

Jerrick Hernandez < jhernandez@guamopa.com>

Appeal Case No. OPA-PA-21-007

Scott T. Kadiasang <scott.kadiasang@gu.g4s.com>

Wed, Nov 10, 2021 at 4:25 PM

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Hafa Adai,

Please see attached regarding Appeal Case No. OPA-PA-21-007

A confirmation of receipt would be most appreciated.

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Thank you,

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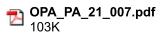
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GDOE filed motions to dismiss for failure to state a valid claim and lack of subject matter jurisdiction on the same day. G4S filed an opposition to GDOE's motions on November 3, 2021 and GDOE also filed its opposition to G4S's motion on the same day. G4S hereby replies to GDOE's opposition:

II. G4S MOTION FOR SUMMARY DECISION WAS FILED ON TIME AND SHALL NOT BE EXCLUDED

On October 12, 2021, the Public Auditor issued its order regarding the Motion Filing Deadline, and on October 25, 2021, the Public Auditor reiterated its orders in the Pre-Hearing Conference, specifically that the Motion Filing Deadline is October 27, 2021. G4S filed its Motion for Summary Decision to OPA on October 27, 2021. See Guam OPA website, Procurement Appeals, G4S Security Systems (Guam), Inc. vs. Department of Education Case No. OPA-PA-21-007, Motion for Summary Judgement - October 27, 2021.

https://gwosa2.opaguam.org opa-pa-21-007 motion for summary judgement.pdf Since G4S filed its motion in accordance to the deadline as required by OPA, G4S's motion shall not be excluded for consideration.

III. G4S MOTION IS WITH MERIT BECAUSE THERE IS PRECEDENT FOR OPA TO REVIEW WHETHER A BID MUST BE REJECTED AS NON-RESPONSIVE FOR FAILING TO SUBMIT A VALID CONTRACTOR'S LICENSE

In the APPEAL OF PACIFIC DATA SYSTEMS, INC. (PDS) vs. GENERAL SERVICES AGENCY (GSA), Docket No. OPA-PA 15-012 DECISION (January 13, 2016), PDS protested that G4S must be rejected as non-responsive because G4S failed to submit a valid contractor's license required to meet the bid terms and conditions for the Guam law for the type of work defined in this procurement. *See* OPA-PA 15-012 DECISION page 1. In the DECISION, OPA analyzed whether G4S lacked the required C68 and C17 Guam contractor licenses to meet the IFB's terms and conditions. *See* OPA-PA 15-012 DECISION page 7. It finally turned out that G4S held with the C68 and C17 licenses and can comply with the IFB's requirements so that the OPA denied PDS's appeal and also denied GSA's motion. Evidence by the same token in this current appeal, TFT's lack of the Guam contractor license C68 is a key issue for the Public Auditor to review whether GDOE properly evaluated and award the IFB.

IV. CONCLUSION

BASED ON THE FOREGOING, G4S respectfully requests that the Public Auditor to deny GDOE's motions and support G4S's appeal.

RESPECTFULLY SUBMITTED ON 8th of November, 2021.



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IN THE APPEAL OF G4S SECURITY SYSTEMS (GUAM) INC.
APPEAL CASE NO. OPA-PA-21-007
G4S REPLY TO GDOE'S OPPOSITION TO G4S MOTION FOR SUMMARY DECISION