However, this did not occur and you simply asked me if our Project Team was willing to reduce our pricing to meeting your \$1 million budget. My answer was that, based on the RFP scope of work, we could not.

RE/MAX Diamond Realty does not accept your reasons for terminating negotiations. If it is BSP's intent that the scope of services articulated in the RFP are mere guidelines and not requirements, then the solicitation is ambiguous and must be reissued with BSP's intention clearly stated.

Sincerely,

A handwritten signature in black ink, appearing to read 'John P. Duenas', written over a horizontal line.

JOHN P. DUENAS  
Principal Broker

 **BUREAU OF  
STATISTICS & PLANS**  
SAGAN PLANU SIHA YAN EMFOTMASION

**Lourdes A. Leon Guerrero**  
Governor of Guam

**Joshua F. Tenorio**  
Lieutenant Governor

Government of Guam  
P.O. Box 2950 Hagåtña, Guam 96932  
Tel: (671) 472-4201/3  
Fax: (671) 477-1812



**Tyrone J. Taitano**  
Director  
**Matthew C. Santos**  
Deputy Director

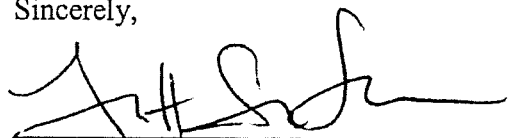
**NOTICE OF DETERMINATION TO PROCEED WITH PROCUREMENT**

**TO:** Mr. John Duenas, Principal Broker, RE/MAX Diamond Realty  
**ADDRESS:** 238 E. Marine Corps Drive, Suite 202, Hagatna, Guam 96910  
**FROM:** Procurement Officer  
**DATE:** March 28, 2019  
**RE:** RFP-BSP-2019-001 re: Procurement of Professional Services to Provide Information Technology Infrastructure, Site Security, Support and Management, and IT Compliant Office Space to Conduct the 2020 Guam Census  
**SUBJECT:** Notice of Determination to Proceed with Procurement

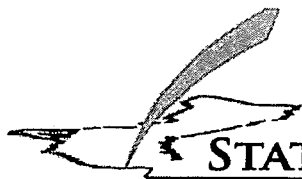
Håfa Ådai Mr. Duenas,

Pursuant to 2 GAR, Div. 4 § 9101(e)(1), the Bureau of Statistics and Plans ("BSP") has determined that it is in the best interests and necessary to protect the substantial interests of the public, the government of Guam, and BSP to proceed with the procurement process and award of a contract for RFP-BSP-2019-001 without delay based on the terms and conditions and requirements of Federal Award/Contract No. 1333LB19C00000003.

Sincerely,



Matthew Santos  
Acting Director,  
Bureau of Statistics and Plans



# BUREAU OF STATISTICS & PLANS

SAGAN PLANU SIHA YAN EMFOTMASION

Lourdes A. Leon Guerrero  
Governor of Guam

Joshua F. Tenorio  
Lieutenant Governor

Government of Guam  
P.O. Box 2950 Hagåtña, Guam 96932  
Tel: (671) 472-4201/3  
Fax: (671) 477-1812



Tyrone J. Taitano  
Director  
Matthew C. Santos  
Deputy Director

Mr. John Duenas  
Principal Broker  
RE/MAX Diamond Realty  
238 E. Marine Corps Drive, Suite 202  
Hagatna, Guam 96910

APR 10 2019

**SUBJECT:** Notice of Award for RFP-BSP-2019-001 Procurement of Professional Services To Provide Information Technology Infrastructure, Site Security, Support and Management, and IT Compliant Office Space to Conduct the 2020 Guam Census

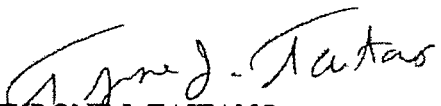
Dear Mr. Duenas:

This Notice of Award is issued in regard to the subject Request for Proposals (RFP), issued by the Government of Guam Bureau of Statistics and Plans for the Procurement of Professional Services to Provide Information Technology Infrastructure, Site Security, Support and Management, and IT Compliant Office Space to Conduct the 2020 Guam Census. The Bureau of Statistics and Plans has evaluated the proposals received using the evaluation criteria identified in the RFP, and the Bureau of Statistics and Plans is hereby announcing its award to the following Offeror:

- Quantum Technology Group

The award is conditioned upon the successful execution and final approval of the contract by all parties required by Guam law. This notice does not constitute the formation of a contract between the Bureau of Statistics and Plans and the successful Offeror. The successful Offeror shall not acquire any legal or equitable rights relative to the contract services until a contract containing terms and conditions acceptable to the Government of Guam is executed. The Bureau of Statistics and Plans further reserves the right to cancel this Notice of Award at any time prior to the execution of a written contract in accordance with the provisions of the Guam Procurement Law and any other applicable laws or regulations.

Sincerely,

  
TYRONE J. TAITANO  
Director  
Bureau of Statistics and Plans  
513 West Marine Corps Drive  
Ricardo J. Bordallo Governor's Complex  
Hagatna, Guam 96910