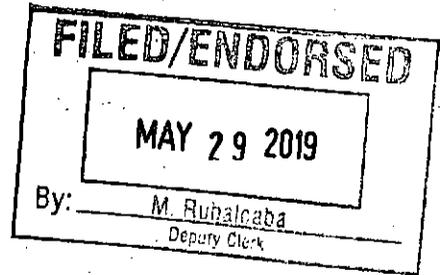


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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF SACRAMENTO

13 **AT&T CORP.,**

Petitioner,

15 v.

17 **CALIFORNIA GOVERNOR'S OFFICE OF
EMERGENCY SERVICES,**

Respondent.

Case No. 34-2019-80003146

[Assigned to the Honorable James P.
Arguelles—Department 17]

**DECLARATION OF TIFFANY ANGULO
IN SUPPORT OF OPPOSITION TO
PETITIONER'S EX PARTE
APPLICATION FOR TEMPORARY
RESTRAINING ORDER AND ORDER
TO SHOW CAUSE RE PRELIMINARY
INJUNCTION**

Date: June 3, 2019
Time: 1:30 p.m.
Dept: 17
Judge: Hon. James P. Arguelles
Trial Date: None
Action Filed: May 16, 2019

1 I, Tiffany Angulo, declare as follows:

2 1. All of the facts set forth below are of my personal knowledge, except those based on
3 information and belief, and if called upon to testify, I could and would competently testify
4 thereto. I make this declaration in support of California Governor's Office of Emergency
5 Services' (Cal OES) opposition to AT&T Corp.'s (AT&T) ex parte application for a temporary
6 restraining order and order to show cause.

7 2. I am the Assistant Deputy Director of the California Department of Technology,
8 Office of Statewide Project Delivery, Statewide Technology Procurement (CDT). Pursuant to the
9 procurement oversight authority granted by Government Code section 11546, I provide
10 procurement oversight, guidance, supervision and/or conduct acquisitions related to non-
11 delegated IT projects and all telecommunications goods and services on behalf of program
12 departments.

13 3. CDT released the Next Generation 9-1-1 (NG 9-1-1) procurement on behalf of Cal
14 OES. The solicitation was released under Public Contract Code section 6611 to obtain a value
15 effective solution through negotiation with qualified bidders.

16 4. CDT's standard practice for telecommunications procurements is to require the
17 bidders to provide: (i) public pricing information and (ii) a cost workbook that is submitted
18 confidentially as part of the final bid.

19 5. CDT also requires that all bidders have the requisite certifications and qualifications,
20 including filing tariffs, prior to negotiations, as determined by the procuring department.

21 6. Public pricing information may include service catalogs, contracts with other state or
22 federal agencies, and in case of regulated services, and any state or federal published tariffs.

23 7. To ensure that bidders retain their competitive advantage through the procurement
24 process, CDT also requires bidders to submit a confidential cost workbook. The confidential cost
25 workbook may contain pricing for services not listed in the tariffs, or lower cost for services
26 published in the tariffs.

27 8. Public pricing information is critical to establishing a baseline for the pricing of
28 various services being solicited. The final price for the services being solicited is based on a

1 combination of the public pricing information, the confidential cost workbook and negotiations
2 between the state and the bidders, to ensure that the department obtains best value on behalf of
3 the residents of the state.

4 9. CDT applied the standard competitive bidding requirements to the NG 9-1-1
5 solicitation as it requires for other similar telecommunications solicitations.

6 10. AT&T complied with a similar requirement to provide public pricing information
7 such as tariffs, prior to negotiations, **without protest or objections**, in two recent Invitation for
8 Bids (IFBs) released by the California Department of Technology, California Network and
9 Telecommunications (CALNET) Program.

10 a. The IFB for Cellular Voice and Data (IFB C4CVD18) released on September
11 28, 2018, required all bidders to provide a “published catalog” such as “any
12 active Contract or state and/or federal published tariffs”. As with the NG 9-1-1
13 RFP, the Cellular Voice and Data IFB also required the bidders to submit cost
14 worksheets along with the published price catalogs as part of the Final Bid. The
15 failure to attach a published price catalog would result in a score of zero for the
16 list service items. AT&T complied with the IFB requirement that the “catalog
17 pricing document must also be publicly available, i.e., dated and published”.

18 AT&T complied with the IFB requirements without protest or objections.

19 b. The IFB for and Legacy Voice and Data Services released on March 15, 2018,
20 also required all bidders to provide a “published catalog” such as “any active
21 Contract or state and/or federal published tariffs”, along with a confidential cost
22 workbook. AT&T also complied with the IFB requirement that the “catalog
23 pricing document must also be publicly available, i.e., dated and published”.

24 11. The NG 9-1-1 procurement follows the standard competitive bidding requirements
25 with regard to the cost component of the bid, i.e. mandatory submission of a publicly filed pricing
26 information / tariffs, and confidential cost workbook. Apart from the tariffs that are required to be
27 filed with the CPUC, all other information submitted with the final bid such as the bidder’s
28 technical solution and cost workbook will remain confidential until notification of contract award.

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12. Through the negotiation process outlined in the NG 9-1-1 solicitation, bidders will be permitted to negotiate with the state all the technical requirements, and any not to exceed (NTE) cost elements prior to contract award.

13. AT&T has participated in several procurements notably the CALNET 2 and CALNET 3 contracts, which required public pricing information to be submitted with the bids, prior to contract award. AT&T has participated in these procurements without protesting the requirement to publicly disclose the pricing information. AT&T's pricing information is already publicly available from various sources such as service catalogs, federal and state contracts and mandated tariffs filed with the CPUC. The NG 9-1-1 tariff filing requirement is consistent with the standard competitive bidding requirements which AT&T has willingly complied with in other solicitations.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 28, 2019, at Rancho Cordova, California.



Tiffany Angulo

DECLARATION OF SERVICE BY E-MAIL and OVERNIGHT COURIER

Case Name: **AT&T Corp. v. California Governor's Office of Emergency Services
[AT&T Bid Protest]**
No.: **34-2019-80003146**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is: 1300 I Street, Suite 125, P.O. Box 944255, Sacramento, CA 94244-2550. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for overnight mail with the **GOLDEN STATE OVERNIGHT COURIER SERVICE**. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the overnight courier that same day in the ordinary course of business.

On May 29, 2019, I served the attached **DECLARATION OF TIFFANY ANGULO IN SUPPORT OF OPPOSITION TO PETITIONER'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE RE: PRELIMINARY INJUNCTION** by transmitting a true copy via electronic mail. In addition, I placed a true copy thereof enclosed in a sealed envelope, in the internal mail system of the Office of the Attorney General, for overnight delivery, addressed as follows:

Nathaniel Wood
Crowell & Moring LLP
515 S. Flower St., 40th Flr.
Los Angeles, CA 90071-2258
E-mail Address: nwood@crowell.com

David Ginsberg
Crowell & Moring LLP
515 S. Flower St., 40th Flr.
Los Angeles, CA 90071-2258
E-mail Address: dginsberg@crowell.com

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on May 29, 2019, at Sacramento, California.

Tracie L. Campbell

Declarant

Tracie Campbell

Signature