

PDS appeals termination of telecommunications contract

By Jasmine Stole
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Variety News Staff

PACIFIC Data Systems Inc. (PDS) has filed an appeal with the Office of Public Accountability after the General Services Agency fired the company for a breach of contract.

According to documents filed with the OPA, PDS was awarded the bid to install telecommunication services to government agencies including the Guam Fire Department and the Department of Public Health and Social Services. During the delivery of those services, Teleguam Holdings LLC GTA filed a motion alleging contempt of court against PDS and GSA related to the services.

PDS wrote in its appeal that "it was decided by PDS and GSA that during the pendency of this motion, all work on the installation of the new voice services should be suspended."

The bid specified that the services be completed within 150 days after PDS received the purchase order.

The appellant, PDS, stated that on April 22, the company provided an update to GSA regarding the status of the installations for the voice services and requested GSA confirm a revised schedule of service installation. GSA had yet to reply to the request, the appellant wrote.

A month later, on May 30, GSA issued default notices to PDS regarding the telecommunications services and last month, on June 10, PDS was

sent a termination memorandum. "The GSA memo stated that the PDS services were being terminated based on PDS's failure to timely deliver the voice services specified under these (purchase orders)," appeal documents said.

The next day, PDS requested that GSA reconsider the termination in a letter to the agency, including notification justifying its position that PDS had not failed to meet the deadline. Instead, PDS wrote that the deadline for delivery of the services had not lapsed because of previous excusable delays, including the motion filed by GTA regarding the services.

PDS wrote that the termination of the company's services by GSA was "invalid, without justification and an illegal act."

"The facts show that PDS was complying with the terms of the procurement related to the delivery of the voice services covered by these GSA purchase orders," documents state. "Rather than being late, PDS was actually ahead of the delivery timeline under the allowed procurement."

GSA acting Chief Procurement Officer Robert Kono sent a memo to the OPA in connection with the appeals filed by PDS on June 25. Kono wrote that an upfront hearing with the hearing office would be valuable in resolving the issue.

The OPA responded and a status hearing is scheduled for Wednesday, July 9 before the hearing office.

First Ninth Circuit Court hearing on Guam set

Class-action voting discrimination appeal to be heard

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FOR the first time, the United States Ninth Circuit Court of Appeals will hear oral arguments on Guam in August and the historic event will be open to the public.

Chief Judge Frances Tydingco-Gatewood, of the District Court of Guam, announced that on Aug. 27 at 10 a.m., the Ninth Circuit judges will hear arguments on one criminal and two civil cases in the fourth-floor courtroom of the District Court of Guam courthouse.

According to the Tydingco-Gatewood, no hearings of the Court of Appeals have ever been conducted on Guam.

The proceeding will be streamed on the Internet for viewing by the public and media will be allowed to record, broadcast and take still photographs provided they will file an application beforehand.

The cases that will be heard are:

► **USA v. Melvin Diaz** — Melvin Diaz is appealing his jury conviction and sentence for allegedly traveling from Guam to Rota in 2010 with intent to engage in sexual activity with a 14-year-old minor.

► **Arnold Davis v. Guam** — Arnold "Dave" Davis on behalf of himself and all others similarly situated, is appealing the District Court's dismissal of his action alleging discrimination in the voting process by Guam



Arnold "Dave" Davis on behalf of himself and all others similarly situated, is appealing the District Court's dismissal of his action alleging discrimination in the voting process by Guam and by Guam officials in violation of the Voting Rights Act of 1965. Variety file photo

and by Guam officials in violation of the Voting Rights Act of 1965. The case is filed in relation to the proposed Guam political-status plebiscite, which he contends is open to Chamorros only; and

► **Guam Industrial Services v. Zurich American Insurance Co.** — Guam Industrial Services Inc., which does business as Guam Shipyard, is appealing the District Court's judgment in favor of Zurich American Insurance Co. and Starr Indemnity

and Liability Co. in Guam Shipyard's insurance coverage action arising from the sinking of a drydock it owned. The shipyard case stemmed from the sinking of its drydock on Jan. 2, 2011 at the height of a high surf advisory issued by the National Weather Service.

Tydingco-Gatewood had ruled in favor of the insurance companies after the court concluded

that Guam Shipyard breached the insurance policy by failing to get the drydock certified by the U.S. Navy. The company is trying to collect \$646,643 from its insurer.

According to the Ninth Circuit Court calendar, each side will be given 15 minutes to present their arguments during the proceedings.

The court, however, did not disclose which circuit judges will be coming to hear the historic court proceedings.

GUAM WATERWORKS AUTHORITY

578 North Marine Corp Drive • Tumon, Guam 96931

(This Ad paid by the Guam Waterworks Authority)

INVITATION TO BID IFB-06-ENG-2014

The GUAM WATERWORKS AUTHORITY will receive sealed bids for the **W13-002-BND, PW05-11 DEEP WELL CHLORINE ANALYZER**. Bids will be accepted until **3:00 pm** Chamorro Standard Time, **August 15, 2014** at the GWA Engineering Conference Room, DNA Building, Suite 502, 238 Archbishop Flores Street, Hagatna, GU 96910 at which time and place all bids will be publicly opened and read aloud. The contract time for the project is **365** calendar days. All Bids must be accompanied by a Bid Bond in the amount of fifteen percent (15%) of the total bid amount. Bid security may be in the form of a bid bond, certified check or cashiers check made payable to Guam Waterworks Authority. A non-refundable amount of fifty dollars (\$50.00) is required for the purchase price of every set of bidding documents which are available at the Engineering Division on or after **July 7, 2014**.

The right is reserved to reject any or all proposals and to waive any imperfection in the bid proposal in the interest of the Guam Waterworks Authority.

A Pre-Bid conference has been scheduled at **10:00 a.m. on July 22, 2014** in the Engineering Conference Room. All bidders are requested to be present. All questions or clarifications must be submitted in writing on or before the pre-bid conference date. Bids and amendments will be available on GWA's website for downloading. Vendors should also routinely check for updates on the website as well as for e-mails from GWA notifying vendors about changes in bid status or providing responses to queries.

/S/ **THOMAS F. CRUZ, P.E.**
Acting General Manager



Mina'trentai Dos na Liheslaturan Guahan
32nd GUAM LEGISLATURE
Senator Vicente (ben) Cabrera Pangolinan
Committee on Appropriations, Public Debt,
Legal Affairs, Retirement, Public Parks, Recreation,
Historic Preservation, and Land

NEKUNGOK PUPBLEKO (PUBLIC HEARING)

gi Metkoles, gi diha 9 gi Hulo, 2014
Wednesday, July 9, 2014

Kuáttón Inekungok Pupbleko gi Liheslaturan Guahan
(Guam Legislature Public Hearing Room)

TAREHA (AGENDA)

alas nuebi gi egga'an
(9:00AM)

Para Komitmasion: (Confirmation Hearing)

Confirmation Hearing for Appointees to the Guam Historic Preservation Review Board:

Richard K. Olmo, Archaeologist Representative
Joaquin P. Perez, Planning Representative Alternate
Pále Eric Forbes, History Representative
Michael W. Makio, Architect Representative
Rebecca A.R. Duenas, Chamorro Culture Representative Alternate

Xanggen un nikitá espesial na setebison, put fabot jipang i Liheslaturan Vicente (ben) Cabrera Pangolinan gi 473-4236/7. Xanggen un nikitá kopan i prinipiori siha ginen este na tarem, halom gi i sepalet i Liheslaturan Guahan gi www.guamlegislature.com xanggen para un na halom, testigo rinu, chela para i rifinan maná gi 324 West "Voladad Avenue" gi iya Hagatna, put kuáttón gi Kuáttón Katta gi i Liheslaturan, put fako gi 473-4738, partison ungi gi office@guamlegislature.com Lise na niritse hasapi na i frendes gubernamanto.

If you require any special accommodations, auxiliary aids or other special services or for further information, please call the Office of Senator Vicente (ben) Cabrera Pangolinan at 473-4236/7. For copies of any of the Bills listed on this agenda, you may log on to the Guam Legislature's website at www.guamlegislature.com. Testimonies may be submitted directly to our office at 124 West "Voladad Avenue" in Hagatna or at the Mail Room of the Guam Legislature, via fax at 473-4238, or via email at office@guamlegislature.com.

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Remarks of Former Senator and now Businessman Paul J. Bordallo, presented as panelist organized by the Guam Humanities Council at the University of Guam Lecture Hall on December 7, 2005, subject: Guam and the Organic Act in the 21st Century.

Good evening, Ladies and Gentlemen. My name is Paul Bordallo, and I am a member of the Chamorro Nation. When I say "Chamorro Nation", I mean not only as a political entity, but as a historical, social, and cultural one as well. For, as a nation of unique people, we inherit and bear witness in common to a long and proud history, traditions, and institutions. We may not always articulately express these qualities, but even those who have lived and struggled alongside my fellow Chamorros can attest to their presence and their influence in Guam today.

I am also a proud American, one whose father lobbied Congress in 1937 for the citizenship we all enjoy. In fact, from the time I was a child, my parents taught us the English language, anticipating our eventual inclusion into the American Empire. I was a young man when the Organic Act was passed, and I was enjoying the fruits of that elevated status by studying at the most prestigious universities in the mainland. Since that time I have seen my children and the children of my siblings grow and prosper in ways our parents could scarcely have imagined. Today, no one can deny that the Bordallo family has reaped the benefits of American citizenship.

However, as I understand it, to be a true American and a true Chamorro, we must speak honestly about the Organic Act. We must speak to its original intentions and the times in which it was crafted. We must speak about those in the past who attempted to abuse it, but also those who strove to uphold it. For, as I felt at the time and as I do today, the Act is merely a stepping stone on the way to a greater, self-determined status for Guam. For me and many others, the Act is not the terminus of U.S./Chamorro relations, but rather the departure point:

I would like to share with you why I believe more firmly in the "Organic"-ness of the Act and what is at stake for Guam: We stand at the doorstep of a new century poised between two stars- one which has reached its zenith, and the other which is quickly rising. Of course, I speak of the Americas and Asia. These two economies are so interlocked and are so great in size that the world's wealth—natural resources, people, information- basically, anything of value or importance flows into or out of these two economies in one way or another. As we speak Chinese entrepreneurs are setting up factories in Shenzhen, and their Chinese-American cousins are opening warehouses in San Gabriel Valley. Geographically, we are the closest American soil to the country which produces a majority of the consumer products sold in the U.S. But in order for us to inject ourselves into this raging torrent of trans-Pacific activity we must have a legal environment which helps and not hinders. Now, more than at any time in Guam's history, if our children are to thrive in this new world, we must reform the law to level the playing field.

If there is one idea which all of us can take away from this occasion, it is that the status of Guam to the United States and to the world at large is still an ongoing process. The people's voices still need to be heard by those in power who have an obligation to bring their mandate to fruition.

I humbly propose that the various groups on Guam embrace mutual understanding, tolerance, and trust in one another and as a united community, instruct the local political leadership to forward to Delegate Madeleine Bordallo the "Draft Commonwealth Act" for re-submission and hopefully, the enactment by the Congress of the United States.

ALMANAC

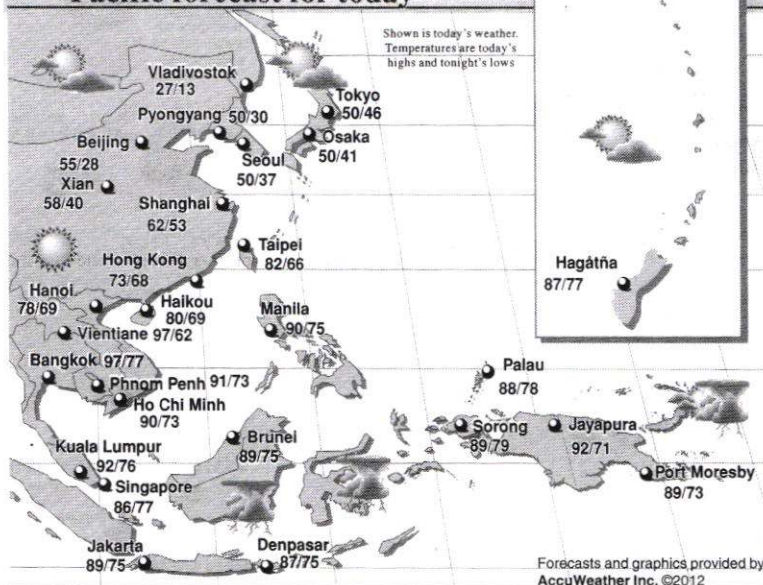
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5-Day forecast for Guam

AccuWeather.com

Today	UV Index today	Tonight	Thursday	Friday	Saturday	Sunday
	<p>0-2 Low, 3-5 Moderate, 6-7 High, 8-10 Very High, 11+ Extreme.</p> <p>The higher the AccuWeather UV Index™ number, the greater the need for eye and skin protection.</p> <p>Comfort Index™</p> <p>On a scale of 1-10, where 1 is least comfortable and 10 is most comfortable for this time of year.</p>					
High 87 Winds E 15-25		Low 77 Winds E 15-25	High 85, Low 77 Winds E 15-25	High 87, Low 75 Winds ESE 10-20	High 88, Low 76 Winds ENE 10-20	High 87, Low 75 Winds ENE 10-20

Pacific forecast for today



Satellite image from yesterday



Synopsis for Guam and Micronesia, 1 p.m. Feb. 21. Western north Pacific between equator and 25N from 130E to 180. A cold front extends southwestward from 25N180 to 20N160E then continues as a shear line across the far northern Marianas near Anatahan to 15N140E. The shear line finally curves northwestward to beyond 130E at 17N. Extensive cloudiness and patchy rain are found along and north of the cold front to beyond 25N. Cloudiness and scattered showers are present along and up to 300 miles north of the shear line. Trade-wind convergence is producing scattered showers and isolated thunderstorms near Koror but south of Yap between 3N and 8N from 130E to 140E. Scattered showers and a few thunderstorms are occurring well south of Guam within 75 miles of a line from 6N141E to 8N145E to 3N149E. A trade-wind disturbance is generating scattered showers and isolated thunderstorms over Kosrae and Pohnpei in an area bounded by a line from 4N151E to 8N160E to 5N166E to EQ159E to 1N151E back to 4N151E.

World cities

City	Today	Thursday	City	Today	Thursday
Amsterdam	49 45 c	52 46 c	Nassau	82 71 pc	83 71 pc
Baghdad	60 42 s	62 40 c	Paris	50 42 pc	54 47 sh
Berlin	46 39 c	48 43 sh	Rio de Janeiro	92 75 s	90 74 t
Bermuda	67 62 sh	71 65 sh	Riyadh	60 44 s	67 52 s
Copenhagen	44 42 sh	47 40 s	Rome	60 39 s	61 41 pc
Jerusalem	59 46 pc	61 47 s	Sydney	78 67 sh	77 68 pc
Kuwait	64 47 s	64 48 c	Tel Aviv	68 53 pc	69 51 pc
London	52 48 r	61 50 pc	Toronto	40 30 c	41 35 c
Madrid	57 37 s	62 39 s	Vienna	47 35 pc	51 43 c
Mexico City	77 48 s	78 45 pc	Warsaw	38 34 r	42 30 sh
Moscow	28 18 sn	29 27 sn			

Micronesia

Islands	Today	Thursday	Islands	Today	Thursday
Bikini	86 79 s	86 79 pc	Palau	88 78 t	88 77 pc
Chuuk	82 76 r	83 75 r	Pohnpei	88 76 sh	87 77 r
Kiribati	85 77 s	85 77 sh	Rota	83 77 s	83 77 sh
Kosrae	87 79 r	87 80 pc	Saipan	85 76 s	85 77 r
Kwajalein	86 79 s	86 79 pc	Timian	87 77 pc	85 77 sh
Majuro	86 78 sh	85 78 r	Yap	90 78 s	87 76 r
Nauru	86 76 s	87 76 s			

Weather(W): s-sunny, pc-partly cloudy, c-cloudy, sh-showers, t-thunderstorms, F-rain, sf-snow flurries, sn-snow, i-ice.

Tides

Apra Harbor	Feb. 22	Feb. 23
First low	1:55 a.m. 0.1 ft.	2:31 a.m. 0.1 ft.
First high	8:26 a.m. 2.4 ft.	8:51 a.m. 2.4 ft.
Second low	2:21 p.m. 0.9 ft.	2:59 p.m. 0.7 ft.
Second high	7:49 p.m. 2.4 ft.	8:33 p.m. 2.3 ft.

Sunrise/set

Sunrise today	6:43 a.m.
Sunset today	6:27 p.m.
Sunrise tomorrow	6:42 a.m.
Sunset tomorrow	6:28 p.m.

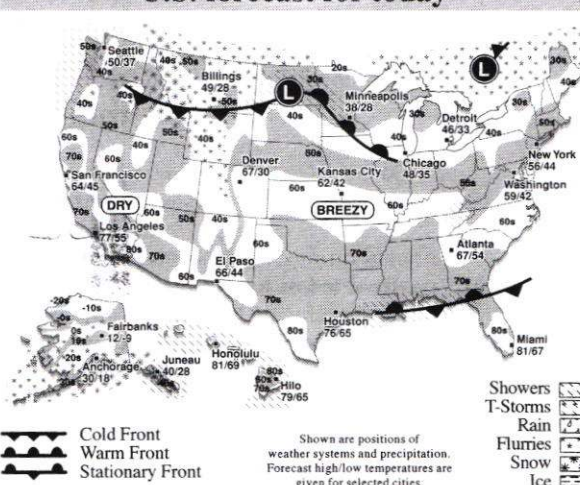
Rainfall

Yesterday	0.09"
Month to date	2.29"
Year to date	8.79"

Moon phases

New	First	Full	Last
Feb. 22	Mar. 1	Mar. 8	Mar. 15

U.S. forecast for today



Plebiscite trial set for April 2013

By Arvin Temkar

Pacific Daily News
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A trial for a lawsuit about the constitutionality of Guam's proposed Chamorro-only plebiscite has been set for April 2013.

District Court of Guam Judge Joaquin Manibusan set a bench trial date for April 22, 2013, yesterday in a conference with lawyers.

The lawsuit was brought by Arnold Davis, a non-Chamorro resident who was barred from joining a registry of native inhabitants.

Davis, who has lived on Guam since 1977, sued the Guam Election Commission in November, saying that the lawsuit is meant to affirm the right of every U.S. citizen on Guam to vote on the decolonization issue.

Guam law states that voters in a plebiscite will be allowed to voice their choice of one of three political status options — statehood, independence or free association with the United States. Eligible voters are those who can trace their roots back to residents living on the island

at the time of the passage of the Organic Act in 1950 who were made citizens by the federal law.

Motion to dismiss

Davis argues that the Chamorro-only vote is unconstitutional. But the Office of the Attorney General of Guam has filed a motion to dismiss Davis' suit, arguing the plebiscite will not have the effect,

immediate or otherwise, of actually altering Guam's future political status with the United States.

The Center for Individual Rights, a nonprofit and civil rights advocate group based in Washington, D.C., and the Election Law Center in Alexandria, Va., are representing Davis in the case. Davis' counsel has filed a motion opposing the motion to dismiss, said Mun Su Park, a local lawyer working on Davis' behalf.

Local officials have said they hope to hold the plebiscite in 2014.

LOCAL NEWS

Parts of Tamuning to lose power tomorrow

Guam Power Authority customers in parts of Tamuning should prepare for a six-hour outage tomorrow from 8 a.m. to 2 p.m. A GPA press release stated that the areas affected include: Metro Bank, Table 35, Sunny Plaza, Sunny Cash and Carry, Bank of Hawaii, Century 21, Plaza Market, Fred Locksmith, Rainbow Apt., and customers in these areas. GPA crews will be replacing old wooden poles and transferring power lines to the newer poles. For more information, call 632-4298.

Pacific Daily News