

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

September 30, 2013

MEMORANDUM

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

From: Chief Procurement Officer

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

32-13-822
Office of the Speaker
Hon. Judith T. Won Pat, F.R.D.
Date: 9/30/13
Time: 1:47 PM
Michael [Signature]

Buenas yan Hafa Adai! Pursuant to the SGCA §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 until the resolution of the court action, 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.

Ret 17 K 9/30/13
CLAUDIA S. ACFALLE

RECEIVED 30 PM 2:02
[Signature]

attachment

ACKNOWLEDGEMENT COPY

RECEIVE BY SD POCAJAN

DATE 9/30/13

Tel: 472-3584/718
FAX: 472-3589

822

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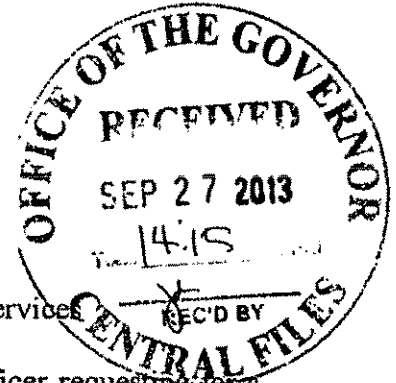
148 Route 1 Marine Drive, Piti, Guam 96915
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Anthony C. Blaz
Deputy Director

September 27, 2013

Memorandum

To: Governor of Guam
From: Chief Procurement Officer
Subject: Certification of Emergency for Telecommunication Services



Attached is a memorandum from the Acting Chief Technology Officer requesting for a certificate of emergency for telecommunication services for the government of Guam until the resolution of the court cases.

A bid invitation for comprehensive telecommunications was issued by the General Services Agency. A protest was raised and a subsequent appeal was raised. After the appeal to the Office of Public Accountability was decided, three (3) separate appeals were filed in the Superior Court of Guam. As of this date, no decision has been made by the courts.

Telecommunications services are essential to the daily operations of the Government of Guam. Such essential services provide contact by the public for fire, police and other services. Any interruption will have a direct adverse impact in the Government's ability to operate and coordinate the delivery of services to the citizens of Guam.

Based upon the facts provided by the Bureau, I, CLAUDIA S. ACFALLE, Chief Procurement Officer for the General Services Agency do certify under penalty of perjury, that a certificate of emergency is not being used solely for the purpose of avoidance of the provisions of Title 5, Guam Code Annotated, Chapter 5, the Guam Procurement law.

Request for certification for BITS for Telecommunication Services for the government of Guam.

Paula H K 9/27/13
CLAUDIA S. ACFALLE

APPROVED:

SEP 30 2013
EDDIE BAZA CALVO DATE
GOVERNOR OF GUAM

CF00913-3851



Eddie Baza Calvo
Governor
Ray Tenorio
Lieutenant Governor

Department of Administration
(DIPATTAMENTON ATEMENSTRASION)
OFFICE OF TECHNOLOGY



Post Office Box 884 Hagatña, Guam 96932
Tel: (671) 475-1113/1229 - Fax: (671) 472-9508

September 28, 2013

TO: Claudia Acfalle, Chief Procurement Officer

FROM: Joseph C. Manibusan, Acting Chief Technology Officer

SUBJECT: Request for Emergency Procurement for Telecommunications Services

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-064-11) for new comprehensive telecommunication services was timely issued on June 22, 2011. However, in response to the solicitation, two protests were filed at the Office of the Public Auditor (OPA) by two prospective bidders. In March 2012 the OPA rendered a final decision on the merits of the protests. In March 2013 both parties filed actions in the Superior Court of Guam seeking judicial review of the OPA decision. Said appeals are docketed under case numbers CV0334-13 and CV 0335-13. Guam law requires that the Territory not proceed further with the solicitation, thus preventing normal procurement for these services (5G.C.A. 5425g).

On May 3, 2013, Judge Anita A. Sukola issued a Temporary Restraining Order directing GSA and PDS to comply or refrain from specific acts in connection with IFB 064-11.

Since May 3, 2013 several departments with the Government of Guam 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 the citizens of this territory.

Telecommunications services are most especially vital with respect to agencies such as Guam Fire Department, Guam Police Department, the Department of Public Health and Social Services, the Guam 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 in danger.

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 this procurement appeal in the Superior Court be resolved.

I certify under penalty of perjury that the foregoing statements are true and correct and that this Certificate of Emergency is not being used for the purpose of avoidance of the provisions of 5 G.C.A, Chapter 5 (the Guam Procurement Law).

Si Yu'os Ma'ase,


Joseph C. Manibusan (Joey)
Acting Chief Technology Officer
Office of Technology