

Eddie Baza Calvo
Governor



GENERAL SERVICES AGENCY

(Ahensian Setbision Hinirat)
Department of Administration

Ray Tenorio
Lieutenant Governor

Benita A. Manglona
Director

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

Anthony C. Blaz
Deputy Director

June 5, 2013

2013 JUN -5 PM 2:09
[Handwritten 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 Telecommunication 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.

[Handwritten signature: Claudia S. Acfalle]
CLAUDIA S. ACFALLE

attachment

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Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 6/5/13
Time 1:24 PM
Received by Fatherson

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Deputy Director

May 29 2013

Memorandum


To: Governor of Guam
From: Chief Procurement Officer
Subject: Request for Emergency Declaration for Telephone Services
For the Government Agencies and Departments

This is to request for an emergency declaration for the government of Guam agencies and departments for continuing telephone services. The government of Guam's comprehensive telephone service bid has been first, under a protest, then an appeal before the Office of Public Accountability and finally, under the Superior Court of Guam..

Two (2) bidders have filed action in the Superior Court of Guam. In one matter, the Superior Court of Guam has issued a temporary restraining order prohibiting the government from taking any action on this or other telephone procurement. This delay in a decision has caused some confusion with the agencies in what they are required to do.

Based upon the fact that the government cannot have a shut down in services as it effects the health, welfare and safety of the people of Guam, I hereby request that you declare an emergency until the resolution of the court case is made to ensure that telephone services are available at this time.

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 here declare under penalty of perjury that an emergency procurement is necessary and not being used to solely for the purpose of avoidance of the provisions of Title 4, Guam Code Annotated, Chapter 5, the Guam Procurement Code.


CLAUDIA S. ACFALLE

APPROVED:



EDIE BAZA CALVO
GOVERNOR OF GUAM

DATE MAY 29 2013



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

MAY 29 2013

MEMORANDUM

TO: The Honorable Eddie Baza Calvo, Governor of Guam

VIA: Claudia Acfalle, Chief Procurement Officer

FROM: Ed C. Cruz, Chief Information Officer, Bureau of Information Technology

SUBJECT: Request for Emergency Procurement for Telecommunication Services

Buenas yan Hafa Adai!

This is a request for approval of an emergency procurement pursuant to 5 G.C.A. Section 5215 and 2 G.A.R. Section 3113 for the continuation of telecommunication services for the Government of Guam, including Adelup, Government House, and all executive line agencies and the Port Authority of Guam.

The reason for utilizing an emergency source selection procurement method is that a bid invitation (GSA Bid Invitation No. GSA-064-11) for new comprehensive telecommunication services was timely issued on June 22, 2011. However, in response to the solicitation, two protests were filed by prospective bidders with OPA. The Public Auditor, on March 6, 2012, renders a final decision on the merits of the protests. On March 20 & 21, 2013, both parties filed actions in the Superior Court of Guam seeking judicial review of the OPA decision. Said appeals are docketed under Superior Court Case no. CV 0334-13 and CV 0335-13. Guam law requires that the Territory not proceed further with the solicitation, thus preventing normal procurement process for these services. [5 G.C.A. §5425(g)].

On May 3, 2013, Judge Anita A. Sukola, issued a Temporary Restraining Order under CV0333-13 directing GSA and PDS to comply or refrain from specific acts in connection with IFB 064-11, Form 2 & 3. The order of the Court is as follows:

- a) GSA shall not award purchase orders under IFB GSA 064-11, Bid Form 2 & 3, until further order of the court.

- b) PDS shall take no action on Purchase Orders previously issued by GSA to PDS under IFB 064-11 Forms 2 & 3.
- c) PDS shall disconnect service to Governmental Agencies presently receiving service pursuant to Form 2 & 3.


Since May 3, 2013, several departments within the Government of Guam line agencies have been disconnected pursuant to the Temporary Restraining Order issued by Judge Sukola.

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 this Territory.

Telecommunication 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 communication, many lives could be endangered.

For reasons stated herein, it is respectfully requested that an emergency certification for the procurement of telecommunication services be authorized. In addition, it is requested that this Emergency Certification be in effect until the disposition of the procurement appeals in the Superior Court are resolved.

I certify under penalty of perjury that the foregoing facts stated herein are true and correct and that this Certificate of Emergency is not being used solely for the purpose of avoidance of the provisions of Title 5, Guam Code Annotated, Chapter 5, of the Procurement Law of Guam.


ED C. CRUZ
Chief Information Officer, Bureau of Information Technology

Date: 05/23/13

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APPROVED BY:



EDDIE BAZA CALVO
Governor of Guam

Date: MAY 29 2018