

# GUAM MEDICAL REFERRAL SERVICE

16 December 2018

VIA FACSIMILE TRANSMISSION: 475-4217, 1727 and HAND DELIVERY

Chief Procurement Officer  
General Services Agency  
ITC Bldg., Ste. 219  
Tamuning, Guam 96915

**A Protest; GSA Bid No. GSA/ RFP-20-0240-001**

Sir or Madam,

This is a Protest in regard to GSA Bid No. GSA/ RFP-20-0240-001, a solicitation for Medical Referral Assistance in Los Angeles, California and Honolulu, Hawaii. This protest is submitted by a potential proposer.

Your potential proposer submitted a list of questions concerning this Request for Proposals on or about 25 November 2019. To date the General Services Agency has not responded to those questions. Accordingly, Guam Medical Referral Service protests the solicitation as not in accordance with law, therefore illegal and invites a proposer to enter an illegal, non-binding contract. *Compare GSA Bid No. GSA/ RFP-20-0240-001 and 5 Guam Code Ann. §11.101-11.103.*

The Agency states that “the Scope of Services may be modified and refined during the coordination and negotiation meetings.” *See RFP at p.2.* This provision renders vague the entire solicitation and invites an illegal, cardinal change to the solicitation. Accordingly, Guam Medical Referral Service protests the inclusion of this specification.

Please note that pursuant to 2 Guam Admin R. & Reg 9101(e) this procurement is stayed pending resolution of this protest.

Sincerely,

  
Thomas J. Fisher  
Guam Medical Referral Service  
Suite 102 De la Corte Bldg.  
167 E. Marine Corps Dr.  
Hagåtña, GU 96910

# GUAM MEDICAL REFERRAL SERVICE

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25 November 2019

VIA FACSIMILE TRANSMISSION: 472-4217/ 1727

## ACKNOWLEDGEMENT COPY

RECEIVE BY Anita Cruz

DATE 11-25-19

General Services Agency  
590 S. Marine Corps Dr.  
ITC Bldg., Ste 219  
Tamuning, Guam 96912

In re GSA Bid No. RFP 20-0240-001

Sir or Madam,

1. Regarding the above referenced solicitation, please confirm that the bid consists of fifty-eight (58) pages and no more, excluding amendments.
2. Must an offeror be a "not for profit" entity at time of submission of a proposal or when noticed to proceed under a negotiated contract?
3. Although public law specifically requires a proposer to create and use a "voucher type system" to provide direct services to residents seeking off-island care, your Request for Proposals does not. Please explain this anomaly.
4. If the GSA deems a "voucher type system" to be a part of the proposal and subsequent contract, what does the GSA deem a "voucher type system" to be?
5. The Request for Proposal requires a provider to "coordinate transportation" but does not require the provider to provide the transportation. Does the GSA agree with this conclusion?
6. In regard to the Los Angeles, California Area, what is the geographic scope of the service area? Does it include the county of Los Angeles and surrounding counties or merely the City of Los Angeles?
7. What is the Los Angeles, California area?
8. From which point within the Los Angeles area is a "seven (7) mile radius" calculated?
9. In regard to the Honolulu, Hawaii area, what is the geographic scope of the service area? Does it include all of Oahu or merely the City of Honolulu?
10. What is the Honolulu, Hawaii area?

11. From which point within the Honolulu, Hawaii area is a “seven (7) mile radius” calculated?
12. In regard to the Manila, Philippines area, what is the geographic scope of the service area? Does it include all of the National Capital Region or merely the city of Manila.?
13. What is the Manila, Philippines area?
14. From which point within the Honolulu, Hawaii area is a “seven (7) mile radius” calculated?
15. The Request for Proposal’s Compensation scheme is contrary to law. *Compare section III, Compensation, RFP p. 27 and 5 Guam Code Ann. §11.101-3.* Will the GSA be amending the RFP to reflect current law?
16. Your distributed Request for proposals contains no page 38, will the GSA be amending the RFP?

Sincerely,



Thomas J. Fisher  
Guam Medical Referral Service



**EDWARD M. BIRN**  
*Director (Direktot)*

**EDITH C. PANGELINAN**  
*Deputy Director (Sigundo Direktot)*

**DEPARTMENT OF  
ADMINISTRATION**  
DIPATTAMENTON ATMENESTRASION

GENERAL SERVICES AGENCY  
*(Ahensian Setbision Hinirat)*

Telephone (Telifon): (671) 475-1707/1729 • Fax (Faks): (671) 472-4217/1727



**LOURDES A. LEON GUERRERO**  
*Governor (Maga'håga)*

**JOSHUA F. TENORIO**  
*Lt. Governor (Sigundo Maga'låhi)*

December 23, 2019

Memorandum

Mr. Thomas J. Fisher  
Guam Medical Referral Service  
Suite 102 De la Corte Building  
167 E. Marine Corps Dr.  
Hagatna, Guam 96910

We are in receipt of your protest dated December 15, 2019, in which you protested the Request for Proposal 20-040-001 for Medical Referral Assistance in Los Angeles, California, and Honolulu, Hawaii. Your protest consists of two parts:

First, you are protesting the failure of the government to respond to your inquiries dated November 25, 2019.

GSA Response: These are the responses to your inquiry of November 25, 2019.

1. Does the bid package consist only of fifty-eight (58) pages?

GSA Response: Yes.

2. Must an offeror be a "not for profit entity at the time of submission or when noticed to proceed?"

GSA Response: At the time of submission.

3. The Request for Proposal does not indicate a "voucher type system" required by law to provide direct services to residents seeking off-island care. Please explain.

GSA Response: A voucher system that will be approved, will be discussed during negotiation.

4. What type of voucher system will be used?

GSA Response: The type of "voucher system" to be used will be discussed and approved during negotiations.

5. What is the intent of "coordinate transportation?"

GSA Response: The provider will be responsible for coordinating transportation, which may include transportation from the provider directly.

6. What is the geographic score of the service area for Los Angeles, California.

GSA Response: It is the "Seven (7) mile radius" from the Los Angeles International Airport.

7. What is the Los Angeles, California area?

GSA Response: See response to question 6 above.

8. From what point is the "seven (7) mile radius" calculated?

GSA Response: See response to question 6 above.

9. In regard to the Honolulu, Hawaii area, what is the geographic scope of the service area?  
GSA Response: The geographic scope is to be the seven (7) mile radius from the Honolulu International Airport.

10. What is the Honolulu, Hawaii area?

GSA Response: See response to question 9.

11. From what point is the seven (7) mile radius calculated?

GSA Response: See response to question 9.

12. In regards to Manila, Philippines, what is the geographic scope for the service area?

GSA Response: Seven (7) mile radius from the Manila Ninoy Aquino International Airport.

13. What is the Manila, Philippines area?

GSA Response: See response to question 12.

14. What is the seven (7) mile radius for Honolulu, Hawaii, calculated from?

GSA Response: See response to question 9.

15. The compensation stated in the RFP seems contrary to law.

GSA Response: This section will be modified. See amendment No.4

16. There was no page 38.

GSA Response: Page 38 was the acknowledgement receipt, to which you already submitted.

As to your second concern. You are protesting the statement on page 2 of the RFP that... " the scope of services may be modified or refined during the coordination and negotiation meeting" as being vague and as such, you are protesting the inclusion of this provision.

GSA Response: We have reviewed page 2 of the RFP and find no language to the effect of what you are stating. However, on page 5 in Section XIII(B) 2<sup>nd</sup> paragraph, negotiation is stated to be

"The best qualified (highest ranked) Offeror will be selected to enter into negotiations with the MRAO. If an agreement can be reached as to reasonable fees, an Agreement will then be prepared for signatures by both parties."

This language is consistent with the intent of 5 GCA Section 5216(e).

Therefore, your protest is determined to be approved in part and denied in part. You have the right to seek any administrative or judicial review authorized by law.

*Rose H. for 12/25/12*

CLAUDIA S. ACFALLE  
Chief Procurement Officer

Please Print	
ACKNOWLEDGEMENT COPY (Re-fax to GSA)	
Received By:	_____
Date:	_____
Company Name:	_____
Fax to: 475-1727 or 472-4217 E-mail to: <a href="mailto:gsaprocurement@gsadoa.guam.gov">gsaprocurement@gsadoa.guam.gov</a>	