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8 **PACIFIC DATA SYSTEMS, INC.**

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OFFICE OF PUBLIC ACCOUNTABILITY  
PROCUREMENT APPEALS

DATE: 28 SEPT 2012

TIME: 3:20  AM  PM BY: NTT

FILE NO OPA-PA: 12-014

9 **OFFICE OF PUBLIC ACCOUNTABILITY**  
10 **PROCUREMENT APPEALS**

11 IN THE PROTEST OF  
12 PACIFIC DATA SYSTEMS, INC.,  
13 Protestant.

) Docket No. OPA-PA 12-014

) **REQUEST FOR ENTRY OF STAY**

14 The Protestant PACIFIC DATA SYSTEMS, INC. ("PDS") requests that the Public  
15 Auditor immediately issue a stay in this matter. PDS filed a protest in GDOE IFB No.  
16 014-2012 on Wednesday, September 26, 2012. Because this project is funded through  
17 the American Recovery and Reinvestment Act ("ARRA"), and because the deadline for  
18 obligation of ARRA funds has been extended until September 30, 2013, this protest is  
19 governed by 5 G.C.A. § 5425.1.

20 That statute provides in part that "... The fact that a protest has been filed  
21 pursuant to this Section *shall not* stay the procurement process or award of any contract  
22 funded by ARRA monies, whether in whole or in part, *unless* so ordered by the Public  
23 Auditor ..." (emphasis in original). Since the filing of its protest on September 26, PDS  
24 has received the procurement record from GDOE, and has learned that GDOE issued  
25 Purchase Orders to Softchoice on September 21, 2012. A stay should thus be entered  
26 immediately so that Softchoice holds off on any action it might otherwise take to fulfill

1  
2 the Purchase Orders, and also to allow time for a hearing and consideration of the  
3 important issues raised by PDS in its protest.

4 DATED this 28<sup>th</sup> day of September, 2012.

5 Respectfully submitted,

6 **BERMAN O'CONNOR & MANN**  
7 Attorneys for Protestant  
8 **PACIFIC DATA SYSTEMS, INC.**

9 By: 

**BILL R. MANN**

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