



Office of the Attorney General  
 Leonardo M. Rapadas  
 Attorney General of Guam  
 590 S. Marine Corps Drive  
 Tamuning, Guam 96913 • USA  
 (671) 475-3324 • (671) 472-2493 (Fax)  
 www.guamag.org

Attorneys for the Government of Guam

**RECEIVED**  
 OFFICE OF PUBLIC ACCOUNTABILITY  
 PROCUREMENT APPEALS

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FILE NO OPA-PA: 14-005

**THE OFFICE OF PUBLIC ACCOUNTABILITY**

In the Procurement Appeal of	)	<b>DOCKET NO. OPA-PA-14-005</b>
	)	
Pacific Data Systems, Inc. (PDS),	)	<b>REPLY TO OPPOSITION</b>
	)	
Appellant.	)	
_____	)	

Appellant Pacific Data Systems (PDS) does not deny that IFB GSA-064-11 remains in the appeal process. In fact PDS admits that the OPA’s Decision in OPA-PA-12-16, specifically dealing with telephones and telephone services is before the Supreme Court.

PDS now request the OPA to interpret 2 GAR Div. 4 §12103(b) narrowly and to permit their appeal to move forward notwithstanding the plain language of the law.

“In cases involving statutory construction, the plain language of a statute must be the starting point.” *Pangelinan v. Gutierrez*, 2000 Guam 11, ¶ 23. A plain reading of the above provision indicates that the OPA should decline the appeal “[I]f an action concerning the procurement under Appeal has commenced in Court...” Procurement for the Government of Guam is defined under 5 GCA §5030(o):

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“Procurement means buying, purchasing, renting, leasing or otherwise acquiring any supplies, services or construction. It also includes all functions that pertain to the obtaining of any supply, service or construction, including description of requirements, selection and solicitation of sources, preparation and award of contract, **and all phases of contract administration.**” (Emphasis added)

The focus of the appeal before the OPA involves one of the contract administration phases of IFB GSA-064-11. It is without question that the OPA should decline this Appeal until the such a time that all court proceeding have come to a final resolution.

Respectively submitted this 18<sup>th</sup> day of July, 2014.

OFFICE OF THE ATTORNEY GENERAL  
Leonardo Rapadas, Attorney General

By: \_\_\_\_\_

  
**FRED NISHIHIRA**

Assistant Attorney General  
Counsel for Purchasing Agency, GSA