



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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6 **OFFICE OF THE PUBLIC AUDITOR**

7 **PROCUREMENT APPEALS**

8 In the Appeal of
9 G4S Security Systems (Guam) Inc.

APPEAL CASE NO. OPA-PA-21-007

10 REPLY TO GDOE’S OPPOSITION TO G4S MOTION
11 FOR SUMMARY DECISION

11 Appellant

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13 COMES NOW G4S Security Systems (Guam) Inc. (hereinafter referred to as “G4S”) files this Reply to
14 GDOE’s Opposition to G4S Motion for Summary Decision for the Appeal Case No. OPA-PA-21-007.

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16 I. **BACKGROUND**

17 On April 13, 2021, Guam Department of Education (hereafter referred to as “GDOE”) issued its Multi-Step
18 IFB 026-2021 for Indoor and Outdoor Wireless Local Area Network (“WLAN”) Infrastructure Installation Project
19 (hereafter referred to as the “IFB”). On May 28, 2021, GDOE received bids for the IFB from G4S Security Systems
20 (Guam) Inc. (hereinafter referred to as “G4S”) and Technologies for Tomorrow Inc. (hereafter referred to as “TFT”).
21 On July 13, 2021, GDOE awarded to TFT as the lowest, most responsible and responsive bid for the IFB. On August
22 10, 2021, G4S protested the award for TFT based on the grounds that TFT does not have a Guam Contractors
23 License to perform the service for the IFB. On September 3, 2021, GDOE issued its denial of G4S’s protest on the
24 grounds that the IFB, its published terms and conditions and its amendments did not require the submission of a
25 Guam Contractors License in the bid submission. On September 17, 2021, G4S filed an appeal with the Office of
26 Public Accountability (OPA). On October 4, 2021, GDOE filed its Agency Statement and G4S filed Comments on
27 Agency Statement on October 14, 2021. G4S then filed Motion for Summary Decision on October 27, 2021 and
28

1 GDOE filed motions to dismiss for failure to state a valid claim and lack of subject matter jurisdiction on the same
2 day. G4S filed an opposition to GDOE's motions on November 3, 2021 and GDOE also filed its opposition to G4S's
3 motion on the same day. G4S hereby replies to GDOE's opposition:
4

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

6 On October 12, 2021, the Public Auditor issued its order regarding the Motion Filing Deadline, and on
7 October 25, 2021, the Public Auditor reiterated its orders in the Pre-Hearing Conference, specifically that the
8 Motion Filing Deadline is October 27, 2021. G4S filed its Motion for Summary Decision to OPA on October 27,
9 2021. See Guam OPA website, Procurement Appeals, G4S Security Systems (Guam), Inc. vs. Department of
10 Education Case No. OPA-PA-21-007, Motion for Summary Judgement - October 27, 2021.
11 <https://gwosa2.opaguam.org/opa-pa-21-007/motion-for-summary-judgement.pdf> Since G4S filed its motion in
12 accordance to the deadline as required by OPA, G4S's motion shall not be excluded for consideration.
13

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

18 In the APPEAL OF PACIFIC DATA SYSTEMS, INC. (PDS) vs. GENERAL SERVICES AGENCY
19 (GSA), Docket No. OPA-PA 15-012 DECISION (January 13, 2016), PDS protested that G4S must be rejected as
20 non-responsive because G4S failed to submit a valid contractor's license required to meet the bid terms and
21 conditions for the Guam law for the type of work defined in this procurement. See OPA-PA 15-012 DECISION
22 page 1. In the DECISION, OPA analyzed whether G4S lacked the required C68 and C17 Guam contractor licenses
23 to meet the IFB's terms and conditions. See OPA-PA 15-012 DECISION page 7. It finally turned out that G4S held
24 with the C68 and C17 licenses and can comply with the IFB's requirements so that the OPA denied PDS's appeal
25 and also denied GSA's motion. Evidence by the same token in this current appeal, TFT's lack of the Guam
26 contractor license C68 is a key issue for the Public Auditor to review whether GDOE properly evaluated and award
27 the IFB.
28

1 IV. CONCLUSION

2 BASED ON THE FOREGOING, G4S respectfully requests that the Public Auditor to deny GDOE's
3 motions and support G4S's appeal.
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5 RESPECTFULLY SUBMITTED ON 8th of November, 2021.
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8 By: 
9 _____
10 Teresa Sakazaki – General Manager
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