

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

BERMAN O'CONNOR & MANN
Suite 503, Bank of Guam Bldg.
111 Chalan Santo Papa
Hagåtña, Guam 96910
Telephone No.: (671) 477-2778
Facsimile No.: (671) 477-4366

Attorneys for Appellant:
PACIFIC DATA SYSTEMS, INC.

RECEIVED
OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS

DATE: 08/07/2015
TIME: 4:18 AM PM BY: JCN
FILE NO OPA-PA: 15-007

OFFICE OF PUBLIC ACCOUNTABILITY

Docket No. OPA-PA-15-007

In the Appeal of
PACIFIC DATA SYSTEMS, INC.,
Appellant.

**PACIFIC DATA SYSTEMS, INC.'S
WITNESS LIST, EXHIBIT LIST,
ADMISSIONS OF FACT, AND LIST OF
ISSUES**

Pacific Data Systems, Inc. ("PDS") submits the following as its Exhibit List, Witness List, Admissions of Fact, and List of Issues.

I. WITNESS LIST

PDS may call the following witness at the hearing in this matter:

1. John Day - PDS
2. John Mantanona - PDS
3. Jesse Reyes - GPA
4. James Hoffman - Docomo Pacific
5. Any witness endorsed or called by any other party.

II. EXHIBIT LIST

PDS may offer the following exhibits at the hearing in this matter:

1. PDS Protest, November 24, 2014
2. GPA Protest Decision, May 14, 2015

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

3. GPA Notice of Intent of Possible Award dated Nov 13, 2014 from procurement record
4. GPA Bid Abstract for all bidders from Procurement Record
5. PDS Bid Submission from Procurement Record
6. GTA Bid Submission from Procurement Record
7. Docomo Pacific Bid Form Submission from Procurement Record
8. November 13, 2014 GPA Bid Analysis Memo
9. John Mantanona statement
10. Transcription of Docomo Pacific representative's comments at the GPA bid opening
11. July 27, 2015 Declaration of James Hoffman with attached worksheet
12. Any exhibit endorsed or offered by any other party

III. ADMISSIONS OF FACT

PDS is not aware of any factual disputes as to what actually happened in the sense there will be a conflict in the testimony of witnesses. Neither GPA nor Docomo deny that after the PDS and GTA bids were opened, and at the time Docomo's bid was opened, Docomo's representative Judy Rosario stated that Docomo's bid price for items A-3 and A-4 was for "all sites," instead of "per site." There is no dispute as to what she said, which was recorded and has been transcribed as an exhibit by PDS. Beyond that, the documents speak for themselves.

IV. LIST OF ISSUES

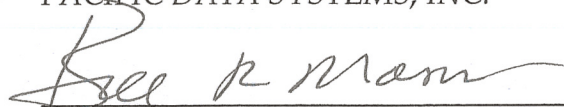
The issue is whether GPA made or allowed an improper bid modification of Docomo's bid for items A-3 and A-4 after bid opening. PDS notes that GPA has failed to file the Certification of Record required by 5 GCA § 5250 and the Hearing Officer's Decision and Order of July 30, 2015.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DATED this 7th day of August, 2015.

Respectfully submitted,

BERMAN O'CONNOR & MANN
Attorneys for Appellant
PACIFIC DATA SYSTEMS, INC.

By: 
BILL R. MANN