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34GL-18-2595

NOV 26 2018

November 21, 2018

Time: 11:24

Received by: Cl Hamilton

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MEMORANDUM

To: Governor of Guam

From: Chief Procurement Officer, General Services Agency

SUBJECT: Request for Emergency Procurement for the Telecommunication Services for the Government of Guam

On May 14, 2018, the Supreme Court of Guam issued its decision on the TeleGuam LLC v. Guam (2018 Guam 5) upholding part of and reversing part of the Office of Public Accountability (OPA) determination as to the award of communication services that the government put out in 2010. Since the initial appeal to the OPA, the government has been prevented from moving forward with the award of the bid. During this time period, the parties have entered into an agreement to stay any action until a judgement has been rendered by the court on May 14th, a decision was rendered addressing all of the issues raised in the lower courts. The decision of the court does not give the government adequate time to award and implement fully the contract award.

However, a bidder has filed an appeal with the OPA to which no further action can be taken.

As such, the government must continue telecommunications without a delay or interruption to ensure the public safety, health and welfare. We are requesting for a ninety (90) day emergency on a month to month basis until a decision is rendered by the OPA.

The procurement of these services through an Emergency Procurement under 5 G.C.A. §5215 is necessary in order to avert a threat to the health, welfare and safety of our government and the community as a while.

Based upon the facts 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.

CLAUDIA S. ACFALLE
Chief Procurement Officer

APPROVED

EDDIE BAZA CALVO, Date
Governor of Guam

2595