

1. Pacific Data Systems (PDS) was aware of its argument that G4S did not submit a contractor's license with its bid package at least on July 28, 2015 when GSA responded to PDS's FOIA Request with a copy of G4S's bid submission.
2. In its protest letter hand-delivered to Claudia Acfalle, Chief Procurement Officer, General Services Agency, on September 17, 2015 Pacific Data Systems stated that "[o]n July 28, 2015 GSA provided PDS with a copy of the G4S bid in this procurement in response to PDS[']s Freedom of Information Act request." PDS's asserted basis for objecting to the award of the procurement to G4S was allegedly that

G4S did not include any evidence that G4S possessed the required contractor's License at the time of the bid in order to meet this requirement of the Bid Terms and Conditions. For this reason, the G4S bid cannot be considered for award and should be rejected as non-responsive.

PDS Protest Letter dated Sept. 17, 2015. *See*, PDS's Procurement Appeal, Ex. 1, pp. 1, 2.

3. Fourteen days from July 28, 2015 when G4S was provided a copy of G4S's bid package would have been August 11, 2014, which GSA the purchasing agency contends would have been the last date PDS could have submitted its protest.
4. PDS's protest was not submitted until September 17, 2015, over seven weeks or 50 days past the date PDS admits it was first on notice of facts necessary to state a basis for objecting to the award to G4S.
5. PDS's argument for not submitting its objection to G4S's submission as non-responsive within 14 days of becoming aware that there may be an issue with respect to G4S having a proper contractor's license was that it was not until the award was made that the 14 days began to run.
6. Nothing in the Invitation for Bid required that proof of licensure had to have been submitted contemporaneously with the bid. Rather, the General Terms and Conditions

Statement of the IFB stated at ¶ 4, "LICENSING: Bidders are cautioned that the Government will not consider for award any offer submitted by a bidder who has not complied with the Guam Licensing Law. Specific information on licenses may be obtained from the Director of Revenue and Taxation."

7. G4S did, in fact, have a contractor's license at all times material to the procurement, namely, Certificate # C-0615-0592, issued June 23, 2015, expiring June 30, 2016. That document is contained in the Agency Report and is an enumerated Exhibit on Purchasing Agency's Exhibit List.

Respectfully submitted,

PACIFIC DATA SYSTEMS

By: [unavailable]
JOHN DAY, President

OFFICE OF THE ATTORNEY GENERAL
Elizabeth Barrett-Anderson, Attorney General

By: 
ROBERT M. WEINBERG
Assistant Attorney General

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the forgoing upon opposing counsel by hand delivery addressed to:

John Day, President
Pacific Data Systems
185 Ilipog Drive, Suite 204A
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this 23th day of November, 2015.


ROBERT M. WEINBERG
Assistant Attorney General