



Jerrick Hernandez &lt;jhernandez@guamopa.com&gt;

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**In the Appeal of Pacific Data Systems; Consolidated Appeal No.'s OPA-PA-21-004 and OPA-PA-21-005**

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Claire Pollard &lt;cpollard@rwtguam.com&gt;

Wed, Sep 29, 2021 at 4:30 PM

To: Jerrick Hernandez &lt;jhernandez@guamopa.com&gt;

Cc: "Joshua D. Walsh" &lt;jdwalsh@rwtguam.com&gt;, "Edwin J. Torres" &lt;etorres@rwtguam.com&gt;

Dear Mr. Hernandez:

Please see the attached *Appellant's Supplemental Exhibit List* attached below. Should you have any questions or concerns, please feel free to contact our office. Thank you.

--

Regards,  
Claire Pollard

**RAZZANO WALSH & TORRES, P.C.**

139 Murray Blvd. Ste. 100

Hagatna, Guam 96910

(T): 989-3009

(F): 989-8750

**9.29.21 Appellant's Supplemental Exhibit List.pdf**

382K

**RAZZANO WALSH & TORRES, P.C.**  
JOSHUA D. WALSH  
EDWIN J. TORRES  
SUITE 100, 139 MURRAY BLVD.  
HAGÁTÑA, GUAM 96910  
TELEPHONE: (671) 989-3009  
FACSIMILE: (671) 989-8750

**PROCUREMENT APPEAL OF DENIAL OF PROCUREMENT PROTEST  
IN THE OFFICE OF PUBLIC ACCOUNTABILITY**

In the Appeal of

Pacific Data Systems, Inc. (PDS),

Appellant.

**CONSOLIDATED APPEAL NOS:  
OPA-PA-21-004  
OPA-PA-21-005**

**APPELLANT'S SUPPLEMENTAL  
EXHIBIT LIST**

Appellant Pacific Data Systems ("PDS"), by and through its attorneys of record, Joshua D. Walsh and Edwin J. Torres, may introduce one or more of the below described exhibits at trial:

EX.	DATE	DESCRIPTION
7-001 – 7-007	09/24/21	Guam Department of Education Freedom of Information Act Response.

**Respectfully submitted this 29<sup>th</sup> day of September 2021.**

**RAZZANO WALSH & TORRES, P.C.**

By: 

**JOSHUA D. WALSH  
EDWIN J. TORRES**  
*Attorneys for Appellant  
Pacific Data Systems, Inc.*



Claire Pollard &lt;cpollard@rwtguam.com&gt;

**FOIA Response dated September 24, 2021 (RWT, OPA-PA-21-004 and OPA-PA-21-005)**

4 messages

**Abmer T. Brennan** <atbrennan@gdoe.net>  
To: "Joshua D. Walsh" <jdwalsh@rwtguam.com>, Claire Pollard <cpollard@rwtguam.com>  
Cc: Legal Admin <legal-admin@gdoe.net>

24 September 2021 at 16:49

Good afternoon Atty. Walsh,

Please see attached letter dated September 24, 2021. Please acknowledge receipt via email to [legal-admin@gdoe.net](mailto:legal-admin@gdoe.net).

Thank you and stay safe.

Respectfully,

**Abi T. Brennan**  
Office of the Superintendent, **Legal Div.**  
Guam Department of Education

Guam Department of Education

**FOIA Response dtd Sept 24, 2021 (RWT, OPA-PA-21-004 and 005).pdf**  
149K

**Claire Pollard** <cpollard@rwtguam.com>  
To: "Abmer T. Brennan" <atbrennan@gdoe.net>  
Cc: "Joshua D. Walsh" <jdwalsh@rwtguam.com>, Legal Admin <legal-admin@gdoe.net>

27 September 2021 at 14:39

Dear Ms. Brennan:

Our office acknowledges receipt of the above-referenced matter. A digital copy of the documents would be appreciated.

Please feel free to contact our office if you have any questions. Thank you.

[Quoted text hidden]

--

Regards,  
Claire Pollard

**RAZZANO WALSH & TORRES, P.C.**

139 Murray Blvd. Ste. 100  
Hagatna, Guam 96910  
(T): 989-3009  
(F): 989-8750

**9.27.21 Acknowledged Receipt - GDOE FOIA.pdf**  
56K

**Abmer T. Brennan** <atbrennan@gdoe.net>  
To: Claire Pollard <cpollard@rwtguam.com>  
Cc: "Joshua D. Walsh" <jdwalsh@rwtguam.com>, Legal Admin <legal-admin@gdoe.net>

27 September 2021 at 15:02

Good afternoon Ms. Pollard,

Please see attached responsive documents as per request.

Kindly confirm receipt.

Thank you and stay safe.

Respectfully,

**Abi T. Brennan**  
Office of the Superintendent, **Legal Div.**  
Guam Department of Education

[Quoted text hidden]

Guam Department of Education

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**2 attachments**

 **EXECUT~2.PDF**  
3341K

 **EXECUT~1.PDF**  
2839K

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**Claire Pollard** <cpollard@rwtguam.com>  
To: "Abmar T. Brennan" <atbrennan@gdoe.net>  
Cc: "Joshua D. Walsh" <jdwalsh@rwtguam.com>, Legal Admin <legal-admin@gdoe.net>

27 September 2021 at 16:01

Received, thank you, Ms. Brennan.  
[Quoted text hidden]



DEPARTMENT OF EDUCATION  
OFFICE OF THE SUPERINTENDENT

www.gdoe.net  
501 Mariner Avenue  
Barrigada, Guam 96913  
Telephone: (671) 300-1547/1536



JON J.P. FERNANDEZ  
Superintendent of Education

September 24, 2021

Joshua D. Walsh  
Razzano, Walsh & Torres, P.C.  
Pan American Building, 139 Murray Blvd.,  
Suite 100, Hagatña, Guam 96910  
Tel. No.: (671) 989-3009

via e-mail: jdwalsh@rwtguam.com

Re: FOIA Request dated September 20, 2021 - In the Appeal of Pacific Data Systems;  
Consolidated Appeal Nos. OPA-PA-21-004 and OPA-PA-21-005

*Hafa Adai* Atty. Walsh,

This letter responds to your e-mail dated September 20, 2021, where you requested certain documents. Please be informed that documents responsive to your request are available for your review.

Please email GDOE Legal Office at legal-admin@gdoe.net to arrange a time to inspect the document(s) and request copies if applicable. Copies will be provided to you upon payment at the rate of Ten Cents (\$0.10) for the first page and Two Cents (\$0.02) for each page thereafter.

Please sign the acknowledgment below and return it via e-mail to legal-admin@gdoe.net. Thank you.

*Senseramente,*

  
JON J.P. FERNANDEZ  
Superintendent of Education

ACKNOWLEDGED RECEIPT

CLaire Pollard  
Print Name

  
Signature

Date: 9 | 27 | 21

Time: 2:35pm

**AGREEMENT BETWEEN THE GUAM DEPARTMENT OF EDUCATION AND  
TELEGUAM HOLDINGS, LLC DBA GTA FOR SERVICES  
PURSUANT TO GDOE IFB 027-2021**

THIS AGREEMENT is entered into by and between the **GUAM DEPARTMENT OF EDUCATION** (“GDOE”), an agency of the government of Guam, whose address is 501 Mariner Avenue, Barrigada, Guam 96913 **TELEGUAM HOLDINGS, LLC DBA GTA** (“Contractor”), whose address is **624 N. Marine Corps Drive Tamuning, Guam 96913**, collectively referred to hereafter as “Parties.”

**WHEREAS**, GDOE issued Invitation for Bid (“IFB”) **027-2021**, soliciting **Telecommunication Service – Plain Old Telephone Services (“POTS”)**, attached herewith as **Exhibit 1**.

**WHEREAS**, GDOE has determined it does not have adequate personnel or resources to perform the services contemplated in this agreement and it is in the best interests of GDOE to have such services performed under contract.

**WHEREAS**, Contractor responded to the IFB by submitting a bid (“Bid”) to provide services in accordance with the IFB, and was selected as the most qualified offeror.

**WHEREAS**, by submitting its Bid, Contractor warrants and represents that it possesses the necessary knowledge, resources and experience to perform the work and services herein described professionally, skillfully and diligently.

**WHEREAS**, GDOE desires to retain Contractor for specific services on the terms and conditions set forth in this Agreement and Contractor has agreed to accept such terms and conditions.

**WITNESSETH**, in consideration of the mutual covenants hereinafter set forth, the Parties agree as follows:

**I. Statement of Services to be Performed.**

A. Scope of Work. The Contractor shall provide services for the GDOE, as described in IFB 027-2021 and in the Contractor’s Bid attached herein as **Exhibit 2**. Specified dates for performance of tasks may be amended by written agreement between GDOE and Contractor’s authorized representative. Contractor recognizes that failure to perform any services required under this Agreement per the terms and conditions herein constitutes a material breach of this Agreement.

B. Contractor Provisions of Resources. Contractor agrees to furnish all qualified personnel, facilities, tools, equipment, materials and transportation to perform the services and work provided for in this Agreement. Contractor represents that it and its employees possess the professional and technical expertise necessary to perform the services

21-0368 


Agreement between GDOE and TELEGUAM HOLDINGS, LLC DBA GTA for services pursuant to IFB 027-2021

IN WITNESS WHEREOF, the Parties have executed this Agreement on the day and year appearing below their respective signatures.

**GUAM DEPARTMENT OF EDUCATION:**

**TELEGUAM HOLDINGS, LLC DBA  
GTA:**

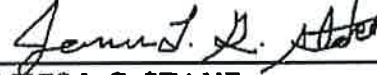
  
\_\_\_\_\_  
**JON J.P. FERNANDEZ**  
Superintendent of Education

  
\_\_\_\_\_  
By: **Joseph R. Shinohara**  
Its: **Chief Financial Officer**

Date: 06/30/2021

Date: 06/11/2021

**GUAM DEPARTMENT OF EDUCATION:**

  
\_\_\_\_\_  
**JAMES L.G. STAKE**  
Legal Counsel  
Date: 06/30/21

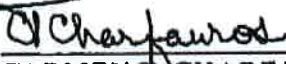
**CERTIFIED FUNDS AVAILABLE:**

  
\_\_\_\_\_  
**CERTIFIED OFFICER**  
Department of Education

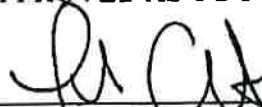
Date: JUNE 15, 2021

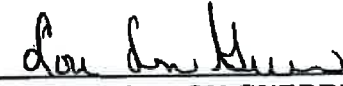
AMOUNT: \$70,782.84

**REVIEWED BY:**

  
\_\_\_\_\_  
**CARMEN T. CHARFAUROS**  
Supply Management Administrator  
Date: 6/15/2021

**APPROVED AS TO FORM AND LEGALITY: APPROVED:**

  
\_\_\_\_\_  
**LEEVIN T. CAMACHO**  
Attorney General of Guam

  
\_\_\_\_\_  
**LOURDES LEON GUERRERO**  
Governor of Guam

Date: 7/12/21

Date: 7/14/2021

DOE 21-0368



**AGREEMENT BETWEEN THE GUAM DEPARTMENT OF EDUCATION AND  
TELEGUAM HOLDINGS, LLC DBA GTA FOR SERVICES  
PURSUANT TO GDOE IFB 028-2021**

THIS AGREEMENT is entered into by and between the **GUAM DEPARTMENT OF EDUCATION** (“GDOE”), an agency of the government of Guam, whose address is 501 Mariner Avenue, Barrigada, Guam 96913 **TELEGUAM HOLDINGS, LLC DBA GTA** (“Contractor”), whose address is **624 N. Marine Corps Drive Tamuning, Guam 96913**, collectively referred to hereafter as “Parties.”

**WHEREAS**, GDOE issued Invitation for Bid (“IFB”) **028-2021**, soliciting **Telecommunication Service – Digital Transmission Services (“DTS”)**, attached herewith as **Exhibit 1**.

**WHEREAS**, GDOE has determined it does not have adequate personnel or resources to perform the services contemplated in this agreement and it is in the best interests of GDOE to have such services performed under contract.

**WHEREAS**, Contractor responded to the IFB by submitting a bid (“Bid”) to provide services in accordance with the IFB, and was selected as the most qualified offeror.

**WHEREAS**, by submitting its Bid, Contractor warrants and represents that it possesses the necessary knowledge, resources and experience to perform the work and services herein described professionally, skillfully and diligently.

**WHEREAS**, GDOE desires to retain Contractor for specific services on the terms and conditions set forth in this Agreement and Contractor has agreed to accept such terms and conditions.

**WITNESSETH**, in consideration of the mutual covenants hereinafter set forth, the Parties agree as follows:

**I. Statement of Services to be Performed.**

A. Scope of Work. The Contractor shall provide services for the GDOE, as described in IFB 028-2021 and in the Contractor’s Bid attached herein as **Exhibit 2**. Specified dates for performance of tasks may be amended by written agreement between GDOE and Contractor’s authorized representative. Contractor recognizes that failure to perform any services required under this Agreement per the terms and conditions herein constitutes a material breach of this Agreement.

B. Contractor Provisions of Resources. Contractor agrees to furnish all qualified personnel, facilities, tools, equipment, materials and transportation to perform the services and work provided for in this Agreement. Contractor represents that it and its employees possess the professional and technical expertise necessary to perform the services



21-0264


Agreement between GDOE and TELLEGUAM HOLDINGS, LLC DBA GTA for services pursuant to IFB 028-2021

IN WITNESS WHEREOF, the Parties have executed this Agreement on the day and year appearing below their respective signatures.

**GUAM DEPARTMENT OF EDUCATION:**

**TELEGUAM HOLDINGS, LLC DBA  
GTA:**


  
\_\_\_\_\_  
**ION J. P. HERNANDEZ**  
Superintendent of Education

  
\_\_\_\_\_  
By: **Joseph R. Shinochara**  
Its: **Chief Financial Officer**

Date: 7/6/2021

Date: 06/11/2021

**GUAM DEPARTMENT OF EDUCATION:**

  
\_\_\_\_\_  
**JAMES L.G. STAKE**  
Legal Counsel  
Date: 06/30/21

**CERTIFIED FUNDS AVAILABLE:**

  
\_\_\_\_\_  
**CERTIFYING OFFICER**  
Department of Education

Date: JUNE 15, 2021

AMOUNT: \$470,652.48

**REVIEWED BY:**

  
\_\_\_\_\_  
**CARMEN T. CHARFAUROS**  
Supply Management Administrator

Date: 6/15/2021

**APPROVED AS TO FORM AND LEGALITY: APPROVED:**

  
\_\_\_\_\_  
**LEEVIN T. CAMACHO**  
Attorney General of Guam

  
\_\_\_\_\_  
**LOURDES LEON GUERRERO**  
**ACTING** Governor of Guam, **JOSHUA F. TENORIO**

Date: 20/01/21

Date: 7/26/21

DOE 21-0264

RECEIVED  
07-09-21  
OFFICE OF THE ATTORNEY GENERAL  
SOLICITORS DIVISION