

1 FRED NISHIHIRA
Legal Counsel
2 GUAM PUBLIC SCHOOL SYSTEM
P.O. BOX DE
3 HAGATNA, GUAM 96932
TEL: 475-0658
4 FAX: 472-5003

RECEIVED
OFFICE OF THE PUBLIC AUDITOR
PROCUREMENT DIVISION

MAY 05 2009

TIME: 2:40 PM
BY: AC
FILE No. OPA-PA 09-002

5 **PROCUREMENT APPEAL**

6 In the Appeal of)
7)
8 TEAL PACIFIC, LLC,)
9)
Appellant.)

APPEAL NO.: OPA-PA-09-002
**SUBMISSION OF PROCUREMENT
RECORD**

10 Appellee, Guam Public School System by and through its counsel of record, Attorney
11 Fred Nishihira, hereby files with the Office of the Public Auditor a complete copy of the
12 procurement record relevant to the above-captioned appeal in the form prescribed by 2 GAR,
13 Chapter 12, Section 12104(c)(3).
14

15 Dated this 5th day of May, 2009.

16 
17 **FRED NISHIHIRA**
18 GPSS Legal Counsel

19
20
21
22
23
ORIGINAL

GOVERNMENT OF GUAM
GUAM PUBLIC SCHOOL SYSTEM

**Public Law 18-44 Requirements for
DISCLOSURE OF MAJOR SHAREHOLDERS AFFIDAVIT**

Public Law 18-44 requires all bidders to submit an affidavit of disclosure of major shareholders as a qualifying condition for participation in any Government of Guam bid. Failure to do so or failure to incorporate all the provisions required by Public Law 18-44 will mean disqualification and rejection of bid. In addition, the notarization of the affidavit shall be in accordance to current notary public law. Failure to comply with current notary public law will result in disqualification and rejection of bid.

Excerpt from PL 18-44:

Section 44. A new Section 6961.3 is added to the Government Code to read.

Section 6961.3. Disclosure of major shareholders. As a condition of bidding, any partnership, sole proprietorship or corporation doing business with the Government of Guam shall submit an affidavit executed under oath that lists the name and address of any person who has held more than ten percent (10%) of the outstanding interest or shares in said partnership, sole proprietorship or corporation at any time during the twelve (12) month period immediately preceding submission of a bid. The affidavit shall contain the number of shares or the percentage of all assets of such of partnership, sole proprietorship or corporation which have been by each such person during the twelve (12) month period. In addition, the affidavit shall contain the name and address of any person who received or is entitled to receive a commission, gratuity or other compensation for procuring or assisting in obtaining business related to the bid for the bidder and shall also contain the amounts of any such commission, gratuity or other compensation. The affidavit shall open and available to the public for inspection and copying.

Special Note: Each affidavit is only good for the month within which it was prepared and notarized.

EXAMPLE:

1. A bidder intends to participate in bids schedule for October 5, 15, and 25, 2007. He has to prepare and submit a NEW AFFIDAVIT ON OCTOBER 5 and may submit copies of affidavit on the bids for October 15 and 25.

Note: Bidder must indicate where original affidavit is located.

2. A bidder intends to participate in bid schedule for October 20 and November 5, 2007. He has to submit a NEW NOTARIZED AFFIDAVIT for EACH BID.

**Before the Office of the Public Auditor
In the Appeal of
Teal Pacific, LLC
Docket No. OPA-PA-09-002**

<u>No.</u>	<u>Document Filed</u>	<u>Date Filed</u>
1	Advertisement	1/23/09
2	GPSS IFB Bid Package	1/23/09
3	GPSS IFB Log Sheet	1/23/09
4	GPSS IFB Submission Log Sheet	2/12/09
5	Abstract of Bids	2/12/09
6	Analysis and Recommendation	2/24/09
7	Bid Status and Letters of Intent	2/24/09
8	Receipt of Protest Letter	3/16/09
9	Letters of Stay of Procurement	3/16/09
10	Request Letter of Legal Opinion – Rejection Letter	3/20/09
11	Vendor Copy of Rejection Letter – Facsimile Letter of Appeal	4/28/09
12	Miscellaneous Documents Reference of Appeal	4/29/09

1

**GUAM PUBLIC SCHOOL SYSTEM
OFFICE OF SUPPLY MANAGEMENT**
R.O. Box DE
Hagatna, Guam 96910
Tel: 475-0436 / Fax: 472-5001




INVITATION FOR BID

IFB No.: IFB-004-2009
 FOR: Indefinite Quantity Bid for
Administrative Supplies
 OPENING DATE: 12-Feb-09
 TIME: 2:00 P.M.

INTERESTED BIDDER(S) MAY PICK-UP BID FORMS/SPECIFICATIONS AT THE OFFICE OF SUPPLY MANAGEMENT, 2ND FLOOR B-220, MANUEL F.L. GUERRERO / ADMINISTRATION BUILDING, HAGATNA, GUAM.

/s/ ROQUE A. ALCANTARA,
ADMINISTRATOR, SUPPLY MANAGEMENT

For: Nerissa Bretania-Shafer, Ph.D.
SUPERINTENDENT OF EDUCATION

This ad paid with 100% Local Funds for F109

NOTICE OF TEMPORARY JOB OPPORTUNITIES W/2 YEARS EXPERIENCE

7 Carpenters.....\$13.56/h
 Constructs, erects, installs and repairs structures and fixtures of wood, plywood and wall board using carpenter's hand and power tools, and conforming to local building codes. Studies blueprints, sketches or building plans for information as to type of materials required. Installs partitions and cabinet work.

7 Cement Masons.....\$12.87/h
 Smooths and finishes surfaces of poured concrete floors, walls, sidewalks or curbs to specified textures, using hand tools or power tools including floats, trowels and screeds. Lays concrete blocks and mixes using shovel or mixing machine.

5 Reinforcing Metal Workers.....\$12.56/h
 Positions and secures steel bars in concrete forms to reinforce concrete. Determines number, sizes, shapes and locations of reinforcing rods from blueprints, sketches, or oral instructions. Selects and places rods in forms, spacing and fastening them together, using wire and pliers.

Round-trip airfare for off-island hire and workers compensation, food & lodging @ \$320.00/month, local transportation to/from jobsite.

Interested applicants should apply at Guam Employment Services at One Stop Career Center located at g CIC b ldg., 414 West Soledad Ave., Hagatna, Guam. This job offer is open to United States workers without regard to race, color, national origin, age, sex, and citizenship and to United States workers with disabilities who are qualified, willing, and able to perform the job. (Ref. No. 2009-079)

IN THE SUPERIOR COURT
OF GUAM

IN THE MATTER OF THE
ESTATE
OF
LUIA F. TORRES,
Deceased.

PROBATE CASE NO.
PRO084-08

**AMENDED NOTICE OF
HEARING ON PETITION
FOR PROBATE OF WILL**

NOTICE IS HEREBY GIVEN that JOLEEN FLORES RESPICIO and MELISSA V. TORRES have filed on January 15, 2009, their Petition for Letters of Administration with the Will Annexed and Probate of Will praying for Probate of the Estate of Luisa F. Torres, deceased, and appointment of Administratrix upon the Estate of Luisa F. Torres, deceased, and that on **February 5, 2009, Thursday, at the hour of 10:00 a.m.**, of said day in the Courtroom of the Superior Court of Guam, Hagatna, has been set for hearing of said Petition and all persons interested are hereby notified to appear at the time and place set for said hearing and show cause, if any they have, why the Petition should not be granted. The Petition is attached hereto for ease of reference to the further

ISLAND BUSINESS SYSTEMS & SUPPLIES

A Division of Jones & Guerrero Co., Inc.



Office Products and Imaging Solutions



Document Management Software

Is seeking a motivated, responsible and highly competitive individual to fill the position of:

CORPORATE ACCOUNT EXECUTIVE

Qualified candidate should have a minimum of ONE (1) year of experience in sales. This position will be responsible for selling Canon Office Products, Laserfiche Document Management Software and Imaging Services to a geographic & vertical sales territory. Must have a valid driver's license and own transportation.

The position offers challenging and rewarding opportunities with excellent fringe benefits, salary and commission.

Interested individuals may apply in person at the J & G Personnel Office In Maite @ 545 Chalan Machuats, Route 8, (2nd floor of IBSS Building), Monday to Friday, 8:30 am to 4:30 pm. All applications must be accompanied with current Police and Court Clearance. Military dependents welcome.


EQUAL OPPORTUNITY EMPLOYER

FEDERAL LAW requires presentation of proof of identity and eligibility to work in the U.S. We comply with this law on a nondiscriminatory basis.

COMMERCIAL VEHICLE

"KEEP YOUR BUSINESS ROLLING"

Arriving soon



PERSONAL FINANCE CENTER

You're First in All We Do

Vehicles for Sealed Bid

**2005 Toyota Echo 4 Door Sedan
2001 Chevrolet Tracker**

**"AS IS CONDITION"
NO WARRANTY WRITTEN OR IMPLIED**

**Contact our Collection Department
at 647-6888 for details.**

**PFC HAS THE RIGHT TO REFUSE
ANY AND ALL BIDS.
SEALED BIDS ACCEPTED UNTIL
5:00 P.M. - FRIDAY, 01/23/09.
PAYMENT TERMS: CASH OR CASHIER'S CHECK**

GREEN PAGES

K.L.S.O. CONSTRUCTION
Tel: 472-5560 Cell: 888-2942
New & General Construction • Repair • Warehouse • Iron Frame
• All Repair Construction • Demolition • Interior Maintenance

Very EZ Construction
General Contractor
• GENERAL BUILDING • RENOVATION
• ELECTRICAL • PLUMBING
• ROOF REPAIR • PAINTING
Contact: 462-7231 • 462-7230

A. CAYANAN CONSTRUCTION
General Contractor • Cell: 787-8488
Free Modern Design, Free Estimates, Quality Materials, Residential, Remodeling, Extension, Fencing, Tiling, Painting, INSURE BONDING

HARMON SHIATSU CENTER
OPEN 10:30AM
*Beautiful New Girls
Hotel Service*

Yuni's Shiatsu Massage
NEW LOCAL FILIPINO & CHAMORRO LADIES 24 HOURS
Tel: 653-8868 • 777-8868

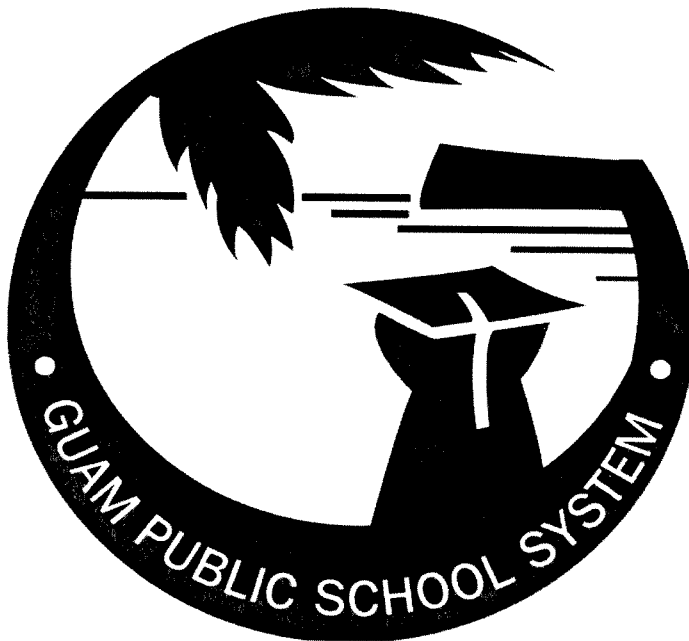
**NEWLY OPENED
Apple Therapy Massage**

Special New Girls
Treatment (GuaSha, Psychological, etc.)
AGANA BAY
ACROSS CITIBANK
Hotel Service Daily
Open 10:30am to 4:00am
Tel: 649-8879

2

**GUAM PUBLIC SCHOOL SYSTEM
OFFICE OF SUPPLY MANAGEMENT**

**INDEFINITE QUANTITY BID for
ADMINISTRATIVE
SUPPLIES**



**INVITATION FOR BID
IFB 004-2009**

Issued Date: January 23, 2009

Opening Date: February 12, 2009

Time: 2:00 p.m.

**NERISSA BRETANIA-SHAFFER, Ph.D.
Superintendent of Education**

BID INVITATION AND AWARD



ISSUING OFFICE:
GUAM PUBLIC SCHOOL SYSTEM
OFFICE OF SUPPLY MANAGEMENT
P.O. Box DE
HAGATNA, GUAM 96910

R. G. Alcantara

ROQUE ALCANTARA
ADMINISTRATOR, SUPPLY MANAGEMENT

DATED ISSUED: January 23, 2009 BID INVITATION NO: IFB-004-2009

INSTRUCTION:

This BID shall be submitted in Duplicate sealed to the issuing office above no later than 2:00 p.m. February 12, 2009, and shall be publicly opened. Bids submitted after the time and date specified above shall be rejected. See attached Solicitation Instructions Conditions for details.

BID FOR: Indefinite Quantity Bid for administrative supplies
SPECIFICATIONS: See Herein
DESTINATION: Various public schools and divisions
Required Delivery Date: Immediate to 30 days after receipt of order

NOTE TO BIDDERS:

This bid is subject to the attached General Terms and Conditions of the Invitation For Bids. The undersigned offers and agrees to furnish within the time specified, the articles and services at the price stated opposite the respective items listed on the schedule provided, unless otherwise specified by the bidder. In consideration to the expense of the Government in opening, tabulating, and evaluating this and other bids, and other considerations, the undersigned agrees that this bid remain firm and irrevocable within sixty (60) calendar days from the date opening to supply any or all of the items which prices are quoted.

INDICATE WHETHER: INDIVIDUAL PARTNERSHIP CORPORATION
INCORPORATED IN: (Country) (State) (City) (Year)

NAME AND ADDRESS OF BIDDER: _____
SIGNATURE AND TITLE OF PERSON AUTHORIZED
TO SIGN THIS BID: _____

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

ACCEPTED AS TO ITEMS NUMBRED:

CONTRACTING OFFICER: _____
ADMINISTRATOR, SUPPLY MANAGEMENT Date

NAME AND ADDRESS OF CONTRACTOR: _____
SIGNATURE AND TITLE OF PERSON AUTHORIZED
TO SIGN THIS CONTRACT: _____

GOVERNMENT OF GUAM
GUAM PUBLIC SCHOOL SYSTEM

SPECIAL REMINDER TO PROSPECTIVE BIDDERS

Bidders are reminded to read the Sealed Bid Solicitation Instructions and General Terms and Conditions attached to a Bid Invitation to ascertain that all of the following (see boxes checked) requirements of the bid are submitted in the bid envelope in duplicate at the date and time for bid opening.

- [] 1. Fifteen percent (15%) Bid Bond in the form of Cashier's Check, Letter of Credit, or Surety bond. Surety bond, to be valid, must be accompanied by:
 - a. Current certificate of Authority issued by the Insurance Commissioner.
 - b. Power of Attorney issued by the Surety to the Resident General Agent.
 - c. Power of Attorney issued by two (2) major officers of the Surety to whoever is signing on their behalf.
- [] 2. Affidavit of Disclosure of major shareholders.
- [] 3. Copy of Current: [] Business License or, [] Contractor's License
- [] 4. Non-Collusion Affidavit
- [] 5. Required to submit a Form of Compliance with U.S. D.O.L. Wage Determination Affidavit that the Bid proposals are in compliance to Public Law 26-111 and Public Law 28-165 applicable Prevailing Wage and Benefits Laws for Guam
- [] 6. Local Procurement Preference application qualifying on section number 2 & 3 only. Failure to indicate qualification on sections 2 & 3 and to complete and sign application will result in disqualification of this preference.
- [] 7. Other: Brochures and product samples as requested.

This reminder must be signed and returned in the bid envelope with the bid. Failure to comply with requirements will mean disqualification and rejection of the bid.

I, _____, authorized representative of _____
_____ acknowledged receipt of this special reminder to prospective bidders together with Bid
Invitation/Number GPSS-IFB-004-2009 this date of _____ 20____.

Bidder's Representative's Signature

AFFIDAVIT DISCLOSING OWNERSHIP and COMMISSIONS

for _____ [RFP ID #]

CITY OF _____)

STATE OF _____) ss.

A. I, the undersigned, being first duly sworn, depose and say that I am an authorized representative of the offeror and that *[please check only one]*:

The offeror is an individual or sole proprietor and owns the entire (100%) interest in the offering business.

The offeror is a corporation, partnership, joint venture, or association known as _____ *[please state name of offeror company]*, and the persons, companies, partners, or joint venturers who have held more than 10% of the shares or interest in the offering business during the 365 days immediately preceding the submission date of the proposal are as follows *[if none, please so state]*:

<u>Name</u>	<u>Address</u>	<u>% of Interest</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

B. Further, I say that the persons who have received or are entitled to receive a commission, gratuity or other compensation for procuring or assisting in obtaining business related to the bid or proposal for which this affidavit is submitted are as follows *[if none, please so state]*:

<u>Name</u>	<u>Address</u>	<u>Compensation</u>
_____	_____	_____

C. If the ownership of the offering business should change between the time this affidavit is made and the time an award is made or a contract is entered into, then I promise personally to update the disclosure required by 5 GCA §5233 by delivering another affidavit to the government.

Dated: _____

Signature of one of the following:

Offeror, if the offeror is an individual;

Partner, if the offeror is a partnership;

Officer, if the offeror is a corporation.

SUBSCRIBED and SWORN to before me
this ____ day of _____, 20__.

NOTARY PUBLIC

My commission expires: _____

INSTRUCTION TO PROVIDER:

IFB 004-2009

NOTICE to all Insurance and Bonding Institutions:

The Bond requires the signatures of the Vendor, two (2) Major Officers of the Surety and Resident General Agent, if the Surety is a foreign or alien surety.

When the form is submitted to **Guam Public School System** should be accompanied with copies the following:

1. Current Certificate of Authority to do business on Guam issued by the Department of Revenue and Taxation.
2. Power of Attorney issued by the Surety to the Resident General Agent.
3. Power of Attorney issued by two (2) Major Officers of the Surety to whoever is signing on their behalf.

GOVERNMENT OF GUAM

IFB 004-2009

GUAM PUBLIC SCHOOL SYSTEM

BID BOND

No. _____

KNOW ALL MEN BY THESE PRESENTS that _____,
as Principal hereafter called the Principal, and (Bonding Company), _____ a
duly admitted insurer under the laws of the Territory of Guam, as Surety, hereinafter called Surety are held firmly bound
unto the Territory of Guam for the sum of
Dollars (\$ _____), for payment of which sum will and truly to be made, the said Principal and
the said Surety bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly
by these presents.

WHEREAS, the Principal has submitted a bid for (identify project by number and brief description)

NOW, THEREFORE, if the Territory of Guam shall accept the bid of the Principal and the Principal shall enter into a
Contract with the Territory of Guam in accordance with the terms of such bid, and give such bond or bonds as may be
specified in bidding or Contract Documents with good and sufficient surety for the faithful performance of such Contract
and for the prompt payment of labor and material furnished in the prosecution thereof, or in the event of the of the failure
of the Principal to enter such Contract and give such bond or bonds, if the Principal shall pay to the Territory of Guam the
difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which
the Territory of Guam may in good faith contract with another party to perform work covered by said bid or an appropriate
liquidated amount as specified in the Invitation for Bids then this obligations shall be null and void, otherwise to remain in
full force and effect.

Signed and sealed this _____ day of _____, 20_____.

(PRINCIPAL)

(SEAL)

(WITNESS)

(TITLE)

MAJOR OFFICER OF SURETY)

(MAJOR OFFICER OF SURETY)

(TITLE)

(TITLE)

(RESIDENT GENERAL AGENT)

FORM OF NON-COLLUSION AFFIDAVIT

AFFIDAVIT

Hagåtña, Guam }
 } ss
 }

_____ ,
being first duly sworn, deposes and says:

That he is _____
(a partner or officer of the firm of etc.)

the party making the foregoing bid, that such bid is genuine and not collusive or sham, that said bidder has not colluded, conspired, connived or agreed, directly or indirectly, with any bidder or person, to put in a sham bid or to refrain from bidding, and has not in any manner, directly or indirectly, sought by an agreement or collusion, or communication or conference, with any person to fix the bid price of affiant or of any other bidder, or to fix any overhead, profit or cost element of said bid price, or of that of any other bidder, or to secure any advantage against the Government of Guam or any other bidder, or to secure any advantage against the Government of Guam or any person interested in the proposed contract; and that all statements in bid are true.

Signature of Bidder,
if the bidder is an individual,
Partner, if the bidder is a partnership;
Officer, if the bidder is a corporation.

Subscribed and sworn to before me this _____ day of _____, 20_____.

Notary Public: _____
In and for the Guam U.S.A.
My commission expires: _____

Seal Here

WD 05-2147 (Rev.-4) was first posted on www.wdol.gov on 06/05/2007

REGISTER OF WAGE DETERMINATIONS UNDER
THE SERVICE CONTRACT ACT
By direction of the Secretary of Labor

U.S. DEPARTMENT OF LABOR
EMPLOYMENT STANDARDS ADMINISTRATION
WAGE AND HOUR DIVISION
WASHINGTON D.C. 20210

William W.Gross Division of
Director Wage Determinations

Wage Determination No.: 2005-2147
Revision No.: 4
Date Of Revision: 05/29/2007

States: Guam, Northern Marianas

Area: Guam Statewide
Northern Marianas Statewide

Fringe Benefits Required Follow the Occupational Listing

OCCUPATION CODE - TITLE	MINIMUM WAGE RATE
01000 - Administrative Support And Clerical Occupations	
01011 - Accounting Clerk I	12.50
01012 - Accounting Clerk II	13.21
01013 - Accounting Clerk III	15.59
01020 - Administrative Assistant	17.67
01040 - Court Reporter	14.44
01051 - Data Entry Operator I	10.05
01052 - Data Entry Operator II	11.50
01060 - Dispatcher, Motor Vehicle	13.06
01070 - Document Preparation Clerk	11.35
01090 - Duplicating Machine Operator	11.35
01111 - General Clerk I	10.29
01112 - General Clerk II	11.28
01113 - General Clerk III	12.32
01120 - Housing Referral Assistant	15.92
01141 - Messenger Courier	10.12
01191 - Order Clerk I	10.33
01192 - Order Clerk II	11.30
01261 - Personnel Assistant (Employment) I	14.33
01262 - Personnel Assistant (Employment) II	14.90
01263 - Personnel Assistant (Employment) III	15.17
01270 - Production Control Clerk	16.07
01280 - Receptionist	9.67
01290 - Rental Clerk	11.10
01300 - Scheduler, Maintenance	12.74
01311 - Secretary I	12.74
01312 - Secretary II	14.44
01313 - Secretary III	15.92
01320 - Service Order Dispatcher	11.57
01410 - Supply Technician	17.67
01420 - Survey Worker	13.87
01531 - Travel Clerk I	10.62
01532 - Travel Clerk II	11.44
01533 - Travel Clerk III	12.20
01611 - Word Processor I	11.86
01612 - Word Processor II	13.14
01613 - Word Processor III	14.72
05000 - Automotive Service Occupations	
05005 - Automobile Body Repairer, Fiberglass	13.08
05010 - Automotive Electrician	12.80
05040 - Automotive Glass Installer	11.86
05070 - Automotive Worker	11.86
05110 - Mobile Equipment Servicer	7.81

05130 - Motor Equipment Metal Mechanic	12.80
05160 - Motor Equipment Metal Worker	11.86
05190 - Motor Vehicle Mechanic	12.80
05220 - Motor Vehicle Mechanic Helper	9.92
05250 - Motor Vehicle Upholstery Worker	11.86
05280 - Motor Vehicle Wrecker	11.86
05310 - Painter, Automotive	12.13
05340 - Radiator Repair Specialist	11.86
05370 - Tire Repairer	7.81
05400 - Transmission Repair Specialist	11.86
07000 - Food Preparation And Service Occupations	
07010 - Baker	10.47
07041 - Cook I	8.67
07042 - Cook II	10.71
07070 - Dishwasher	6.50
07130 - Food Service Worker	7.66
07210 - Meat Cutter	11.86
07260 - Waiter/Waitress	7.59
09000 - Furniture Maintenance And Repair Occupations	
09010 - Electrostatic Spray Painter	13.00
09040 - Furniture Handler	8.85
09080 - Furniture Refinisher	13.00
09090 - Furniture Refinisher Helper	9.37
09110 - Furniture Repairer, Minor	10.87
09130 - Upholsterer	12.72
11000 - General Services And Support Occupations	
11030 - Cleaner, Vehicles	7.62
11060 - Elevator Operator	8.12
11090 - Gardener	9.99
11122 - Housekeeping Aide	8.26
11150 - Janitor	8.12
11210 - Laborer, Grounds Maintenance	8.31
11240 - Maid or Houseman	6.65
11260 - Pruner	8.12
11270 - Tractor Operator	9.39
11330 - Trail Maintenance Worker	8.31
11360 - Window Cleaner	8.31
12000 - Health Occupations	
12010 - Ambulance Driver	13.91
12011 - Breath Alcohol Technician	13.91
12012 - Certified Occupational Therapist Assistant	19.09
12015 - Certified Physical Therapist Assistant	19.09
12020 - Dental Assistant	13.20
12025 - Dental Hygienist	29.85
12030 - EKG Technician	21.08
12035 - Electroneurodiagnostic Technologist	21.08
12040 - Emergency Medical Technician	13.91
12071 - Licensed Practical Nurse I	12.35
12072 - Licensed Practical Nurse II	13.87
12073 - Licensed Practical Nurse III	15.51
12100 - Medical Assistant	11.54
12130 - Medical Laboratory Technician	13.93
12160 - Medical Record Clerk	11.82
12190 - Medical Record Technician	13.59
12195 - Medical Transcriptionist	12.44
12210 - Nuclear Medicine Technologist	30.58
12221 - Nursing Assistant I	8.50
12222 - Nursing Assistant II	9.57
12223 - Nursing Assistant III	10.43
12224 - Nursing Assistant IV	11.72
12235 - Optical Dispenser	13.91
12236 - Optical Technician	12.44
12250 - Pharmacy Technician	13.41
12280 - Phlebotomist	11.72
12305 - Radiologic Technologist	20.58
12311 - Registered Nurse I	18.89
12312 - Registered Nurse II	23.12

12313 - Registered Nurse II, Specialist	23.12
12314 - Registered Nurse III	27.96
12315 - Registered Nurse III, Anesthetist	27.96
12316 - Registered Nurse IV	33.51
12317 - Scheduler (Drug and Alcohol Testing)	17.24
13000 - Information And Arts Occupations	
13011 - Exhibits Specialist I	13.14
13012 - Exhibits Specialist II	16.29
13013 - Exhibits Specialist III	19.94
13041 - Illustrator I	13.14
13042 - Illustrator II	16.29
13043 - Illustrator III	19.94
13047 - Librarian	18.02
13050 - Library Aide/Clerk	10.46
13054 - Library Information Technology Systems Administrator	16.27
13058 - Library Technician	13.30
13061 - Media Specialist I	11.90
13062 - Media Specialist II	13.30
13063 - Media Specialist III	14.84
13071 - Photographer I	11.65
13072 - Photographer II	13.02
13073 - Photographer III	16.14
13074 - Photographer IV	19.75
13075 - Photographer V	23.91
13110 - Video Teleconference Technician	11.74
14000 - Information Technology Occupations	
14041 - Computer Operator I	12.86
14042 - Computer Operator II	14.85
14043 - Computer Operator III	16.54
14044 - Computer Operator IV	18.37
14045 - Computer Operator V	20.55
14071 - Computer Programmer I (1)	15.54
14072 - Computer Programmer II (1)	19.26
14073 - Computer Programmer III (1)	23.55
14074 - Computer Programmer IV (1)	27.62
14101 - Computer Systems Analyst I (1)	24.23
14102 - Computer Systems Analyst II (1)	27.62
14103 - Computer Systems Analyst III (1)	27.62
14150 - Peripheral Equipment Operator	12.86
14160 - Personal Computer Support Technician	18.37
15000 - Instructional Occupations	
15010 - Aircrew Training Devices Instructor (Non-Rated)	23.48
15020 - Aircrew Training Devices Instructor (Rated)	28.41
15030 - Air Crew Training Devices Instructor (Pilot)	32.27
15050 - Computer Based Training Specialist / Instructor	22.03
15060 - Educational Technologist	21.48
15070 - Flight Instructor (Pilot)	32.27
15080 - Graphic Artist	18.61
15090 - Technical Instructor	16.83
15095 - Technical Instructor/Course Developer	20.58
15110 - Test Proctor	13.23
15120 - Tutor	13.23
16000 - Laundry, Dry-Cleaning, Pressing And Related Occupations	
16010 - Assembler	7.19
16030 - Counter Attendant	7.19
16040 - Dry Cleaner	8.59
16070 - Finisher, Flatwork, Machine	7.19
16090 - Presser, Hand	7.19
16110 - Presser, Machine, Drycleaning	7.19
16130 - Presser, Machine, Shirts	7.19
16160 - Presser, Machine, Wearing Apparel, Laundry	7.19
16190 - Sewing Machine Operator	9.07
16220 - Tailor	9.51
16250 - Washer, Machine	7.66
19000 - Machine Tool Operation And Repair Occupations	
19010 - Machine-Tool Operator (Tool Room)	13.90
19040 - Tool And Die Maker	17.12

21000 - Materials Handling And Packing Occupations	
21020 - Forklift Operator	12.23
21030 - Material Coordinator	16.07
21040 - Material Expediter	16.07
21050 - Material Handling Laborer	8.74
21071 - Order Filler	8.85
21080 - Production Line Worker (Food Processing)	12.23
21110 - Shipping Packer	12.92
21130 - Shipping/Receiving Clerk	12.92
21140 - Store Worker I	12.17
21150 - Stock Clerk	15.91
21210 - Tools And Parts Attendant	12.23
21410 - Warehouse Specialist	12.23
23000 - Mechanics And Maintenance And Repair Occupations	
23010 - Aerospace Structural Welder	17.10
23021 - Aircraft Mechanic I	16.28
23022 - Aircraft Mechanic II	17.10
23023 - Aircraft Mechanic III	17.96
23040 - Aircraft Mechanic Helper	11.32
23050 - Aircraft, Painter	15.29
23060 - Aircraft Servicer	13.30
23080 - Aircraft Worker	14.36
23110 - Appliance Mechanic	13.90
23120 - Bicycle Repairer	9.74
23125 - Cable Splicer	14.80
23130 - Carpenter, Maintenance	13.00
23140 - Carpet Layer	13.05
23160 - Electrician, Maintenance	14.99
23181 - Electronics Technician Maintenance I	14.72
23182 - Electronics Technician Maintenance II	15.05
23183 - Electronics Technician Maintenance III	18.31
23260 - Fabric Worker	12.09
23290 - Fire Alarm System Mechanic	14.80
23310 - Fire Extinguisher Repairer	11.19
23311 - Fuel Distribution System Mechanic	14.80
23312 - Fuel Distribution System Operator	13.01
23370 - General Maintenance Worker	11.67
23380 - Ground Support Equipment Mechanic	16.28
23381 - Ground Support Equipment Servicer	13.30
23382 - Ground Support Equipment Worker	14.36
23391 - Gunsmith I	10.55
23392 - Gunsmith II	12.55
23393 - Gunsmith III	13.95
23410 - Heating, Ventilation And Air-Conditioning Mechanic	15.76
23411 - Heating, Ventilation And Air Contditiioning Mechanic (Research Facility)	16.55
23430 - Heavy Equipment Mechanic	14.81
23440 - Heavy Equipment Operator	13.73
23460 - Instrument Mechanic	14.80
23465 - Laboratory/Shelter Mechanic	13.10
23470 - Laborer	8.02
23510 - Locksmith	13.90
23530 - Machinery Maintenance Mechanic	15.80
23550 - Machinist, Maintenance	13.95
23580 - Maintenance Trades Helper	9.92
23591 - Metrology Technician I	14.80
23592 - Metrology Technician II	15.54
23593 - Metrology Technician III	16.32
23640 - Millwright	14.80
23710 - Office Appliance Repairer	13.90
23760 - Painter, Maintenance	13.55
23790 - Pipefitter, Maintenance	15.02
23810 - Plumber, Maintenance	14.22
23820 - Pneudraulic Systems Mechanic	14.80
23850 - Rigger	14.80
23870 - Scale Mechanic	13.05
23890 - Sheet-Metal Worker, Maintenance	14.22

23910 - Small Engine Mechanic	13.05
23931 - Telecommunications Mechanic I	18.34
23932 - Telecommunications Mechanic II	19.06
23950 - Telephone Lineman	16.68
23960 - Welder, Combination, Maintenance	14.49
23965 - Well Driller	14.80
23970 - Woodcraft Worker	14.80
23980 - Woodworker	11.44
24000 - Personal Needs Occupations	
24570 - Child Care Attendant	9.17
24580 - Child Care Center Clerk	11.44
24610 - Chore Aide	9.34
24620 - Family Readiness And Support Services Coordinator	11.14
24630 - Homemaker	14.65
25000 - Plant And System Operations Occupations	
25010 - Boiler Tender	14.80
25040 - Sewage Plant Operator	14.30
25070 - Stationary Engineer	14.80
25190 - Ventilation Equipment Tender	10.29
25210 - Water Treatment Plant Operator	14.30
27000 - Protective Service Occupations	
27004 - Alarm Monitor	10.90
27007 - Baggage Inspector	7.04
27008 - Corrections Officer	12.05
27010 - Court Security Officer	12.05
27030 - Detection Dog Handler	10.90
27040 - Detention Officer	12.05
27070 - Firefighter	12.05
27101 - Guard I	7.04
27102 - Guard II	10.90
27131 - Police Officer I	12.05
27132 - Police Officer II	13.40
28000 - Recreation Occupations	
28041 - Carnival Equipment Operator	9.53
28042 - Carnival Equipment Repairer	10.08
28043 - Carnival Equipment Worker	7.78
28210 - Gate Attendant/Gate Tender	12.36
28310 - Lifeguard	11.01
28350 - Park Attendant (Aide)	13.83
28510 - Recreation Aide/Health Facility Attendant	10.09
28515 - Recreation Specialist	16.93
28630 - Sports Official	11.01
28690 - Swimming Pool Operator	17.71
29000 - Stevedoring/Longshoremen Occupational Services	
29010 - Blocker And Bracer	15.02
29020 - Hatch Tender	15.02
29030 - Line Handler	15.02
29041 - Stevedore I	14.22
29042 - Stevedore II	16.05
30000 - Technical Occupations	
30010 - Air Traffic Control Specialist, Center (HFO) (2)	32.97
30011 - Air Traffic Control Specialist, Station (HFO) (2)	22.73
30012 - Air Traffic Control Specialist, Terminal (HFO) (2)	25.03
30021 - Archeological Technician I	17.49
30022 - Archeological Technician II	19.56
30023 - Archeological Technician III	24.21
30030 - Cartographic Technician	23.18
30040 - Civil Engineering Technician	21.93
30061 - Drafter/CAD Operator I	17.49
30062 - Drafter/CAD Operator II	19.56
30063 - Drafter/CAD Operator III	20.74
30064 - Drafter/CAD Operator IV	24.21
30081 - Engineering Technician I	14.09
30082 - Engineering Technician II	15.82
30083 - Engineering Technician III	17.70
30084 - Engineering Technician IV	21.93
30085 - Engineering Technician V	26.82

30086 - Engineering Technician VI	32.45
30090 - Environmental Technician	21.10
30210 - Laboratory Technician	18.38
30240 - Mathematical Technician	21.93
30361 - Paralegal/Legal Assistant I	19.06
30362 - Paralegal/Legal Assistant II	21.53
30363 - Paralegal/Legal Assistant III	26.35
30364 - Paralegal/Legal Assistant IV	30.80
30390 - Photo-Optics Technician	21.93
30461 - Technical Writer I	20.15
30462 - Technical Writer II	24.64
30463 - Technical Writer III	29.81
30491 - Unexploded Ordnance (UXO) Technician I	20.95
30492 - Unexploded Ordnance (UXO) Technician II	25.35
30493 - Unexploded Ordnance (UXO) Technician III	30.39
30494 - Unexploded (UXO) Safety Escort	20.95
30495 - Unexploded (UXO) Sweep Personnel	20.95
30620 - Weather Observer, Combined Upper Air Or Surface Programs (3)	19.44
30621 - Weather Observer, Senior (3)	21.56
31000 - Transportation/Mobile Equipment Operation Occupations	
31020 - Bus Aide	7.75
31030 - Bus Driver	9.69
31043 - Driver Courier	8.97
31260 - Parking and Lot Attendant	7.14
31290 - Shuttle Bus Driver	9.99
31310 - Taxi Driver	8.21
31361 - Truckdriver, Light	8.97
31362 - Truckdriver, Medium	10.56
31363 - Truckdriver, Heavy	12.17
31364 - Truckdriver, Tractor-Trailer	12.17
99000 - Miscellaneous Occupations	
99030 - Cashier	7.16
99050 - Desk Clerk	8.82
99095 - Embalmer	20.95
99251 - Laboratory Animal Caretaker I	12.20
99252 - Laboratory Animal Caretaker II	12.80
99310 - Mortician	20.95
99410 - Pest Controller	12.07
99510 - Photofinishing Worker	11.01
99710 - Recycling Laborer	9.98
99711 - Recycling Specialist	15.09
99730 - Refuse Collector	9.50
99810 - Sales Clerk	8.38
99820 - School Crossing Guard	12.29
99830 - Survey Party Chief	18.72
99831 - Surveying Aide	10.64
99832 - Surveying Technician	13.83
99840 - Vending Machine Attendant	15.16
99841 - Vending Machine Repairer	17.71
99842 - Vending Machine Repairer Helper	15.16

ALL OCCUPATIONS LISTED ABOVE RECEIVE THE FOLLOWING BENEFITS:

HEALTH & WELFARE: \$3.16 per hour or \$126.40 per week or \$547.73 per month

VACATION: 2 weeks paid vacation after 1 year of service with a contractor or successor; and 4 weeks after 3 years. Length of service includes the whole span of continuous service with the present contractor or successor, wherever employed, and with the predecessor contractors in the performance of similar work at the same Federal facility. (Reg. 29 CFR 4.173)

HOLIDAYS: A minimum of ten paid holidays per year, New Year's Day, Martin Luther King Jr's Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, and Christmas Day. (A

contractor may substitute for any of the named holidays another day off with pay in accordance with a plan communicated to the employees involved.) (See 29 CFR 4174)

THE OCCUPATIONS WHICH HAVE PARENTHESES AFTER THEM RECEIVE THE FOLLOWING BENEFITS (as numbered):

- 1) Does not apply to employees employed in a bona fide executive, administrative, or professional capacity as defined and delineated in 29 CFR 541. (See CFR 4.156)
- 2) APPLICABLE TO AIR TRAFFIC CONTROLLERS ONLY - NIGHT DIFFERENTIAL: An employee is entitled to pay for all work performed between the hours of 6:00 P.M. and 6:00 A.M. at the rate of basic pay plus a night pay differential amounting to 10 percent of the rate of basic pay.
- 3) AIR TRAFFIC CONTROLLERS AND WEATHER OBSERVERS - NIGHT PAY & SUNDAY PAY: If you work at night as part of a regular tour of duty, you will earn a night differential and receive an additional 10% of basic pay for any hours worked between 6pm and 6am. If you are a full-time employed (40 hours a week) and Sunday is part of your regularly scheduled workweek, you are paid at your rate of basic pay plus a Sunday premium of 25% of your basic rate for each hour of Sunday work which is not overtime (i.e. occasional work on Sunday outside the normal tour of duty is considered overtime work).

HAZARDOUS PAY DIFFERENTIAL: An 8 percent differential is applicable to employees employed in a position that represents a high degree of hazard when working with or in close proximity to ordnance, explosives, and incendiary materials. This includes work such as screening, blending, dying, mixing, and pressing of sensitive ordnance, explosives, and pyrotechnic compositions such as lead azide, black powder and photoflash powder. All dry-house activities involving propellants or explosives. Demilitarization, modification, renovation, demolition, and maintenance operations on sensitive ordnance, explosives and incendiary materials. All operations involving regrading and cleaning of artillery ranges.

A 4 percent differential is applicable to employees employed in a position that represents a low degree of hazard when working with, or in close proximity to ordnance, (or employees possibly adjacent to) explosives and incendiary materials which involves potential injury such as laceration of hands, face, or arms of the employee engaged in the operation, irritation of the skin, minor burns and the like; minimal damage to immediate or adjacent work area or equipment being used. All operations involving, unloading, storage, and hauling of ordnance, explosive, and incendiary ordnance material other than small arms ammunition. These differentials are only applicable to work that has been specifically designated by the agency for ordnance, explosives, and incendiary material differential pay.

** UNIFORM ALLOWANCE **

If employees are required to wear uniforms in the performance of this contract (either by the terms of the Government contract, by the employer, by the state or local law, etc.), the cost of furnishing such uniforms and maintaining (by laundering or dry cleaning) such uniforms is an expense that may not be borne by an employee where such cost reduces the hourly rate below that required by the wage determination. The Department of Labor will accept payment in accordance with the following standards as compliance:

The contractor or subcontractor is required to furnish all employees with an adequate number of uniforms without cost or to reimburse employees for the actual cost of the uniforms. In addition, where uniform cleaning and maintenance is made the responsibility of the employee, all contractors and subcontractors subject to this wage determination shall (in the absence of a bona fide collective bargaining agreement providing for a different amount, or the furnishing of contrary affirmative proof as to the actual cost), reimburse all employees for such cleaning and maintenance at a rate of \$3.35 per week (or \$.67 cents per day). However, in those instances where the uniforms furnished are made of "wash and wear" materials, may be routinely washed and dried with other personal garments, and do

not require any special treatment such as dry cleaning, daily washing, or commercial laundering in order to meet the cleanliness or appearance standards set by the terms of the Government contract, by the contractor, by law, or by the nature of the work, there is no requirement that employees be reimbursed for uniform maintenance costs.

The duties of employees under job titles listed are those described in the "Service Contract Act Directory of Occupations", Fifth Edition, April 2006, unless otherwise indicated. Copies of the Directory are available on the Internet. A link to the Directory may be found on the WHD home page at <http://www.dol.gov/esa/whd/> or through the Wage Determinations On-Line (WDOL) Web site at <http://wdol.gov/>.

REQUEST FOR AUTHORIZATION OF ADDITIONAL CLASSIFICATION AND WAGE RATE (Standard Form 1444 (SF 1444))

Conformance Process:

The contracting officer shall require that any class of service employee which is not listed herein and which is to be employed under the contract (i.e., the work to be performed is not performed by any classification listed in the wage determination), be classified by the contractor so as to provide a reasonable relationship (i.e., appropriate level of skill comparison) between such unlisted classifications and the classifications listed in the wage determination. Such conformed classes of employees shall be paid the monetary wages and furnished the fringe benefits as are determined. Such conforming process shall be initiated by the contractor prior to the performance of contract work by such unlisted class(es) of employees. The conformed classification, wage rate, and/or fringe benefits shall be retroactive to the commencement date of the contract. (See Section 4.6 (C)(vi)) When multiple wage determinations are included in a contract, a separate SF 1444 should be prepared for each wage determination to which a class(es) is to be conformed.

The process for preparing a conformance request is as follows:

- 1) When preparing the bid, the contractor identifies the need for a conformed occupation) and computes a proposed rate).
- 2) After contract award, the contractor prepares a written report listing in order proposed classification title), a Federal grade equivalency (FGE) for each proposed classification), job description), and rationale for proposed wage rate), including information regarding the agreement or disagreement of the authorized representative of the employees involved, or where there is no authorized representative, the employees themselves. This report should be submitted to the contracting officer no later than 30 days after such unlisted class(es) of employees performs any contract work.
- 3) The contracting officer reviews the proposed action and promptly submits a report of the action, together with the agency's recommendations and pertinent information including the position of the contractor and the employees, to the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, for review. (See section 4.6(b)(2) of Regulations 29 CFR Part 4).
- 4) Within 30 days of receipt, the Wage and Hour Division approves, modifies, or disapproves the action via transmittal to the agency contracting officer, or notifies the contracting officer that additional time will be required to process the request.
- 5) The contracting officer transmits the Wage and Hour decision to the contractor.
- 6) The contractor informs the affected employees.

Information required by the Regulations must be submitted on SF 1444 or bond paper.

When preparing a conformance request, the "Service Contract Act Directory of Occupations" (the Directory) should be used to compare job definitions to insure that duties requested are not performed by a classification already listed in the wage determination. Remember, it is not the job title, but the required tasks that

determine whether a class is included in an established wage determination. Conformances may not be used to artificially split, combine, or subdivide classifications listed in the wage determination.

GOVERNMENT OF GUAM
GUAM PUBLIC SCHOOL SYSTEM
BRAND NAME OR EQUAL

(As used in this clause, the term "brand name" includes identification of products by make and model).

- a. If items called for by this Invitation for Bids have been identified in the schedule by the "brand name or equal" description, such identification is intended to be descriptive, but not restrictive, and is to indicate and quality and characteristics of products that will be satisfactory. Bids offering "equal" products (including products of the brand name manufacturer other than the one described by brand name) will be considered for award if such products are clearly identified in the bids and determined by the Government to meet fully the salient characteristics requirements listed in the invitation.

- b. Unless the bidder clearly indicates in his bid that he is offering an "equal" product, his bid shall be considered as offering a brand name product referenced in the invitation for Bids.

- c. (1) If the bidder proposes to furnish an "equal" product, the brand name, if any, of the product to be furnished shall be inserted in the space provided in the Invitation for Bids, or such product shall be otherwise clearly identified in the bid. The evaluation of bids and the determination as to equality of the products offered shall be the responsibility of the Government and will be based on information furnished by the bidder or identified in his bid as well as other information reasonably available to the purchasing activity.

Caution to Bidders: The purchasing activity is not responsible for locating or securing and information which is not identified in the bid and reasonably available to the purchasing activity. Accordingly, to insure that sufficient information is available, the bidder must furnish as a part of his bid all descriptive material (such as cuts, illustrations, drawings or other information) necessary for the purchasing activity to (i) determine whether the product offered meets the salient characteristics requirement of the Invitation for Bids and (ii) establish exactly what the bidder proposes to furnish and what the Government would be binding itself to purchase by making an award. The information furnished may include specific references to information previously furnished or to information otherwise available to the purchasing activity.

NOTE: Supplemental of Section 19, D.O.E General Terms and Conditions Sealed Bid Solicitation and Award.

GUAM PUBLIC SCHOOL SYSTEM

LOCAL PROCUREMENT PREFERENCE APPLICATION

Based on the law stipulated below, please place a check or mark an "x" on the (1-4) block indicating the section that applies to your business:

5GCA, Chapter 5, Section 5008 titled "Policy in Favor of Local Procurement" of the Guam Procurement Law and the Department of Education Procurement Regulations Section 1.7 States:

"All procurement of supplies and services shall be made from among business licensed to do business on Guam and that maintain an office or other facility on Guam, whenever a business that is willing to be a contractor is:

- 1. A licensed bona fide manufacturing business that adds at least twenty-five percent (25%) of the value of an item, not to include administrative overhead, using workers who are U.S. Citizens or lawfully admitted permanent residents or nationals of the United States, or persons who are lawfully admitted to the United States to work, based on their former citizenship in the Trust Territory of the Pacific Islands;
2. A business that regularly carries an inventory for regular immediate sale of at least fifty percent (50%) of the items of supplies to be procured;
3. A business that has a bona fide retail or wholesale business location that regularly carries an inventory on Guam of a value of at least one half of the value of the bid or one hundred fifty thousand dollars (\$150,000), whichever is less, of supplies and items of a similar nature to those being sought; or
4. A service business actually in business, doing a substantial portion of its business on Guam, and hiring at least ninety-five percent (95%) U.S. Citizens, lawfully admitted permanent residents or nationals of the United States to work, based on their citizenship in any of the nations previously comprising the Trust Territory of the Pacific Islands.

Procurement of supplies and services from off-Guam may be made if no local agent for such supplies or services may be found on Guam or if the total cost F.O.B. job-site, unloaded, of procurement from off-island is not greater than eighty-five percent (85%) of the total cost F.O.B. job-site, unloaded, of the same supplies or services when procured from a local source. Justification for off-island procurement, must be submitted in writing to the Director of Education or his designee."

1. I, _____, representative for _____, have read the requirements of the law cited above and do hereby qualify and elect to be given the Local Procurement Preference for Bid No. _____. By filling in this information and placing my signature below, I understand that Department of Education will review my application and shall determine whether or not the fifteen percent (15%) preference will be applied to the referenced bid.

2. I, _____, representative for _____, have read the requirements of the law cited above and do not wish to apply for the Local Procurement Preference for Bid No. _____.

Name: _____
Address: _____

Title
Tel
Fa
E-

2609

Local Procurement

**GOVERNMENT OF GUAM
GUAM PUBLIC SCHOOL SYSTEM**

**BIODEGRADABLE, REUSABLE, RECYCLABLE OR RECYCLED PRODUCTS
(Public Law 21-22, DOEPR Section 3.914.7)**

When possible, emphasis shall be placed on the purchase of products that are biodegradable, reusable, recyclable, or recycled products, or any combination. These Regulations shall provide that the cost (prior to any adjustments for local vendors) of appropriate biodegradable, reusable, recyclable, or recycled products may be as much as ten percent (10%) greater than the cost of the non-biodegradable, non-reusable, recyclable, or non-recycled products they are replacing.

Please identify line items offered which are recyclable and/or biodegradable products which qualifies my offer to the ten percent (10%) preference allowed by law.

Under the Guam Public Law 21-22, ten percent (10%) allowance preference is given to vendor who's products are biodegradable, reusable, recyclable or recycled materials or any combination thereof.

Please identify products that fall under this category and provide products data sheet or other acceptable written supporting documents.

Bids will be considered only from the such bidders who, in the opinion of the Government, can show evidence of their ability, experience, equipment, and facilities to render satisfactory service.

The Administrator, Supply Management reserves the right for securing from Bidders information to determine whether or not they are responsible and to inspect plant site, place of business, and supplies and services as necessary to determine their responsibility in accordance with Section 15 of these General Terms and Conditions (DOEPR Section 3.16).

All vendor(s) whose products qualify must complete the following for consideration:

1. Offering recyclable and /or biodegradable product(s) : Yes No

2. List of products offered by the bid line item number(s) :

Name: _____
Address: _____

Title: _____
Telephone No: _____
Fax No: _____
E-Mail No: _____

GOVERNMENT OF GUAM
GUAM PUBLIC SCHOOL SYSTEM

GENERAL TERMS AND CONDITIONS
SEALED BID SOLICITATION AND AWARD

IFB NO: 004-2009

Only those checked below are applicable to this bid.

- ✓ 1. **AUTHORITY:** This solicitation is issued subject to all the provisions of 5GCA, Chapter 5 titled the Guam Procurement Act and the Guam Public School System Procurement Regulations (copies of both are available for inspection at the Office of the Compiler of Laws; Guam Law Library, and the Guam Public School System Procurement Office). It requires all parties involved in the preparation, negotiation, performance, or administration of contracts to act in good faith.
- ✓ 2. **GENERAL INTENTION:** Unless otherwise specified, it is the declared and acknowledged intention and meaning of these General Terms and Conditions for the Bidder to provide the Government of Guam Guam Public School System (GPSS) with specified services or with materials, supplies or equipment **completely assembled and ready to use.**
- ✓ 3. **TAXES:** Bidders are cautioned that they are subject to Guam Income Taxes as well as all other taxes on Guam Transactions. Specific information on taxes may be obtained from the Guam Department of Revenue and Taxation.
- ✓ 4. **LICENSING:** Bidders are cautioned that the Government will not consider for award any offer submitted by a bidder who has not complied with the Guam Licensing Law. Specific information on licenses may be obtained from the Guam Department of Revenue and Taxation.
- ✓ 5. **LOCAL PROCUREMENT PREFERENCE:** All procurement of supplies and services where possible, will be made from among businesses licensed to do business on Guam in accordance with 5GCA Chapter 5 Section 5008 and Section 1.7 of the Guam Public School System Procurement Regulations.
- ✓ 6. **COMPLIANCE WITH SPECIFICATIONS AND OTHER SOLICITATION REQUIREMENTS:** Bidders shall comply with all specifications and other requirements of the Solicitation.
- 7. **"ALL OR NONE" BIDS:** By checking this item, the Government is requesting all of the bid items to be bid or none at all. The Government will not award on an itemized basis Reference: Section 3.15.6 of the Guam Public School System Procurement Regulations. If the Government does not require all or none bids (Section 7 is not checked off), but the bidder indicates on the bid that it is an all or none bid, then the Government will deem the bid submitted as non-responsive.
- ✓ 8. **INDEPENDENT PRICE DETERMINATION:** The Bidder, upon signing the Invitation to Bid, certifies that the prices in his bid were derived at without collusion and acknowledge that collusion and anti-competitive practices are prohibited by law. Violations will be subject to the provision of 5GCA Chapter 5, Section 5650 of the Guam Procurement Act. Other existing civil, criminal or administrative remedies are not impaired and may be in addition to the remedies in 5GCA Chapter 5, Section 5650 of the Guam Procurement Act.
- ✓ 9. **BIDDER'S PRICES:** The Government will consider not more than two (2) (Basic and Alternate) item prices and the Bidder shall explain fully each price if supplies, materials, equipment, and/or specified services offered comply with specifications and the product's origin. Where basic or alternate bid meets the minimum required specification, cost and other factors will be considered. **Failure to explain this requirement will result in rejection of the bid. (See Section 23)**
- ✓ 10. **BID ENVELOPE:** Envelope shall be sealed and marked with the Bidder's name, Bid number, date, time and place of Bid Opening.
- ✓ 11. **BID BOND REQUIREMENT:** Bidders are required to submit a Bid Guarantee Bond or standby irrevocable Letter of Credit or Certified Check or Cashier's Check in the same bid envelope to be held by the Government pending award. The Bid Guarantee Bond, Letter of Credit, Certified Check or Cashier's Check must be issued by any local surety or banking institution licensed to do business on Guam and made payable to the Treasurer of Guam in the amount of **fifteen percent (15%)** of his highest total bid offer. Bid guarantee will be a Bid Bond on Government Standard Form BB-1 (copy enclosed). Personal Checks will not be accepted as Bid Guarantee. If a successful bidder (contractor) withdraws from the Bid or fails to enter into contract within the prescribed time, such Bond will be forfeited to the Government of Guam. Bidder must include in his/her bid valid copies of a Power of Attorney from the Surety and a Certificate of Authority from the Government of Guam to show proof that the surety company named on the bond instrument is authorized by the Government of Guam and qualified to do business on Guam. For detailed information on bonding matters, contact the Guam Department of Revenue and Taxation. Failure to submit a valid Power of Attorney or Certificate of Authority on the surety is caused for rejection of bid. (DOEPR Section 3.9.3.3.)

Pursuant to Public Law 27-127 Section 2 Subsection 5212 hereby added to Part B of Article 3 of Chapter 5 of Title 5 of the Guam Code Annotated: Requirement of Bid Security shall be required for all competitive sealed bidding for the procurement of supplies or services when the total price is estimated by the Chief Procurement Officer to exceed twenty-five thousand dollars (25,000.00). Amount of bid security shall be in an amount equal to fifteen percent (15%) of the total bid amount.
- 12. **PERFORMANCE BOND REQUIREMENT:** The Bidder may be required to furnish a Performance Bond on Government Standard Form PB-1, standby irrevocable Letter of Credit or Certified Check or Cashier's Check payable to the Treasurer of Guam issued by any of the local Banks or Bonding Institution in the amount equal to n/a percent (10%) of the contract prices as security for the faithful performance and proper fulfillment of the contract. In the event that any of the provisions of this contract are violated by the contractor, the Administrator, Supply Management shall serve written notice upon both the contractor and the Surety of its intention to terminate the contract. Unless satisfactory arrangement or correction is made within ten (10) days of such notice the contract shall cease and terminate upon the expiration of the ten (10) days. In the event of any such termination, the Administrator, Supply Management shall immediately serve notice thereof upon the Surety. The Surety shall have the right to take over and perform the contract, provided, however, that if the Surety does not commence performance thereof within 10 days from the date of the mailing of notice of termination, the Government may take over and prosecute the same to complete the contract or force account for the account and at the expense of the contractor, and the contractor and his Surety shall be liable to the Government for any excess cost occasioned the Government thereby (DOEPR Section 3.9.3.4).

- ✓ 13. **PERFORMANCE GUARANTEE :** Bidders who are awarded a contract under this solicitation, guarantee that goods will be delivered or required services performed within the time specified. Failure to perform the contract in a satisfactory manner may be cause for suspension or debarment from doing business with the Government and to enforce Section 12 of these General Terms and Conditions. In addition, the Government will hold the Vendor liable and will enforce the requirements as set forth in Section 41 of these General Terms and Conditions.
- ✓ 14. **SURETY BONDS:** Bid and Performance Bonds coverage must be signed or countersigned in Guam by a foreign or alien Surety's Resident General Agent. The Surety must be an insurance company, authorized by the Government of Guam and qualified to do business in Guam. Bids will be disqualified if the Surety Company does not have a valid Certificate of Authority from the Government of Guam to conduct business in Guam.
- ✓ 15. **COMPETENCY OF BIDDERS:** Bids will be considered only from the such bidders who, in the opinion of the Government, can show evidence of their ability, experience, equipment, and facilities to render satisfactory service.
- ✓ 16. **DETERMINATION OF RESPONSIBILITY OF BIDDERS:** The Administrator, Supply Management reserves the right for securing from Bidders information to determine whether or not they are responsible and to inspect plant site, place of business, and supplies and services as necessary to determine their responsibility in accordance with Section 15 of these General Terms and Conditions (DOEPR Section 3.16).
- ✓ 17. **STANDARD FOR DETERMINATION OF LOWEST RESPONSIBLE BIDDER:** In determining the lowest responsible offer, the Administrator, Supply Management shall be guided by the following:
- Price of Items offered.
 - The ability, capacity, and skill of the Bidder to perform.
 - Whether the Bidder can perform promptly or within the specified time.
 - The quality of performance of the Bidder with regards to awards previously made to him.
 - The previous and existing compliance by the Bidder with laws and regulations relative to procurement.
 - The sufficiency of the financial resources and ability to the Bidder to perform.
 - The ability of the bidder to provide future maintenance and services for the subject of the award.
 - The compliance with all conditions to the Solicitation.
- ✓ 18. **TIE BIDS:** If the bids are for the same unit price or total amount in the whole or in part, the Administrator, Supply Management has the authority to award the bid to any one of the bidders by drawing lots in public, or to reject all such bids (DOEPR Section 3.9.15.2).
- ✓ 19. **BRAND NAMES:** Any reference in the Solicitation to manufacturer's Brand Names and number is due to lack of a satisfactory specification of commodity description. Such reference is intended to be descriptive, but not restrict, and for the sole purpose of indicating to prospective bidders a description of the article or services that will be satisfactory. Bids on comparable items will be considered provided the bidder clearly states in his bid the exact articles he is offering and how it differs from the original specification.
- ✓ 20. **DESCRIPTIVE LITERATURE:** Descriptive literature(s) as specified in this solicitation must be furnished as a part of the bid and must be received at the date and time set for opening Bids. The literature furnished must clearly identify the item(s) in the Bid. The descriptive literature is required to establish, for the purpose of evaluation and award, details of the product(s) the bidder proposes to furnish including design, materials, components, performance characteristics, methods of manufacture, construction, assembly or other characteristics which are considered appropriate. Rejection of the Bid will be required if the descriptive literature(s) do not show the product(s) offered conform(s) to the specifications and other requirements of this solicitation. Failure to furnish the descriptive literature(s) by the time specified in the Solicitation will require rejection of the Bid.
21. **SAMPLES:** Sample(s) of item(s) as specified in this solicitation must be furnished as a part of the bid and must be received at the date and time set for opening Bids unless otherwise specified in the solicitations.. The sample(s) should represent exactly what the Bidder proposes to furnish and will be used to determine if the item(s) offered complies with the specifications. Rejection of the Bid will be required if the sample(s) do not show that the product(s) offered conform(s) to the specifications and other requirements of this solicitation. Failure to furnish the sample(s) by the time specified in the Solicitation will require rejection of the Bid.
22. **LABORATORY TEST:** Successful bidder is required to accompany delivery of his goods with a Laboratory Test Report indicating that the product he is furnishing the Government meets with the specification. This report is on the Bidder's account and must be from a certified Testing Association.
- ✓ 23. **AWARD, CANCELLATION & REJECTION:** Award shall be made to the lowest responsible and responsive Bidder, whose bid is determined to be the most advantageous to the Government, taking into consideration the evaluation factors set forth in this solicitation. No other factors or criteria shall be used in the evaluation. The right is reserved as the interest of the Government may require to waive any minor irregularity in bids received. The Administrator, Supply Management shall have the authority to award, cancel, or reject bids, in whole or in part for any one or more items if he determines it is in the public interest. Award issued to the lowest responsible bidder within the specified time for acceptance as indicated in the solicitation, results in a binding contract without further action by either party. In case of an error in the extension of prices, unit price will govern. It is the policy of the Government to award contracts to qualified local bidders. The Government reserves the right to increase or decrease the quantity of the items for award and make additional awards for the same type items and the vendor agrees to such modifications and additional awards based on the bid prices for a period of thirty (30) days after the original award. No award shall be made under this solicitation which shall require advance payment or irrevocable letter of credit from the Government (DOEPR Section 3.9.14.1).
24. **MARKING:** Each outside container shall be marked with the Purchase Order number, item number, brief item description and quantity. Letter marking shall not be less than 3/4" in height.
- ✓ 25. **SCHEDULE FOR DELIVERY:** Successful bidder shall notify the designated school/division at least Twenty-four (24) hours before delivery of any item under this solicitation unless otherwise specified in the solicitation.
26. **BILL OF SALE:** Successful Bidder shall render Bill(s) of Sale for each item delivered under this contract. Failure to comply with this requirement will result in rejection of delivery. The Bill(s) of Sale must accompany the items delivered but will not be considered as an invoice for payment. Supplier shall bill the Government in accordance with billing instructions as indicated on the Purchase order.
27. **MANUFACTURER'S CERTIFICATE:** Successful bidder is required, upon delivery of any item under this contract, to furnish a certificate from the manufacturer indicating that the goods meet the specifications. Failure to comply with this request will result in rejection of delivery.

- ✓ 28. **INSPECTION:** All supplies, materials, equipment, or services delivered under this contract shall be subject to the inspection and/or test conducted by the Government at destination. If in any case the supplies, materials, equipment, or services are found to be defective in material, workmanship, performance, or otherwise do not conform with the specifications, the Government shall have the right to reject the items or require that they be corrected. The number of days required for correction will be determined by the Government.
29. **MOTOR VEHICLE SAFETY REQUIREMENTS:** The Government will only consider Bids on motor vehicles which comply with requirements of the National Traffic and Motor Vehicle Safety Act of 1966 (Public Law 89-563) and Clean Air Act as amended (Public Law 88-206), that are applicable to Guam. Bidders shall state if the equipment offered comply with these aforementioned Federal Laws.
30. **SAFETY INSPECTION:** All motor vehicles delivered under this contract must pass the Government of Guam Vehicle Inspection before delivery to destination.
- ✓ 31. **GUARANTEE:**
- a) **Guarantee of Vehicle Type of Equipment:**
The successful bidder shall guarantee vehicular type of equipment offered against defective parts, workmanship, and performance, for a period of not less than one (1) year after date of receipt of equipment. Bidder shall also provide service to the equipment for at least one (1) year. Service to be provided shall include, but will not be limited to tune-ups (change of spark plugs, contact points and condensers) and lubrication (change of engine and transmission oil). All parts and labor shall be at the expense of the bidder. All parts found defective and not caused by misuse, negligence or accident within the guarantee period shall be repaired, replaced, or adjusted within six (6) working days after notice from the Government and without cost to the Government. Vehicular type of equipment as used in this context shall include equipment used for transportation as differentiated from tractors, backhoe, etc.
- b) **Guarantee of Other Type of Equipment:**
Unless otherwise stated in the Invitation for Bid, the successful bidder must guarantee offers for labor and against any caused by misuse, negligence, or accident within the guarantee period shall be replaced without any cost (including labor) to GPSS. GPSS reserves the right to require service at any time during the duration of the guarantee period. The Bidder must also honor the manufacturer's warranty which must be submitted with the bid (DOEPR Section 3.28.1).
- ✓ c) Compliance with this Section is a condition of this Bid.
- ✓ 32. **REPRESENTATION REGARDING ETHICS IN PUBLIC PROCUREMENT:** The Bidder or Contractor represents that it has not knowingly influenced and promises that it will not knowingly influence a Government employee to breach any of the ethical standards and represents that it has not violated, it is not violating, and promises that it will not violate the prohibition against gratuities and kickbacks set forth in Chapter 11 (Ethics in Public Contracting) 5GCA Chapter 5 of the Guam Procurement Act and Chapter 11 of the Department of Education Procurement Regulations.
- ✓ 33. **REPRESENTATION REGARDING CONTINGENT FEES:** The Bidder or Contractor represents that it has not retained a person to solicit or secure a Government contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee; except for retention of bona fide employees or bona fide established commercial selling agencies for the purpose of securing business (DOEPR Section 11.8).
- ✓ 34. **EQUAL EMPLOYMENT OPPORTUNITY:** Bidders and Contractors shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that employees are treated equally during employment without regards to their race, color, religion, sex, or national origin.
- ✓ 35. **COMPLIANCE WITH LAWS:** Bidders awarded a contract under this Solicitation shall comply with the applicable standards, provisions, and stipulations of all pertinent Federal and/or local laws, rules, and regulations relative to the performance of this contract and the furnishing of goods.
- ✓ 36. **CHANGE ORDER:** Any change order issued relative to awards made under this solicitation will be subject to and in accordance with the provisions of Section 6.1.3.1 of the Guam Public School System Procurement Regulations.
- ✓ 37. **STOP WORK ORDER:** Any stop work order issued relative to awards made under this solicitation will be subject to and in accordance with the provisions of Section 6.1.4.3 of the Guam Public School System Procurement Regulations.
- ✓ 38. **TERMINATION FOR CONVENIENCE:** The Guam Public School System may, when the interest of the Department so requires, terminate this contract in whole or in part, for the convenience of the Department. The Guam Public School System shall give written notice of the termination to the contractor specifying the part of the contract terminated and when termination becomes effective. Any termination order for the convenience of the Government issued relative to awards made under this solicitation will be subject to and in accordance with the provisions of Section 6.1.10 of the Guam Public School System Procurement Regulations.
- ✓ 39. **TIME FOR COMPLETION:** It is hereby understood and mutually agreed by and between the contractor and the Government that the time for delivery to final destination or the timely performance of certain services is an essential condition of this contract. If the contractor refuses or fails to perform any of the provisions of this contract within the time specified in the Purchase Order (from the date Purchase Order is acknowledged by vendor), then the contractor is in default. Defaults will be treated subject to and in accordance with the provisions of Section 6.1.9 of the Guam Public School System Procurement Regulations.
- ✓ 40. **JUSTIFICATION OF DELAY:** Bidders who are awarded contracts under this Solicitation, guarantee that the goods will be delivered to their destination or required services rendered within the time specified. If the Bidder is not able to meet the specified delivery date, he is required to notify the Administrator, Supply Management of such delay. [Notification shall be in writing and shall be received by the Administrator, Supply Management at least twenty-four (24) hours before the specified delivery date.] Notification of delay shall include an explanation of the causes and reasons for the delay including statement(s) from supplier or shipping company causing the delay. The Government reserves the right to reject delay justification if, in the opinion of the Administrator, Supply Management such justification is not adequate.

✓ 41. **LIQUIDATED DAMAGES:** When the Contractor is given notice of delay or nonperformance as specified in "Section 12" (Termination for Default) of this contract and fails to cure in the time specified, the contractor shall be liable for damages for delay in the amount of two percent (2%) of outstanding order per calendar day from date set for cure until either the territory reasonably obtains similar supplies or services if the contractor is terminated for default, or until the contractor provides the supplies or services if the contractor is not terminated for default. To the extent that the Contractor's delay or nonperformance is excused under Section 40 (Excuse for Nonperformance or Delayed Performance) of the Termination of Default Clause of this contract, liquidated damages shall not be due the territory. The Contractor remains liable for damages caused other than by delay (DOEPR Section 6.1.8.1).

✓ 42. **PHYSICAL LIABILITY:** If it becomes necessary for the Vendor, either as principal, agent or employee, to enter upon the premises or property of the Government of Guam in order to construct, erect, inspect, make delivery or remove property hereunder, the Vendor hereby covenants and agrees to take, use, provide and make all proper, necessary and sufficient precautions, safeguards and protection against the occurrence of any accidents, injuries and to indemnify and save harmless the Government of Guam from the payment of all sums of money by reason of all or any such accidents, injuries or damages that may occur upon or about such work, and fines, penalties and loss incurred for or by reason of the violations of any territorial ordinance, regulations, or the laws of Guam or the United States, while the work is in progress. Contractor will carry insurance to indemnify the Government of Guam against any claim for loss, damage or injury to property or persons arising out of the performance of the Contractor or his employees and agents of the services covered by the Contract and the use, misuse or failure of any equipment used by the contractor or his employees or agents, and shall provide certificates of such insurance to the Government of Guam when required.

✓ 43. **RESTRICTIONS ON SEX OFFENDERS (Pursuant to Public Law 28-24):**

The contractor warrants that no person shall provide services on his behalf in relation to this contract who has been convicted of a sex offense under the provisions of Chapter 25 of Title 9 GCA or an offense as defined in Article 2 of Chapter 28, Title 9 GCA or an offense in another jurisdiction with, at a minimum, the same elements as such offenses, or who is listed in the Sex Offender Registry. Any such person who is discovered to have been so convicted shall be immediately removed from working at the Guam Public School System and the Superintendent shall be informed within twenty-four (24) hours. Failure to take corrective action after notice may result in the temporary suspension of the Agreement at the discretion of the GPSS

✓ 44. **PREVAILING WAGE DETERMINATION (Pursuant to Public Law 26-111):**

AN ACT TO ADD ARTICLE 13 TO CHAPTER 5 OF TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING MINIMUM AND PREVAILING WAGE DETERMINATION, LEAVE REQUIREMENTS AND BENEFIT REQUIREMENTS FOR EMPLOYEES OF SERVICE AND OTHER CONTRACTORS OF THE GOVERNMENT OF GUAM.

Section 1. Legislative Findings and Intent. I Liheslaturan Guahan finds that there are no prevailing wages, or set benefits, established for employees of private contractors awarded service and other contracts by the government of Guam, except to the extent that the minimum wage law applies, and specifically to the extent that the Federal prevailing wage applies to construction contractors.

This lack of minimum standards sets an insecure and uneven playing field for businesses wishing to do business with the government of Guam in the service area. Moreover, and more critically, it forcefully depresses wage and benefits among employees of firms doing business with the government of Guam, as firms are compelled to reduce bids in order to remain competitive with other bidders. I Liheslaturan Guahan finds this to be inequitable and detrimental for the employees of these private firms.

Section 2. Article 13 is hereby added to Chapter 5 of Title 5 of the Guam Code Annotated to read as follows:

"Article 13"

WAGE AND BENEFIT DETERMINATION

Section 5801. Wage and Determination Established. In such cases where the government of Guam enters into contractual arrangements with a sole proprietorship, a partnership or a corporation ('contractor') for the provision of a service to the government of Guam, and such cases where the contractor employs a person(s) whose purpose, in whole or in part, is the direct delivery of service contracted by the government of Guam, then the contractor shall pay such employee(s) in accordance with the Wage and Determination for Guam and the Northern Mariana Islands issued and promulgated by the U.S. Department of Labor for such labor as is employed in the direct delivery of contract deliverables to the government of Guam.

The wage determination most recently issued by the U.S. Department of Labor at the time a contract is awarded to a contractor by the government of Guam shall be used to determine wages, which shall be paid to employees pursuant to this Article. Should any contract contain a renewal clause, then at the time of renewal adjustments, there shall be made stipulations contained in that contract for applying the Wage Determination as required by this Article, so that the Wage Determination promulgated by the U.S. Department of Labor on a date most recent to the renewal date shall apply.

Section 5802. Benefits. In addition to the Wage Determination detailed in this Article, any contract to which this Article applies shall also contain provisions health and similar benefits for employees covered by this Article, such benefits having a minimum value as detailed in the Wage Determination issued and promulgated by the U.S. Department of Labor, and shall contain provisions guaranteeing a minimum of ten (10) paid holidays per annum per employee.

Section 5803. Department of Labor Monitoring and Penalizing Authority. The Guam Department of Labor, or its successor, shall monitor compliance with the provisions of this Article. The Director of the Department of Labor, or that person's successor, shall investigate possible or reported violations of the provisions of this Article, and shall forward such findings to the Chief Procurement Officer of the General Services Agency, or that person's successor.

The Department of Labor, or its successor, shall promulgate rules and regulations, pursuant to the Administrative Adjudication Law, as needed to ensure the equitable investigation of violations and the maintenance of due process, as well as the assessment of monetary penalties in the event of a violation, providing that such monetary penalties shall be limited to the assessment of daily penalties of no less than One Hundred Dollars (\$100.00) per day, and no more than (\$1000.00) per day, until such time as a violation has been corrected, as well as the payment of all back wages and benefits due.

Section 5804. Probation and Appeal. A contractor who violates the provisions of this Article, as determined by the process authorized in § 5803 of this Article, may be placed on a probationary status by the Chief Procurement Officer of the General Services Agency, or its successor, for a period of one (1) year. During such probationary status, a contractor shall not be awarded any contract by any instrumentality of the government of Guam. A contractor who has been placed on probationary status pursuant to this Article, or who has been assessed a monetary penalty to this Article. May appeal such penalty or probationary status to the Superior Court of Guam.

- √ 45. **CONTACT FOR CONTRACT ADMINISTRATION:** If your firm receives a contract as a result of this Solicitation, please designate a person whom we may contract for prompt administration.

Name: _____	Title: _____
Address: _____	Telephone No: _____
_____	Fax No: _____
_____	E-mail No: _____

**GOVERNMENT OF GUAM
GUAM PUBLIC SCHOOL SYSTEM**

SEALED BID SOLICITATION INSTRUCTIONS

1. **BID FORMS:** Each bidder shall be provided with one (1) set of Solicitation form. Additional copies may be provided upon request. Bidders requesting additional copies of said forms will be charged per page in accordance with Section 6114 of the Government Code of Guam. All payments for this purpose shall be by cash, certified check or money order and shall be made payable to the Treasury of Guam.
2. **PREPARATION OF BIDS:**
 - a) Bidders are required to examine the drawings, specifications, schedule, and all instructions. Failure to do so will be at bidder's risk.
 - b) Each bidder shall furnish the information required by the Solicitation. The bidder shall sign the Solicitation and print or type his name on the Schedule. Erasures or other changes must be initialed by the person signing the bid. Bids signed by an agent are to be accompanied by evidence of his authority unless such evidence has been previously furnished to the issuing office.
 - c) Unit price for each unit offered shall be shown and such price shall include packing unless otherwise specified. A total shall be entered in the amount column of the Schedule for each item offered. In case of discrepancies between a unit price and an extended price, the unit price will be presumed to be correct.
 - d) Bids for supplies or services other than those specified will not be considered.
 - e) Bids must state a definite time for delivery of supplies or performance of services.
 - f) Time, if stated as a number of days, means calendar days and will include Saturdays, Sundays, and holidays beginning the day after the issuance of a Notice to Proceed. Time stated ending on a Saturday, Sunday or Government of Guam legal holiday will end at the close of the next business day.
3. **EXPLANATION TO BIDDERS:** Any explanation desired by a bidder regarding the meaning or interpretation of the Solicitation, drawings, specifications, etc., must be submitted in writing and with sufficient time allowed for a written reply to reach all bidders before the submission of their bids. Oral explanations of instructions given before the award of the contract will not be binding. Any information given to a prospective bidder concerning a Solicitation will be furnished to all prospective bidders in writing as an amendment to the Solicitation if such information is necessary for bidders in submitting bids on the Solicitation or if the lack of such information would be prejudicial to uninformed bidders.
4. **ACKNOWLEDGMENT OF AMENDMENTS TO SOLICITATIONS:** Receipt of an amendment to a Solicitation by a bidder must be acknowledged of receipt of the amendment. Such acknowledgment must be received prior to the hour and date specified for receipt of bids.
5. **SUBMISSION OF BIDS:**
 - a) Bids and modifications thereof shall be enclosed in sealed envelopes and addressed to the office specified in the Solicitation, for receipt, the solicitation number, and the name and address of the bidder on the face of the envelope.
 - b) Telegraphic bids will not be considered unless authorized by the Solicitation. However, bids may be modified or withdrawn by written or telegraphic notice, provided such notice is received prior to the hour and date specified for receipt (see paragraph 6 of these instructions).
 - c) Samples of items, when required, must be submitted within the time specified, unless otherwise specified by the Government, at no expense to the Government. If not destroyed by testing, samples will be returned at bidder's request and expense, unless otherwise specified by the Solicitation.
 - d) Samples or descriptive literature should not be submitted unless it is required on this Solicitation. Regardless of any attempt by a bidder to condition the bid, unsolicited samples of descriptive literature will not be examined or tested at the bidder's risk, and will not be deemed to vary any of the provisions of this Solicitation.
6. **FAILURE TO SUBMIT BID:** If no bid is to be submitted, do not return the Solicitation unless otherwise specified. A letter or postcard shall be sent to the issuing office advising whether future Solicitations for the type of supplies or services covered by this Solicitation are desired.
7. **LATE BID, LATE WITHDRAWALS, AND LATE MODIFICATIONS:**
 - a) **Definition:** Any bid received after the time and date set for receipt of bids is late. Any withdrawal or modification of bid received after the time and date set for opening of bids at the place designated for opening is late (Department of Education Procurement Regulations Section 3.9.11.1).
 - b) **Treatment:** No late bid, late modification, or late withdrawal will be considered unless received before contract award, and the bid, modification, or withdrawal would have been timely but for the action or inaction of territorial personnel directly serving the procurement activity (Department of Education Procurement Regulations Section 3.9.11.2).
8. **DISCOUNTS:**
 - a) Notwithstanding the fact that prompt payment discounts may be offered, such offer will not be considered in evaluation bids for award unless otherwise specified in the Solicitation. However, offered discounts will be taken if payment is made within the discount period, even though not considered in the evaluation of bids.
 - b) In connection with any discount offered, time will be computed from date of delivery and acceptance of the
9. **GOVERNMENT FURNISHED PROPERTY:** No material, labor or facilities will be furnished by the Government unless otherwise provided for in the Solicitation.
10. **SELLERS' INVOICES:** Invoices shall be prepared and submitted in quadruplicate (one copy shall be marked "original") unless otherwise specified. Invoices shall be "certified true and correct" and shall contain the following information: Contract and order number (if any,) item numbers, description of supplies or services, sizes, quantities, unit prices, and extended total. Bill of lading number and weight of shipment will be shown for shipments made on Government bills of lading.
11. **RECEIPT, OPENING AND RECORDING OF BIDS:** Bids and modifications shall be publicly opened in the presence of one or more witnesses, at the time, date and place designated in the Invitation for Bids. The name of each bidder, the bid price, and such other information as is deemed appropriate by the Procurement Officer, shall be read aloud and recorded, or otherwise made available. The names and addresses of required witnesses shall be recorded at the opening. The opened bids shall be available for public inspection except to the extent the bidder designates trade secrets or other proprietary data to be confidential as set forth in

accordance with Section 12, below. Material so designated shall accompany the bid and shall be readily separable from the bid in order to facilitate public inspection of the non-confidential portion of the bid. Prices, makes and models or catalogue numbers of the items offered, deliveries, and terms of payment shall be publicly available at the time of bid opening regardless of any designation to the contrary (Department of Education Procurement Regulations Section 3.9.12.).

12. CONFIDENTIAL DATA: The Procurement Officer shall examine the bids to determine the validity of any requests for non-disclosure of trade secrets and other proprietary data identified in writing. If the parties do not agree as to the disclosure of data, the Procurement Officer shall inform the bidders in writing what portions of the bid will be disclosed and that, unless the bidders protest under Chapter 9 of the Guam Procurement Act (PL. 16-124), the bids will be so disclosed. The bids shall be opened to public inspection subject to any continuing prohibition on the disclosure of confidential data (Department of Education Regulations Section 3.9.12.3).

13. MULTI-STEP SEALED BIDDING:

- a) It is defined as a two-phase process consisting of a technical first-phase composed of one or more steps in which bidders submit unpriced technical offers to be evaluated by the territory, and a second-phase in which those bidders whose technical offers are determined to be acceptable during the first-phase have their bids considered. It is designed to obtain the benefits of competitive sealed bidding by award of a contract to the lowest responsive, responsible bidder, and at the same time obtain the benefits of the competitive sealed proposals procedure through of technical offers and the conduct of discussions to evaluate and determine the acceptability of technical offers.
- b) In addition to the requirements set forth in the General Terms and Conditions and the Special provisions, the following applies:
- 1) only unpriced technical offers are requested in the first phase;
 - 2) priced bids will be considered only in the second phase and only from bidders whose unpriced technical offers are found acceptable in the first phase;
 - 3) the criteria to be used in the evaluation are those specified in the Special Provisions and the General Terms and Conditions;
 - 4) the territory, to the extent the Procurement Officer finds necessary, may conduct oral or written discussion of the unpriced technical offers;
 - 5) the bidders, may designate those portions of the unpriced technical offers which contain trade secrets or other proprietary data which are to remain confidential; and,
 - 6) the service being procured shall be furnished generally in accordance with the bidder's technical offer as found to be finally acceptable and shall meet the requirements of the invitation for Bids.

c) RECEIPT AND HANDLING OF UNPRICED TECHNICAL OFFERS.

Unpriced technical offers shall not be opened publicly, but shall be opened in front of two or more procurement officials. Such offers shall not be disclosed to unauthorized persons. Bidders may request nondisclosure of trade secrets and other proprietary data identified in writing.

d) EVALUATION OF UNPRICED TECHNICAL OFFERS.

The unpriced technical offers submitted by bidders shall be evaluated solely in accordance with the criteria set forth in the invitation for Bids. The unpriced technical offers shall be categorized as:

- 1) acceptable;
- 2) potentially acceptable, that is, reasonably susceptible of being made acceptable; or
- 3) unacceptable. The Procurement Officer shall record in writing the basis for finding an offer unacceptable and make it part of the procurement file.

The Procurement Officer may initiate Phase Two of the procedure if, in the Procurement Officer's opinion, there are sufficient acceptable unpriced technical offers to assure effective price competition in the second phase without technical discussions. If the Procurement Officer finds such is not the case, the Procurement Officer shall issue an amendment to the invitation for Bids or engage in technical discussions as set forth in DOEPR Subsection 3.9.20.5 of this Section.

- e) Upon the completion of Phase One, the Procurement Officer shall invite each acceptable bidder to submit a price bid. Upon submission of prices, the Procurement Officer shall prepare the final evaluation and reconsideration for approval by the Director of Education or his designee.

SPECIAL PROVISIONS

1. INTENT:

The intent of this bid is twofold: First, to satisfy the Guam Procurement Law requirements for competitive sealed bidding and second; to implement MODIFIED form of "JUST-IN-TIME" (JIT) purchasing. JIT purchasing is a means for the Guam Public School System to reduce the expense of maintaining on-hand stocks of inventories in favor of immediate deliveries based on immediate need. This requires suppliers that are capable of, on a continuous basis, of supplying necessary levels of quality supplies on a timely basis.

METHOD OF AWARD: **The initial order requirements may be based on an "Incremental Award".**

All requirements thereafter, may be "**Indefinite Quantity**". An incremental award is an award of portions of a indefinite quantity requirement to more than one contractor. Each portion is for a indefinite quantity and the sum of the portion is the total indefinite quantity required. An incremental award may be used only when awards to more than one bidder or offeror for different amounts of the same item are necessary to obtain the total quantity or the required delivery.

An "Indefinite Quantity Bid" pursuant to section 3.19.9.2 of the GPSS Procurement Regulation is the quantities required are estimates only. Furthermore, due to fluctuation in needs these quantities may increase or decrease during the course of the contract period. However, regardless of fluctuation needs, this contract shall be subject to the availability of funds.

2. QUALITY ASSURANCE:

All goods furnished must strictly conform to the Invitation for Bid, and must be of the quality specified. No deviation or substitution is permitted without the prior written consent of GPSS. In the event, no quality is specified, the goods must be at least equal to the standards of the industry. GPSS shall have the right at all times during the performance of this IFB to conduct such tests and inspections as it deem necessary to assure Bidder's compliance with this requirement. GPSS will be supplied as needed data, drawings, specifications, test results, quality documentation, schedule and other documents and information.

3. MATERIAL SAFETY DATA SHEETS (MSDS):

All products purchased hereunder are chemical substances. Bidders are responsible for providing a current copy of MSDS, upon delivery and receiving of goods. All chemicals shall be applicable to Local and Federal regulations.

4. CONTACT PERIOD FOR RENEWAL OPTION:

This contract period shall be effective immediately upon notification of award through September 30, 2009. An option to extend this contract for an additional 90 days may be exercised by the Guam Public School System provided it is determined that the extension is in the best interest of the department and further provided that the unit price remains the same.

5. AVAILABILITY OF FUNDS:

The Guam Public School System's obligations are contingent upon the availability of appropriated funds from which payment for the contract can be made.

INDEFINITE QUANTITY BID FOR ADMINISTRATIVE SUPPLIES

ITEM NO.	NOMENCLATURE	QTY	UNIT	UNIT PRICE
----------	--------------	-----	------	------------

1A	Admit Slip Book carbonless, 300 pages Manufacturer: _____ Model/Brand: _____ Place of origin: _____	50	Each	
1B	Binders, Economy View, ½", Assorted Colors Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	50	Each	
2	Binders, Economy View, 1", Assorted Colors Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	50	Each	
3	Binders, Economy View, 1-½", Assorted Colors Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	50	Each	
4	Binders, Economy View, 2", Assorted Colors Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	50	Each	
5	Binders, Economy View, 2-½", Assorted Colors Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	50	Each	
6	Binders, Economy View, 3", Assorted Colors Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	50	Each	

7	Binders, Economy View, 3-1/2", Assorted Colors Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	50	Each	
8	Binders, Economy View, 4", Assorted Colors Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	50	Each	
9	Binder, Press board Covers with Retractable Hooks 14-7/8" x 11" Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	50	Each	
10	Calendar, Desk Pad Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	50	Each	
11	Calendar, Desk, Flip-a-Week Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	50	Each	
12	Calendar, Desk, Refill Only, Flip-a-Week Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	50	Each	
13	Clip, Binder, 3/4" Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	50	Dozen	
14	Clip, Binder, 1-1/4" Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	50	Dozen	

15	Clip, Binder, 2" Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	50	Dozen	
16	Clip, Paper, size No.1, 100/Box Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	50	Each	
17	Clip, Paper, size No.3, 100/Box Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	50	Each	
18	Clip, Paper, size Jumbo, 100/Box Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	50	Each	
19	CD-R, Recordable Discs, Branded Surface, 48 x 700MB/80 Min., Silver, 500/Spindle Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	50	Each	
20	CD-RW, Rewritable Discs, Branded Surface, 24 x 650MB/74. Matte Silver, Slim Jewel Cases, 10/Pack Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	50	Each	
21	DVD-R, Rewritable Discs, Silver, 4.7 GB 10/Spindle Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	50	Each	

22	DVD-RW, Rewritable Discs, Silver, 4.7 GB 5/Spindle Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	100	Each	
23	Jewel Case Inserts, Standard, Matte, 20/Package Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	100	Each	
24	Paper, Computer, 14-7/8" x 11", Green Bar, 1 Part, 15lb. Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	50	Case	
25	Tray, Stackable, Basic Side Load, 3"H, Legal Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	100	Each	
26	Diskette, Blk, 3.5", Format, DS/HD Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	100	Box	
27	Diskettes, Asst. Colors, 3.5" format, DS/HD, (Blue, Green, Orange, Red, Yellow) Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	100	Box	
28	Diskettes, Asst. Neon Colors, 3.5" format, DS/HD, (Blue, Green, Orange, Red, Yellow) Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	50	Box	

29	Copyholder, Metal, Legal Size Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	50	Each	
30	Correction Fluid, Foam Applicator, Spill Resistant, 22-mil, Bottle, White Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	50	Bottle	
31A	Correction tape Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	1	Each	
31B	Correction Tape in Refillable Dispenser, 1/16" x 550", 1 line Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	100	Each	
32	Cartridge, Re-fill for Dispenser, 1/16" 550", 1 Line Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	50	Each	
33	Correction Pen, All Purpose, Fast Drying, Premium Coverage, Pocket Clip, 7 mil. Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	100	Each	
34	Sheet Protector, Top Loading, Polypropylene, Three Hole, Punched for 8-1/2" x 11", Clear, Heavy, 50/Box Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	50	Box	

35	Envelope, Clasp, Kraft, 9" x 12" 100/Box Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	50	Box	
36	Envelope, #10, Self-Seal, 1-1/8" x 9-1/2", with Window, 24#, 500/Box Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	50	Box	
37A	Envelope, clasp, 10" x 15", 100 per box, Quality Park #37898 or equal Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	1	Box	
37B	Envelope, #10, Self-Seal, 1-1/8" x 9-1/2", Regular, 24#, 500/Box Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	50	Box	
38	Fastener, Standard Two-Piece, Prong Base and Compressor, 2" Capacity, 50/Box Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	50	Box	
39	Fastener, Standard Two-Piece, Prong Base and Compressor, 3- 1/2" Capacity, 50/Box Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	50	Box	
40	Folder, File, Manila, Letter Size, Single Ply, 1/3 Cut Tab, Assorted Position, 100/Box Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	100	Box	

41	Folder, File, Manila, Legal Size, Single Ply, 1/3 Cut Tab, Assorted Position, 100/Box Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	100	Box	
42	Folder, File, Colored, Legal Size, Single Ply, 1/3 Cut Tab, Assorted Position, 100/Box Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	100	Box	
43	Folder, Pressboard Expanding 1", 1/3 Cut Tab, Assorted Position, Letter Size, Gray-Green, 2" Capacity Prong, Fastener Inside Front and Back Covers, 25/Box Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	100	Box	
44	Folder, Pressboard Expanding 1", 1/3 Cut Tab, Assorted Position, Legal Size, Gray-Green, 2" Capacity Prong, Fastener Inside Front and Back Covers, 25/Box Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	100	Box	
45	Folder, Classification, Pressboard 4 Section, Expand to 2", 1/2" Capacity Fastener, Inside Cover, Both Sides of Dividers 2/5 Cut Tab, Letter Size Assorted Colors, 10/Box Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	100	Box	

46	Folder, Classification, Pressboard 4 Section, Expand to 2", 1/2" Capacity Fastener, Inside Cover, Both Sides of Dividers 2/5 Cut Tab, Legal Size Assorted Colors, 10/Box Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	100	Box	
47	Folder, Classification, Pressboard 25PT.8 Section, Expand to 3", 1/2" Capacity Fastener, Inside Cover, Both Sides of Dividers 2/5 Cut Tab, Legal Size Assorted Colors, 10/Box Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	100	Box	
48	Folder, File, Expanding, Heavy Duty, Leather Like, Alphabetic 21 Pocket 15" x 10", Open Top File Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	50	Box	
49	Folder, File, Pocket, Straight Cut Tab, Letter Size, Expand to 5-1/4", 10/Box Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	100	Box	
50	Folder, File, Pocket, Straight Cut Tab, Legal Size, Expand to 5-1/4", 10/Box Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	100	Box	
51	Folder, File, Pocket, Manila, Letter Size, Straight Cut, 1-1/2" Expansion, 50/Box Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	100	Box	

52	Folder, File, Pocket, Manila, Letter Size, Straight Cut, 1-1/2" Expansion, 50/Box Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	100	Box	
53	Folder, File, Pocket, Colored, Letter Size, Straight Cut, 1-1/2" Expansion, 50/Box Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	100	Box	
54	Folder, File, Pocket, Manila, Legal Size, Straight Cut, 1-1/2" Expansion, 50/Box Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	100	Box	
55	Flag, Standard Marking, 1" Multi-Pack of Assorted, 50/Pack, 4 Pack Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	100	Box	
56A	Health Inserts 100 per package Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	1	Pack	
56B	Label, File Folder for Typewriter 3-1/2" x 9/16, 248 Labels/Pack Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	100	Box	

57	<p>Highlighter, Major Accent, Pen Style, Micro Chisel Tip, Quick Drying, Odorless, and Non-Toxic Ink, Six-Color Set</p> <p>Manufacturer: _____ Model/Brand: _____ Place of Origin: _____</p>	100	Pack	
58	<p>Highlighter, Pocket Accent, Smear Guard Ink Resist Smearing, Micro Chisel Tip, Quick Drying, Odorless, and Non-Toxic Ink, Five-Color Set</p> <p>Manufacturer: _____ Model/Brand: _____ Place of Origin: _____</p>	100	Pack	
59	<p>Brite Liner, Water-Based Ink is Compatible with Copy or Computer Paper, Chisel Tip, Five Color Set</p> <p>Manufacturer: _____ Model/Brand: _____ Place of Origin: _____</p>	100	Set	
60	<p>MarkLiter, Ball Pen & HighLighter,, Two-In-One Pen, Non-Refillable, Black Ink Ball Point on One End with One Chisel Tip on Opposite End</p> <p>Manufacturer: _____ Model/Brand: _____ Place of Origin: _____</p>	100	Each	
61A	<p>Name Badges, style "Hello", self-adhesive, 3.5 x 2 1/4, 100 per box</p> <p>Manufacturer: _____ Model/Brand: _____ Place of Origin: _____</p>	1	Box	

61B	Name Badges, with inserts clear pin style, 3.5 x 2 1/4 100 per box Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	1	Box	
61C	Note Pad, Self Stick, Removable, 1-1/2" x 2", 100 Sheets/Pad, Assorted Colors, 12/Pack Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	100	Pack	
62	Note Pad, Self Stick, Removable, 2" x 3", 100 Sheets/Pad, Assorted Colors, 12/Pack Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	100	Pack	
63	Note Pad, Self Stick, Removable, 3" x 3", 100 Sheets/Pad, Assorted Colors, 12/Pack Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	100	Pack	
64	Note Pad, Self Stick, Removable, 3" X 4", 100 Sheets/Pad, Yellow , 12/Pack Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	100	Pack	
65	Writing Pads, Ruled, 16lb., Perforated Edge Pads with Top Stub, Red Margin at Left, 8-1/2" x 11-3/4" , 3/8" Wide Ruled, 50 Sheets, Canary, 12/Pack, Legal Size Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	100	Pack	

66	<p>Writing Pads, Ruled, 16lb., Perforated Edge Pads with Top Stub, Red Margin at Left, 8-1/2" x 14" , 3/8" Wide Ruled, 50 Sheets, Canary, 12/Pack, Letter Size</p> <p>Manufacturer: _____ Model/Brand: _____ Place of Origin: _____</p>	100	Pack	
67	<p>Writing Pads, Ruled, Perforated Edge Pads with Top Stub, Red Margin at Left, 5" x 8", Canary, 12/Pack,</p> <p>Manufacturer: _____ Model/Brand: _____ Place of Origin: _____</p>	100	Box	
68	<p>Pens, Ballpoint, Round Stick, Fine Point and/or Medium Point, Colors: Blue, Black, Red, Green, 12/Box (Non-Refillable)</p> <p>Manufacturer: _____ Model/Brand: _____ Place of Origin: _____</p>	100	Box	
69	<p>Pens, Deluxe, Roller Ball Pens, Waterproof Permanent Ink, Stainless Steel Clip and Color Coded End Cap, Champagne or Gray Barrel Colors: Blue, Black, Red Ink, 12/Box, (Non-Refillable)</p> <p>Manufacturer: _____ Model/Brand: _____ Place of Origin: _____</p>	100	Box	
70	<p>Pens, Vision, Roller Ball Pens, Visible Ink Supply, Fine 0.7mm or Micro 0.5mm, Colors: Blue, Black, Red, 12/Box, (Non-Refillable)</p> <p>Manufacturer: _____ Model/Brand: _____ Place of Origin: _____</p>	100	Box	

71	Pens, Onyx, Roller Ball Pens, Metal Point w/Black Matte Barrel with Molded Clip and Cap, Fine 0.7mm or Micro 0.5mm, Colors: Blue, Black, Red, 12/Box, (Non-Refillable) Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	100	Box	
72	Pens, G2, Gel Ink Retractable, Roller Ball Pens, Skip Free Writing, Water Resistant, Smear Proof Ink, Colors: Blue, Black, Red, Green, Purple, Extra Fine or Fine, 12/Box, Refillable Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	100	Box	
73	Pens, Gel Stick, Roller Ball Pens, Vibrant, Pigment Gel Ink is Acid Free, Hexagonal Grip, Medium Point, Colors: Blue, Black, Red, 12/Box, Refillable Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	100	Box	
74	Pens, Jimmie, Gel Roller Ball Pens, Wide Barrel w/Ultra-Soft Rubber Grip, Water-Based Pigment Gel Ink is Acid Free and Archival Quality, Colors: Blue, Black, Red, Medium Pen, 12/Box, (Non-Refillable) Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	100	Box	
75	Pens, Flex Grip, Ultra, Retractable Ball Pens, Rubberized Barrel, Fine Point 0.7mm or Medium Point 1.0mm, Colors: Blue and Black, 12/Box, Refillable Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	100	Box	

76	<p>Pens, Varsity, Disposable Fountain Pen, Combines Modern Design and Convenience with the Smooth Writing of a Liquid Ink Fountain Pen, 12/Box (Non-Refillable)</p> <p>Manufacturer: _____ Model/Brand: _____ Place of Origin: _____</p>	100	Box	
77	<p>Pens, Flair, Felt Tip Pen, Point Guard, Reinforces the Nylon Tip and Prevents Tip Spread, Vivid Ink, Colors: Blue, Red, Black, Green, Purple, 12/Box</p> <p>Manufacturer: _____ Model/Brand: _____ Place of Origin: _____</p>	100	Box	
78	<p>Pens, Uni-Ball, Gel Impact RT, Medium Point, Assorted Colors: Blue, Black, 12/Box</p> <p>Manufacturer: _____ Model/Brand: _____ Place of Origin: _____</p>	100	Box	
79	<p>Push Pins, 3/8" Point, Assorted Colors, 100/Pack</p> <p>Manufacturer: _____ Model/Brand: _____ Place of Origin: _____</p>	50	Pack	
80	<p>Book, Record, Numbered Pages, 14-1/4" x 8-3/4", 150 Pages</p> <p>Manufacturer: _____ Model/Brand: _____ Place of Origin: _____</p>	50	Each	
81	<p>Book, Record, Numbered Pages, 14-1/8" x 8-5/8", 300 Pages</p> <p>Manufacturer: _____ Model/Brand: _____ Place of Origin: _____</p>	50	Each	

82	Rubber Band, Size 16, 1lb. Box Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	50	Box	
83	Rubber Band, Size 33, 1lb. Box Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	50	Box	
84	Rubber Band, Size 105, 1lb. Box Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	50	Box	
85	Scissors, Office Shears, 8" Stainless Steel Blade Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	50	Each	
86	Pad, Stamp, 2-3/4" x 4-1/4" Never Needs Re-inking, Assorted Colors Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	50	Each	
87	Stamp, Message, Pre-Inked, One Color, Impression Size 1-1/2" x 1/2" Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	50	Each	
88	Stapler, Desk Economy, Full Strip, Plastic/Metal Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	50	Each	

89	Staples, Universal, 5000/Bx Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	100	Box	
90	Remover, Staple, Steel Jaws, Plastic Grip Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	100	Each	
91	Remover, Staple, Stainless Steel Tip, Slide Switch Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	50	Each	
92	Staples, 3/8" Heavy Duty, Swingline, 100/Bx Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	50	Box	
93	Box, Storage, Separate Lid, Heavy Duty, Plastic Sturdy, Hand Holes, Tabs To Hold Box in Place, 12 x 10 x 15, Fast Fold, Carton of 12 Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	50	Carton	
94	Tab, Plastic, 2", White Insert, Assorted Color, 25/Pack Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	100	Pack	

95	Tape, Magic, Refillable Hand Dispenser, Carded, 1" Core, 1/2" x 450", 12 Rolls/Bx Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	100	Pack	
96	Tape, Magic, Refillable Hand Dispenser, Carded, 1" Core, 3/4" x 650", 12 Rolls/Bx Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	100	Pack	
97	Tape, Transparent Glossy with 1" Core, Self Dispenser, 1/2" x 1000", 12 rolls/Bx Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	100	Pack	
98	Tape, Black Dispenser for 1" Core, Transparent Glossy Tape, for Tapes 1/2" and 3/4" Wide up to 1000" Long Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	100	Each	
99	Tape, Black Deluxe Dispenser with attached 1" Core for Tapes 1/2" and 3/4" Wide up to 1500" Long Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	50	Each	
100	Tape, 1" Core, Transparent Glossy 3/4" x 1000", 6/Pack Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	100	Pack	

101	Tape, Packaging with Dispenser, Standard Grade, 1-1/2" Core, Size: 50.8mm x 20.3mm, 2.85 Mils Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	100	Roll	
102	Tape, Box Sealing, 100% Polypropylene Film, General Purpose, 3" Core Clear, 48mm x 100m Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	100	Roll	
103	Tape, Box Sealing Dispenser for 2" Wide Box Tapes up to 110 Yards Long, Metal and Plastic Construction Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	100	Each	
104	Tape, Masking, General Purpose, 55m, 3" Core, 12mm Wide Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	100	Roll	
105	Tape, Masking, General Purpose, 55m, 3" Core, 24mm Wide Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	100	Roll	
106	Tape, Cloth Duct, Polyethylene Coated, Assorted Colors, 48mm x 54.8m, 3" Core Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	100	Roll	

107	Tape, Transparent Duct, 1.88" x 20 Yards, 3" Core Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	100	Roll	
108	Thumb Tack, Assorted Colors Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	50	Box	
109	Film, Transparency, Clear, 8-1/2" x 11", Unstriped Film, 100 Sheets/Bx Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	50	Box	
110	Film, Transparency, Clear, 8-1/2" x 11", with Paper Backing Sheet, 100 Sheets/Bx Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	50	Box	
111	Film, Transparency, Clear, for Laser Printer, 8-1/2" x 11", 50 Sheets/Bx Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	50	Box	
112	Film, Transparency, Clear, for Jet Printer, 8-1/2" x 11", Removable Sensing Stripe, 50 Sheets/Bx Manufacturer: _____ Model/Brand: _____ Place of Origin: _____	50	Box	

ITEM #	NOMENCLATURE	QUANTITY	UNIT	UNIT PRICE
113	Folder, Cumulative, school record for students, inclusive of family data, elementary/secondary school record, extra-curricular activity, evaluation of personal/social assets, 12 per box Manufacturer: _____ Model/Brand: _____ Place of origin: _____	50	box	
114	Paper, copy, white, 8 ½ x 11, 20 lb. multipurpose, 500 sheets per ream, 10 reams per carton Manufacturer: _____ Model/Brand: _____ Place of origin: _____	50	Case	
115	Paper, copy, white, 8 ½ x 14, 20 lb. multipurpose, 500 sheets per ream, 10 reams per carton Manufacturer: _____ Model/Brand: _____ Place of origin: _____	50	Case	
116	Paper, copy, white, 11 x 17, 20 lb. multipurpose, 500 sheets per ream, 10 reams per carton Manufacturer: _____ Model/Brand: _____ Place of origin: _____	50	Case	
117	Paper, copy, assorted colors, 8 ½ x 11, 20 lb. multipurpose, 500 sheets per ream, 10 reams per carton Blue Buff Canary Cherry Goldenrod Gray Green Ivory Orchid Pink Salmon Tan Manufacturer: _____ Model/Brand: _____ Place of origin: _____	50	Case	

118	<p>Paper, copy, color pastels, 8 ½ x 11, 20 lb. multipurpose, 500 sheets per ream, 10 reams per carton</p> <p>Blue Canary Goldenrod Cream Green Lilac Pink Salmon Turquoise Gray</p> <p>Manufacturer: _____ Model/Brand: _____ Place of origin: _____</p>	50	case	
119	<p>Card stock 65 lb., 8 ½ x 11, 100 sheets per pack, 10 packs per case</p> <p>Ivory Black White</p> <p>Manufacturer: _____ Model/Brand: _____ Place of origin: _____</p>	50	case	
120	<p>Astrobrights colored paper/card stock 8 ½ x 11, 24 lb. 500 sheets per ream, 10 reams per case or equal</p> <p>lunar blue solar yellow gamma green re-entry red terra green venus violet pulsar pink lift-off lemon rocker red cosmic orange Pluto purple Fireball fuschia Stardust white Terrestrial teal Vulcan gren Plasma pink</p> <p>Manufacturer: _____ Model/Brand: _____ Place of origin: _____</p>	50	case	

121	Vinyl coated wire clips, assorted colors, no. 1 500 per pack Manufacturer: _____ Model/Brand: _____ Place of origin: _____	50	Case	
122	Vinyl coated wire clips, assorted colors, jumbo 40 per pack Manufacturer: _____ Model/Brand: _____ Place of origin: _____	50	case	

Edith A Pinaula

From: Edith A Pinaula [eapinaula@goe.net]

Sent: Friday, January 23, 2009 9:13 AM

To: Vincent T. Dela Cruz; Tish Sahagon

Hafa Adai,

Please post the attached publication for IFB-004-2009 Indefinite Quantity Bid for Administrative Supplies in our website. Kindly advice when posted.

Thank you,

Edith A. Pinaula
Buyer -Procurement
Guam Public School System
671-475-0438


13

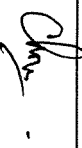
GUAM PUBLIC SCHOOL SYSTEM INVITATION FOR BID REGISTER

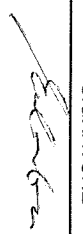
IFB No. 004-2009
DEFINITE QUANTITY BID for
ADMINISTRATIVE SUPPLIES


OPENING DATE: THURSDAY, FEB. 12, 2009
TIME: 2:00 pm

1. BIDDER NAME and ADDRESS	PRINT FULL NAME	SIGNATURE	DATE	TIME	Telephone & Fax No.	Issued by:
#40 RAINIS IS DEBARRED Tel# 96929-6588	BO CANAVIS		1/28/09	11:00	Tel# 633-6235 Fax# 633-6334	
2. BIDDER NAME and ADDRESS MD WHOLESALE 255 Farnholt Avenue Tanning Guam	VENUS Salvador		1-23-09	12:10	Tel# 649 5833/34 Fax# 649 5830	
3. BIDDER NAME and ADDRESS Essential	Rose Santhomas		1/23/09		Tel# 648-7245 Fax# 648-7246	
BIDDER NAME and ADDRESS POY HDAL-60	PRINT FULL NAME	SIGNATURE	DATE	TIME	Telephone & Fax No.	Issued by:
KASTLE A.D.S			1-26-9	10:55	Tel# 734-0312 Fax# 734-0311	
5. BIDDER NAME and ADDRESS MegaByte	PRINT FULL NAME	SIGNATURE	DATE	TIME	Telephone & Fax No.	Issued by:
S. Wayne Corps. Dive wing, GV 96913	Joseph Slanaka Karen Lisua		1-26-09	12:20 pm	Tel# 649-9698 Fax# 649-7458	

6. BIDDER NAME and ADDRESS	PRINT FULL NAME	SIGNATURE	DATE	TIME	Telephone & Fax No.
JM1-Edison 125 North Marine Corps Dr. Tam, Fla 33	Paul J. Cuervo		1/28/09	13:20	Tel# 6410-64700 Fax# 6419-5085

BIDDER NAME and ADDRESS	PRINT FULL NAME	SIGNATURE	DATE	TIME	Telephone & Fax No.
PAUL'S 1088 W. MARINE BLVD DERRID, GU 96929	CT Sachdev		1/28/09	10:47 AM	Tel# 688-2095 Fax# 687-2450

8. BIDDER NAME and ADDRESS	PRINT FULL NAME	SIGNATURE	DATE	TIME	Telephone & Fax No.
1st & 1st Cartridges Guam People's Bazaar Complex, Hill Derrid, Gu 96929	Smily Barba		1/28/09	11:16 AM	Tel# 632-7806 Fax# 653-0966

9. BIDDER NAME and ADDRESS	PRINT FULL NAME	SIGNATURE	DATE	TIME	Telephone & Fax No.
TEAL PACIFIC LLC 213 GUERERO DR. TAM. 96913	ANNALYN GARRIDO		2/2/09	9:40 AM	Tel# 649-1008 Fax# 646-8325

10. BIDDER NAME and ADDRESS	PRINT FULL NAME	SIGNATURE	DATE	TIME	Telephone & Fax No.
					Tel# Fax#

1. BIDDER NAME and ADDRESS	PRINT FULL NAME	SIGNATURE	DATE	TIME	Telephone & Fax No.
					Tel# Fax#

12. BIDDER NAME and ADDRESS	PRINT FULL NAME	SIGNATURE	DATE	TIME	Telephone & Fax No.
					Tel# Fax#

✓

✓
Derrid

✓
Derrid

✓



4

GUAM PUBLIC SCHOOL SYSTEM

INVITATION FOR BID

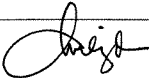





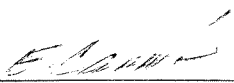



BID SUBMISSION LOG



RFP NO.: GPSS IFB 004-2009

SUBMISSION DATE: Thursday Feb. 12, 2009

IQB - Administrative Supplies

BID OPENING TIME: 2:00PM GUAM TIME

1. BIDDER'S NAME and ADDRESS	PRINT FULL NAME	SIGNATURE	DATE	TIME	TELEPHONE and FAX NO.	RECEIVED BY:
TEAL PACIFIC LLC 213 GUERRERO DR. TAMUNING	ANNALYN GARRIDO		2/11/09	145PM	6491008 6468325	
2. BIDDER'S NAME and ADDRESS	PRINT FULL NAME	SIGNATURE	DATE	TIME	TELEPHONE and FAX NO.	RECEIVED BY:
MD WHOLESALE Tamuning Guam	Venus Salvador		2/12/09	10:11 a.m.	6495833/34 6495830	
BIDDER'S NAME and ADDRESS	PRINT FULL NAME	SIGNATURE	DATE	TIME	TELEPHONE and FAX NO.	RECEIVED BY:
NATIONAL OFFICE AGANA	RONALD Z. HIDALGO		2/12/09	10:25 AM	734-0312	
4. BIDDER'S NAME and ADDRESS	PRINT FULL NAME	SIGNATURE	DATE	TIME	TELEPHONE and FAX NO.	RECEIVED BY:
Disco Pacific DEDDED	ED CANOBA		2/12/09	12:00 PM	T: 688-6885 F: 688-6884	
5. BIDDER'S NAME and ADDRESS	PRINT FULL NAME	SIGNATURE	DATE	TIME	TELEPHONE and FAX NO.	RECEIVED BY:
Flores, Briana School Essentials	Briana Flores		2/12/09	1:27 p.m.	648-7245	

6. BIDDER'S NAME and ADDRESS	PRINT FULL NAME	SIGNATURE	DATE	TIME	TELEPHONE and FAX NO.	RECEIVED BY:
MEGABYTE GUAM 720 S. MARINE DR. TAMUNING, GU 96913	BRENDA CHARQUALAF		2/12/09	1:45	649-9638 649-7458	
7. BIDDER'S NAME and ADDRESS	PRINT FULL NAME	SIGNATURE	DATE	TIME	TELEPHONE and FAX NO.	RECEIVED BY:
8. BIDDER'S NAME and ADDRESS	PRINT FULL NAME	SIGNATURE	DATE	TIME	TELEPHONE and FAX NO.	RECEIVED BY:
9. BIDDER'S NAME and ADDRESS	PRINT FULL NAME	SIGNATURE	DATE	TIME	TELEPHONE and FAX NO.	RECEIVED BY:
			2-12-09			
10. BIDDER'S NAME and ADDRESS	PRINT FULL NAME	SIGNATURE	DATE	TIME	TELEPHONE and FAX NO.	RECEIVED BY:
BIDDER'S NAME and ADDRESS	PRINT FULL NAME	SIGNATURE	DATE	TIME	TELEPHONE and FAX NO.	RECEIVED BY:
12. BIDDER'S NAME and ADDRESS	PRINT FULL NAME	SIGNATURE	DATE	TIME	TELEPHONE and FAX NO.	RECEIVED BY:
13. BIDDER'S NAME and ADDRESS	PRINT FULL NAME	SIGNATURE	DATE	TIME	TELEPHONE and FAX NO.	RECEIVED BY:

ITEM #	NOMENCLATURE	QUANTITY	UNIT	UNIT PRICE
113	Folder, Cumulative, school record for students, inclusive of family data, elementary/secondary school record, extra-curricular activity, evaluation of personal/social assets, 12 per box Manufacturer: _____ Model/Brand: _____ Place of origin: _____	50	box	NO BID
114	Paper, copy, white, 8 1/2 x 11, 20 lb. multipurpose, 500 sheets per ream, 10 reams per carton Manufacturer: <u>TEAL PACIFIC LLC</u> Model/Brand: <u>BRILLIANT LASER COPY (BLC)</u> Place of origin: <u>INDONESIA</u>	50	Case	\$38.00 CASE 50 cases = \$1900.00
115	Paper, copy, white, 8 1/2 x 14, 20 lb. multipurpose, 500 sheets per ream, 10 reams per carton Manufacturer: <u>TEAL PACIFIC LLC</u> Model/Brand: <u>BRILLIANT LASER COPY (BLC)</u> Place of origin: <u>INDONESIA</u>	50	Case	\$43.97 CASE 50 cases = \$2197.50
116	Paper, copy, white, 11 x 17, 20 lb. multipurpose, 500 sheets per ream, 10 reams per carton Manufacturer: <u>TEAL PACIFIC LLC</u> Model/Brand: <u>BRILLIANT LASER COPY (BLC)</u> Place of origin: <u>INDONESIA</u>	50	Case	\$34.95 CASE 50 cases = \$1747.50
117	Paper, copy, assorted colors, 8 1/2 x 11, 20 lb. multipurpose, 500 sheets per ream, 10 reams per carton Blue Buff Canary Cherry Goldenrod Gray Green Ivory Orchid Pink Salmon Tan Manufacturer: _____ Model/Brand: _____ Place of origin: _____	50	Case	NO BID

TEAL PACIFIC

ITEM #	NOMENCLATURE	QUANTITY	UNIT	UNIT PRICE
113	Folder, Cumulative, school record for students, inclusive of family data, elementary/secondary school record, extra-curricular activity, evaluation of personal/social assets, 12 per box Manufacturer: <u>ESSELTE</u> Model/Brand: <u>US 11125</u> Place of origin: <u>USA</u>	50	box	131.00 = \$6,550.00
114	Paper, copy, white, 8 1/2 x 11, 20 lb. multipurpose, 500 sheets per ream, 10 reams per carton Manufacturer: <u>PAPER</u> Model/Brand: <u>8 1/2 x 11</u> Place of origin: <u>USA/INDO</u>	50	Case	38.00 = 1,900.00
115	Paper, copy, white, 8 1/2 x 14, 20 lb. multipurpose, 500 sheets per ream, 10 reams per carton Manufacturer: <u>PAPER</u> Model/Brand: <u>8 1/2 x 14</u> Place of origin: <u>USA/INDO</u>	50	Case	52.00 = 2,600.00
116	Paper, copy, white, 11 x 17, 20 lb. multipurpose, 500 sheets per ream, 10 reams per carton Manufacturer: <u>WAVSAU</u> Model/Brand: <u>11 x 17</u> Place of origin: <u>USA</u>	50	Case	52.00 = 2,600.00
117	Paper, copy, assorted colors, 8 1/2 x 11, 20 lb. multipurpose, 500 sheets per ream, 10 reams per carton Blue Buff Canary Cherry Goldenrod Gray Green Ivory Orchid Pink Salmon Tan Manufacturer: <u>WAVSAU</u> Model/Brand: <u>32521</u> Place of origin: <u>USA</u>	50	Case	62.39 = 3,119.50

NATIONAL OFFICE

15

NUMBER OF INVITATIONS ISSUED:

NUMBER OF BIDS RECEIVED:

GUAM DEPARTMENT OF EDUCATION
OFFICE OF SUPPLY MANAGEMENT

ABSTRACT OF BIDS

INVITATION NUMBER:

OPENING DATE:

OPENING TIME:

DESCRIPTION OF SUPPLIES OR SERVICES:

BIDDER	ACCEPT- ANCE TIME (Days)	DIS- COUNT	DELIVERY SPECIFIED IN IFB (Days)	F.O.B. DEL. POINT	Item no.	1	2	3	4	5	6	7	8	9	10	
					Qty											
					Unit											
3 National Office July																
Bid Bond: ✓ \$ 15%					A: 5.89	1.99	2.49	2.99	no bid	4.89	no bid	14.25	3.50	3.89		
Affidavit of Disc: ✓ Business Lic.: ✓ non-call ✓ DOL					B: 1.99											
Local Procurement: ✓ Product Brochure:																
4 Micro Office & School Concepts																
Bid Bond: Cashiers ✓ \$14,810.00 non-call ✓ DOL ✓					A											
Affidavit of Disc: ✓ Business Lic.: none disqualified					B											
Local Procurement: ✓ Product Brochure:																

I hereby certify that all bids received in response to this invitation were opened under my personal supervision, and that the names of all bidders have been entered hereon.

(Signature)
TABULATED BY _____ DATE _____

APPROVAL OF AWARD(s) Bidder(s) and Price(s) circled above

BASIS FOR AWARD

- LOWEST RESPONSIVE BIDDER
- TIE BID
- ONLY BID
- OTHER THAN LOWEST RESPONSIVE BIDDER
(See explanation on reverse hereof or attached)

NUMBER OF AWARDS: (Contractors)

NUMBER OF INVITATIONS ISSUED:

NUMBER OF BIDS RECEIVED:

GUAM DEPARTMENT OF EDUCATION
OFFICE OF SUPPLY MANAGEMENT

ABSTRACT OF BIDS

INVITATION NUMBER:

OPENING DATE:

OPENING TIME:

DESCRIPTION OF SUPPLIES OR SERVICES:

Item no.	1	2	3	4	5	6	7	8	9	10
Qty										
Unit										

BIDDER	ACCEPT-ANCE TIME (Days)	DIS-COUNT	DELIVERY SPECIFIED IN IFB (Days)	F.O.B. DEL. POINT	1	2	3	4	5	6	7	8	9	10
5 School Essentials <i>[Signature]</i>					A-14.00	1.97	2.97	3.97	no bid	5.14	no bid	through #12		
Bid Bond: n/a \$					B-1.97									
Affidavit of Disc: ✓ Business Lic.: ✓ non. coll. ✓ DOL ✓														
Local Procurement: ✓ Product Brochure:														
6 Mega byte					no bid	through #18								
Bid Bond: <i>[Signature]</i> ✓ \$ 1400.00														
Affidavit of Disc: ✓ Business Lic.: ✓ non. coll. ✓ DOL ✓														
Local Procurement: ✓ Product Brochure:														

I hereby certify that all bids received in response to this invitation were opened under my personal supervision, and that the names of all bidders have been entered hereon.

(Signature)

TABULATED BY

DATE

APPROVAL OF AWARD(s) Bidder(s) and Price(s) circled above

BASIS FOR AWARD

- LOWEST RESPONSIVE BIDDER
- TIE BID
- ONLY BID
- OTHER THAN LOWEST RESPONSIVE BIDDER
(See explanation on reverse hereof or attached)

NUMBER OF AWARDS: (Contractors)

GUAM DEPARTMENT OF EDUCATION
OFFICE OF SUPPLY MANAGEMENT

INVITATION NUMBER:

ABSTRACT OF BIDS (Continued)

BIDDER	Item no.	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
	Qty															
	Unit															
	F.O.B Del. Point															
TEAL Paper		no bid														no bid
M.P.		16.99	8.49	1.00	1.15	2.22	.89	1.00	1.15	1.00	1.284	no bid	1.26	1.14	no bid	2.83
NOS		12.95	6.89	.99	1.70	1.69	.39	.46	1.15	19.98	11.89	26.95	8.93	10.50	68.00	3.89
Micro																
School Etc.			NP	.49	1.09	3.49	.32	.59	.90	no bid	forwashed					4.98
Mergle									NP	14.60	7.88	4.78	9.24	1.48	33.44	no bid

THIS LINE FOR OPTIONAL USE; INDICATE SHIPPING POINT, AS PRICE AWARDED, LOT ETC.

DEPARTMENT OF EDUCATION
OFFICE OF SUPPLY MANAGEMENT

INVITATION NUMBER:

ABSTRACT OF BIDS (Continued)

BIDDER	Item no.	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40
	Qty															
	Unit															
	F.O.B. Del. Point															
FEDL Pac.		no bid											31A NB			
										no bid		30.00	31B 30.00		no bid through #113	
M-D.		9.90	29.99	11.50	33.59	2.00	4.99	no bid	no bid	3.12	11.79	15.11	20.15	22.18	26.54	30.11
NO 9		4.63					no bid						20.15	3.71	no bid	10.11
↓		↓	6.89	6.89	31.25	1.55	A-2.98 B-3.10	1.98	1.39	8.40	9.90	34.95	B-31.95	1.65	6.15	6.98
*/micro																
* School 955										no bid	8.24	12.98	no bid	A) NB B) NB	3.44	no bid
Murphy		3.38	3.54	13.81	32.44											

THIS LINE FOR OPTIONAL USE; INDICATE SHIPPING POINT, AS PRICE AWARDED, LOT ETC.

STATE DEPARTMENT OF EDUCATION
OFFICE OF SUPPLY MANAGEMENT

INVITATION NUMBER:

ABSTRACT OF BIDS (Continued)

BIDDER	Item no.	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55
	Qty															
	Unit															
	F.O.B Del. Point															
TEAL																
M-D.		No bid	10.41	10.24	18.59	86.15	50.81	No bid	No bid	no bid	through					No bid
		12.46	18.59	53.75	54.81	22.71	no bid	21.94								
NWS		8.95	10.95	39.95	53.55	22.38	25.81	39.51	10.58	13.05	14.04	26.34	26.39	56.19	26.39	7.34
Micro																
School etc.		No bid through # 55														
Mergage																

THIS LINE FOR OPTIONAL USE; INDICATE SHIPPING POINT, AS PRICE AWARDED, LOT ETC.

OSRM DEPARTMENT OF EDUCATION
OFFICE OF SUPPLY MANAGEMENT

INVITATION NUMBER:

ABSTRACT OF BIDS (Continued)

BIDDER	Item no.	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70
	Qty															
	Unit															
	F.O.B Del. Point															
TEAL																
M.D.	A: no bid B: no bid	9.85	6.95	7.19	no bid	A: no bid B: no bid	no bid	15.60	no bid			5.99	2.21	no bid	26.39	
NDS	A: 115.00 B: 1.15	11.78	8.15	5.89	33.95	A: 2.89 B: 11.95 C: 5.28	0.58	12.29	15.99	12.95	15.48	8.85	1.69	20.95	20.48	
x MEMO																
School Ges.	A: 99.00 B: 1.39	3.49	no bid	4.19	2.25	A: 1.74 B: NB C: 9.80	no bid	12.97	no bid	for no kg - # 78						
Mengabyte																

THIS LINE FOR OPTIONAL USE; INDICATE SHIPPING POINT, AS PRICE AWARDED, LOT ETC.

DEPARTMENT OF EDUCATION
OFFICE OF SUPPLY MANAGEMENT

ABSTRACT OF BIDS (Continued)

INVITATION NUMBER:

BIDDER	Item no.	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
	Qty															
	Unit															
	F.O.B Del. Point															
TEAL																
M.D.		no bid	8.50	1.99	4.02	1.31	6.11	no bid	4.36	no bid	through # 173					
NOS		missing pages ?	.74	.39	1.70	4.17	no bid	3.09	22.45	29.52	18.94	3.40	9.29	26.15		
Memo																
School sets.		no bid	6.45	1.09	.49	no bid			11.80	no bid		2.69	11.74			
Multipage																

THIS LINE FOR OPTIONAL USE; INDICATE SHIPPING POINT, AS PRICE AWARDED, LOT ETC.

OFFICE OF SUPPLY MANAGEMENT

ABSTRACT OF BIDS (Continued)

INVITATION NUMBER:

BIDDER	Item no.	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115
	Qty															
	Unit															
	F.O.B . Del. Point															
TEAL																
M-D.														no bid	38.00	43.95
NOS		11.50	.89	.89	.89	1.45	10.64	1.95	.79	8.94	15.84	17.21	13.85	no bid	43.00	58.00
Memo														131.00	38.00	52.00
School Ess		no bid	3.93	no bid	.99	1.49	no bid	1.79	13.83	17.74	11.05	30.48	108.00	40.95	58.50	
Morphite																

THIS LINE FOR OPTIONAL USE; INDICATE SHIPPING POINT, AS PRICE AWARDED, LOT ETC.

GUAM DEPARTMENT OF EDUCATION
OFFICE OF SUPPLY MANAGEMENT

INVITATION NUMBER:

ABSTRACT OF BIDS (Continued)

BIDDER	Item no.	116	117	118	119	120	121	122							
	Qty														
	Unit														
	F.O.B Del. Point														
TEAL. REC.		34.95	No bid	—————			No bid								
M.D.		No bid	—————			no bid	5.91	6.32							
NOS		52.00	62.39	62.39	73.84	11-126.00 12-126.00	53.00	13.60	326.40	cs.					
Microw															
School Ess.		no bid	—————			3.85	no bid								
Mergphage															

THIS LINE FOR OPTIONAL USE; INDICATE SHIPPING POINT, AS PRICE AWARDED, LOT ETC.

6



GUAM PUBLIC SCHOOL SYSTEM OFFICE OF SUPPLY MANAGEMENT

Manuel F.L. Guerrero / Administration Building
2nd Floor, Suite B-202
Hagåtña, Guam 96932
Telephone: (671) 475-0436/0440
Fax: (671) 472-5001



NERISSA BRETANIA-SHAFFER, Ph.D.
Superintendent of Education

ROQUE A. ALCANTARA
Administrator, Supply Management

MEMORANDUM

February 24, 2009

To: Administrator, Supply Management
Via: Buyer, Supervisor II *pb*
From: Buyer II
Subject: Analysis and Recommendation for IFB-004-2009
Indefinite Quantity Bid for Administrative Supplies

Reference bid was published in local newsprint media and opened on Thursday, February 12, 2009. Nine (9) prospective bidders acquired bid invitation packages, six (6) submitted offers, namely:

- | | |
|----------------------------------|--|
| 1. TEAL PACIFIC LLC | 4. MICRO OFFICE & SCHOOL CONCEPTS |
| 2. M.D. WHOLESAL | 5. SCHOOL ESSENTIALS |
| 3. NATIONAL OFFICE SUPPLY | 6. MEGABYTE GUAM |

The following company was rejected:

Micro Office & School Concepts failed to submit a business license, (as a result the representative took their bid packet and left the session).

TEAL Pacific LLC did not apply the Local Procurement Preference. Therefore, allowing us to apply the fifteen percent (15%) towards their price. Awarding them item numbers 115 & 116 (2 items).

The following four (4) companies met all qualifying conditions and are awarded as indicated herein.

M.D. Wholesale:

Item numbers: 15, 22, 25, 36, 37B, 58, 67, 82, 83, 91 & 122 (11 items).

National Office Supply:

Item numbers: 1A, 3, 4, 6, 8 through 12, 17, 28 through 33, 35, 37A, 38 through 55, 56B, 61B through 66, 68 through 81, 89, 90, 92, 94, 96, 97, 98, 101 through 110, 112, 114, 117 through 120 primary & secondary (83 items).

School Essentials:

Item numbers: 1B, 2, 13, 14, 16, 18, 34, 56A, 57, 59, 60, 61A, 85, 88, 95, 99, 100, 111, 113 & 121.(20 items).

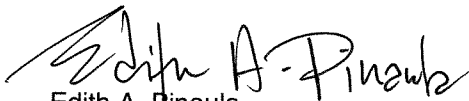
MEGABYTE GUAM;

Item numbers: 19, 20, 21, 23, 24, 26 & 27. (7 items)

No bid items numbers are 5, 7, 84, 86, 87 & 93.

Based on my analysis, it is recommended that the award be made to the lowest most responsive and responsible bidder.

Your approval is therefore solicited before any further action can be taken on this matter.


Edith A. Pinault
Buyer II

/ / APPROVED

/ / DISAPPROVED



Rogue Alcantara
Administrator, Supply Management

3-2-2009

Date

7

Confirmation Report - Memory Send

Page : 001
Date & Time: Mar-02-2009 04:21pm
Line 1 : +671 472 5001
Machine ID : GDOE, Office of Supply Management

Job number : 325
Date : Mar-02 03:11pm
To : 6336334
Number of pages : 001
Start time : Mar-02 03:18pm
End time : Mar-02 03:19pm
Pages sent : 001
Status : OK

Job number : 325 *** SEND SUCCESSFUL ***

GUAM PUBLIC SCHOOL SYSTEM
OFFICE OF SUPPLY MANAGEMENT
Manuel P.L. Guerrero / Administration Building
2nd Floor, Suite B-302
Rigadin, Guam 96932
Telephone: (671) 475-0436/0440
Fax: (671) 472-5001



NERISSA BRETANIA-SHAFFER, Ph.D.
Superintendent of Education



ROQUE A. ALCANTARA
Administrator, Supply Management

BID STATUS

February 24, 2009

To: Micro Office & School Concepts
Bid no.: IFB-004-2009 OPENED: Thursday, February 12, 2009
Description: Indefinite Quantity bid for Administrative Supplies

The following is the evaluation results of subject bid: Refer to items checked below.

- / / Cancelled (in its entirety), or partially cancelled due to:
() Insufficient funds
() Change of specifications
() Insufficient number of bidders
/X / Rejected due to:
() Late submission of bid
() No bid deposit submitted, as required by Section 11 of the General Terms and Conditions
() Bid received after the hour established by the Invitation as the time by which all bids must be received.
() Not meeting the delivery requirement as stated in the Invitation for Bid.
() Non-conformance with specifications
() Inability to provide future maintenance and services to the equipment
() High price
(X) Others
Failure to provide a copy of their business license as stated in the Special Reminder.

/ X / Bid is recommended for award to:
TEAL Pacific LLC: Item numbers: 115 & 116 (2 items)
M.D. Wholesale: Item numbers: 15, 22, 25, 36, 37B, 58, 67, 82, 83, 91 & 122 (11 items)
National Office Supply: Item numbers: 1A, 3, 4, 6, 8 through 12, 17, 28 through 33, 35, 37A, 38 through 55, 56B, 61B through 66, 68 through 81, 89, 90, 92, 94, 96, 97, 98, 101 through 110, 112, 114, 117 through 120 primary & 120 secondary (83 items)
School Essentials: Item numbers: 1B, 2, 13, 14, 16, 18, 34, 56A, 57, 59, 60, 61A, 85, 88, 95, 99, 100, 111, 113 & 121 (20 items)
MEGABYTE GUAM: 19, 20, 21, 23, 24, 26 & 27 (7 items)

// Remarks:

Sincerely,
Roque Alcantara
Administrator,
Supply Management

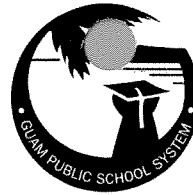
ACKNOWLEDGMENT RECEIPT

Signature
Date: Time:



GUAM PUBLIC SCHOOL SYSTEM
OFFICE OF SUPPLY MANAGEMENT

Manuel F.L. Guerrero / Administration Building
2nd Floor, Suite B-202
Hagåtña, Guam 96932
Telephone: (671) 475-0436/0440
Fax: (671) 472-5001



NERISSA BRETANIA-SHAFFER, Ph.D.
Superintendent of Education

ROQUE A. ALCANTARA
Administrator, Supply Management

BID STATUS

February 24, 2009

To: Micro Office & School Concepts

Bid no.: IFB-004-2009 OPENED: Thursday, February 12, 2009

Description: Indefinite Quantity bid for Administrative Supplies

The following is the evaluation results of subject bid: Refer to items checked below.

// Cancelled (in its entirety), or partially cancelled due to:

- Insufficient funds
- Change of specifications
- Insufficient number of bidders

/X/ Rejected due to:

- Late submission of bid
- No bid deposit submitted, as required by Section 11 of the General Terms and Conditions
- Bid received after the hour established by the Invitation as the time by which all bids must be received.
- Not meeting the delivery requirement as stated in the Invitation for Bid.
- Non-conformance with specifications
- Inability to provide future maintenance and services to the equipment
- High price
- Others
Failure to provide a copy of their business license as stated in the Special Reminder .

/X/ Bid is recommended for award to:

- TEAL Pacific LLC: Item numbers: 115 & 116 (2 items)
- M.D. Wholesale: Item numbers: 15, 22, 25, 36, 37B, 58, 67, 82, 83, 91 & 122 (11 items)
- National Office Supply: Item numbers: 1A, 3, 4, 6, 8 through 12, 17, 28 through 33, 35, 37A, 38 through 55, 56B, 61B through 66, 68 through 81, 89, 90, 92, 94, 96, 97, 98, 101 through 110, 112, 114, 117 through 120 primary & 120 secondary (83 items).
- School Essentials: Item numbers: 1B, 2, 13, 14, 16, 18, 34, 56A, 57, 59, 60, 61A, 85, 88, 95, 99, 100, 111, 113 & 121.(20 items)
- MEGABYTE GUAM: 19, 20, 21, 23, 24, 26 & 27. (7 items)

// Remarks:

Sincerely,

Roque Alcantara
Administrator,
Supply Management

ACKNOWLEDGMENT RECEIPT

Signature

Date: _____ Time: _____

GUAM PUBLIC SCHOOL SYSTEM OFFICE OF SUPPLY MANAGEMENT

Manuel F.L. Guerrero / Administration Building
2nd Floor, Suite B-202
Hagña, Guam 96932
Telephone: (671) 475-0436/0440
Fax: (671) 472-5001



ROQUE A. ALCANTARA
Administrator, Supply Management

NERISSA BRETANIA-SHAFER, Ph.D.
Superintendent of Education

BID STATUS

February 24, 2009

To: MEGABYTE Guam

Bid no.: IFB-004-2009 OPENED: Thursday, February 12, 2009

Description: Indefinite Quantity bid for Administrative Supplies

The following is the evaluation results of subject bid: Refer to items checked below.

/ / Cancelled (in its entirety), or partially cancelled due to:

- Insufficient funds
- Change of specifications
- Insufficient number of bidders

/ / Rejected due to:

- Late submission of bid
- No bid deposit submitted, as required by Section 11 of the General Terms and Conditions
- Bid received after the hour established by the Invitation as the time by which all bids must be received.
- Not meeting the delivery requirement as stated in the Invitation for Bid.
- Non-conformance with specifications
- Inability to provide future maintenance and services to the equipment
- High price
- Others

/ X / Bid is recommended for award to:

- TEAL Pacific LLC: Item numbers: 115 & 116 (2 items)
- M.D. Wholesale: Item numbers: 15, 22, 25, 36, 37B, 58, 67, 82, 83, 91 & 122 (11 items)
- National Office Supply: Item numbers: 1A, 3, 4, 6, 8 through 12, 17, 28 through 33, 35, 37A, 38 through 55, 56B, 61B through 66, 68 through 81, 89, 90, 92, 94, 96, 97, 98, 101 through 110, 112, 114, 117 through 120 primary & 120 secondary (83 items)
- School Essentials: Item numbers: 1B, 2, 13, 14, 16, 18, 34, 56A, 57, 59, 60, 61A, 85, 88, 95, 99, 100, 111, 113 & 121 (20 items)
- MEGABYTE GUAM: 19, 20, 21, 23, 24, 26 & 27. (7 items)

/ X / Remarks.

Micra Office & School Concepts was rejected due to failure to provide a copy of their business license as stated in the Special Reminder.

Sincerely,

Roque Alcantara
Administrator,
Supply Management

ACKNOWLEDGMENT RECEIPT

Signature
Date: 3/2/2009 Time: _____



**GUAM PUBLIC SCHOOL SYSTEM
OFFICE OF SUPPLY MANAGEMENT**

*Manuel F.L. Guerrero / Administration Building
2nd Floor, Suite B-202
Hagåtña, Guam 96932
Telephone: (671) 475-0436/0440
Fax: (671) 472-5001*



NERISSA BRETANIA-SHAVER, Ph.D.
Superintendent of Education

ROQUE A. ALCANTARA
Administrator, Supply Management

LETTER OF INTENT

February 24, 2009

To: MEGABYTE Guam

Attn: Joseph M. Slonka

Reference: Notice of Intent of Possible award on IFB-004-2009
Indefinite Quantity bid for Administrative Supplies

Dear Sir:

As a result of the evaluation of the above reference Invitation for Bid, your bid for the following item number(s) listed herein is being considered for award.

Item numbers: 19, 20, 21, 23, 24, 26 & 27. (7 items)

You are hereby advised that this letter is only a notice of possible intent to award and should not be construed as an award by the Guam Public School System, Office of Supply Management.

If you have any questions regarding this matter, kindly contact Edith A. Pinaula at 475-0438.

Please acknowledge receipt and return by facsimile.

Sincerely,

Roque Alcantara
Administrator,
Supply Management

ACKNOWLEDGMENT RECEIPT

Signature
Date: 3/2/2009 Time: _____

Confirmation Report - Memory Send

Page : 001
Date & Time: Mar-02-2009 04:21pm
Line 1 : +671 472 5001
Machine ID : GDOE, Office of Supply Management

Job number : 327
Date : Mar-02 03:12pm
To : 6497458
Number of pages : 002
Start time : Mar-02 03:20pm
End time : Mar-02 03:20pm
Pages sent : 002
Status : OK

Job number : 327

*** SEND SUCCESSFUL ***

GUAM PUBLIC SCHOOL SYSTEM
OFFICE OF SUPPLY MANAGEMENT
Manuel F.L. Guerrero / Administration Building
2nd Floor, Suite B-202
Hagåtña, Guam 96932
Telephone: (671) 475-0436/0440
Fax: (671) 472-5001



NERISSA BRETANIA-SHAFFER, Ph.D.
Superintendent of Education



ROQUE A. ALCANTARA
Administrator, Supply Management

BID STATUS

February 24, 2009

To: MEGABYTE Guam

Bid no.: IFB-004-2009 OPENED: Thursday, February 12, 2009

Description: Indefinite Quantity bid for Administrative Supplies

The following is the evaluation results of subject bid: Refer to items checked below.

/ / Cancelled (in its entirety), or partially cancelled due to:

- () Insufficient funds
() Change of specifications
() Insufficient number of bidders

/ / Rejected due to:

- () Late submission of bid
() No bid deposit submitted, as required by Section 11 of the General Terms and Conditions
() Bid received after the hour established by the Invitation as the time by which all bids must be received.
() Not meeting the delivery requirement as stated in the Invitation for Bid.
() Non-conformance with specifications
() Inability to provide future maintenance and services to the equipment
() High price
() Others

/ X / Bid is recommended for award to:

TEAL Pacific LLC: Item numbers: 115 & 116 (2 items)
M.D. Wholesale: Item numbers: 15, 22, 25, 36, 37B, 58, 67, 82, 83, 91 & 122 (11 items)
National Office Supply: Item numbers: 1A, 3, 4, 6, 8 through 12, 17, 28 through 33, 36, 37A, 38 through 55, 56B, 61B through 66, 68 through 81, 89, 90, 92, 94, 96, 97, 98, 101 through 110, 112, 114, 117 through 120 primary & 120 secondary (83 items)
School Essentials: Item numbers: 1B, 2, 13, 14, 16, 18, 34, 56A, 57, 59, 60, 61A, 85, 86, 95, 99, 100, 111, 113 & 121 (20 items)
MEGABYTE GUAM: 19, 20, 21, 23, 24, 26 & 27, (7 items)

/ X / Remarks:

Micro Office & School Concepts was rejected due to failure to provide a copy of their business license as stated in the Special Reminder.

Sincerely,

Roque Alcantara
Administrator,
Supply Management

ACKNOWLEDGMENT RECEIPT

Signature

Date: Time:



GUAM PUBLIC SCHOOL SYSTEM

OFFICE OF SUPPLY MANAGEMENT

Manuel F.L. Guerrero / Administration Building
2nd Floor, Suite B-202
Hagåtña, Guam 96932
Telephone: (671) 475-0436/0440
Fax: (671) 472-5001



NERISSA BRETANIA-SHAFER, Ph.D.
Superintendent of Education

ROQUE A. ALCANTARA
Administrator, Supply Management

LETTER OF INTENT

February 24, 2009

To: MEGABYTE Guam

Attn: Joseph M. Slonka

Reference: Notice of Intent of Possible award on IFB-004-2009
Indefinite Quantity bid for Administrative Supplies

Dear Sir:

As a result of the evaluation of the above reference Invitation for Bid, your bid for the following item number(s) listed herein is being considered for award.

Item numbers: 19, 20, 21, 23, 24, 26 & 27. (7 items)

You are hereby advised that this letter is only a notice of possible intent to award and should not be construed as an award by the Guam Public School System, Office of Supply Management.

If you have any questions regarding this matter, kindly contact Edith A. Pinaula at 475-0438.

Please acknowledge receipt and return by facsimile.

Sincerely,

Roque Alcantara
Administrator,
Supply Management

ACKNOWLEDGMENT RECEIPT

Signature

Date: _____ Time: _____



GUAM PUBLIC SCHOOL SYSTEM
OFFICE OF SUPPLY MANAGEMENT

Manuel F.L. Guerrero / Administration Building
2nd Floor, Suite B-202
Hagåtña, Guam 96932
Telephone: (671) 475-0436/0440
Fax: (671) 472-5001



NERISSA BRETANIA-SHAFER, Ph.D.
Superintendent of Education

ROQUE A. ALCANTARA
Administrator, Supply Management

BID STATUS

February 24, 2009

To: MEGABYTE Guam

Bid no.: IFB-004-2009 OPENED: Thursday, February 12, 2009

Description: Indefinite Quantity bid for Administrative Supplies

The following is the evaluation results of subject bid: Refer to items checked below.

/ / Cancelled (in its entirety), or partially cancelled due to:

- Insufficient funds
- Change of specifications
- Insufficient number of bidders

/ / Rejected due to:

- Late submission of bid
- No bid deposit submitted, as required by Section 11 of the General Terms and Conditions
- Bid received after the hour established by the Invitation as the time by which all bids must be received.
- Not meeting the delivery requirement as stated in the Invitation for Bid.
- Non-conformance with specifications
- Inability to provide future maintenance and services to the equipment
- High price
- Others

/ X / Bid is recommended for award to:

- TEAL Pacific LLC: Item numbers: 115 & 116 (2 items)
- M.D. Wholesale: Item numbers: 15, 22, 25, 36, 37B, 58, 67, 82, 83, 91 & 122 (11 items)
- National Office Supply: Item numbers: 1A, 3, 4, 6, 8 through 12, 17, 28 through 33, 35, 37A, 38 through 55, 56B, 61B through 66, 68 through 81, 89, 90, 92, 94, 96, 97, 98, 101 through 110, 112, 114, 117 through 120 primary & 120 secondary (83 items).
- School Essentials: Item numbers: 1B, 2, 13, 14, 16, 18, 34, 56A, 57, 59, 60, 61A, 85, 88, 95, 99, 100, 111, 113 & 121.(20 items)
- MEGABYTE GUAM: 19, 20, 21, 23, 24, 26 & 27. (7 items)

/ X / Remarks:

Micro Office & School Concepts was rejected due to failure to provide a copy of their business license as stated in the Special Reminder.

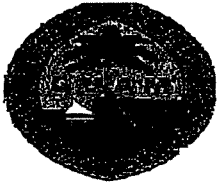
Sincerely,

Roque Alcantara
Administrator,
Supply Management

ACKNOWLEDGMENT RECEIPT

Signature

Date: _____ Time: _____



GUAM PUBLIC SCHOOL SYSTEM
OFFICE OF SUPPLY MANAGEMENT
Manuel F.L. Guerrero / Administration Building
 2nd Floor, Suite B-202
 Hagåtña, Guam 96932
 Telephone: (671) 475-0436/0440
 Fax: (671) 472-5001



NERISSA BRETANIA-SHAFFER, Ph.D.
Superintendent of Education

ROQUE A. ALCANTARA
Administrator, Supply Management

BID STATUS

February 24, 2009

To: School Essentials

Bid no.: IFB-004-2009 OPENED: Thursday, February 12, 2009

Description: Indefinite Quantity bid for Administrative Supplies

The following is the evaluation results of subject bid: Refer to items checked below.

/ / Cancelled (in its entirety), or partially cancelled due to:

- Insufficient funds
- Change of specifications
- Insufficient number of bidders

/ / Rejected due to:

- Late submission of bid
- No bid deposit submitted, as required by Section 11 of the General Terms and Conditions
- Bid received after the hour established by the Invitation as the time by which all bids must be received.
- Not meeting the delivery requirement as stated in the Invitation for Bid.
- Non-conformance with specifications
- Inability to provide future maintenance and services to the equipment
- High price
- Others

/ X / Bid is recommended for award to:

- TEAL Pacific LLC: Item numbers: 115 & 116 (2 items)
- M.D. Wholesale: Item numbers: 15, 22, 25, 36, 37B, 58, 67, 82, 83, 91 & 122 (11 items)
- National Office Supply: Item numbers: 1A, 3, 4, 6, 8 through 12, 17, 28 through 33, 35, 37A, 38 through 55, 56B, 61B through 66, 68 through 81, 89, 90, 92, 94, 96, 97, 98, 101 through 110, 112, 114, 117 through 120 primary & 120 secondary (83 items).
- School Essentials: Item numbers: 1B, 2, 13, 14, 16, 18, 34, 56A, 57, 59, 60, 61A, 85, 88, 95, 99, 100, 111, 113 & 121.(20 items)
- MEGABYTE GUAM: 19, 20, 21, 23, 24, 26 & 27, (7 items)


/ X / Remarks:

Micro Office & School Concepts was rejected due to failure to provide a copy of their business license as stated in the Special Reminder.

Sincerely,


 Roque Alcantara
 Administrator,
 Supply Management

ACKNOWLEDGMENT RECEIPT


 Signature
 Date: 2/02/09 Time: 5:43 pm



GUAM PUBLIC SCHOOL SYSTEM OFFICE OF SUPPLY MANAGEMENT

*Manuel F.J. Guerrero / Administration Building
2nd Floor, Suite B-202
Hagåtña, Guam 96932
Telephone: (671) 475-0436/0440
Fax: (671) 472-5001*



NERISSA BKETANIA-SHAFFER, Ph.D.
Superintendent of Education

ROQUE A. ALCANTARA
Administrator, Supply Management

LETTER OF INTENT

February 24, 2009

To: School Essentials

Attn: Rose Santo Tomas

Reference: Notice of Intent of Possible award on IFB-004-2009
Indefinite Quantity bid for Administrative Supplies

Dear Sir:

As a result of the evaluation of the above reference Invitation for Bid, your bid for the following item number(s) listed herein is being considered for award.


Item numbers: 1B, 2, 13, 14, 16, 18, 34, 56A, 57, 59, 60, 61A, 85, 88, 96, 99, 100, 111, 113 & 121.(20 items)

You are hereby advised that this letter is only a notice of possible intent to award and should not be construed as an award by the Guam Public School System, Office of Supply Management.

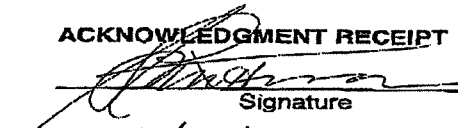
If you have any questions regarding this matter, kindly contact Edith A. Pinaula at 475-0438.

Please acknowledge receipt and return by facsimile.

Sincerely,


Roque Alcantara
Administrator,
Supply Management

ACKNOWLEDGMENT RECEIPT


Signature
Date: 3/02/09 Time: 5:43 PM

Confirmation Report - Memory Send

Page : 001
Date & Time: Mar-02-2009 04:21pm
Line 1 : +671 472 5001
Machine ID : GDOE, Office of Supply Management

Job number : 326
Date : Mar-02 03:11pm
To : 6487246
Number of pages : 002
Start time : Mar-02 03:19pm
End time : Mar-02 03:20pm
Pages sent : 002
Status : OK

Job number : 326 *** SEND SUCCESSFUL ***



NERISSA BRETANIA-SHAFFER, Ph.D.
Superintendent of Education

GUAM PUBLIC SCHOOL SYSTEM
OFFICE OF SUPPLY MANAGEMENT
Manuel F.L. Guerrero / Administration Building
2nd Floor, Suite B-202
Hagåtña, Guam 96932
Telephone: (671) 475-0436/0440
Fax: (671) 472-5001



ROQUE A. ALCANTARA
Administrator, Supply Management

BID STATUS

February 24, 2009

To: School Essentials
Bid no.: IFB-004-2009 OPENED: Thursday, February 12, 2009
Description: Indefinite Quantity bid for Administrative Supplies

The following is the evaluation results of subject bid: Refer to items checked below.

/ / Cancelled (In its entirety), or partially cancelled due to:

- () Insufficient funds
() Change of specifications
() Insufficient number of bidders

/ / Rejected due to:

- () Late submission of bid
() No bid deposit submitted, as required by Section 11 of the General Terms and Conditions
() Bid received after the hour established by the Invitation as the time by which all bids must be received.
() Not meeting the delivery requirement as stated in the Invitation for Bid.
() Non-conformance with specifications
() Inability to provide future maintenance and services to the equipment
() High price
() Others

/ X / Bid is recommended for award to:

TEAL Pacific LLC: Item numbers: 115 & 116 (2 items)
M.D. Wholesale: Item numbers: 15, 22, 25, 36, 37B, 58, 67, 82, 83, 91 & 122 (11 items)
National Office Supply: Item numbers: 1A, 3, 4, 6, 8 through 12, 17, 28 through 33, 35, 37A, 38 through 55, 56B, 61B through 66, 68 through 81, 89, 90, 92, 94, 96, 97, 98, 101 through 110, 112, 114, 117 through 120 primary & 120 secondary (83 items)
School Essentials: Item numbers: 1B, 2, 13, 14, 16, 18, 34, 56A, 57, 59, 60, 61A, 85, 88, 95, 99, 100, 111, 113 & 121 (20 items)
MEGABYTE GUAM: 19, 20, 21, 23, 24, 26 & 27, (7 items)

/ X / Remarks:

Micro Office & School Concepts was rejected due to failure to provide a copy of their business license as stated in the Special Reminder.

Sincerely,
Roque Alcantara
Administrator,
Supply Management

ACKNOWLEDGMENT RECEIPT

Signature
Date: Time:



GUAM PUBLIC SCHOOL SYSTEM

OFFICE OF SUPPLY MANAGEMENT

Manuel F.L. Guerrero / Administration Building
2nd Floor, Suite B-202
Hagåtña, Guam 96932
Telephone: (671) 475-0436/0440
Fax: (671) 472-5001



NERISSA BRETANIA-SHAFFER, Ph.D.
Superintendent of Education

ROQUE A. ALCANTARA
Administrator, Supply Management

LETTER OF INTENT

February 24, 2009

To: School Essentials

Attn: Rose Santo Tomas

Reference: Notice of Intent of Possible award on IFB-004-2009
Indefinite Quantity bid for Administrative Supplies

Dear Sir:

As a result of the evaluation of the above reference Invitation for Bid, your bid for the following item number(s) listed herein is being considered for award.

Item numbers: 1B, 2, 13, 14, 16, 18, 34, 56A, 57, 59, 60, 61A, 85, 88, 95, 99, 100, 111, 113 & 121.(20 items)

You are hereby advised that this letter is only a notice of possible intent to award and should not be construed as an award by the Guam Public School System, Office of Supply Management.

If you have any questions regarding this matter, kindly contact Edith A. Pinaula at 475-0438.

Please acknowledge receipt and return by facsimile.

Sincerely,


Roque Alcantara
Administrator,
Supply Management

ACKNOWLEDGMENT RECEIPT

Signature

Date: _____ Time: _____



GUAM PUBLIC SCHOOL SYSTEM

OFFICE OF SUPPLY MANAGEMENT

Manuel F.L. Guerrero / Administration Building
2nd Floor, Suite B-202
Hagåtña, Guam 96932
Telephone: (671) 475-0436/0440
Fax: (671) 472-5001



NERISSA BRETANIA-SHAFFER, Ph.D.
Superintendent of Education

ROQUE A. ALCANTARA
Administrator, Supply Management

BID STATUS

February 24, 2009

To: School Essentials

Bid no.: IFB-004-2009 OPENED: Thursday, February 12, 2009

Description: Indefinite Quantity bid for Administrative Supplies

The following is the evaluation results of subject bid: Refer to items checked below.

/ / Cancelled (in its entirety), or partially cancelled due to:

- Insufficient funds
- Change of specifications
- Insufficient number of bidders

/ / Rejected due to:

- Late submission of bid
- No bid deposit submitted, as required by Section 11 of the General Terms and Conditions
- Bid received after the hour established by the Invitation as the time by which all bids must be received.
- Not meeting the delivery requirement as stated in the Invitation for Bid.
- Non-conformance with specifications
- Inability to provide future maintenance and services to the equipment
- High price
- Others

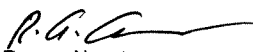
/ X / Bid is recommended for award to:

- TEAL Pacific LLC: Item numbers: 115 & 116 (2 items)
- M.D. Wholesale: Item numbers: 15, 22, 25, 36, 37B, 58, 67, 82, 83, 91 & 122 (11 items)
- National Office Supply: Item numbers: 1A, 3, 4, 6, 8 through 12, 17, 28 through 33, 35, 37A, 38 through 55, 56B, 61B through 66, 68 through 81, 89, 90, 92, 94, 96, 97, 98, 101 through 110, 112, 114, 117 through 120 primary & 120 secondary (83 items).
- School Essentials: Item numbers: 1B, 2, 13, 14, 16, 18, 34, 56A, 57, 59, 60, 61A, 85, 88, 95, 99, 100, 111, 113 & 121.(20 items)
- MEGABYTE GUAM: 19, 20, 21, 23, 24, 26 & 27. (7 items)

/ X / Remarks:

Micro Office & School Concepts was rejected due to failure to provide a copy of their business license as stated in the Special Reminder.

Sincerely,


Roque Alcantara
Administrator,
Supply Management

ACKNOWLEDGMENT RECEIPT

Signature

Date: _____ Time: _____



NERISSA BRETANIA SHAFER, Ph.D.
Superintendent of Education

GUAM PUBLIC SCHOOL SYSTEM
OFFICE OF SUPPLY MANAGEMENT

Manuel F.L. Casanova / Administration Building
2nd Floor, Suite B-203
Hagatna, Guam 96932
Telephone: (671) 475-0486/0440
Fax: (671) 472-5501



ROQUE A. ALCANTARA
Administrative Supply Management

BID STATUS

February 24, 2009

To: National Office Supply

Bid no.: IFB-004-2009 OPENED: Thursday, February 12, 2009

Description: Indefinite Quantity bid for Administrative Supplies

The following is the evaluation results of subject bid: Refer to items checked below.

/ / Cancelled (in its entirety), or partially cancelled due to:

- Insufficient funds
- Change of specifications
- Insufficient number of bidders

/ / Rejected due to:

- Late submission of bid
- No bid deposit submitted, as required by Section 11 of the General Terms and Conditions
- Bid received after the hour established by the invitation as the time by which all bids must be received.
- Not meeting the delivery requirement as stated in the invitation for bid.
- Non-conformance with specifications
- Inability to provide future maintenance and services to the equipment
- High price
- Others

/ X / Bid is recommended for award to:

TEAL Pacific LLC; Item numbers: 115 & 116 (2 items)

M.D. Wholesale; Item numbers: 15, 22, 25, 35, 37B, 58, 67, 82, 89, 91 & 120 (11 items)

National Office Supply; Item numbers: 1A, 3, 4, 6, 8 through 12, 17, 26 through 33, 35, 37, 38 through 55, 56B, 61B through 65, 68 through 81, 89, 90, 92, 94, 98, 97, 99, 101 through 110, 112, 116, 117 through 120 primary & 120 secondary (83 items)

School Essentials; Item numbers: 1B, 2, 13, 14, 16, 18, 34, 56A, 57, 59, 59, 61A, 85, 88, 95, 99, 100, 111, 113 & 121 (29 items)

MEGABYTE GUAM; 19, 20, 21, 23, 24, 25 & 27, (7 items)

/ X / Remarks:

Micro Office & School Concepts was rejected due to failure to provide a copy of their business license as stated in the Special Remarks.

Sincerely,

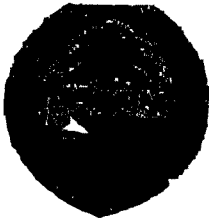
R. Alcantara
Roque Alcantara
Administrator,
Supply Management

ACKNOWLEDGMENT RECEIPT

Ronald Hidalgo
Signature

Date: 3-2-09 Time: 3:00 PM

NATIONAL OFFICE SUPPLY
P.O. BOX 3767
HAGATNA, GUAM 96932
TEL. 734-0314, FAX:



NERISSA BRETANA-SHARR, Ph.D.
Superintendent of Education

GUAM PUBLIC SCHOOL SYSTEM OFFICE OF SUPPLY MANAGEMENT

Manuel F.L. Guerrero / Administration Building
2nd Floor, Suite B-202
Hagåtña, Guam 96932
Telephone: (671) 475-0436/0440
Fax: (671) 472-5001



ROQUE A. ALCANTARA
Administrator, Supply Management

LETTER OF INTENT

February 24, 2009

To: National Office Supply

Attn: Ronald Hidalgo

Reference: Notice of Intent of Possible award on IFB-004-2009
Indefinite Quantity bid for Administrative Supplies

Dear Sir:

As a result of the evaluation of the above reference Invitation for Bid, your bid for the following item number(s) listed herein is being considered for award.


Item numbers: 1A, 4, 6, 8 through 12, 17, 28 through 33, 35, 37A, 38 through 55, 56B, 61 through 66, 68 through 81, 89, 91, 92, 94, 96, 97, 98, 101 through 110, 112, 114, 117 through 120 primary & secondary (83 items).

You are hereby advised that this letter is only a notice of possible intent to award and should not be construed as an award by the Guam Public School System, Office of Supply Management.

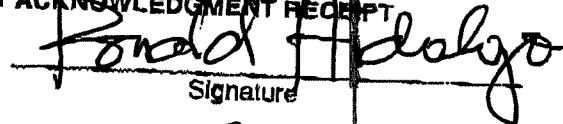
If you have any questions regarding this matter, kindly contact Edith A. Pinault at 475-0438.

Please acknowledge receipt and return by facsimile.

Sincerely,


Roque Alcantara
Administrator,
Supply Management

ACKNOWLEDGMENT RECEIPT


Signature

Date: 3-2-09 Time: 3:00 PM

Confirmation Report - Memory Send

Page : 001
Date & Time: Mar-02-2009 04:20pm
Line 1 : +671 472 5001
Machine ID : GDOE, Office of Supply Management

Job number : 324
Date : Mar-02 03:11pm
To : 7340317
Number of pages : 002
Start time : Mar-02 03:12pm
End time : Mar-02 03:13pm
Pages sent : 002
Status : OK

Job number : 324

*** SEND SUCCESSFUL ***



NERISSA BRETANIA-SHAVER, Ph.D.
Superintendent of Education

GUAM PUBLIC SCHOOL SYSTEM
OFFICE OF SUPPLY MANAGEMENT
Manuel F.L. Guerrero / Administration Building
2nd Floor, Suite B-202
Hagåtña, Guam 96932
Telephone: (671) 475-0496/0440
Fax: (671) 472-5001



ROQUE A. ALCANTARA
Administrator, Supply Management

BID STATUS

February 24, 2009

To: National Office Supply
Bid no.: IFB-004-2009 OPENED: Thursday, February 12, 2009
Description: Indefinite Quantity bid for Administrative Supplies

The following is the evaluation results of subject bid: Refer to items checked below.

/ / Cancelled (in its entirety), or partially cancelled due to:

- () Insufficient funds
() Change of specifications
() Insufficient number of bidders

/ / Rejected due to:

- () Late submission of bid
() No bid deposit submitted, as required by Section 11 of the General Terms and Conditions
() Bid received after the hour established by the invitation as the time by which all bids must be received.
() Not meeting the delivery requirement as stated in the invitation for bid.
() Non-conformance with specifications
() Inability to provide future maintenance and services to the equipment
() High price
() Others

/ X / Bid is recommended for award to:

TEAL Pacific LLC: Item numbers: 115 & 116 (2 items)
M.D. Wholesale: Item numbers: 15, 22, 25, 36, 37B, 58, 67, 82, 83, 91 & 122 (11 items)
National Office Supply: Item numbers: 1A, 3, 4, 6, 8 through 12, 17, 28 through 33, 35, 37A, 38 through 55, 56B, 61B through 66, 68 through 81, 89, 90, 92, 94, 96, 97, 98, 101 through 110, 112, 114, 117 through 120 primary & 120 secondary (83 items)
School Essentials: Item numbers: 1B, 2, 13, 14, 16, 18, 34, 56A, 57, 59, 60, 61A, 85, 88, 95, 99, 100, 111, 113 & 121 (20 items)
MEGABYTE GUAM: 19, 20, 21, 23, 24, 26 & 27, (7 items)

/ X / Remarks:

Micro Office & School Concepts was rejected due to failure to provide a copy of their business license as stated in the Special Reminder.

Sincerely,

Roque Alcantara
Administrator,
Supply Management

ACKNOWLEDGMENT RECEIPT

Signature
Date: Time:



**GUAM PUBLIC SCHOOL SYSTEM
OFFICE OF SUPPLY MANAGEMENT**

*Manuel F.L. Guerrero / Administration Building
2nd Floor, Suite B-202
Hagåtña, Guam 96932
Telephone: (671) 475-0436/0440
Fax: (671) 472-5001*



NERISSA BRETANIA-SHAFFER, Ph.D.
Superintendent of Education

ROQUE A. ALCANTARA
Administrator, Supply Management

LETTER OF INTENT

February 24, 2009

To: National Office Supply

Attn: Ronald Hidalgo

Reference: Notice of Intent of Possible award on IFB-004-2009
Indefinite Quantity bid for Administrative Supplies

Dear Sir:

As a result of the evaluation of the above reference Invitation for Bid, your bid for the following item number(s) listed herein is being considered for award.

Item numbers: 1A, 3, 4, 6, 8 through 12, 17, 28 through 33, 35, 37A, 38 through 55, 56B, 61B through 66, 68 through 81, 89, 90, 92, 94, 96, 97, 98, 101 through 110, 112, 114, 117 through 120 primary & secondary (83 items).

You are hereby advised that this letter is only a notice of possible intent to award and should not be construed as an award by the Guam Public School System, Office of Supply Management.

If you have any questions regarding this matter, kindly contact Edith A. Pinaula at 475-0438.

Please acknowledge receipt and return by facsimile.

Sincerely,

Rogue Alcantara
Administrator,
Supply Management

ACKNOWLEDGMENT RECEIPT

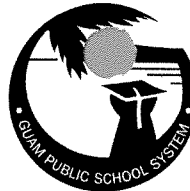
Signature

Date: _____ Time: _____



GUAM PUBLIC SCHOOL SYSTEM
OFFICE OF SUPPLY MANAGEMENT

Manuel F.L. Guerrero / Administration Building
2nd Floor, Suite B-202
Hagåtña, Guam 96932
Telephone: (671) 475-0436/0440
Fax: (671) 472-5001



NERISSA BRETANIA-SHAFFER, Ph.D.
Superintendent of Education

ROQUE A. ALCANTARA
Administrator, Supply Management

BID STATUS

February 24, 2009

To: National Office Supply

Bid no.: IFB-004-2009 OPENED: Thursday, February 12, 2009

Description: Indefinite Quantity bid for Administrative Supplies

The following is the evaluation results of subject bid: Refer to items checked below.

/ / Cancelled (in its entirety), or partially cancelled due to:

- Insufficient funds
- Change of specifications
- Insufficient number of bidders

/ / Rejected due to:

- Late submission of bid
- No bid deposit submitted, as required by Section 11 of the General Terms and Conditions
- Bid received after the hour established by the Invitation as the time by which all bids must be received.
- Not meeting the delivery requirement as stated in the Invitation for Bid.
- Non-conformance with specifications
- Inability to provide future maintenance and services to the equipment
- High price
- Others

/ X / Bid is recommended for award to:

- TEAL Pacific LLC: Item numbers: 115 & 116 (2 items)
- M.D. Wholesale: Item numbers: 15, 22, 25, 36, 37B, 58, 67, 82, 83, 91 & 122 (11 items)
- National Office Supply: Item numbers: 1A, 3, 4, 6, 8 through 12, 17, 28 through 33, 35, 37A, 38 through 55, 56B, 61B through 66, 68 through 81, 89, 90, 92, 94, 96, 97, 98, 101 through 110, 112, 114, 117 through 120 primary & 120 secondary (83 items).
- School Essentials: Item numbers: 1B, 2, 13, 14, 16, 18, 34, 56A, 57, 59, 60, 61A, 85, 88, 95, 99, 100, 111, 113 & 121.(20 items)
- MEGABYTE GUAM: 19, 20, 21, 23, 24, 26 & 27. (7 items)

/ X / Remarks:

Micro Office & School Concepts was rejected due to failure to provide a copy of their business license as stated in the Special Reminder.

Sincerely,

Roque Alcantara
Administrator,
Supply Management

ACKNOWLEDGMENT RECEIPT

Signature

Date: _____ Time: _____

Mar-02-2009 03:17pm From: GDC, Office of Supply Management +871 472 5001 P.001/002 F-323



GUAM PUBLIC SCHOOL SYSTEM

OFFICE OF SUPPLY MANAGEMENT

Manuel F.L. Guerrero / Administration Building
2nd Floor, Suite B-202
Hagåtña, Guam 96932
Telephone: (671) 475-0137/1440
Fax: (671) 473-5001



NERISSA BRETANIA-SHAFER, Ph.D.
Superintendent of Education

ROQUE A. ALCANTARA
Administrator, Supply Management

BID STATUS

February 24, 2009

To: M.D. Wholesale

Bid no.: IFB-004-2009 OPENED: Thursday, February 12, 2009

Description: Indefinite Quantity bid for Administrative Supplies

The following is the evaluation results of subject bid: Refer to items checked below.

// Cancelled (in its entirety), or partially cancelled due to:

- Insufficient funds
- Change of specifications
- Insufficient number of bidders

// Rejected due to:

- Late submission of bid
- No bid deposit submitted, as required by Section 11 of the General Terms and Conditions
- Bid received after the hour established by the invitation as the time by which all bids must be received.
- Not meeting the delivery requirement as stated in the invitation for Bid.
- Non-conformance with specifications
- Inability to provide future maintenance and services to the equipment
- High price
- Others

/X/ Bid is recommended for award to:

- TEAL Pacific LLC: Item numbers: 115 & 116 (2 items)
- M.D. Wholesale: Item numbers: 15, 22, 25, 36, 37B, 68, 67, 82, 83, 91 & 122 (11 items)
- National Office Supply: Item numbers: 1A, 3, 4, 6, 8 through 12, 17, 28 through 33, 35, 37A, 38 through 55, 56B, 61B through 65, 68 through 81, 89, 90, 92, 94, 96, 97, 98, 101 through 110, 112, 114, 117 through 120 primary & 120 secondary (83 items).
- School Essentials: Item numbers: 1B, 2, 13, 14, 16, 18, 34, 56A, 57, 59, 60, 61A, 85, 88, 89, 99, 100, 111, 113 & 121. (20 items)
- MEGABYTE GUAM: 19, 20, 21, 23, 24, 25 & 27. (7 items)

/X/ Remarks:

Micro Office & School Concepts was rejected due to failure to provide a copy of their business license, as stated in the Special Reminder.

Sincerely,

Roque Alcantara
Administrator,
Supply Management

ACKNOWLEDGMENT RECEIPT

VS Alvarado Venus Salvador
Signature

Date: 3-02-09 Time: 3:20



GUAM PUBLIC SCHOOL SYSTEM

OFFICE OF SUPPLY MANAGEMENT

Manuel F. L. Guayrro / Administration Building
2nd Floor, Suite B-202
Hagåtña, Guam 96932
Telephone: (671) 472-8166/6440
Fax: (671) 472-3001



NERISSA UKETANIA-SHAVER, Ph.D.
Superintendent of Education

ROQUE A. ALCANTARA
Administrator, Supply Management

BID STATUS

February 24, 2009

To: M.D. Wholesale

Bid no.: IFB-004-2009 OPENED: Thursday, February 12, 2009

Description: Indefinite Quantity bid for Administrative Supplies

The following is the evaluation results of subject bid: Refer to items checked below.

// Cancelled (in its entirety), or partially cancelled due to:

- Insufficient funds
- Change of specifications
- Insufficient number of bidders

// Rejected due to:

- Late submission of bid
- No bid deposit submitted, as required by Section 11 of the General Terms and Conditions
- Bid received after the hour established by the invitation as the time by which all bids must be received.
- Not meeting the delivery requirement as stated in the invitation for Bid.
- Non-conformance with specifications
- Inability to provide future maintenance and services to the equipment
- High price
- Others

/X/ Bid is recommended for award to:

TEAL Pacific LLC: Item numbers: 115 & 116 (2 items)
M.D. Wholesale: Item numbers: 15, 22, 25, 36, 37B, 59, 67, 82, 83, 91A, 122 (11 items)
National Office Supply: Item numbers: 1A, 3, 4, 6, 8 through 12, 17, 28 through 33, 35, 37A, 38
through 55, 56B, 61B through 66, 68 through 81, 89, 90, 92, 94, 96, 97, 98, 101 through 110, 112, 114,
117 through 120 primary & 120 secondary (83 items).
School Essentials: Item numbers: 1B, 2, 13, 14, 16, 18, 34, 50A, 57, 58, 60, 61A, 65, 66, 95, 99,
100, 111, 113 & 121 (20 items)
MEGABYTE GUAM: 19, 20, 21, 23, 24, 26 & 27. (7 items)

/X/ Remarks:

Micro Office & School Concepts was rejected due to failure to provide a copy of their business license
as stated in the Special Reminder.

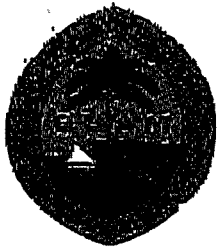
Sincerely,

Roque Alcantara
 Administrator,
 Supply Management

ACKNOWLEDGMENT RECEIPT

Signature

Date: 3-02-09 Time: 3:20



GUA PUBLIC SCHOOL SYSTEM

OFFICE OF SUPPLY MANAGEMENT

Manuel F.L. Guerrero / Administration Building

2nd Floor, Suite B-302

Magaña, Guam 96932

Telephone: (671) 475-0436/0440

Fax: (671) 472-5001



NERISSA BRETANIA-SHAFFER, Ph.D.
Superintendent of Education

ROQUE A. ALCANTARA
Administrator, Supply Management

LETTER OF INTENT

February 24, 2009

To: M.D. Wholesale

Attn: Mark B.S. Mariano

Reference: Notice of Intent of Possible award on IFB-004-2009
Indefinite Quantity bid for Administrative Supplies

Dear Sir:

As a result of the evaluation of the above reference Invitation for Bid, your bid for the following item number(s) listed herein is being considered for award.

Item numbers: 15, 22, 25, 36, 37B, 58, 67, 82, 83, 91 & 122 (11 items).

You are hereby advised that this letter is only a notice of possible intent to award and should not be construed as an award by the Guam Public School System, Office of Supply Management.

If you have any questions regarding this matter, kindly contact Edith A. Pinault at 475-0438.

Please acknowledge receipt and return by facsimile.

Sincerely,

Roque Alcantara
Administrator,
Supply Management

ACKNOWLEDGMENT RECEIPT

V Salvador

Venus Salvador

Signature

Date: 3-02-09

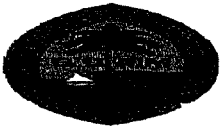
Time: 3:20

Confirmation Report - Memory Send

Page : 001
Date & Time: Mar-02-2009 04:20pm
Line 1 : +671 472 5001
Machine ID : GDOE, Office of Supply Management

Job number : 323
Date : Mar-02 03:10pm
To : 6495830
Number of pages : 002
Start time : Mar-02 03:11pm
End time : Mar-02 03:18pm
Pages sent : 002
Status : OK

Job number : 323 *** SEND SUCCESSFUL ***



NERISSA BRETANIA-SHAFER, Ph.D. Superintendent of Education

GUAM PUBLIC SCHOOL SYSTEM OFFICE OF SUPPLY MANAGEMENT

Manuel F.L. Guerrero / Administration Building 2nd Floor, Suite B-202 Hagåtña, Guam 96932 Telephone: (671) 475-4436/4440 Fax: (671) 472-5001



ROQUE A. ALCANTARA Administrator, Supply Management

BID STATUS

February 24, 2009

To: M.D. Wholesale
Bid no.: IFB-004-2009 OPENED: Thursday, February 12, 2009
Description: Indefinite Quantity bid for Administrative Supplies

The following is the evaluation results of subject bid: Refer to items checked below.

/ / Cancelled (in its entirety), or partially cancelled due to:

- () Insufficient funds
() Change of specifications
() Insufficient number of bidders

/ / Rejected due to:

- () Late submission of bid
() No bid deposit submitted, as required by Section 11 of the General Terms and Conditions
() Bid received after the hour established by the invitation as the time by which all bids must be received.
() Not meeting the delivery requirement as stated in the invitation for bid.
() Non-conformance with specifications
() inability to provide future maintenance and services to the equipment
() High price
() Others

/ X / Bid is recommended for award to:

- TEAL Pacific LLC: item numbers: 115 & 116 (2 items)
M.D. Wholesale: item numbers: 15, 22, 25, 36, 37B, 58, 67, 82, 83, 91 & 122 (11 items)
National Office Supply: item numbers: 1A, 3, 4, 5, 8 through 12, 17, 28 through 33, 35, 37A, 38 through 55, 66B, 81B through 86, 88 through 81, 89, 90, 92, 94, 96, 97, 98, 101 through 110, 112, 114, 117 through 120 primary & 120 secondary (83 items)
School Essentials: item numbers: 1B, 2, 13, 14, 16, 18, 34, 56A, 57, 59, 60, 61A, 85, 88, 95, 99, 100, 111, 113 & 121 (20 items)
MEGABYTE GUAM: 19, 20, 21, 23, 24, 26 & 27 (7 items)

/ X / Remarks:

Micro Office & School Concepts was rejected due to failure to provide a copy of their business license as stated in the Special Reminder.

Sincerely,
Roque Alcantara
Administrator,
Supply Management

ACKNOWLEDGMENT RECEIPT

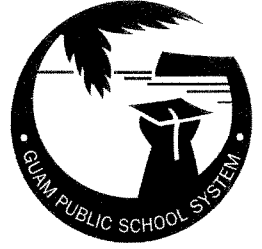
Signature
Date: Time:



GUAM PUBLIC SCHOOL SYSTEM

OFFICE OF SUPPLY MANAGEMENT

Manuel F.L. Guerrero / Administration Building
2nd Floor, Suite B-202
Hagåtña, Guam 96932
Telephone: (671) 475-0436/0440
Fax: (671) 472-5001



NERISSA BRETANIA-SHAFER, Ph.D.
Superintendent of Education

ROQUE A. ALCANTARA
Administrator, Supply Management

LETTER OF INTENT

February 24, 2009

To: M.D. Wholesale

Attn: Mark B.S. Mariano

Reference: Notice of Intent of Possible award on IFB-004-2009
Indefinite Quantity bid for Administrative Supplies

Dear Sir:

As a result of the evaluation of the above reference Invitation for Bid, your bid for the following item number(s) listed herein is being considered for award.

Item numbers: 15, 22, 25, 36, 37B, 58, 67, 82, 83, 91& 122 (11 items).

You are hereby advised that this letter is only a notice of possible intent to award and should not be construed as an award by the Guam Public School System, Office of Supply Management.

If you have any questions regarding this matter, kindly contact Edith A. Pinaula at 475-0438.

Please acknowledge receipt and return by facsimile.

Sincerely,

Rogue Alcantara
Administrator,
Supply Management

ACKNOWLEDGMENT RECEIPT

Signature

Date: _____ Time: _____



**GUAM PUBLIC SCHOOL SYSTEM
OFFICE OF SUPPLY MANAGEMENT**

Manuel F.L. Guerrero / Administration Building
2nd Floor, Suite B-202
Hagåtña, Guam 96932
Telephone: (671) 475-0436/0440
Fax: (671) 472-5001



NERISSA BRETANIA-SHAVER, Ph.D.
Superintendent of Education

ROQUE A. ALCANTARA
Administrator, Supply Management

BID STATUS

February 24, 2009

To: M.D. Wholesale

Bid no.: IFB-004-2009 OPENED: Thursday, February 12, 2009

Description: Indefinite Quantity bid for Administrative Supplies

The following is the evaluation results of subject bid: Refer to items checked below.

/ / Cancelled (in its entirety), or partially cancelled due to:

- Insufficient funds
- Change of specifications
- Insufficient number of bidders

/ / Rejected due to:

- Late submission of bid
- No bid deposit submitted, as required by Section 11 of the General Terms and Conditions
- Bid received after the hour established by the invitation as the time by which all bids must be received.
- Not meeting the delivery requirement as stated in the Invitation for Bid.
- Non-conformance with specifications
- Inability to provide future maintenance and services to the equipment
- High price
- Others

/ X / Bid is recommended for award to:

- TEAL Pacific LLC: Item numbers: 115 & 116 (2 items)
- M.D. Wholesale: Item numbers: 15, 22, 25, 36, 37B, 58, 67, 82, 83, 91 & 122 (11 items)
- National Office Supply: Item numbers: 1A, 3, 4, 6, 8 through 12, 17, 28 through 33, 35, 37A, 38 through 55, 56B, 61B through 66, 68 through 81, 89, 90, 92, 94, 96, 97, 98, 101 through 110, 112, 114, 117 through 120 primary & 120 secondary (83 items).
- School Essentials: Item numbers: 1B, 2, 13, 14, 16, 18, 34, 56A, 57, 59, 60, 61A, 85, 88, 95, 99, 100, 111, 113 & 121.(20 items)
- MEGABYTE GUAM: 19, 20, 21, 23, 24, 26 & 27. (7 items)

/X/ Remarks:

Micro Office & School Concepts was rejected due to failure to provide a copy of their business license as stated in the Special Reminder.

Sincerely,

Roque Alcantara
Administrator,
Supply Management

ACKNOWLEDGMENT RECEIPT

Signature

Date: _____ Time: _____



NERISSA BRETANIA-SHAFFER, Ph.D.
Superintendent of Education

GUAM PUBLIC SCHOOL SYSTEM

OFFICE OF SUPPLY MANAGEMENT

Manuel F.L. Cuervo / Administration Building
2nd Floor, Suite B-202
Hagåtña, Guam 96932
Telephone: (671) 472-4436/4440
Fax: (671) 472-5001



ROQUE A. ALCANTARA
Administrator, Supply Management

BID STATUS

February 24, 2009

To: **TEAL Pacific LLC**

Bid no.: IFB-004-2009 OPENED: Thursday, February 12, 2009

Description: Indefinite Quantity bid for Administrative Supplies

The following is the evaluation results of subject bid: Refer to items checked below.

// Cancelled (in its entirety), or partially cancelled due to:

- Insufficient funds
- Change of specifications
- Insufficient number of bidders

// Rejected due to:

- Late submission of bid
- No bid deposit submitted, as required by Section 11 of the General Terms and Conditions
- Bid received after the hour established by the Invitation as the time by which all bids must be received.
- Not meeting the delivery requirement as stated in the Invitation for Bid.
- Non-conformance with specifications
- Inability to provide future maintenance and services to the equipment
- High price
- Others

/X/ Bid is recommended for award to:

- TEAL Pacific LLC: Item numbers: 115 & 116 (2 items)
- M.D. Wholesale: Item numbers: 15, 22, 25, 36, 37B, 59, 67, 82, 83, 91 & 122 (11 items)
- National Office Supply: Item numbers: 1A, 3, 4, 6, 8 through 12, 17, 28 through 33, 35, 37A, 38 through 55, 56B, 61B through 66, 68 through 81, 89, 90, 92, 94, 96, 97, 99, 101 through 110, 112, 114, 117 through 120 primary & 120 secondary (83 items).
- School Essentials: Item numbers: 1B, 2, 13, 14, 16, 18, 34, 56A, 57, 59, 60, 61A, 85, 88, 95, 99, 100, 111, 113 & 121 (20 items)
- MEGABYTE GUAM: 19, 20, 21, 23, 24, 26 & 27, (7 items)

/K/ Remarks:

Micro Office & School Concepts was rejected due to failure to provide a copy of their business license as stated in the Special Reminder.

Sincerely,

Roque Alcantara
Administrator,
Supply Management

ACKNOWLEDGMENT RECEIPT

ANNE GARRIDO
Signature

Date: 3/2/09 Time: 4:01

GUAM PUBLIC SCHOOL SYSTEM OFFICE OF SUPPLY MANAGEMENT

*Manuel F.L. Guerrero / Administration Building
2nd Floor, Suite B-202
Hagåtña, Guam 96932
Telephone: (671) 475-0436/0440
Fax: (671) 472-5001*



NERISSA BIJETANIA-SHAFFER, Ph.D.
Superintendent of Education

ROQUE A. ALCANTARA
Administrator, Supply Management

LETTER OF INTENT

February 24, 2009

To: TEAL Pacific LLC

Attn: Annalyn Garrido

Reference: Notice of Intent of Possible award on IFB-004-2009
Indefinite Quantity bid for Administrative Supplies

Dear Sir:

As a result of the evaluation of the above reference Invitation for Bid, your bid for the following item number(s) listed herein is being considered for award.

Item numbers: 115 & 116 (2 items)

You are hereby advised that this letter is only a notice of possible intent to award and should not be construed as an award by the Guam Public School System, Office of Supply Management.

If you have any questions regarding this matter, kindly contact Edith A. Pinaula at 475-0438.

Please acknowledge receipt and return by facsimile.

Sincerely,

Roque Alcantara
Administrator,
Supply Management

ACKNOWLEDGEMENT RECEIPT

ANNE GARRIDO
Signature

Date: 3/2/09 Time: 4:02 PM

Confirmation Report - Memory Send

Page : 001
Date & Time: Mar-02-2009 04:19pm
Line 1 : +671 472 5001
Machine ID : GDOE, Office of Supply Management

Job number : 322
Date : Mar-02 03:09pm
To : 6468325
Number of pages : 002
Start time : Mar-02 03:11pm
End time : Mar-02 03:11pm
Pages sent : 002
Status : OK

Job number : 322

*** SEND SUCCESSFUL ***

GUAM PUBLIC SCHOOL SYSTEM
OFFICE OF SUPPLY MANAGEMENT
Manuel F.L. Guerrero / Administration Building
2nd Floor, Suite B-202
Hagåtña, Guam 96932
Telephone: (671) 475-0436/0440
Fax: (671) 472-5001



NERISSA BRETANIA-SHAFFER, Ph.D.
Superintendent of Education



ROQUE A. ALCANTARA
Administrator, Supply Management

BID STATUS

February 24, 2009

To: TEAL Pacific LLC
Bid no.: IFB-004-2009 OPENED: Thursday, February 12, 2009
Description: Indefinite Quantity bid for Administrative Supplies

The following is the evaluation results of subject bid: Refer to items checked below.

- Cancelled (in its entirety), or partially cancelled due to:
Insufficient funds
Change of specifications
Insufficient number of bidders
Rejected due to:
Late submission of bid
No bid deposit submitted, as required by Section 11 of the General Terms and Conditions
Bid received after the hour established by the Invitation as the time by which all bids must be received.
Not meeting the delivery requirement as stated in the Invitation for Bid.
Non-conformance with specifications
Inability to provide future maintenance and services to the equipment
High price
Others

Bid is recommended for award to:
TEAL Pacific LLC: Item numbers: 115 & 116 (2 items)
M.D. Wholesale: Item numbers: 15, 22, 25, 36, 37B, 58, 67, 82, 83, 91 & 122 (11 items)
National Office Supply: Item numbers: 1A, 3, 4, 6, 8 through 12, 17, 28 through 33, 35, 37A, 38 through 55, 56B, 61B through 66, 68 through 81, 89, 90, 92, 94, 96, 97, 98, 101 through 110, 112, 114, 117 through 120 primary & 120 secondary (83 items)
School Essentials: Item numbers: 1B, 2, 13, 14, 16, 18, 34, 56A, 57, 59, 60, 61A, 85, 88, 95, 99, 100, 111, 113 & 121 (20 items)
MEGABYTE GUAM: 19, 20, 21, 23, 24, 26 & 27. (7 items)

Remarks:
Micro Office & School Concepts was rejected due to failure to provide a copy of their business license as stated in the Special Reminder.

Sincerely,
Rogue Alcantara
Administrator,
Supply Management

ACKNOWLEDGMENT RECEIPT
Signature
Date: Time:



GUAM PUBLIC SCHOOL SYSTEM

OFFICE OF SUPPLY MANAGEMENT

Manuel F.L. Guerrero / Administration Building
2nd Floor, Suite B-202
Hagåtña, Guam 96932
Telephone: (671) 475-0436/0440
Fax: (671) 472-5001



NERISSA BRETANIA-SHAFER, Ph.D.
Superintendent of Education

ROQUE A. ALCANTARA
Administrator, Supply Management

LETTER OF INTENT

February 24, 2009

To: TEAL Pacific LLC

Attn: Annalyn Garrido

Reference: Notice of Intent of Possible award on IFB-004-2009
Indefinite Quantity bid for Administrative Supplies

Dear Sir:

As a result of the evaluation of the above reference Invitation for Bid, your bid for the following item number(s) listed herein is being considered for award.

Item numbers: 115 & 116 (2 items)

You are hereby advised that this letter is only a notice of possible intent to award and should not be construed as an award by the Guam Public School System, Office of Supply Management.

If you have any questions regarding this matter, kindly contact Edith A. Pinaula at 475-0438.

Please acknowledge receipt and return by facsimile.

Sincerely,

Roque Alcantara
Administrator,
Supply Management

ACKNOWLEDGMENT RECEIPT

Signature

Date: _____ Time: _____



GUAM PUBLIC SCHOOL SYSTEM

OFFICE OF SUPPLY MANAGEMENT

Manuel F.L. Guerrero / Administration Building

2nd Floor, Suite B-202

Hagåtña, Guam 96932

Telephone: (671) 475-0436/0440

Fax: (671) 472-5001



NERISSA BRETANIA-SHAFFER, Ph.D.
Superintendent of Education

ROQUE A. ALCANTARA
Administrator, Supply Management

BID STATUS

February 24, 2009

To: TEAL Pacific LLC

Bid no.: IFB-004-2009 OPENED: Thursday, February 12, 2009

Description: Indefinite Quantity bid for Administrative Supplies

The following is the evaluation results of subject bid: Refer to items checked below.

/ / Cancelled (in its entirety), or partially cancelled due to:

- Insufficient funds
- Change of specifications
- Insufficient number of bidders

/ / Rejected due to:

- Late submission of bid
- No bid deposit submitted, as required by Section 11 of the General Terms and Conditions
- Bid received after the hour established by the Invitation as the time by which all bids must be received.
- Not meeting the delivery requirement as stated in the Invitation for Bid.
- Non-conformance with specifications
- Inability to provide future maintenance and services to the equipment
- High price
- Others

/ X / Bid is recommended for award to:

- TEAL Pacific LLC: Item numbers: 115 & 116 (2 items)
- M.D. Wholesale: Item numbers: 15, 22, 25, 36, 37B, 58, 67, 82, 83, 91 & 122 (11 items)
- National Office Supply: Item numbers: 1A, 3, 4, 6, 8 through 12, 17, 28 through 33, 35, 37A, 38 through 55, 56B, 61B through 66, 68 through 81, 89, 90, 92, 94, 96, 97, 98, 101 through 110, 112, 114, 117 through 120 primary & 120 secondary (83 items).
- School Essentials: Item numbers: 1B, 2, 13, 14, 16, 18, 34, 56A, 57, 59, 60, 61A, 85, 88, 95, 99, 100, 111, 113 & 121.(20 items)
- MEGABYTE GUAM; 19, 20, 21, 23, 24, 26 & 27. (7 items)

/X/ Remarks:

Micro Office & School Concepts was rejected due to failure to provide a copy of their business license as stated in the Special Reminder.

Sincerely,

Roque Alcantara
Administrator,
Supply Management

ACKNOWLEDGMENT RECEIPT

Signature

Date: _____ Time: _____

Confirmation Report - Memory Send

Page : 001
Date & Time: Mar-02-2009 03:11pm
Line 1 : +671 472 5001
Machine ID : GDOE, Office of Supply Management

Job number : 322
Date : Mar-02 03:09pm
To : 6468325
Number of pages : 002
Start time : Mar-02 03:11pm
End time : Mar-02 03:11pm
Pages sent : 002
Status : OK

Job number : 322 *** SEND SUCCESSFUL ***

GUAM PUBLIC SCHOOL SYSTEM
OFFICE OF SUPPLY MANAGEMENT
Manuel F.L. Guerrero / Administration Building
2nd Floor, Suite B-202
Hagåtña, Guam 96917
Telephone: (671) 473-0435/0440
Fax: (671) 472-5001



ROQUE A. ALCANTARA
Administrator, Supply Management

BID STATUS

February 24, 2009

To: TEAL Pacific LLC
Bid no.: IEB-004-2009 OPENED: Thursday, February 12, 2009
Description: Indefinite Quantity bid for Administrative Supplies

The following is the evaluation results of subject bid: Refer to items checked below.

- / / Cancelled (in its entirety), or partially cancelled due to:
() Insufficient funds
() Change of specifications
() Insufficient number of bidders
/ / Rejected due to:
() Late submission of bid
() No bid deposit submitted, as required by Section 11 of the General Terms and Conditions
() Bid received after the hour established by the invitation as the time by which all bids must be received.
() Not meeting the delivery requirement as stated in the invitation for Bid.
() Non-conformance with specifications
() Inability to provide future maintenance and services to the equipment
() High price
() Others

/ X / Bid is recommended for award to:
TEAL Pacific LLC: Item numbers: 115 & 116 (2 items)
M.D. Wholesale: Item numbers: 15, 22, 25, 38, 37B, 56, 67, 82, 83, 91 & 122 (11 items)
National Office Supply: Item numbers: 1A, 3, 4, 6, 8 through 12, 17, 28 through 33, 35, 37A, 38 through 55, 56B, 61B through 68, 68 through 61, 69, 69, 92, 94, 98, 97, 98, 101 through 110, 112, 114, 117 through 120 primary & 120 secondary (63 items)
School Essentials: Item numbers: 1B, 2, 13, 14, 16, 18, 34, 56A, 67, 69, 60, 61A, 65, 68, 95, 99, 100, 111, 113 & 121 (20 items)
MEGABYTE GUAM: 19, 20, 21, 23, 24, 26 & 27. (7 items)

/ K / Remarks:
Micro Office & School Concepts was rejected due to failure to provide a copy of their business license, as stated in the Special Reminder.

Sincerely,
Roque A. Alcantara
Administrator,
Supply Management

ACKNOWLEDGMENT RECEIPT

Signature
Date: Time:

8
1

Law Offices of
WILLIAM L. GAVRAS
A Professional Corporation
101 Salisbury Street
Dededo, Guam 96929

Telephone: (671) 632-4357
Facsimile: (671) 632-4368
williamgavras@yahoo.com

VIA HAND DELIVERY and FACSIMILE

March 16, 2009

**Roque Alcantra
Department of Education**

**Larry Perez
Department of Public Works**

Re: Protest – Bid Invitation No.: IFB 004-2009 – Item No. 114; Guam Public School System Office Of Supply Management Indefinite Quantity Bid For Administrative Supplies; IFB 004-2009 – Item No. 114.

Dear Sir,

On behalf of Teal Pacific LLP (Teal) please accept the following as a PROTEST of the above referenced Invitation To Bid (ITB).

On March 12, 2009, Teal received information from the Government of Guam that it was failed to win the bid on Item No. 114. Teal and National Office Supply, who also bid on this Item, tied for the lowest bid at \$38.00/case. On that same day it was revealed to Teal that National Office Supply would be awarded (or recommended for award for) Item No. 114. The explanation given for Teal having lost is that the National Office Supply was given preference and/or consideration as a local supplier under Guam law favoring Local Procurement Preference (5 GCA section 5008 and DOE procurement regulations).

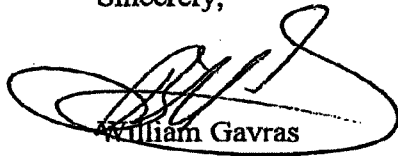
Teal protests on the basis that the local procurement law(s) which gave National Office Supply an advantage over Teal violated Teal's equal protection rights afforded by

Received

the Constitution of the United States of America as well as the Organic Act of Guam.
The reasons for such violations include but are not limited to:

1. the fact that the purpose of the law is not legitimate;
2. local businesses suffer no disadvantages over non-local businesses;
3. the Government of Guam creates no disadvantages to local business;
4. there is no heavier burden on local business doing business in Guam than on non-local businesses;
5. local business are not at a competitive disadvantage with businesses from other areas;
6. the means adopted to pursue any assumed legitimate end were not reasonable, measured or appropriate
7. the definition of and criteria for those benefiting and to be benefited by the local preference under Guam law is not a rational, measured, reasonable or appropriate definition in order to achieve any of the assumed legitimate ends of the applicable law.

Sincerely,



William Gavras

9



NERISSA BERTANIA-SHAVER, Ph.D.
Superintendent of Education

GUAM PUBLIC SCHOOL SYSTEM OFFICE OF SUPPLY MANAGEMENT

*Manuel P.L. Guerrero / Administration Building
2nd Floor, Suite B-220
Hagåtña, Guam 96932
Telephone: (671) 475-0438
Fax: (671) 472-5111
www.gdoc.net*



ROQUE A. ALCANTARA
Administrator, Supply Management

March 16, 2009

Mr. Joseph M. Slomka
President
MEGABYTE Guam
Fax No. 649-7458

Subject: STAY OF PROCUREMENT

Reference: IFB-004-2009
Indefinite Quantity Bid for Administrative Supplies

Dear Sir:

On Monday, March 16, 2009, the Guam Public School System (GPSS) received a letter of "Protest" from Teal Pacific LLC, regarding issues of the above referenced formal bid.

Therefore, pursuant to Section 9.2.5 of the DOE/GPSS Procurement Regulations titled "STAY OF PROCURMENT" the department shall suspend further activity of IFB-004-2009 until further notice.

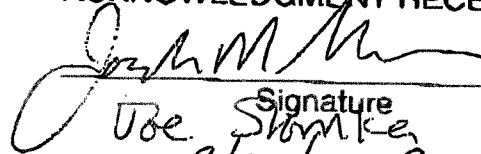
Thank you for your understanding in this matter.

Sincerely,


Roque Alcantara
Administrator

cc: Bid file IFB-004-2009

ACKNOWLEDGMENT RECEIPT


Signature
Joe Slomka
3/16/2009
Date Time

Confirmation Report - Memory Send

Page : 001
Date & Time: Mar-16-2009 03:55pm
Line 1 : +671 472 5001
Machine ID : GDOE, Office of Supply Management

Job number : 543
Date : Mar-16 03:54pm
To : 6497458
Number of pages : 001
Start time : Mar-16 03:55pm
End time : Mar-16 03:55pm
Pages sent : 001
Status : OK

Job number : 543 *** SEND SUCCESSFUL ***



NERISSA BRITANIA-SHAVER, Ph.D.
Superintendent of Education

**GUAM PUBLIC SCHOOL SYSTEM
OFFICE OF SUPPLY MANAGEMENT**

*Manuel F.L. Guerrero / Administration Building
2nd Floor, Suite B-220
Hagåtña, Guam 96932
Telephone: (671) 475-0438
Fax: (671) 472-5001
www.gdoc.net*



ROQUE A. ALCANTARA
Administrator, Supply Management

March 16, 2009

Mr. Joseph M. Slomka
President
MEGABYTE Guam
Fax No. 649-7458

Subject: STAY OF PROCUREMENT
Reference: IFB-004-2009
Indefinite Quantity Bid for Administrative Supplies

Dear Sir:

On Monday, March 16, 2009, the Guam Public School System (GPSS) received a letter of "Protest" from Teal Pacific LLC, regarding issues of the above referenced formal bid.

Therefore, pursuant to Section 9.2.6 of the DOE/GPSS Procurement Regulations titled "STAY OF PROCURMENT" the department shall suspend further activity of IFB-004-2009 until further notice.

Thank you for your understanding in this matter.

Sincerely,

Roque Alcantara
Administrator

ACKNOWLEDGMENT RECEIPT

Signature

Date Time

cc: Bid file IFB-004-2009



GUAM PUBLIC SCHOOL SYSTEM
OFFICE OF SUPPLY MANAGEMENT

Manuel F.L. Guerrero / Administration Building
2nd Floor, Suite B-220
Hagåtña, Guam 96932
Telephone: (671) 475-0438
Fax: (671) 472-5001
www.gdoe.net



NERISSA BRETANIA-SHAFFER, Ph.D.
Superintendent of Education

ROQUE A. ALCANTARA
Administrator, Supply Management

March 16, 2009

Mr. Joseph M. Slomka
President
MEGABYTE Guam
Fax No. 649-7458

Subject: STAY OF PROCUREMENT

Reference: IFB-004-2009
Indefinite Quantity Bid for Administrative Supplies

Dear Sir:

On Monday, March 16, 2009, the Guam Public School System (GPSS) received a letter of "Protest" from Teal Pacific LLC, regarding issues of the above referenced formal bid.

Therefore, pursuant to Section 9.2.5 of the DOE/GPSS Procurement Regulations titled "STAY OF PROCURMENT" the department shall suspend further activity of IFB-004-2009 until further notice.

Thank you for your understanding in this matter.

Sincerely,


Roque Alcantara
Administrator

ACKNOWLEDGMENT RECEIPT

Signature

Date

Time

cc: Bid file IFB-004-2009

Confirmation Report - Memory Send

Page : 001
Date & Time: Mar-16-2009 03:56pm
Line 1 : +671 472 5001
Machine ID : GDOE, Office of Supply Management

Job number : 542
Date : Mar-16 03:53pm
To : 6487246
Number of pages : 001
Start time : Mar-16 03:53pm
End time : Mar-16 03:56pm
Pages sent : 001
Status : OK

Job number : 542 *** SEND SUCCESSFUL ***



NERISSA BRETANIA-SHAFFER, Ph.D.
Superintendent of Education

**GUAM PUBLIC SCHOOL SYSTEM
OFFICE OF SUPPLY MANAGEMENT**

*Manuel F.L. Guerrero / Administration Building
2nd Floor, Suite B-220
Hagåtña, Guam 96932
Telephone: (671) 475-0438
Fax: (671) 472-5001
www.gdos.net*



ROQUE A. ALCANTARA
Administrator, Supply Management

March 16, 2009

Rose Santo Tomas
General Manager
School Essentials
Fax No. 648-7246

Subject: STAY OF PROCUREMENT
Reference: IFB-004-2009
Indefinite Quantity Bid for Administrative Supplies

Dear Sir:

On Monday, March 16, 2009, the Guam Public School System (GPSS) received a letter of "Protest" from Teal Pacific LLC, regarding issues of the above referenced formal bid.

Therefore, pursuant to Section 9.2.5 of the DOE/GPSS Procurement Regulations titled "STAY OF PROCUREMENT" the department shall suspend further activity of IFB-004-2009 until further notice.

Thank you for your understanding in this matter.

Sincerely,

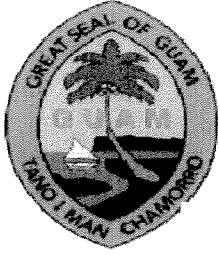
Roque Alcantara
Administrator

cc: Bid file IFB-004-2009

ACKNOWLEDGMENT RECEIPT

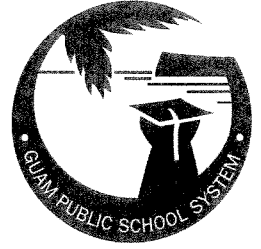
Signature

Date Time



GUAM PUBLIC SCHOOL SYSTEM
OFFICE OF SUPPLY MANAGEMENT

Manuel F.L. Guerrero / Administration Building
2nd Floor, Suite B-220
Hagåtña, Guam 96932
Telephone: (671) 475-0438
Fax: (671) 472-5001
www.gdoe.net



NERISSA BRETANIA-SHAFFER, Ph.D.
Superintendent of Education

ROQUE A. ALCANTARA
Administrator, Supply Management

March 16, 2009

Rose Santo Tomas
General Manager
School Essentials
Fax No. 648-7246

Subject: STAY OF PROCUREMENT

Reference: IFB-004-2009
Indefinite Quantity Bid for Administrative Supplies

Dear Sir:

On Monday, March 16, 2009, the Guam Public School System (GPSS) received a letter of "Protest" from Teal Pacific LLC, regarding issues of the above referenced formal bid.

Therefore, pursuant to Section 9.2.5 of the DOE/GPSS Procurement Regulations titled "STAY OF PROCURMENT" the department shall suspend further activity of IFB-004-2009 until further notice.

Thank you for your understanding in this matter.

Sincerely,


Roque Alcantara
Administrator

ACKNOWLEDGMENT RECEIPT

Signature

cc: Bid file IFB-004-2009

Date

Time

Mar-16-2009 03:56pm From-GDOE, Office of Supply Management

+671 472 5001

T-572 P.001/001 F-542



NERISSA BRETANIA-SHAFFER, Ph.D.
Superintendent of Education

GUAM PUBLIC SCHOOL SYSTEM OFFICE OF SUPPLY MANAGEMENT

Manuel P.L. Guerrero / Administration Building
2nd Floor, Suite B-220
Hagåtña, Guam 96932
Telephone: (671) 475-0438
Fax: (671) 472-5001
www.gdoe.net



ROQUE A. ALCANTARA
Administrator, Supply Management

March 16, 2009

Rose Santo Tomas
General Manager
School Essentials
Fax No. 648-7246

Subject: STAY OF PROCUREMENT

Reference: IFB-004-2009
Indefinite Quantity Bid for Administrative Supplies

Dear Sir:

On Monday, March 16, 2009, the Guam Public School System (GPSS) received a letter of "Protest" from Teal Pacific LLC, regarding issues of the above referenced formal bid.

Therefore, pursuant to Section 9.2.5 of the DOE/GPSS Procurement Regulations titled "STAY OF PROCURMENT" the department shall suspend further activity of IFB-004-2009 until further notice.

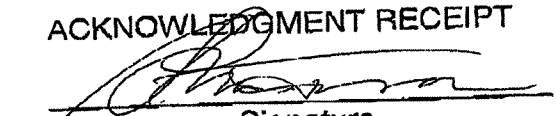
Thank you for your understanding in this matter.

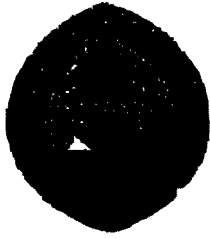
Sincerely,


Roque Alcantara
Administrator

cc: Bid file IFB-004-2009

ACKNOWLEDGMENT RECEIPT


Signature
3/16/09 4:59 PM
Date Time



GUAM PUBLIC SCHOOL SYSTEM OFFICE OF SUPPLY MANAGEMENT

*Manuel F.L. Guerrero / Administration Building
2nd Floor, Suite B-220
Hagåtña, Guam 96932
Telephone: (671) 475-0438
Fax: (671) 472-5001
www.gdoe.net*



ROQUE A. ALCANTARA
Administrator, Supply Management

NERISSA BRETANIA-SHAFFER, Ph.D.
Superintendent of Education

March 16, 2009

Mr. Ronald Hidalgo
Manager
National Office Supply
Fax No. 734-0317

Subject: **STAY OF PROCUREMENT**

Reference: IFB-004-2009
Indefinite Quantity Bid for Administrative Supplies

Dear Sir:

On Monday, March 16, 2009, the Guam Public School System (GPSS) received a letter of "Protest" from Teal Pacific LLC, regarding issues of the above referenced formal bid.

Therefore, pursuant to Section 9.2.5 of the DOE/GPSS Procurement Regulations titled "STAY OF PROCURMENT" the department shall suspend further activity of IFB-004-2009 until further notice.

Thank you for your understanding in this matter.

Sincerely,


Roque Alcantara
Administrator

ACKNOWLEDGMENT RECEIPT


Signature

3-17-09

Date

10:00 AM

Time

cc: Bid file IFB-004-2009

Confirmation Report - Memory Send

Page : 001
Date & Time: Mar-16-2009 03:53pm
Line 1 : +671 472 5001
Machine ID : GDOE, Office of Supply Management

Job number : 541
Date : Mar-16 03:51pm
To : 7340317
Number of pages : 001
Start time : Mar-16 03:52pm
End time : Mar-16 03:53pm
Pages sent : 001
Status : OK

Job number : 541 *** SEND SUCCESSFUL ***



NERISSA BRETANIA-SHAFER, Ph.D.
Superintendent of Education

GUAM PUBLIC SCHOOL SYSTEM
OFFICE OF SUPPLY MANAGEMENT
Manuel F.L. Guerrero / Administration Building
2nd Floor, Suite B-220
Hagåtña, Guam 96932
Telephone: (671) 475-0438
Fax: (671) 472-5001
www.gdoe.net



ROQUE A. ALCANTARA
Administrator, Supply Management

March 16, 2009

Mr. Ronald Hidalgo
Manager
National Office Supply
Fax No. 734-0317

Subject: STAY OF PROCUREMENT
Reference: IFB-004-2009
Indefinite Quantity Bid for Administrative Supplies

Dear Sir:

On Monday, March 16, 2009, the Guam Public School System (GPSS) received a letter of "Protest" from Teal Pacific LLC, regarding issues of the above referenced formal bid.

Therefore, pursuant to Section 9.2.5 of the DOE/GPSS Procurement Regulations titled "STAY OF PROCURMENT" the department shall suspend further activity of IFB-004-2009 until further notice.

Thank you for your understanding in this matter.

Sincerely,

Roque Alcantara
Administrator

cc: Bid file IFB-004-2009

ACKNOWLEDGMENT RECEIPT

Signature

Date Time



GUAM PUBLIC SCHOOL SYSTEM
OFFICE OF SUPPLY MANAGEMENT

Manuel F.L. Guerrero / Administration Building
2nd Floor, Suite B-220
Hagåtña, Guam 96932
Telephone: (671) 475-0438
Fax: (671) 472-5001
www.gdoe.net



NERISSA BRETANIA-SHAFFER, Ph.D.
Superintendent of Education

ROQUE A. ALCANTARA
Administrator, Supply Management

March 16, 2009

Mr. Ronald Hidalgo
Manager
National Office Supply
Fax No. 734-0317

Subject: STAY OF PROCUREMENT

Reference: IFB-004-2009
Indefinite Quantity Bid for Administrative Supplies

Dear Sir:

On Monday, March 16, 2009, the Guam Public School System (GPSS) received a letter of "Protest" from Teal Pacific LLC, regarding issues of the above referenced formal bid.

Therefore, pursuant to Section 9.2.5 of the DOE/GPSS Procurement Regulations titled "STAY OF PROCURMENT" the department shall suspend further activity of IFB-004-2009 until further notice.

Thank you for your understanding in this matter.

Sincerely,

Roque Alcantara
Administrator

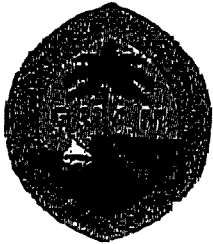
ACKNOWLEDGMENT RECEIPT

Signature

Date

Time

cc: Bid file IFB-004-2009



NERISSA BRETANIA-SHAFFER, Ph.D.
Superintendent of Education

GUAM PUBLIC SCHOOL SYSTEM OFFICE OF SUPPLY MANAGEMENT

Manuel F. L. Guerrero / Administration Building
2nd Floor, Suite B-220
Hagåtña, Guam 96932
Telephone: (671) 475-0438
Fax: (671) 472-3001
www.gdon.net



ROQUE A. ALCANTARA
Administrator, Supply Management

March 16, 2009

Mr. Mark B.S. Mariano
General Manager
M.D. Wholesale
Fax No. 649-5830

Subject: STAY OF PROCUREMENT

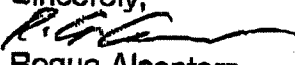
Reference: IFB-004-2009
Indefinite Quantity Bid for Administrative Supplies

Dear Sir:

On Monday, March 16, 2009, the Guam Public School System (GPSS) received a letter of "Protest" from Teal Pacific LLC, regarding issues of the above referenced formal bid.

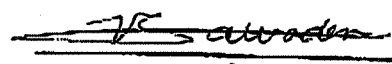
Therefore, pursuant to Section 9.2.5 of the DOE/GPSS Procurement Regulations titled "STAY OF PROCURMENT" the department shall suspend further activity of IFB-004-2009 until further notice.

Thank you for your understanding in this matter.

Sincerely,

Roque Alcantara
Administrator

cc: Bid file IFB-004-2009

ACKNOWLEDGMENT RECEIPT



Signature
3-16-09 3:45 pm

Date Time

Confirmation Report - Memory Send

Page : 001
Date & Time: Mar-16-2009 03:52pm
Line 1 : +671 472 5001
Machine ID : GDOE, Office of Supply Management

Job number : 540
Date : Mar-16 03:51pm
To : 6495830
Number of pages : 001
Start time : Mar-16 03:51pm
End time : Mar-16 03:52pm
Pages sent : 001
Status : OK

Job number : 540

*** SEND SUCCESSFUL ***



NERISSA BRETANIA-SLAFFER, Ph.D.
Superintendent of Education

**GUAM PUBLIC SCHOOL SYSTEM
OFFICE OF SUPPLY MANAGEMENT**

*Manuel F.L. Guerrero / Administrator Building
2nd Floor, Suite B-220
Hagåtña, Guam 96932
Telephone: (671) 475-0438
Fax: (671) 472-5001
www.gdos.net*



ROQUE A. ALCANTARA
Administrator, Supply Management

March 16, 2009

Mr. Mark B.S. Mariano
General Manager
M.D. Wholesale
Fax No. 649-5830

Subject: STAY OF PROCUREMENT

Reference: IFB-004-2009
Indefinite Quantity Bid for Administrative Supplies

Dear Sir:

On Monday, March 16, 2009, the Guam Public School System (GPSS) received a letter of "Protest" from Teal Pacific LLC, regarding issues of the above referenced formal bid.

Therefore, pursuant to Section 9.2.5 of the DOE/GPSS Procurement Regulations titled "STAY OF PROCURMENT" the department shall suspend further activity of IFB-004-2009 until further notice.

Thank you for your understanding in this matter.

Sincerely,

Roque Alcantara
Administrator

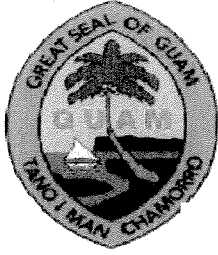
ACKNOWLEDGMENT RECEIPT

Signature

Date

Time

cc: Bid file IFB-004-2009



GUAM PUBLIC SCHOOL SYSTEM
OFFICE OF SUPPLY MANAGEMENT

Manuel F.L. Guerrero / Administration Building
2nd Floor, Suite B-220
Hagåtña, Guam 96932
Telephone: (671) 475-0438
Fax: (671) 472-5001
www.gdoe.net



NERISSA BRETANIA-SHAFER, Ph.D.
Superintendent of Education

ROQUE A. ALCANTARA
Administrator, Supply Management

March 16, 2009

Mr. Mark B.S. Mariano
General Manager
M.D. Wholesale
Fax No. 649-5830

Subject: STAY OF PROCUREMENT


Reference: IFB-004-2009
Indefinite Quantity Bid for Administrative Supplies

Dear Sir:

On Monday, March 16, 2009, the Guam Public School System (GPSS) received a letter of "Protest" from Teal Pacific LLC, regarding issues of the above referenced formal bid.

Therefore, pursuant to Section 9.2.5 of the DOE/GPSS Procurement Regulations titled "STAY OF PROCURMENT" the department shall suspend further activity of IFB-004-2009 until further notice.

Thank you for your understanding in this matter.

Sincerely,

Roque Alcantara
Administrator

ACKNOWLEDGMENT RECEIPT

Signature

cc: Bid file IFB-004-2009

Date

Time

10



Nerissa Bretania-Shafer, Ph.D.
Superintendent of Education

OFFICE OF SUPPLY MANAGEMENT GUAM PUBLIC SCHOOL SYSTEM

Manuel F.L. Guerrero / Administration Building
2nd. Floor, Suite B-202
Hagåtña, Guam 96932
Telephone: (671) 475-0438
Fax: (671) 472-5001



Roque A. Alcantara
Administrator, Supply Management

March 25, 2009

William L. Gavras
Attorney at Law
101 Salisbury Street
Dededo, Guam 96929

Subject: Protest letter dated March 16, 2009 and received on the same

Reference: Indefinite Quantity Bid for Administrative Supplies
GPSS IFB 004-2009

Dear Mr. Gavras,

Buenas Yan Saludas! The Department is in receipt of your protest letter dated March 16, 2009 and received on the same.

This letter is in response to your protest letter regarding the bid award of item number 114. The responses are made in light of your contentions.

Please be advised that your submittal was rejected because it was not in total compliance with the award evaluation procedures.

On **page 2**, titled: "**SPECIAL REMINDER TO PROSPECTIVE BIDDERS**", item #6, which states, "*Local Procurement Preference application qualifying on section number 2 & 3 only. Failure to indicate qualification on sections 2 & 3 and to complete and sign application will result in disqualification of this preference.*"

Pursuant to the Guam Public School System Procurement Regulation (**GPSS Procurement Regulation Section 1.7**) (**GSA Section 1-104/GCA Section 5008**) which states in part, "*All procurement of supplies and services shall be made from among business licensed to do business on Guam and that maintain an office or other facility on Guam, whenever a business that is willing to be a contractor is:*

2. *A business that regularly carries an inventory for regular immediate sale of at least fifty percent (50%) of the items of supplies to be procured;*
3. *A business that has a bona fide retail or wholesale business location that regularly carries an inventory on Guam of a value of at least one half of the value of the bid or one hundred fifty thousand dollars (\$150,000), which ever is less, of supplies and items of a similar nature to those being sought; or*

Teal Pacific, LLC chose not to mark or identify what section identifying whether they elect to have local procurement preference or not instead marked their document N/A.

Furthermore, **GPSSPR Section 3.9.15.1 (GSA Section 3-202.15.1)** titled, “**DEFINITION**” states that, “*Low tie bids are low responsive bids from responsible bidders that are identical in price and which meet all the requirements and criteria set forth in the Invitation for Bids*”.


In addition, **GPSSPR Section 3.9.15.2 (GSA Section 3-202.15.2)** titled, “**AWARD**” states, “*Award shall not be made by drawing lots, except as set forth below, or by dividing business among identical bidders. In the discretion of the Superintendent of Education, award shall be made in any permissible manner that will discourage tie bids. If no permissible method will be effective in discouraging tie bids and a written determination is made so stating, award may be made by drawing lots.*”

In regards to the Local Procurement Preference which is a requirement to the bid awarding process, the Buy American Act is applicable and a fifteen percent (15%) is added to the non-qualifying bidder. National Office qualified for the Local Procurement Preference and thus the lowest bidder.

Based on the aforementioned response, the Department hereby rejects your protest

Please be advised, that pursuant to the Guam Public School System’s Procurement Regulation Section 9.2.8, you may request a reconsideration of this decision within ten (10) working days of receipt of this letter.

For your information, a copy of the Department Procurement Regulations are on file in the Territorial Law Library.



ROQUE A. ALCANTARA

ACKNOWLEDGEMENT RECEIPT

Received By: (Please Print Name)

Date:

Time:

AM/PM

March 20, 2009

MEMORANDUM

To: GPSS Legal Counsel
Fred Nishihara

From: Administrator, Supply Management

Subject: Request for Legal Opinion on Protest

Reference: GPSS IFB-004-2009 Indefinite Quantity Bid for
Administrative Supplies

This office is seeking for your legal opinion and comments on the attached protest from Teal Pacific LLP, on the subject bid. Please see attached bid documents along with the protest letter for your review.

Teal Pacific LLP is protesting our recommendation. If you should have any questions, you may call me at 300-1580.

Issued by:

Received by:



Roque Alcantara
Administrator Supply Management



Fred Nishihara date
Legal Counsel

US/10/2008 MON 12:40 PAA 41229 2008 OFFICE OF THE ATTORNEY GENERAL

Law Offices of
WILLIAM L. GAVRAS
A Professional Corporation
101 Salisbury Street
Dededo, Guam 96929

Telephone: (671) 632-4357
Facsimile: (671) 632-4368
williamgavras@yahoo.com

VIA HAND DELIVERY and FACSMILE

March 16, 2009

Roque Alcantra
Department of Education

Larry Perez
Department of Public Works

Re: Protest – Bid Invitation No.: IFB 004-2009 – Item No. 114; Guam Public School System Office Of Supply Management Indefinite Quantity Bid For Administrative Supplies; IFB 004-2009 – Item No. 114.

Dear Sir,

On behalf of Teal Pacific LLP (Teal) please accept the following as a PROTEST of the above referenced Invitation To Bid (ITB).

On March 12, 2009, Teal received information from the Government of Guam that it was failed to win the bid on Item No. 114. Teal and National Office Supply, who also bid on this Item, tied for the lowest bid at \$38.00/case. On that same day it was revealed to Teal that National Office Supply would be awarded (or recommended for award for) Item No. 114. The explanation given for Teal having lost is that the National Office Supply was given preference and/or consideration as a local supplier under Guam law favoring Local Procurement Preference (5 GCA section 5008 and DOE procurement regulations).

Teal protests on the basis that the local procurement law(s) which gave National Office Supply an advantage over Teal violated Teal's equal protection rights afforded by

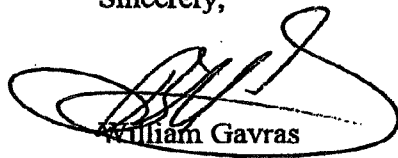
Received!

03/16/2009 MON 12:19 PM 31244 FAX OFFICE OF GOVERNMENT
Teal Protest Letter to Roque Alcantra and Larry Perez re: IFB 004-2009
March 16, 2009
Page 2 of 2

the Constitution of the United States of America as well as the Organic Act of Guam.
The reasons for such violations include but are not limited to:

1. the fact that the purpose of the law is not legitimate;
2. local businesses suffer no disadvantages over non-local businesses;
3. the Government of Guam creates no disadvantages to local business;
4. there is no heavier burden on local business doing business in Guam than on non-local businesses;
5. local business are not at a competitive disadvantage with businesses from other areas;
6. the means adopted to pursue any assumed legitimate end were not reasonable, measured or appropriate
7. the definition of and criteria for those benefiting and to be benefited by the local preference under Guam law is not a rational, measured, reasonable or appropriate definition in order to achieve any of the assumed legitimate ends of the applicable law.

Sincerely,



William Gavras



OFFICE OF THE PUBLIC AUDITOR

April 28, 2009

Nerissa Bretania-Shafer, Ph.D.
Superintendent of Education
Guam Public School System
Manuel F. L. Guerrero Administration Bldg.
2nd Floor, Suite B-202
Hagatna, Guam

Roque A. Alcantara
Administrator, Supply Management
Guam Public School System
Manuel F. L. Guerrero Administration Bldg.
2nd Floor, Suite B-202
Hagatna, Guam

VIA FACSIMILE 472-5001

Re: Receipt of Notice of Appeal Regarding GPSS IFB 004 2009 Guam Public School System Indefinite Quantity Bid for Administrative Supplies

Dear Dr. Bretania-Shafer:

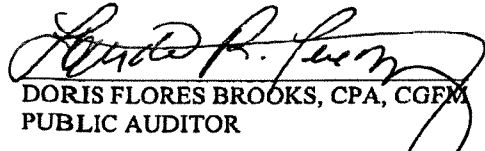
Please be advised that Attorney William Gavras has filed an appeal with the Office of the Public Auditor on April 28, 2009 for Teal Pacific, LLC relative to GPSS IFB 004 2009 Guam Public School System Indefinite Quantity Bid for Administrative Supplies. Action is required of your office pursuant to the Rules of Procedure for Procurement Appeals, found in Chapter 12 of Title 2 of the Guam Administrative Regulations. Copies of the Rules and the appeal are available at our office and on our website www.guamopa.org. The front page of the appeal is enclosed for your reference.

Please provide the required notice of this appeal to the required parties with instructions that they should communicate directly with OPA regarding the appeal. You are also responsible for giving notice to the Attorney General or other counsel for your agency. Promptly provide OPA with the identities and addresses of interested parties and a formal entry of appearance by your counsel.

Please submit one complete copy of the procurement record to OPA by May 5, 2009, five working days following receipt of this notice of appeal. When filing other required documents with our office, please provide an original and two copies for OPA and serve a copy to Teal Pacific, LLC, the Appellant.

Thank you for your prompt attention to this matter. Please contact Theresa Gumataotao ext. 207 if you have any questions regarding this notice.

Sincerely,

for 
DORIS FLORES BROOKS, CPA, CGFM
PUBLIC AUDITOR

Enclosure: Front Page of Appeal OPA-PA-09-002

Cc: Teal Pacific, LLC c/o William Gavras (Via Facsimile 632-4368/472-2342)



OFFICE OF THE PUBLIC AUDITOR
Appendix A: Notice of Appeal Form
PROCUREMENT APPEAL

RECEIVED
APR 28 2009
4:24 pm
-09-002

PART I- To be completed by OPA

In the Appeal of)
) **NOTICE OF APPEAL**
)
)
(Name of Company), APPELLANT)
) **Docket No. OPA-PA 09-002**
)
)

PART II- Appellant Information

Name: Teal Pacific LLC
Mailing Address: elo William Carras; 101 Salisbury St.
Dededo Guam 96929
Business Address: 213 Guerrero Dr.; Warehouse #2
Tumonua, GU 96913
Daytime Contact No: 632-4957

PART III- Appeal Information

A) Purchasing Agency: Guam Public School System
B) Identification/Number of Procurement, Solicitation, or Contract: GPSS IFB-004-2009
(Item No. 114)
C) Decision being appealed was made on 3/25/09 (date) by:
 Chief Procurement Officer Director of Public Works Head of Purchasing Agency
Please see Memorandum attached for explanation of time period for appeal!
Note: You must serve the Agency checked here with a copy of this Appeal within 24 hours of filing.

D) Appeal is made from:
(Please select one and attach a copy of the Decision to this form)
 Decision on Protest of Method, Solicitation or Award
 Decision on Debarment or Suspension
 Decision on Contract or Breach of Contract Controversy
(Excluding claims of money owed to or by the government)
 Determination on Award not Stayed Pending Protest or Appeal
(Agency decision that award pending protest or appeal was necessary to protect the substantial interests of the government of Guam)

Confirmation Report - Memory Send

Page : 001
Date & Time: Apr-07-2009 09:53am
Line 1 : +671 472 5001
Machine ID : GDOE, Office of Supply Management

Job number : 086
Date : Apr-07 09:52am
To : 4722342
Number of pages : 003
Start time : Apr-07 09:52am
End time : Apr-07 09:53am
Pages sent : 003
Status : OK

Job number : 086

*** SEND SUCCESSFUL ***



GUAM PUBLIC SCHOOL SYSTEM

OFFICE OF SUPPLY MANAGEMENT

*Manuel F.L. Guerrero / Administration Building
2nd Floor, Suite B-220
Hagåtña, Guam 96932
Telephones: (671) 472-9433/90440
Fax: (671) 472-5001*



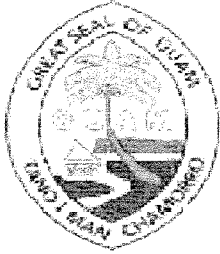
FACSIMILE COVER

Date: April 7, 2009
To: William L. Garvas
Attn:
Fax#: 632-4368 / 472-2342
Subject: GPSS IFB-004-2009
Comments:
From: Edith A. Pinaula
email: eapinaula@gdoe.net
Fax#: 472-5001

Hafa Adai,

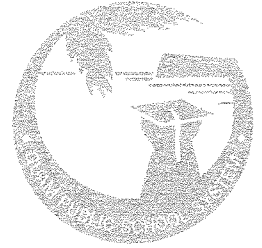
**Accompanying this cover sheet is our respond to your protest.
Kindly acknowledge and return by fax.**

Number of pages plus cover: 3



**GUAM PUBLIC SCHOOL SYSTEM
OFFICE OF SUPPLY MANAGEMENT**

*Manuel F.L. Guerrero / Administration Building
2nd Floor, Suite B-220
Hagåtña, Guam 96932
Telephone: (671) 475-0436/0440
Fax: (671) 472-5001*



FACSIMILE COVER

Date: April 7, 2009

To: William L. Garvas

From: Edith A. Pinaula
email: eapinaula@gdoe.net

Attn:

Fax#: 472-5001

Fax#: 632-4368 / 472-2342

Subject: GPSS IFB-004-2009

Comments:

Hafa Adai,

Accompanying this cover sheet is our respond to your protest.

Kindly acknowledge and return by fax.

Number of pages plus cover: 3

Confirmation Report - Memory Send

Page : 001
Date & Time: Apr-07-2009 09:37am
Line 1 : +671 472 5001
Machine ID : GDOE, Office of Supply Management

Job number : 082
Date : Apr-07 09:34am
To : 6324368
Number of pages : 003
Start time : Apr-07 09:34am
End time : Apr-07 09:37am
Pages sent : 000
Status : NG B0
Job number : 082

472-2342 - Promy - Dededo Office

*** SEND FAILED ***



GUAM PUBLIC SCHOOL SYSTEM
OFFICE OF SUPPLY MANAGEMENT
Manuel F.L. Guerrero / Administration Building
2nd Floor, Suite B-220
Tigão, Guam 96932
Telephone: (671) 472-0432/0440
Fax: (671) 472-3001



FACSIMILE COVER

Date: April 7, 2009
To: William L. Garvas
Attn:
Fax#: 632-4368
Subject: GPSS IFB-004-2009
Comments:
From: Edith A. Pinaula
email: eapinaula@gdoe.net
Fax#: 472-5001

Hafa Adai,

Accompanying this cover sheet is our respond to your protest.
Kindly acknowledge and return by fax.

Number of pages plus cover: 3

Apr-07-2009 09:52am

From-GDOE, Office of Supply Management

+671 472 5001

T-935

P.001/003

F-086



GUAM PUBLIC SCHOOL SYSTEM OFFICE OF SUPPLY MANAGEMENT

Manuel F.L. Guerrero / Administration Building
2nd Floor, Suite B-220
Hagåtña, Guam 96932
Telephone: (671) 475-0436/0440
Fax: (671) 472-5001



FACSIMILE COVER

Date: April 7, 2009

To: William L. Garvas

From:
email:

Edith A. Pinaula
eapinaula@gdoe.net

Attn:

Fax#: 472-5001

Fax#: 632-4368 / 472-2342

Subject: GPSS IFB-004-2009

Comments:

Hafa Adai,

Accompanying this cover sheet is our respond to your protest.

Kindly acknowledge and return by fax.

Number of pages plus cover: 3

4.27.09
9.2.8.2 - 15 days
** deadline 4.27.09*

Apr-07-2009 08:52am

From-GDOE, Office of Supply Management

+671 472 501

T-935

P.002/003

F-086



Nerissa Brzctania-Shafer, Ph.D.
Superintendent of Education

**OFFICE OF SUPPLY MANAGEMENT
GUAM PUBLIC SCHOOL SYSTEM**

Manuel F.L. Guerrero / Administration Building
2nd. Floor, Suite B-202
Hagåtña, Guam 96932
Telephone: (671) 475-0438
Fax: (671) 472-5001



Roque A. Alcantara
Administrator, Supply Management

March 25, 2009

William L. Gavras
Attorney at Law
101 Salisbury Street
Dededo, Guam 96929

Subject: Protest letter dated March 16, 2009 and received on the same

Reference: Indefinite Quantity Bid for Administrative Supplies
GPSS IFB 004-2009

Dear Mr. Gavras,

Buenas Yan Saludas! The Department is in receipt of your protest letter dated March 16, 2009 and received on the same.

This letter is in response to your protest letter regarding the bid award of item number 114. The responses are made in light of your contentions.

Please be advised that your submittal was rejected because it was not in total compliance with the award evaluation procedures.

On page 2, titled: "**SPECIAL REMINDER TO PROSPECTIVE BIDDERS**", item #6, which states, "*Local Procurement Preference application qualifying on section number 2 & 3 only. Failure to indicate qualification on sections 2 & 3 and to complete and sign application will result in disqualification of this preference.*"

Pursuant to the Guam Public School System Procurement Regulation (**GPSS Procurement Regulation Section 1.7**) (GSA Section 1-104/GCA Section 5008) which states in part, "*All procurement of supplies and services shall be made from among business licensed to do business on Guam and that maintain an office or other facility on Guam, whenever a business that is willing to be a contractor is:*

2. *A business that regularly carries an inventory for regular immediate sale of at least fifty percent (50%) of the items of supplies to be procured;*
3. *A business that has a bona fide retail or wholesale business location that regularly carries an inventory on Guam of a value of at least one half of the value of the bid or one hundred fifty thousand dollars (\$150,000), which ever is less, of supplies and items of a similar nature to those being sought; or*

Apr-07-2009 09:52am From-GDOE, Office of Supply Management

+671 472 500.

T-935 P.003/003 F-086

Letter of Protest
March 25, 2009
Page 2

Teal Pacific, LLC chose not to mark or identify what section identifying whether they elect to have local procurement preference or not instead marked their document N/A.

Furthermore, GPSSPR Section 3.9.15.1 (GSA Section 3-202.15.1) titled, "DEFINITION" states that, "Low tie bids are low responsive bids from responsible bidders that are identical in price and which meet all the requirements and criteria set forth in the Invitation for Bids".

In addition, GPSSPR Section 3.9.15.2 (GSA Section 3-202.15.2) titled, "AWARD" states, "Award shall not be made by drawing lots, except as set forth below, or by dividing business among identical bidders. In the discretion of the Superintendent of Education, award shall be made in any permissible manner that will discourage tie bids. If no permissible method will be effective in discouraging tie bids and a written determination is made so stating, award may be made by drawing lots."

In regards to the Local Procurement Preference which is a requirement to the bid awarding process, the Buy American Act is applicable and a fifteen percent (15%) is added to the non-qualifying bidder. National Office qualified for the Local Procurement Preference and thus the lowest bidder.

Based on the aforementioned response, the Department hereby rejects your protest

Please be advised, that pursuant to the Guam Public School System's Procurement Regulation Section 9.2.8, you may request a reconsideration of this decision within ten (10) working days of receipt of this letter.

For your information, a copy of the Department Procurement Regulations are on file in the Territorial Law Library.


ROQUE A. ALCANTARA

ACKNOWLEDGEMENT RECEIPT
TAMI C. SALAC

Received By: (Please Print Name)
4/7/09 9:40 AM/PM
Date: Time:

cc: Admin., Supply Management
File

12

E) Names of Competing Bidders, Offerors, or Contractors known to Appellant:

<u>Teal Pacific LLC</u>	_____
<u>M. D. Wholesale</u>	_____
<u>National Office Supply</u>	_____
<u>School Essentials</u>	_____
_____	_____

PART IV- Form and Filing

In addition to this form, the Rules of Procedure for Procurement Appeals require the submission together with this form of additional information, including BUT NOT LIMITED TO:

1. A concise, logically arranged, and direct statement of the grounds for appeal;
2. A statement specifying the ruling requested;
3. Supporting exhibits, evidence, or documents to substantiate any claims and the grounds for appeal unless not available within the filing time in which case the expected availability date shall be indicated.

Note: Please refer to 2 GAR § 12104 for the full text of filing requirements.

PART V- Declaration Re Court Action

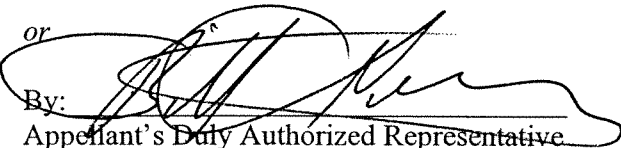
Pursuant to 5 GCA Chapter 5, unless the court requests, expects, or otherwise expresses interest in a decision by the Public Auditor, the Office of the Public Auditor will not take action on any appeal where action concerning the protest or appeal has commenced in any court.

The undersigned party does hereby confirm that to the best of his or her knowledge, no case or action concerning the subject of this Appeal has been commenced in court. All parties are required to and the undersigned party agrees to notify the Office of the Public Auditor within 24 hours if court action commences regarding this Appeal or the underlying procurement action.

Submitted this 28 day of April, 2009.

By: _____
APPELLANT

or

By: 
 Appellant's Duly Authorized Representative
 (Address) 101 Salisbury Street, Dedden
 (Phone No.) 632-4357



OFFICE OF THE PUBLIC AUDITOR

**Appendix B: Declaration Form
PROCUREMENT APPEAL**

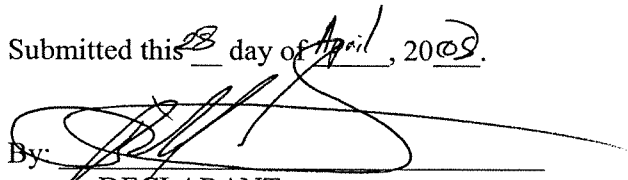
In the Appeal of _____)
)
)
(Name of Company), APPELLANT) Docket No. OPA-PA _____
)
)
_____)

DECLARATION RE COURT ACTION
(To be signed by the Government Purchasing Agency.)

Pursuant to 5 GCA Chapter 5, unless the court requests, expects, or otherwise expresses interest in a decision by the Public Auditor, the Office of the Public Auditor will not take action on any appeal where action concerning the protest or appeal has commenced in any court.

The undersigned party does hereby confirm that to the best of his or her knowledge, no case or action concerning the subject of this Appeal has been commenced in court. All parties are required to and the undersigned party agrees to notify the Office of the Public Auditor within 24 hours if court action commences regarding this Appeal or the underlying procurement action.

Submitted this 28 day of April, 2009.

By: 

DECLARANT

William Cavus
Print Declarant's Name



OFFICE OF THE PUBLIC AUDITOR

Appendix D: Hearing Request/Waiver Form
PROCUREMENT APPEAL

In the Appeal of)	
)	
)	HEARING
)	REQUEST/WAIVER
(Name of Company), APPELLANT)	Docket No. OPA-PA_____
<u>Teal Pacific LLC</u>)	

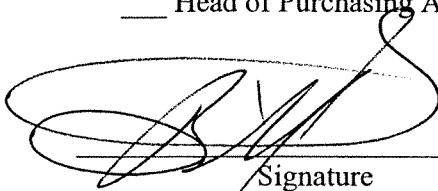
Please select one:

- Pursuant to 2 GAR § 12108(a), the undersigned party does hereby request a hearing on the appeal stated above.
- Pursuant to 2 GAR § 12108(a), the undersigned party does hereby waive his/her right to a hearing and is submitting the appeal stated above on record without a hearing.

Submitted this 28 day of April, 2009.

By: (Please select one)

- APPELLANT
- Chief Procurement Officer
- Director of Public Works
- Head of Purchasing Agency



Signature

William Carras

Print Name

Grounds For Appeal

1. Timeliness

Title 5 GCA § 5425(e) requires that appeals to the Office of the Public Auditor be made “within fifteen (15) days after receipt by the protestant of the notice of decision.” § 5425(c)(2) requires that the decision “inform the protestant of its right to administrative and judicial review.” The decision violated subsection (c)(2) – it did not inform protestant of its right to administrative and judicial review. See Exhibit A. Because the decision did not properly inform protestant of its right to administrative and judicial review, the fifteen day limitation found in § 5425(e) is not applicable and the imposition of the fifteen day limitation would be a violation of Due Process. See, Pacific Security Alarm, Inc. v. Dept of Public Works, Civil Case no. CV 0591-05 (Decision and Order, Steven Unpingco, August 14, 2006)(to impose the time limitation when protestant was not advised of its appeal rights would be a violation of Due Process); Sumitomo Constr. Co. Ltd. v. Gov. of Guam, SP0274-98 (Decision and Order, Michael Bordallo, November 16, 1998). See Exhibit B.

The Decision being appealed was made (or rather dated) March 25, 2009. It was not received by Appellant’s legal counsel until April 7, 2009. See Exhibit A.

2. Substantive Grounds

On March 12, 2009, Teal received information from the Government of Guam that it was failed to win the bid on Item No. 114. Teal and National Office Supply, who also bid on this Item, tied for the lowest bid at \$38.00/case. On that same day it was revealed to Teal that National Office Supply would be awarded (or recommended for award for) Item No. 114. The explanation given for Teal having lost is that the National Office Supply was given preference and/or consideration as a local supplier under Guam law favoring Local Procurement Preference (5 GCA section 5008 and DOE procurement regulations).

Teal protested on the basis that the local procurement law(s) which gave National Office Supply an advantage over Teal violated Teal's equal protection rights afforded by the Constitution of the United States of America as well as the Organic Act of Guam. See Exhibit C. The reasons for such violations which Teal reasserts herein include but are not limited to:

1. the fact that the purpose of the law is not legitimate;
2. local businesses suffer no disadvantages over non-local businesses;
3. the Government of Guam creates no disadvantages to local business;
4. there is no heavier burden on local business doing business in Guam than on non-local businesses;
5. local business are not at a competitive disadvantage with businesses from other areas;
6. the means adopted to pursue any assumed legitimate end were not reasonable, measured or appropriate

7. the definition of and criteria for those benefiting and to be benefited by the local preference under Guam law is not a rational, measured, reasonable or appropriate definition in order to achieve any of the assumed legitimate ends of the applicable law.

3. Ruling Requested

That the award be immediately stayed and that no further action be taken on it. That Teal be awarded the contract for Item No. 114 or, in the alternative, that the subject of the award (paper) be re-bid, or in the alternative (third in ranking) that the decision to award the bid be made on a legitimate basis.

Exhibit A



GUAM PUBLIC SCHOOL SYSTEM

OFFICE OF SUPPLY MANAGEMENT

Manuel F.L. Guerrero / Administration Building

2nd Floor, Suite B-220

Hagåtña, Guam 96932

Telephone: (671) 475-0436/0440

Fax: (671) 472-5001



FACSIMILE COVER



Date: April 7, 2009

To: William L. Garvas

From: Edith A. Pinaula
email: eapinaula@gdoe.net

Attn:

Fax#: 632-4368 / 472-2342

Fax#: 472-5001

Subject: GPSS IFB-004-2009

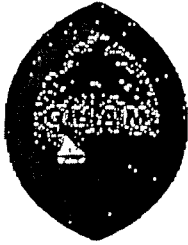
Comments:

Hafa Adai,

Accompanying this cover sheet is our respond to your protest.

Kindly acknowledge and return by fax.

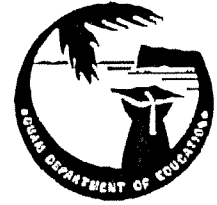
Number of pages plus cover: 3



Nerissa Braganza-Shafer, Ph.D.
Superintendent of Education

**OFFICE OF SUPPLY MANAGEMENT
GUAM PUBLIC SCHOOL SYSTEM**

Manuel F.L. Guerrero / Administration Building
2nd. Floor, Suite B-202
Hagåtña, Guam 96932
Telephone: (671) 475-0438
Fax: (671) 472-5001



Roque A. Alcantara
Administrator, Supply Management

March 25, 2009

William L. Gavras
Attorney at Law
101 Salisbury Street
Dededo, Guam 96929

Subject: Protest letter dated March 16, 2009 and received on the same

Reference: Indefinite Quantity Bid for Administrative Supplies
GPSS IFB 004-2009

Dear Mr. Gavras,

Buenas Yan Saludas! The Department is in receipt of your protest letter dated March 16, 2009 and received on the same.

This letter is in response to your protest letter regarding the bid award of item number 114. The responses are made in light of your contentions.

Please be advised that your submittal was rejected because it was not in total compliance with the award evaluation procedures.

On page 2, titled: "**SPECIAL REMINDER TO PROSPECTIVE BIDDERS**", item #6, which states, "*Local Procurement Preference application qualifying on section number 2 & 3 only. Failure to indicate qualification on sections 2 & 3 and to complete and sign application will result in disqualification of this preference.*"

Pursuant to the Guam Public School System Procurement Regulation (GPSS Procurement Regulation Section 1.7) (GSA Section 1-104/GCA Section 5008) which states in part, "*All procurement of supplies and services shall be made from among business licensed to do business on Guam and that maintain an office or other facility on Guam, whenever a business that is willing to be a contractor is:*

2. *A business that regularly carries an inventory for regular immediate sale of at least fifty percent (50%) of the items of supplies to be procured;*
3. *A business that has a bona fide retail or wholesale business location that regularly carries an inventory on Guam of a value of at least one half of the value of the bid or one hundred fifty thousand dollars (\$150,000), which ever is less, of supplies and items of a similar nature to those being sought; or*

Letter of Protest
March 25, 2009
Page 2

Teal Pacific, LLC chose not to mark or identify what section identifying whether they elect to have local procurement preference or not instead marked their document N/A.

Furthermore, GPSSPR Section 3.9.15.1 (GSA Section 3-202.15.1) titled, "DEFINITION" states that, "Low tie bids are low responsive bids from responsible bidders that are identical in price and which meet all the requirements and criteria set forth in the Invitation for Bids".

In addition, GPSSPR Section 3.9.15.2 (GSA Section 3-202.15.2) titled, "AWARD" states, "Award shall not be made by drawing lots, except as set forth below, or by dividing business among identical bidders. In the discretion of the Superintendent of Education, award shall be made in any permissible manner that will discourage tie bids. If no permissible method will be effective in discouraging tie bids and a written determination is made so stating, award may be made by drawing lots."

In regards to the Local Procurement Preference which is a requirement to the bid awarding process, the Buy American Act is applicable and a fifteen percent (15%) is added to the non-qualifying bidder. National Office qualified for the Local Procurement Preference and thus the lowest bidder.

Based on the aforementioned response, the Department hereby rejects your protest

Please be advised, that pursuant to the Guam Public School System's Procurement Regulation Section 9.2.8, you may request a reconsideration of this decision within ten (10) working days of receipt of this letter.

For your information, a copy of the Department Procurement Regulations are on file in the Territorial Law Library.


ROQUE A. ALCANTARA

ACKNOWLEDGEMENT RECEIPT

TAMI C. SALAC

Received By: (Please Print Name)

4/7/09

Date:

9:40

Time:

AM/PM

cc: Admin., Supply Management
File

*** FAX TX REPORT ***

TRANSMISSION OK

JOB NO. 1980
DESTINATION ADDRESS 4725001
PSWD/SUBADDRESS
DESTINATION ID
ST. TIME 04/07 09:44
USAGE T 00' 37
PGS. 3
RESULT OK

Apr-07-2009 09:52am

From-GDOE, Office of Supply Management

+671 472 5001

T-935 P.001/003 F-086



GUAM PUBLIC SCHOOL SYSTEM

OFFICE OF SUPPLY MANAGEMENT

Manuel F.L. Guerrero / Administration Building

2nd Floor, Suite B-220

Hagåtña, Guam 96932

Telephone: (671) 475-0436/0440

Fax: (671) 472-5001



FACSIMILE COVER

Date: April 7, 2009

To: William L. Garvas

From: Edith A. Pinaula
email: eapinaula@gdoe.net

Attn:

Fax#: 632-4368 / 472-2342

Fax#: 472-5001

Subject: GPSS IFB-004-2009

Comments:

Hafa Adai,

Accompanying this cover sheet is our respond to your protest.

Kindly acknowledge and return by fax.

Exhibit B

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

NOV 17 1998

IN THE SUPERIOR COURT
OF GUAM

FILED
SUPERIOR COURT
OF GUAM

NOV 15 12 52 PM '98

ALFREDO V. OLIVERA
CLERK OF COURT

SUMITOMO CONSTRUCTION CO.,
LTD.,

SPECIAL PROCEEDINGS NO. SP0274-98

Petitioner,

vs.

GOVERNMENT OF GUAM,
DEPARTMENT OF PUBLIC WORKS
PUBLIC WORKS

DECISION AND ORDER

Respondents.

CORE TECH INTERNATIONAL,

Real Party In Interest.

INTRODUCTION

This matter came before the HONORABLE MICHAEL J. BORDALLO on October 23, 1998, on the Petitioners' Petition for a Writ of Mandate. Gregory R. Shaughnessy and Martin Deinhart represented the Petitioner, Sumitomo Construction Co.. Kenneth D. Orcutt represented the Respondent, the Government of Guam and the Department of Public Works. Joyce Tang represented the real party in interest, Core Tech International. The Court now issues the following Decision and Order.

BACKGROUND

This Petition arises from the Respondent, Government of Guam, Department of Public's Works ("DPW"), awarding of a public contract to Core Tech International, ("Core Tech"), for the project known as "Route 4 reconstruction and Widening (Yona to Yig Bridge) - Design/Build, Project No. GU-NH-0004(101) ("Project)". The DPW solicited bids for the project in a two phase competitive sealed bidding process pursuant to General Services regulations 30202.18. The first

3 phase consisted of an evaluation of the bidders' unpriced technical offers. In the second phase, those
4 bidders whose technical offers were determined to be acceptable during the first phase had their
5 priced bids considered.

6 Petitioner and the real party in interest, Core Tech, were among five parties submitting bids.
7 Core Tech is a relatively new enterprise having incorporated on or about March 9, 1998. On August
8 5, 1998, the director of Public Works, by letter, informed Sumitomo as well as the other bidding
9 parties, that Core Tech was among the companies whose unpriced technical proposals was
10 acceptable. Subsequently, pursuant to the second phase of the bidding process, Core Tech and the
11 other four bidders which had submitted acceptable technical proposals had their respective priced
12 bids considered.

13 On or about August 19, 1998, Petitioner sent a letter of protest to DPW objecting to Core
14 Tech's technical proposal since "Core Tech International does not possess required experience and
15 designer Mr. Johnny Aquino has little or no experience with the design/build of major highway
16 project." The director of Public works denied the protest by letter dated August 27, 1998. The DPW
17 justified its decision to the Petitioner stating that the design plans had already been determined by
18 Duenas and Associates, thereby requiring only minor revisions, and that Core Tech was an
19 "offshoot" of Korando Corporation (a subcontractor that performed major civil work on previous
20 highway projects and subdivisions). Therefore, the Respondent determined that Core Tech's
21 technical proposal was capable of performing the job. On or about September 18, 1998, the DPW
22 informed the Petitioner by letter, that it intended to award the Project to Core Tech. Since Core Tech
23 was awarded the contract, Core Tech has submitted payment and performance bonds to the DPW.

24 Taking issue with the awarding of the project to Core Tech, the Petitioner requests this Court
25 to issue a writ of mandate, directing the DPW to follow its bid solicitation and regulations and
26 award the contract to the lowest responsive and responsible bidder.

27 ///

28 ///

3 **DISCUSSION**

4 In government contracts, 5 GCA § 5425 controls the solicitation and procedures for the
5 awards of government contracts. It states:

6 **Authority to Resolve Protested Solicitations and Awards.**

7 (a) **Right to Protest.** Any actual or prospective bidder, offeror,
8 or contractor who may be aggrieved in connection with the method
9 of source selection, solicitation or award of a contract, may protest
10 to the Chief Procurement Officer, the Director of the Public Works
or the head of a purchasing agency. The protest shall be submitted
in writing within fourteen (14) days after such aggrieved person
knows or should know of the facts giving rise thereto.

11 Thereafter, the Chief Procurement Officer, the Director of Public Works, the head of a
12 purchasing agency, or a designee of one of these offices shall have the authority to settle and resolve
13 the protest. 5 GCA § 5425 (b). If the protest is not resolved, then the settling party must issue a
14 decision in writing stating the “reasons for the action” and “inform the protestant of its rights to
15 administrative review.” 5 GCA § 5425 (c). If the protestant is not satisfied with the decision, it may
16 then appeal to the Procurement Appeals Board. 5 GCA § 5425 (e).

17 **Whether A Writ of Mandate is the Proper Procedure**

18 In this case, the protestant, Sumitomo was unsatisfied with DPW’s decision and argues that
19 the DPW failed to follow its own regulations in making its decision to award the bid to Core Tech.
20 Since there is no Appeals Procurement Board, its only recourse is to seek judicial intervention.
21 Therefore, the Petitioner seeks a writ of mandate. A writ of mandate is a proper remedy whenever
22 a party demonstrates a clear right to have an action perform by a governmental official who refuses
23 to act (Grant v. Hogan, 505 F.2d 1220, 1225 (3rd Cir. 1974) and there are no other or adequate means
24 of enforcing that action. Dowell v. Superior Court, 47 Cal. 2d 483, 487 (1956).

25 Although classified as an extraordinary legal remedy, mandamus is essentially an equitable
26 proceeding (Smith v. Krintz, 201 Cal. App. 2d 696 (1962), in which equitable principles apply
27 (Bruce v. Gregory, 65 Cal. 2d 666 (1967); therefore, its issuance is controlled by equitable
28 considerations. Hutchinson v. Reclamation Dist., 81 Cal. App. 427 (1927). The exercise of

3 jurisdiction in mandamus rests to a considerable extent in the discretion of the trial court. McDonald
4 v. Stockton Met. Transit District, 36 Cal. App. 3d 436, 440 (1973).

5 The Guam Code provides for a writ of mandate under 7 GCA §31201 *et seq.*:

6 §31201. **Writ of Mandate.** The writ of mandamus may be
7 denominated a writ of review.
8 SOURCE: CCP §1084.

9 §31202. **When and by What Court Issued.** It may be issued by any
10 court, except a commissioner's court or police court, to any inferior
11 tribunal, corporation, board, or person to compel the performance of
12 an act which the law specially enjoins, as a duty resulting from an
13 office, trust, or station; or to compel the admission of a party to the
14 use and enjoyment of a right or office to which he is entitled, and
15 from which he is unlawfully precluded by such inferior tribunal,
16 corporation, board, or person.
17 SOURCE: CCP §1085.

18 § 31203. **When and Upon What Writ to Issue.** The writ must be
19 issued in all cases where there is not a plain, speedy, and adequate
20 remedy in the ordinary course of law. It must be issued on the
21 verified petition of the party beneficially interested.
22 SOURCE: CCP §1086.

23 Respondent urges this Court to find that the request for a writ is improper because the
24 Petitioner has the available remedy of judicial review and injunctive relief. In fact, Respondent
25 states that judicial review of a decision denying a procurement protest was established in the earlier
26 cases of Multi-Line Corporation, Inc. v. Lorenzo C. Aflague, CV 0667-88 (Super. Ct. Guam Sept.
27 7, 1988); and in Island Medical Supplies v. Aflague et, CV0913-88 (Super. Ct. Guam Dec. 6, 1988).
28 Therefore, rather than for this Court to issue a Writ of Mandate, the Petitioners should be granted
leave to amend its pleadings to seek judicial review and injunctive relief of DPW's actions.

Had the Appeals Procurement Board been in existence, Petitioner would have appealed the
Respondent's decision to the Board and thereafter, if unsatisfied, it would have proceeded upon an
appeal to the Superior Court. 5 GCA §§ 5425 (e), 5425 (f). The Petitioner urges this Court to find
that they are not precluded from seeking a writ of mandate merely because it could have sought
judicial review and injunctive relief. The burden of showing the inadequacy of other remedies is on
the petitioner. Citizens Utility Company v. Superior Court, 59 Cal. 2d 805 (1963). The petitioner

3 must plead and prove that he has no other remedy or, if another remedy is available, why it is not
4 adequate in this particular situation. Id.

5 Relying upon the principles of equity, the Petitioner states that the alternative remedy of an
6 action for declaratory relief or money damages together with an injunction could delay the
7 procurement for months if not years. Moreover, the use the writ process eliminates the need for a
8 bond because there will be no preliminary injunctions issued.

9 This Court does not find the reasons proffered by Petitioner, namely, that it could obtain a
10 quicker resolution, and avoid the posting a bond if it sought a writ of mandate justifies the request
11 for writ of mandate. If an appeal is available, it is generally an adequate remedy and does not fail
12 to be adequate and speedy simply because it is not as expeditious. Corona Unified Hospital district
13 v. Superior Court, 61 Cal. 2d 846 (1964). While the writ of mandate ostensibly provides for a
14 quicker resolution, the process for a preliminary injunction and judicial review can be accelerated
15 such that in fact, the process may be just as fast.

16 The Court notes that Core Tech has already submitted payment and performance bonds to
17 DPW, therefore, it would be unfair to Core Tech to issue the mandate. If a petitioner were allowed
18 to seek a writ of mandate against public officers instead of seeking judicial relief, it could circumvent
19 the requirement under civil rule GRCP 65(c), requiring the posting of a bond for payment of such
20 costs and damages as may be incurred by any party who is found to have been wrongfully enjoined
21 or restrained. The posting of a bond is weighed against the likelihood that the moving party will
22 prevail on the merits.

23 Upon the facts of this case, the Court is being asked to consider the qualifications of the
24 bidder, Core Tech. The Court is not being asked to merely enforce a ministerial act that the DPW
25 failed to perform, for example failing to accept a bid that is timely proffered, but rather is asked to
26 review an area that concerns the discretion of the Director of the DPW. Mandamus ordinarily issues
27 to compel performance of any ministerial act that a court, agency, corporation or board, or officer
28 is duty bound to perform. See State Board of Equalization v. Watson, 68 Cal. 2d 307 (1968).

3 Accordingly, this Court is inclined to grant writs of mandate where it finds that certain
4 regulations were not followed or that a ministerial act was ignored. This Court does not agree that
5 that is what is being asked in this instance. Here, pursuant to the bid solicitation, the unpriced
6 technical bids were to be evaluated, and accepted based on certain requested criteria, to the extent
7 the Procurement Officer deemed it necessary, it could conduct oral or written discussions of the
8 unpriced technical offers. The Court simply does not know whether any such discussions took place
9 and if so, the extent of those discussions. Clearly, such knowledge would go to the issue of whether
10 there was an abuse of discretion by the DPW in the awarding of the contract. Mandamus cannot
11 be used to control or correct errors in the exercise of discretion, except when such exercise is abused.
12 Faulkner v. California Toll Bridge Authority, 40 Cal. 2d 317 (1953). When discretion can be
13 exercised in one of several ways, mandamus cannot compel that discretion to be exercised in a
14 particular way, here is such a situation.

15 There is the general principle that there is a public interest in the maintenance of an
16 uninterrupted and efficient system of procurement (M. Steintal & Co. v. Seamens, 455 F.2d 1289,
17 1301 (D.C. Cir. 1971). This Court is not prepared to allow for that which will most assuredly
18 promote unnecessary intrusions upon the procurement process. Accordingly, the Petitioner's
19 petition for a writ of mandate is improper and the proper course of action for the Petitioner is judicial
20 review and request for injunctive relief.

21 **Sumitomo's Petition was Timely Filed**

22 Both the Respondent and Core Tech argue that regardless of whether the proper procedure
23 is a writ of mandate, Sumitomo's petition should be denied because it was untimely. Sumitomo
24 filed its protest on August 18, 1998. Thereafter, in its August 27, 1998 letter, the director of the
25 DPW denied Sumitomo's protest. According to 5 GCA §5481, "[a]ny action under §5480(a) . . .
26 shall be initiated within fourteen (14) days after receipt of a final administrative decision." Thus,
27 Respondent and Core Tech argue that the director issued his "final administrative decision" in its
28 August 27th letter and that Sumitomo had fourteen days from that date to file an action seeking

3 judicial review. Thus, the last day to file this action expired on September 10, 1998. Sumitomo
4 filed this action on September 28, 1998.

5 In countering Core Tech and the Respondent's position, Sumitomo argues that the
6 Respondent was remiss in its August 27th letter of not informing Sumitomo of it's right to an
7 administrative and judicial review. Sumitomo asserts that such an omission was material since the
8 Guam Procurement Law provides for an appeal of such a decision to the "Procurement Appeals
9 Board," albeit a non existing board. 5 GCA §5425(f).

10 Therefore, since Sumitomo was not properly informed of its rights to further proceedings.
11 Sumitomo argues that it considered the DPW's September 18, 1998, letter informing Sumitomo that
12 it intended to award the project to Core Tech as the DPW's final decision. On September 28, 1998,
13 Sumitomo filed this Petition for Writ of Mandate. The Petition was filed ten (10) days after DPW's
14 unambiguous notice of intent to award to Core Tech and well within the time provided for by 5 GCA
15 §5425 (e).

16 This Court finds that the DPW's August 27th letter denying Sumitomo's protest failed to
17 comport with the statute mandating the DPW to inform a protestant that it has a "right to
18 administrative and judicial review." 5 GCA § 5425(c)(2). The Court finds that in such cases, where
19 the Respondent is remiss in its obligations, a Petitioner should be allowed a reasonable amount of
20 time to file a protest. The 9th Circuit has upheld that the time for an appeal does not begin to run
21 until the judgment is actually docketed, even where the appeal is filed several years after judgment
22 was rendered but not docketed. Likewise, time in the instant case does not begin to run until the
23 DPW complies with the statutory requirements. Therefore, under the facts of this case, the Court
24 finds that the Petitioner's filing of its protest on September 28 was reasonable and that Sumitomo
25 filed its Petition in a prompt and timely manner.

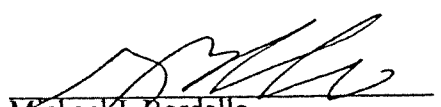
26 **CONCLUSION**

27 For the foregoing reasons, Petitioners' motion for a Writ of Mandate is DENIED. While the
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Court finds that the Petitioner's issuance of a Writ of Mandate is procedurally improper under the circumstances, it does GRANT the Petitioner leave to amend its pleadings to conform with this Court's decision regarding the appropriateness of a request for judicial review and injunctive relief.

SO ORDERED this 16th Day of NOV, 1998.


Michael J. Bordallo
Judge, Superior Court of Guam

I do hereby certify that the foregoing is a full and correct copy of the original on file in the office of the clerk of the Superior Court, Guam
Date at Guam, Guam
NOV 16 1998
Jacqueline S. C. Terlaje
Deputy Clerk, Superior Court of Guam

SEARCHED
SERIALIZED
INDEXED
MAY 19 2005
CLERK OF COURT

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE SUPERIOR COURT OF GUAM

PACIFIC SECURITY ALARM, INC.
Plaintiff
v.
DEPARTMENT OF PUBLIC WORKS
Defendant

CIVIL CASE NO: CV 0591 - 05
DECISION AND ORDER DENYING
MOTION TO DISMISS

This matter came before the court pursuant to defendant Department of Public Works' motion to dismiss. Upon consideration of the memoranda submitted by the parties and the presentation of counsel during oral argument, the dismissal motion is denied for the reasons set forth herein.

In March, 2005 the Department of Public Works ("DPW"), a governmental body subject to the Procurement Code, solicited bids for security guard services pursuant to an Invitation For Bid No. GSA-016-05 ("IFB No: GSA-016-05"). The bids were opened on April 19, 2005 and on May 7, 2005 notice was issued to PSA rejecting its bid on grounds that its price was too high and the bid was being awarded to PISA. By letter dated May 23, 2005, PSA protested the bid decision on grounds which included (1) PISA's bid did not comply with G.L. 26-111, (2) PISA was wrongfully allowed to amend or modify its bid price after opening of the bids, and (3) PISA was allowed to post a bond in an amount less than required by IFB No: GSA-016-05. On May 27, 2005, PSA received a letter denying its protest. In addition to denying the protest, the letter advised PSA that that "[u]pon receipt of this letter, you are, therefore, notified of our determination and that you have a right to seek administrative and judicial review."

At the time of denial of PSA's protest, the Appeals Board was the statutory entity authorized to review administrative appeals involving procurement disputes. However, the Appeals Board was not a functioning entity as it did not have any members. Although the

1 Appeals Board was, in effect, defunct, the May 27 letter denying PSA's protest did not inform
2 PSA of what steps it had to take to obtain review of the denial. The letter did not inform PSA of
3 how many days it had to file an appeal, where to file an appeal or how to file an appeal. PSA did
4 not seek administrative review of the protest denial. Instead, on June 13, 2005, PSA filed a
5 complaint for judicial review with this Court. In answering the complaint, DPW plead three
6 affirmative defenses (1) failure to state a claim, (2) immunity, and its actions were not wrongful.
7 DPW did not plead or allege any limitations of action as an affirmative defense. A scheduling
8 order was subsequently set in this case which, among other things, set a motions cut-off date and
9 a March 10, 2006 trial date. The scheduling order was later amended by continuing the trial date
10 until May 12, 2006. DPW did not file any motion prior to the motion cut off date. Then on May
11 5, 2006, one week before the scheduled trial, DPW moved to dismiss asserting a lack of
12 jurisdiction. DPW claims that Guam law required the complaint for judicial review to be filed
13 fourteen (14) days after receipt of the protest denial. Fourteen days following May 27, 2005 was
14 Friday, June 10, 2005. PSA's complaint was filed on Monday, June 13, 2005.

15 DPW claims that jurisdiction is lacking as PSA's initial protest was untimely. That
16 argument is misguided. The procurement code allows an aggrieved bidder to file a protest in
17 connection with the method of source selection, solicitation or award of a contract. 5 GCA §
18 5425(a). The protest is to be filed within fourteen (14) days after an aggrieved bidder knows or
19 should have known of the facts giving rise to the protest. *Id.* In this case, the notice of selection
20 of PISA's bid and rejection of PSA's bid was dated May 7, 2005, a Saturday. Fourteen days after
21 Saturday, Monday, May 7, 2005 was Saturday, May 21, 2005. Saturday's are holidays for
22 purposes of transacting public business. 1 G.C.A. § 1002. The law further provides that
23 "[w]henever any act of a secular nature, other than a work of necessity or mercy, is appointed by
24 law or contract upon a particular day which falls on a holiday, such act may be performed upon
25 the next business day with the same effect as if it had been performed upon the day appointed."
26 The next business day following Saturday, May 21, 2005 was May 23, 2005, the date of PSA's
27 protest. PSA timely filed its protest.

28 DPW also erroneously contends that PSA filing the complaint for judicial review on

1 Monday, June 13, 2005 necessitates dismissal of this case¹.

2 The time for filing judicial review of final agency action is a limitations issue and not a
3 jurisdictional issue. *HRI, Inc. v. E.P.A.* 198 F.3d 1224, 1239 (10th Cir. 2000); *Sendra*
4 *Corporation v. Magaw*, 111 F.3d 162, 167 (D.C.Cir.1997) ("If for any reason the agency reopens
5 a matter and, after reconsideration, issues a new and final order, that order is reviewable on its
6 merits, even though the agency merely reaffirms its original decision.... The new order is, in other
7 words, final agency action and as such, a new right of action accrues and starts the running of a
8 new limitations period for judicial review."); *Bishop v. Apfel*, 91 F.Supp.2d 893, 894
9 (W.D.Va.,2000)[The time limit for seeking judicial review of an administrative decision is
10 subject to equitable tolling]. *See also Valenzuela v. Kraft, Inc.*, 801 F.2d 1170, 1173-74 (9th
11 Cir.1986), as amended, 815 F.2d 570 (9th Cir. 1987)[90 day period for filing suit pursuant to right
12 to sue letter is a limitations issue and not a jurisdictional issue]. 5 G.C.A. § 5481(a) is also a
13 limitations statute subject to equitable tolling.

14 5 G.C.A. § 5480(a) vests this Court with jurisdiction to consider a procurement protest.

15 The plain language of § 5481(a) is that:

16 Protested Solicitations and Awards. Any action under § 5480(a) of this Chapter
17 shall be initiated within fourteen (14) days after receipt of a final administrative
decision.

18 Jurisprudence shows this language establishes a limitation period as opposed to an inflexible
19 jurisdictional bar. As the Supreme Court noted in *Pacific Rock Corporation v. Department of*
20 *Education*, 2000 Guam 19, 2000 WL 979988 (2000), "[i]t is clear that in the Procurement Law
21 the Legislature wisely envisioned a comprehensive, detailed scheme for settlement of contract
22 controversies before proceeding to court. Moreover, as the statute contains provisions dealing
23 with judicial and administrative relief and language providing for limitations on actions." 2000
24 Guam 19 at ¶ 23, 2000 WL 979988 at 5 (*Pacific Rock I*). *See Pacific Rock v. Department of*
25 *Education*, 2001 Guam 21 at ¶ 53, 2001 WL 1360155 at 15 (2005) ("*Pacific Rock II*") [The

26
27 ¹Since PSA's complaint requests damages it can be deemed to be subject to 5 G.C.A. §
28 6106(c)'s 18 month limitation period. *See e.g. Pacific Rock II*, 2001 Guam 21 at ¶¶ 50 - 53,
2001 WL 1360155 at 14- - 15.

1 period for filing suit under the Claims Act is a statute of limitations]. See also *Guam Housing and*
2 *Urban Renewal Authority v. Dongbu Insurance Co.*, 2001 Guam 24 at ¶¶ 10 -14, 2001 WL
3 1555206 at 2 - 3 (2001)[Adopting equitable tolling doctrine]. Moreover, *Pacific Rock I*
4 specifically noted that § 5481(a) is a limitations period which governed that action. 2000 Guam
5 19 at ¶ 28, 2000 WL 979988 at 6. The Court also held that since plaintiff “did not timely file its
6 action at the Superior Court, its claim was time-barred.” *Id.* In being a limitations statute, the 14
7 day period of § 5481(a) is subject to equitable tolling². See *Bishop, supra*. As concluded in
8 *Pacific Rock*, “ the company waited an inordinate length of time to bring its action. The laws
9 assist those who are vigilant, not those who sleep over their rights.” 2000 Guam 19 at ¶ 32, 2000
10 WL 979988 at 7. Likewise, in *Perez v. Guam Housing & Urban Renewal Authority*, 2000 Guam
11 33, 2000 WL 1876788 (2000), the Supreme Court acknowledged that the time for filing suit
12 under the Claims Act is a limitations period which is subject to tolling in equity. Indeed, *Perez*
13 examined the facts to determine whether equity justified tolling the limitations period. 2000
14 Guam 33 at ¶¶ 12 - 18, 2000 WL 1876788 at 3-4. After reviewing the facts *Perez* concluded
15 equitable tolling was not proper because of the “neglect in filing the Complaint in this case well
16 beyond the Claims Act limitations period is not excusable. Unlike *Pacific Rock I* and *Perez*, the
17 facts in this case justify equitable tolling. PSA not being advised how to navigate the appeal
18 process, especially given the non existence of the Appeals Board, justifies equitable tolling of the
19 limitations period from Friday, June 10, 2005 until Monday, June 13, 2005, at a minimum³.

20 Furthermore, equitable tolling is justified and dismissal is not appropriate as the May 27,
21 2005 letter violates due process since it did not inform or advise PSA how to exercise its right to
22 administrative and judicial review. See *Gonzalez v. Sullivan*, 914 F.2d 1197 (9th Cir.1990).

23
24 ²The statute of limitations is an affirmative defense which is waived if not pled and the
25 failure prejudices the plaintiff. See *Manvil Corp. v. E.C. Gozum & Co., Inc.*, 1998 Guam 20 at ¶¶
26 13 - 14, 1998 WL 689650 at 6 (1998). DPW did not plead the affirmative defense in its answer
27 and waiting until one week before the scheduled trial date to raise the issue is prejudicial to
28 plaintiff.

³The fourteenth day was on a Friday, May 10, 2005. PSA filed this case on Monday, May
13, 2005, which was the next business day. See 1 G.C.A. § 1004

1 Gonzalez addressed the sufficiency of a notice advising a party of an adverse
2 administrative decision. In ruling on this issue, *Gonzalez* noted “[o]ne of the fundamental
3 requirements of procedural due process is that a notice must be reasonably calculated to afford
4 parties their right to present objections.”⁹14 F.2d at 1203. It was then reasoned that “[r]equiring
5 notices to accurately state how a claimant might appeal an initial decision does not impose a
6 significant financial or administrative burden” on the administrative agency. *Id.* The Court then
7 held that the notice in that case was “sufficiently misleading” concerning the administrative
8 process that it violated due process. *Id.*

9 The procurement code also expressly requires that an agency decision denying a protest
10 “(1) state the reasons for the action taken; and (2) inform the protestant of its right to
11 administrative and judicial review.” 5 GCA § 5425(c)[emphasis added]. The applicable law at
12 the time of the denial of PSA’s protest provided for an appeal to the Appeals Board, a non
13 existent body. The denial in this case did not inform PSA of how to navigate review process
14 given the absence of an Appeals Board. Instead, the denial letter simply parroted the language of
15 § 5425(c)(2) by informing PSA that “[u]pon receipt of this letter, you are, therefore, notified of
16 our determination and that you have a right to seek administrative and judicial review.” PSA was
17 not given any guidance on how to navigate obtaining review of the protest denial given the non-
18 existent Appeals Board⁴. Even more so, the May 27 letter was misleading as it expressly
19 indicated that PSA had the right to administrative review of the denial even though that right was
20 non existence. In fact, the protest denial did not even inform PSA that the Appeals Board was
21 non-existence. It is clear that the denial of PSA’s protest failed to provide any guidance on how
22 PSA should proceed with an appeal despite being required to do so by § 5425(c). This results in
23 the May 27, 2005 letter violating due process. *Id.* See also *Pickens v. Shelton-Thompson*, 3 P.3d
24

25
26 ⁴Although an Appeals Board decision was necessary before a party could seek judicial
27 review in this Court. Since an Appeals Board did not exist, seeking administrative review from
28 the Appeals Board of the protest denial would have been futile. See *Amerault v. Intelcom Support
Services, Inc.*, 2004 Guam 23 at ¶ 6 n.4, 2004 WL 2938912 at 2 n. 4.(2004). This renders the
protest denial a final administrative decision for purposes of seeking judicial review.


1 603, 607 - 608 (Mont.,2000); *Bidstrup v. Wisconsin Dept. of Health and Family Services*, 632
2 N.W.2d 866, 870 - 871 (Wis. App. 2001); *Alexander & Alexander, Inc. v. Louisiana*, 596 So.2d
3 822 (La.App. 1991). This due process violation precludes dismissal of this case. *Id.*

4
5 **CONCLUSION**

6 Jurisdiction exists over this action as the time for filing a complaint for judicial review
7 under the procurement code is a limitations period subject to equitable tolling as opposed to
8 being an inflexible jurisdictional bar. Although DPW waived any limitations defense as it did not
9 plead a limitations period as an affirmative defense, that is immaterial in that the facts justify an
10 equitable tolling of the limitations period. In any event, dismissing this case would violate due
11 process given the insufficient notice of the appeal process in the May 27, 2005 protest denial
12 letter.

13 A status conference for setting a trial date shall be held on AUG 14 2006 at
14 2:30pm.

15
16 So ORDERED this 11 day of July, 2006.

17
18 
19 HONORABLE STEVEN S. UNPINGCO
20 Judge, Superior Court of Guam

21
22
23
24
25
26
27
28
I do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the files of the Superior Court of Guam.
Dated at Hagåtña, Guam

JUL 12 2006

Exhibit C

Law Offices of
WILLIAM L. GAVRAS
A Professional Corporation
101 Salisbury Street
Dededo, Guam 96929

Telephone: (671) 632-4357
Facsimile: (671) 632-4368
williamgavras@yahoo.com

VIA HAND DELIVERY and FACSMILE

March 16, 2009

**Roque Alcantra
Department of Education**

**Larry Perez
Department of Public Works**

Re: Protest – Bid Invitation No.: IFB 004-2009 – Item No. 114; Guam Public School System Office Of Supply Management Indefinite Quantity Bid For Administrative Supplies; IFB 004-2009 – Item No. 114.

Dear Sir,

On behalf of Teal Pacific LLP (Teal) please accept the following as a PROTEST of the above referenced Invitation To Bid (ITB).

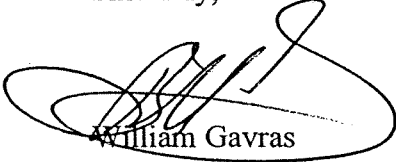
On March 12, 2009, Teal received information from the Government of Guam that it was failed to win the bid on Item No. 114. Teal and National Office Supply, who also bid on this Item, tied for the lowest bid at \$38.00/case. On that same day it was revealed to Teal that National Office Supply would be awarded (or recommended for award for) Item No. 114. The explanation given for Teal having lost is that the National Office Supply was given preference and/or consideration as a local supplier under Guam law favoring Local Procurement Preference (5 GCA section 5008 and DOE procurement regulations).

Teal protests on the basis that the local procurement law(s) which gave National Office Supply an advantage over Teal violated Teal's equal protection rights afforded by

the Constitution of the United States of America as well as the Organic Act of Guam. The reasons for such violations include but are not limited to:

1. the fact that the purpose of the law is not legitimate;
2. local businesses suffer no disadvantages over non-local businesses;
3. the Government of Guam creates no disadvantages to local business;
4. there is no heavier burden on local business doing business in Guam than on non-local businesses;
5. local business are not at a competitive disadvantage with businesses from other areas;
6. the means adopted to pursue any assumed legitimate end were not reasonable, measured or appropriate
7. the definition of and criteria for those benefiting and to be benefited by the local preference under Guam law is not a rational, measured, reasonable or appropriate definition in order to achieve any of the assumed legitimate ends of the applicable law.

Sincerely,



William Gavras