

Comments on ASTCA Contracts

Updated: August 29, 2012

Review of the original contract between ASTCA and Pagopago, Inc., executed on September 14, 2001, for the production of telephone directories for the years 2002 - 2005.

This contract was for the directory years 2002, 2003, 2004, and 2005. We had already published the directory for 2001.

The contract we were operating under for the 2001 directory was entered into on December 20, 2000. I don't have a copy of that contract, but I am quite certain it was a one-year contract containing the same provisions as the 9/14/2001 contract.

2. Responsibilities of Contractor

This section contains a provision for a \$100/day penalty for late completion of the directories. No penalties were ever assessed due to the fact that the contractor was never at fault when there were delays.

There have been several addendums and other agreements written and/or verbal wherein completion dates were extended. These agreements to extend deadlines were at the request of the contractor due to the fact that listings and other content were not received from ASTCA in a timely manner.

3. Responsibilities of ASTCA

Notices to Proceed have not been issued in any regular or timely manner during the entire contract period and they have not been agreed upon by the Contractor. One notice to proceed was issued far too early in relation to the publishing date of the previous directory and the Contractor objected to this stating advertiser resistance to such an early publishing date of a subsequent directory. I do not believe the notice to proceed was amended and I do not believe there was any future agreement relative to the publishing date for the next directory.

Preliminary drafts have never been received within the specified time and none have ever been 95% accurate. Many times Contractor brought attention to errors, omissions, duplicate listings, and outdated information. Remedies for these problems either took many weeks or were simply ignored by ASTCA.

This section also specifies that "listings must be formatted as they are to appear in each Telephone Directory". The contractor built a template for this purpose and provided training on how to use the template. Although the Contractor was asked to provide "support" on many occasions, the template and formatting were managed within acceptable tolerances during this entire contract. This is important because there has been no attempt to properly format listings since JD Hall has been managing the listings.

9. Termination

There has never been any suggestion, threat or notice of Termination for Cause or Termination for Default issued to the Contractor by ASTCA. The Executive Director has absolute discretion on these matters and has never voiced or written any objection relative to performance or delay. There has never been cause for any such concern because all delays have been entirely the fault of ASTCA. There have been delays due to our failure to meet the appointment dates as we pre-arranged with the printer and those failures have always been due to delays by ASTCA either in preparation of listings or in proofing and return of final proofs by ASTCA.

Attachment A

Scope of Work

II. Other Than Printed Form

Electronic Media

The Contractor did produce very attractive CDs, complete with professional quality labels and CD covers. ASTCA representatives refused to sell or even offer them to customers. No further CDs were made after the 2001 directory.

Web Site

The directories have always been readily available in their entirety for viewing and/or download from www.pagopago.com. ASTCA never cooperated in creating www.directory.samoatelco.com and, in fact, www.samoatelco.com has been "under construction" for years and has never contained any useful directory information.

Three publishing delays resulted in one-year lost income for each delay.

The addendum titled First Addendum, wherein it is acknowledged that the 2003 directory preparation is so far behind schedule as to cause us to skip 2003 and instead produce a 2003-2004 edition of the directory is due entirely to ASTCA's failure to deliver listings in a timely manner. A similar situation occurred in 2006, causing the directory to be labeled 2006-2007. A request was made by the contractor to make the 2008 directory 2008-2009, but this request was denied in spite of the fact that the 2008 directory was not actually published until May of 2009. These delays were all caused by ASTCA's failure to deliver listings in a timely manner and/or other ASTCA failures.

The "General Information and World Codes" sections have always been delayed by several weeks after listings were complete.