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Copy of Protest from Teleguam Holdings, LLC

(GTA)

December 16, 2009



624 North Marine Corps Drive
Tamuning, Guam 96913

CT.

16 December 2009

Via Hand Delivery

Ms. Claudia S. Acfalle
Chief Procurement Officer
General Services Agency
Government of Guam
P.O. Box FG
Hagatna, Guam 96910

SUBJECT: Protest of Award of Bid GSA-004-010 to Pacific Data Systems and Rejection of Bid by Teleguam Holdings LLC.

Dear Ms. Acfalle:

GTA Teleguam hereby submits this protest of award of Bid GSA-004-010 to Pacific Data Systems (PDS), and the rejection of the bid submitted by Teleguam Holdings LLC (GTA). The GTA bid was submitted in response to the Invitation for Bids for GSA-004-010, dated October 29, 2009.

1. Background

The Invitation for Bids for GSA-004-010 pertains to Telephone Service and Equipment. The Invitation for Bids specifies the following:

- i. The first specification under Section 1.1 of the Invitation for Bids states: "PBX-based service VOIP is strictly prohibited for this implementation".
- ii. Section 2.1 of the Invitation for Bids describing the type of telephone equipment required for the bid states: "Digital business phone systems".

At the bid opening held on November 13, 2009, the GSA representative announced that the PDS telephone equipment in its bid was an Aastra 480. The Aastra 480 is not compatible with a digital phone system. The Aastra 480 is a VOIP phone.

Enclosed with this Protest is a copy of the Invitation for Bids and the specifications for the Aastra 480 phone.

2. Discussion.

There are two grounds for sustaining this protest.

First, the bid award is defective because the phone system proposed by the winning bidder, PDS, is a VOIP phone system, which was "strictly prohibited" according to the bid

specifications. The phone system proposed by GTA was not a VOIP system and thus GTA's was the only bid that complied with the bid specifications.

Second, the bid award is defective because the phone equipment proposed by the winning bidder, PDS, is not compatible with a digital phone system. The equipment proposed by GTA was compatible with a digital phone system and thus, GTA's was the only bid that complied with section 2.1 of the Invitation for Bid.

This protest is timely as it is being submitted within 14 days after GTA received notice of its bid rejection and the award to PDS pursuant to a Bid Status notice dated November 19, 2009 but signed by the Chief Procurement Officer on December 15, 2009.

GTA suffered prejudice because its system was both a digital phone system and it was not a VOIP system. Those requirements resulted in GTA submitting a bid that was higher than what it would have bid for a VOIP system or non-digital phone system equipment. Its bid was the only one that was responsive to the Invitation to Bid.

GSA, at the time of the bid opening, was informed verbally that the phone system bid by PDS did not comply with the specifications set forth in the Invitation for Bids and was therefore not responsive to the bid specifications.

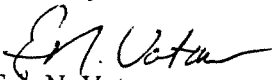
3. Request for Relief.

GTA requests that the PDS bid be deemed non-compliant with the Invitation to Bid specifications, and that the award be made to GTA, the only responsive bidder. In the alternative, PDS asks that the Invitation for Bids be re-issued with revised specifications allowing a non-digital phone system and a VOIP phone system, so that GTA may submit a bid on that basis.

Finally, GTA requests that the bid award be stayed as required by law until this protest is resolved, 5 GCA 5425(g), and that it be allowed reimbursement of its costs incurred in preparing the Protest, 5 GCA 5425(h).

I look forward to your favorable response.

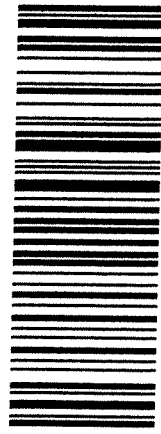
Sincerely,


Eric N. Votaw

Cc: Ms. Jennifer Sgambelluri
Bureau of Statistics



624 North Marine Corps Drive
Tamuning, Guam 96913



7007 0710 0000 8593 7637

Priority Mail
ComBasePrice



UNITED STATES POSTAGE
02 1M
0004282239
PTNEY BOWES
\$ 07.60
DEC 17 2009
MAILED FROM ZIP CODE 96913

1st Notice DEC 19 2009
2nd Notice _____
Return _____

Claudia Acfalle
Chief Procurement Officer
General Services Agency
Government of Guam
P.O. Box FG
Hagatna, Guam 96932

PRIORITY

PRIORITY

9693297637 8120

GENERAL SERVICE AGENCY

12/22

CPO Route Slip#

F410-138

Document Subject: RU: Protest GSA-004-10

From:

- Chief Procurement Officer
- Asst Chief Procurement Officer

Date: _____

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|---------------------------------------------------|-------------------------------------------------|
| <input type="checkbox"/> Admin. Support | <input type="checkbox"/> Action/Attention |
| <input type="checkbox"/> Administrative Assistant | <input type="checkbox"/> Circulate |
| <input type="checkbox"/> Buyer Supervisor, GSA | <input type="checkbox"/> Represent GSA |
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| <input type="checkbox"/> Buyer Supervisor, DOE | <input type="checkbox"/> File/Info |
| <input type="checkbox"/> SASP Administrator | <input type="checkbox"/> Prepare Draft Reply |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Mild / Medium / Strong |
| | <input type="checkbox"/> See Me NLT: _____ |
| | <input type="checkbox"/> Due Date: _____ |

Comments:

CODES 1-CPO, 01-ACPO, 011-A0

2-APB

3-ACB

4-OB

5-SASP



624 North Marine Corps Drive
Tamuning, Guam 96913

Spentota

16 December 2009

Via Hand Delivery

Ms. Claudia S. Acfalle
Chief Procurement Officer
General Services Agency
Government of Guam
P.O. Box FG
Hagatna, Guam 96910

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Dear Ms. Acfalle:

GTA Teleguam hereby submits this protest of award of Bid GSA-004-010 to Pacific Data Systems (PDS), and the rejection of the bid submitted by Teleguam Holdings LLC (GTA). The GTA bid was submitted in response to the Invitation for Bids for GSA-004-010, dated October 29, 2009.

1. Background

The Invitation for Bids for GSA-004-010 pertains to Telephone Service and Equipment. The Invitation for Bids specifies the following:

- i. The first specification under Section 1.1 of the Invitation for Bids states: "PBX-based service VOIP is strictly prohibited for this implementation".
- ii. Section 2.1 of the Invitation for Bids describing the type of telephone equipment required for the bid states: "Digital business phone systems".

At the bid opening held on November 13, 2009, the GSA representative announced that the PDS telephone equipment in its bid was an Aastra 480. The Aastra 480 is not compatible with a digital phone system. The Aastra 480 is a VOIP phone.

Enclosed with this Protest is a copy of the Invitation for Bids and the specifications for the Aastra 480 phone.

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This protest is timely as it is being submitted within 14 days after GTA received notice of its bid rejection and the award to PDS pursuant to a Bid Status notice dated November 19, 2009 but signed by the Chief Procurement Officer on December 15, 2009.

GTA suffered prejudice because its system was both a digital phone system and it was not a VOIP system. Those requirements resulted in GTA submitting a bid that was higher than what it would have bid for a VOIP system or non-digital phone system equipment. Its bid was the only one that was responsive to the Invitation to Bid.

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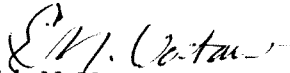
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I look forward to your favorable response.

Sincerely,


Eric N. Votaw

Cc: Ms. Jennifer Sgambelluri
Bureau of Statistics

Item NO.	Description	QTY	UOM	Monthly PRICE	Annual PRICE
1.1	Telephone Service As per the following Specifications.	12	Mos.	\$ _____	\$ _____

SPECIFICATIONS:

Telephone Services:

PBX-based service VOIP is strictly prohibited for this implementation

ISDN/PRI for PSTN trunking supporting 37 total extensions at time of highest utilization.

Unique telephone numbers for each of 37 extensions at the time of highest utilization.

Analog backup lines at times of higher utilization

Fax line with dedicated number

Main telephone line. Preferred extension: 671-642-2010.

Auto-attendant functionality for main line

Caller ID

Voice Mail

Native conference capability sufficient to accommodate up to six separate callers

Authentication code prompt for all long distance calling. (Single code for all users)

Detailed billing of long distance usage on all lines to support management audits/reviews.

BIDDING ON/REMARKS:

Telephone Equipment:

ITEM NO.	Description	QTY	UOM	UNIT PRICE	EXTENDED PRICE
2.1	Digital business Phone systems	35	Ea.	\$ _____	\$ _____
3.1	Digital business conference (Speaker) system	1	Ea	\$ _____	\$ _____
4.1	Operator console digital business phone system with appropriate expansion unit(s).	1	Ea	\$ _____	\$ _____

Schedule and Scalability Considerations:

- 5.1 November 16, 2009 through January 15, 2010 1 Lot \$ _____
 Analog lines supporting 12 digital business phone systems, 1 digital business conference (speaker) system, 1 operator console digital business phone system, and including 1 fax line with dedicated number.
 (Locations to be determined.)

- 6.1 January 15, 2010 through March 15, 2010 1 Lot \$ _____
 ISDN/PRI for trunking supporting 24 digital business phone systems, 1 digital business conference (speaker) system, 1 operator console digital business phone system, and including 1 fax line with dedicated number.
 (Locations to be determined.)

- 7.1 March 5, 2010 through June 30, 2010 1 Lot \$ _____
 ISDN/PRI for trunking supporting 35 digital Business phone systems, 1 digital business Conference (speaker) system, 1 operator console Digital business phone system, and including 1 fax line with dedicated number.
 (Locations to be determined.)

8.1 June 30, 2010 through August 31, 2010 1 Lot \$ _____ \$ _____
ISDN/PRI for trunking supporting 24 digital
Business phone systems, 1 digital business
Conference (speaker) system, 1 operator console
Digital business phone system, and including
1 fax line with dedicated number.
(Locations to be determined.)

9.1 September 1, 2010 through September 30, 2010 1 Lot \$ _ _ \$ _ _ _
5 analog lines supporting 12 digital business
phone systems, 1 digital business conference
(speaker) system, 1 operator console digital
business phone system, and including 1 fax
line with dedicated number.
(Locations to be determined.)



VALUE

SCREEN

LEGACY

BUSINESS TOOLS FROM AASTRA TELECOM: BUILDING A WORLD OF BUSINESS TELEPHONE SOLUTIONS

With its large eight line display screen, customizable softkeys and improved headset options, the enhanced Model 480e provides even more features and more flexibility for Small Business communications.



Model 480^e Screen Telephone

Key Features:

- Large eight-line backlit screen with six display keys and contrast control
- Call Display, Visual Call Waiting, and Visual Call Waiting options*
- Speakerphone with mute
- Enhanced Headset interface
- Increased compatibility with PBX systems
- Functionality and screen appearance can be customized using exclusive Web Configurator program
- Menu driven softkeys for access to Network features*
- 100-name and number Callers list*
- 200-name and number Directory
- Security numbers feature
- Live dialpad option
- Multi-function indicator light (incoming call, extension-in-use, Hold and message waiting*- CLASS/90 Volt)

intuitive

flexible

compatible

Building success with the

VIEW AASTRA TELECOM'S PHONES ON THE INTERNET AT WWW.AASTRA.COM

480e Feature Highlights

- Large eight-line backlit display with six display keys and contrast control
- Call Display, Visual Call Waiting, and Visual Call Waiting Options*
- Speakerphone with Mute
- Headset Compatible – the improved headset interface allows you to determine how to make and receive calls with a headset – headset only or a one touch toggle between headset/handsfree speakerphone
- Functionality and screen appearance can be customized using exclusive Web Configurator program
- Compatible with a wide variety of PBX systems
- Menu driven softkeys for access to network features
- 100-name and number Callers List*
- 200-name and number Directory
- Ten-number redial
- Multi-function indicator light (incoming call, extension-in-use, Hold and message waiting* - CLASS/90 Volt)
- Data Port
- Copy key for saving Callers List information to the Directory*
- Options key
- On-hook dialing
- Security numbers – prevents selected numbers (eg voicemail password, credit card number etc.) from appearing on the display screen when dialed or redialed
- Live dialpad
- Goodbye key
- Current date and time display
- Contrast control for display window

- Ringer and receiver volume controls
- Provides basic telephone service in the event of a power failure
- Desk or wall mount
- English/French/Spanish language display prompts
- Hearing aid compatible
- One-year warranty
- Colors available: Charcoal

Specifications

- Dial: Tone
- Power: 16 VAC, 250 mA transformer
- Weight: 2lbs.
- Dimensions: 4.5" W x 7" L x 4.5" H

* Functionality of some features assumes availability and customer subscription to service provider offerings.

AASTRA
Telecom

For more information, contact your Aastra Telecom representative, or call (905) 760-4200.

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GENERAL SERVICE AGENCY

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F410-128

12/16

GTA

Document Subject: Protest Award

From:

- Chief Procurement Officer
- Asst Chief Procurement Officer

Date: _____

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|---------------------------------------------------|-------------------------------------------------|
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| <input type="checkbox"/> SASP Administrator | <input type="checkbox"/> Prepare Draft Reply |
| <input type="checkbox"/> Other: | <input type="checkbox"/> Mild / Medium / Strong |
| | <input type="checkbox"/> See Me NLT: _____ |
| | <input type="checkbox"/> Due Date: _____ |

Comments:

CODES 1-CPO, 01-ACPO, 011-A0

2-APB

3-ACB

4-OB

5-SASP

2

Protest

Response

January 25, 2010

Felix P. Camacho
Governor



GENERAL SERVICES AGENCY

(Ahensian Setbision Hinirat)
Department of Administration
Government of Guam

148 Route 1 Marine Drive, Piti, Guam 96915

Tel: (671) 475-1707 thru 1729 • Fax Nos: (671) 472-4217/475-1727/475-1716

Michael W. Cruz, M.J.
Lt. Governor

Lourdes M. Perez
Director

Department of Administration

Joseph C. Manibusal
Deputy Director
Department of Administration

January 25, 2010

Mr. Dan Tydingco
Vice President for Regulatory
GTA
624 North Marine Corps Drive
Tamuning, Guam 96913

Re: Protest of GSA Bid 004-010

Dear Mr. Tydingco:

We are in receipt of your memorandum dated December 16, 2009, in which your company is protesting GSA Bid 004-10 "Telephone Service and Equipment".

Your letter indicated that the basis for your protest was the belief that the awarded bidder submitted an "Aastra 480" telephone equipment. It was your further belief that the Aastra 480 is not compatible with a digital phone system and is a VOIP phone.


It is the practice of the General Services Agency (GSA) to confirm that upon the submission of any bid to have the using agency review and concur that the submitted equipment requested for, meets the specifications submitted. In this case, the Director of the Bureau of Statistics and Plans did respond on November 13, 2009, and did concur that the submitted specifications of the winning vendor did meet the requirements stated in the bid, including that any "PBX-based service VOIP is strictly prohibited. Also, the Bureau of Statistics and Plans reconfirmed that the bid did meet specifications on January 8, 2010.

Further, GSA called the President of Pacific Data System to inquiry whether the Aastra 480 is a digital phone along with Analog capabilities. The response received was affirmative.

Based upon the above, we have determined that your protest is without merit and the bid process will continue. Pursuant to 5 GCA Section 5425(c), you may seek any administrative or judicial review provided to you by law.

ACKNOWLEDGEMENT COPY


for: **ROBERT H. KONO**
Chief Procurement Officer, Acting

RECEIVED BY:  _____

DATE: 1/25/10

Felix P. Camacho
Governor



GENERAL SERVICES AGENCY

(Ahensian Setbision Hinirat)
Department of Administration
Government of Guam

148 Route 1 Marine Drive, Piti, Guam 96915

Tel: (671) 475-1707 thru 1729 • Fax Nos: (671) 472-4217/475-1727/475-1716

Michael W. Cruz, M.D.
Lt. Governor

Lourdes M. Perez
Director

Department of Administration

Joseph C. Manibusan
Deputy Director
Department of Administration

December 17, 2009

Mr. Eric N. Votaw
Vice President for Regulatory
GTA
624 North Marine Corps Drive
Tamuning, Guam 96913

Re: Protest of GSA Bid 004- 0100

Dear Mr. Votaw:

We are in receipt of your memorandum dated December 16, 2009, in which your company is protesting GSA Bid 004-0100 "Telephone Service and Equipment".

Your letter indicated that the bases for your protest was the belief that the awarded bidder submitted a "Aastra 480" telephone equipment. It was your further belief that the Aastra 480 is not compatible with a digital phone system and is a VOIP phone.

It is the practice of the General Services Agency (GSA) to confirm that upon the submission of any bid to have the using agency review and concur that the submitted equipment requested for, meets the specifications submitted. In this case, the Director of the Bureau of Statistics and Planning did respond on November 13, 2009, and did concur that the submitted specifications of the winning vendor did meet the requirements stated in the bid, including that any "PBX-based service VOIP is strictly prohibited.

Further, as noted in the attached document with the Purchase Order, GSA called the President of Pacific Data System to inquiry whether the Aastra 480 is a digital phone along with Analog capabilities. The response received was affirmative.

Based upon the above, we have determined that your protest is without merit. Pursuant to 5 GCA Section 5425© You may seek any administrative or judicial review provided to you by law.

CLAUDIA S ACFALLE
Chief Procurement Officer

COMMITTED TO EXCELLENCE