



DEPARTMENT OF ADMINISTRATION

DEPARTAMENTON ATMENESTRASION
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CLAUDIA S. ACFALLE, CHIEF PROCUREMENT OFFICER

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DEPUTY DIRECTOR

March 23, 2021

Memorandum

Mr. Joe Slomka, President
Allstar business Systems dba Guam Copier
720 South Marine Corps Drive
Tamuning, Guam 96913

We are in receipt of your protest dated March 10, 2021, in which you are protesting the specification in GSA bid 011-21 "A 60 month lease agreement for Multifunction Color Copier/Printer/Scanner/Fax. Your protest is based on the following issues:

Issues: The Maximum paper size specification of 12"x19" is uncommon and restrictive request, discouraging participation from companies and discourages maximum competition.

You state that under 5 GCA Section 5268 (Salient Features) the code states that:

§ 5268. Salient Features. (a) Specifications shall not include requirements, such as but not limited to restrictive dimensions, weights or materials, which unnecessarily restrict competition, and shall include only the essential physical characteristics and functions required to meet the Territory's minimum needs. (b) Purchase descriptions shall not specify a product having features which are peculiar to the products of one manufacturer, producer or distributor unless it has been determined in writing by the Director of the using agency that those particular features are essential to its requirements and specifying the reason that similar products lacking those features would not meet minimum requirements for the item. (c) Purchase descriptions shall describe the salient technical requirements or desired performance characteristics of supplies or services to be procured without including restrictions which do not significantly affect the technical requirements or performance characteristics.

Further, you indicate that the request for this size disregard of maximum practical competition as stated in 5 GCA Section 5265 and 5 GCA Section 5008:

§ 5265. Maximum Practicable Competition. All specifications shall seek to promote overall economy for the purposes intended and encourage competition in satisfying the Territory's needs, and shall not be unduly restrictive.

§ 5008. Policy In Favor of Local Procurement. (e) The specifications, terms, conditions and qualifications for all solicitations shall be drafted to promote participation in the solicitation by local bidders and offerors to the maximum extent practicable consistent with the needs of Guam.

You indicate that upon these sections, the use by the Department of Land Management of 12' x 19" specification for copier is inappropriate.

The paper size of 12"x19" is provided for the previous large plotter/scanner within the Department. However, the plotter/scanner is no longer functioning and this specific function can be done through a copier. This size is for maps, plats, spread sheets, survey and GIS overlays and other types of copies needed in the survey division of the department, and not for general use, such as administrative staff. Further, as you stated in your protest letter, Guam Copier machines exceed these specifications, your protest is over your perceived view that that specifications are overly

restrictive and limits competition. Since you admitted that you can provide copiers which do meet the specifications, the rules do not state that the specifications must be tailored to allow all competition in, only that it not be unduly restrictive. Therefore, the specification is not overly restrictive.

Based upon the above, your protest is DENIED. You have the right to seek any administrative or judicial review authorized by law.

Robert H. K... 3/24/11
CLAUDIA S. ACFALLE
Chief Procurement Officer

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| Please Print | |
| ACKNOWLEDGEMENT COPY (Re-fax to GSA) | |
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| Date: | _____ |
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