

1 Guam Public School System
Fred Nishihira
2 Legal Counsel
P.O. Box DE
3 Hagåtña, Guam 96932
(671) 475-0658 • (671) 472-5003 (Fax)

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PROCUREMENT APPEALS

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BY: T. Amstar
FILE NO. OPA-PA-08-003

PROCUREMENT APPEAL

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6 In the Appeal of)
7 TOWN HOUSE DEPARTMENT STORES,)
8 INC., dba ISLAND BUSINESS SYSTEMS)
& SUPPLIES,)
9 Appellant.)

AGENCY REPORT

Docket No. OPA-PA-08-003

10 Pursuant to 2 GAR, 12105, the Guam Public School System hereby submits the
11 Agency Report.

- 12 (a) See Appellant's Attachment 8. Notice of Protest dated 12/4/07
- 13
- 14 (b) Appellant did not submit a bid.
- 15
- 16 (c) See GPSS's Procurement Record.
- 17
- 18 (d) See GPSS's Procurement Record.
- 19
- 20 (e) See GPSS's Procurement Record.
- 21
- 22 (f) No decision issued.
- 23

24 (g) GPSS denies any allegation of improperly procuring copier services. GPSS further
25 moves for dismissal of the above captioned case as Appellant has filed a protest almost three
years into an existing contract. The current five year contract with Xerox was signed on
December 16, 2004. Approximately six (6) months prior to the expiration of existing contract
GPSS will issue either a request for proposal or an invitation for bid for copier services.

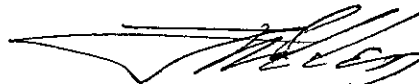
ORIGINAL

1 4 GCA § 5425 is very clear; protest must be filed within 14 days of award. If
2 Appellant's case is entertained every contract within the government of Guam would be open
3 to challenge, in essence creating an administrative nightmare.

4 (h) Non-applicable.

5 (i) Appendix B, see attached.

6 Respectfully submitted this 21st day of February, 2008.

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9 FRED NISHIHIRA
10 GPSS Legal Counsel
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**Appendix B: Declaration Form
PROCUREMENT APPEAL**

In the Appeal of
Town House Department Stores, Inc.
dba Island Business Systems &
Supplies,
Appellant.

Docket No. OPA-PA -08-003

DECLARATION RE COURT ACTION

(To be signed by the Government Purchasing Agency.)

Pursuant to 5 GCA Chapter 5, unless the court requests, expects, or otherwise expresses interest in a decision by the Public Auditor, the Office of the Public Auditor will not take action on any appeal where action concerning the protest or appeal has commenced in any court.

The undersigned party does hereby confirm that to the best of his or her knowledge, no case or action concerning the subject of this Appeal has been commenced in court. All parties are required to and the undersigned party agrees to notify the Office of the Public Auditor within 24 hours if court action commences regarding this Appeal or the underlying procurement action.

Submitted this 21 day of Feb., 2008.

By: 

DECLARANT

FRED NISHIHIRA
Print Declarant's Name