

Eddie Baza Calvo
Governor



GENERAL SERVICES AGENCY

(Ahensian Setbision Hinirat)
Department of Administration

148 Route 1 Marine Drive, Piti, Guam 96915
Tel: (671) 475-1707 Fax Nos: (671) 475-1727 / 475-1716

Ray Tenorio
Lieutenant Governor

Benita A. Manglona
Director

Anthony C. Blaz
Deputy Director

March 29, 2013

32-13-222

Office of the Speaker
Judith T. Won Pat, Ed. D.

Date 3/25/13
Time 5:00pm
Received by [Signature]

MEMORANDUM

To: Hon. Judith T. Won Pat
Speaker, 32nd Guam Legislature

From: Chief Procurement Officer

Subject: **Emergency Procurement – Certificate of Emergency**

Buenas yan Hafa Adai! Pursuant to the 5GCA §5215: Emergency Procurement attached is a copy of the Certificate of Emergency enabling the government of Guam agencies and departments, and autonomous agencies to procure continuing Telephone Services, not to exceed 30 days, to ensure a reliable and official means of communications.

If you have any questions, please do not hesitate to contact me at 475-1710/20.

[Signature]
CLAUDIA S. ACFALLE

attachment

2013 MAR 29 PM 5:12
copy

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March 28, 2013

Memorandum

To: Governor of Guam

From: Chief Procurement Officer

Subject: Request for Certificate of Emergency Declaration for Telephone Services
For the Government of Guam Agencies and Departments

Please find attached a memorandum from the Chief Information Officer for the Bureau of Information and Technology requesting for an emergency declaration for the government of Guam agencies and departments, and autonomous agencies for continuing telephone services.

A bid invitation (GSA Bid no. 064-11) for a comprehensive telecommunications service was timely issued on June 22, 2011. This bid was subject to numerous protests which delayed movement on the bid process. In the interim, GSA used the small purchase authorization during this time period with a Certificate of Emergency issued for those requisitions totaling over \$15,000. After bid opening, two (2) appeals were filed by prospective bidders with the Office of Public Accountability (OPA). The Public Auditor rendered her final decision on the merits of the appeal and said decision of the OPA was appealed to the Superior Court of Guam for judicial review, under Superior Court Case no. CV 0324-13. Guam law requires that the Territory not proceed further with the solicitation, thus preventing normal procurement process for these services (5 GCA Section 5425(g)).

Telecommunication services are a critical and necessary component to the daily operations of the Government of Guam. The failure to have even basic telephone and internet services creates an emergency situation that imminently threatens Guam's public health, safety and welfare. Any disruption of such services will have a direct adverse impact on the Government's ability to operate and coordinate the delivery of services to the citizens of Guam.

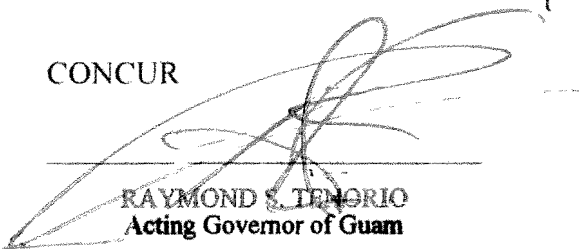
Telecommunications services are most especially vital with respect to agencies such as the Guam Fire Department, the Guam Police Department, the Department of Public Health and Social Services, the Environmental Protection Agency and the Guam Homeland Security Agency. Unless there is in place at all times a reliable and official means of communications, many lives could be endangered...

For the reasons stated herein, it is respectfully requested that the emergency certification for the procurement of telecommunication services for the government of Guam be authorized.

Based upon the above and the memorandum threatening cancellation by the Guam Telephone Authority, I, CLAUDIA S. ACFALLE, Chief Procurement Officer for the General Services Agency, do hereby declare under penalty of perjury that an emergency procurement is necessary and not being used solely for the purpose of avoidance of the provisions of Title 4, Guam Code Annotated, Chapter 5, the Guam Procurement Code.

DAHK 3/28/12
CLAUDIA S. ACFALLE

CONCUR


RAYMOND S. TENORIO
Acting Governor of Guam