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**RECEIVED**  
**OFFICE OF THE PUBLIC AUDITOR**  
**PROCUREMENT APPEALS**

APR 14 2008

TIME: 11:05 AM  
BY: AC  
FILE No. OPA-PA 08-003

BEFORE THE OFFICE OF THE PUBLIC AUDITOR

In the Appeal of	)	<b>APPELLANT'S OPPOSITION</b>
	)	<b>TO APPEARANCE OF XEROX</b>
TOWN HOUSE DEPARTMENT STORES,	)	<b>CORPORATION</b>
INC., dba	)	
ISLAND BUSINESS SYSTEMS	)	DOCKET NO. OPA-PA 08-003
& SUPPLIES,	)	
APPELLANT	)	
_____	)	

Xerox Corporation's dilatory appearance on April 11, 2008 as an Interested Party comes without right and can bring nothing to the table.

Any comment, evidence or testimony of an Interested Party must be submitted within ten days of the Public Auditor's receipt of the Agency Report <sup>1</sup>. The Agency Report was received February 21, 2008.

The stated purpose of the Interested Party's appearance is to request "that it be served with all papers and pleadings filed in this matter, and be given notice of any and all proceedings or hearings herein."

All such papers and pleadings have been filed and are matters of public record <sup>2</sup> and no further proceedings or hearings are expected. Appellant and the Purchasing Agency have submitted

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<sup>1</sup> 2 G.A.R.R. §§ 12104(c)(4) and (c)(5). Note 5 G.C.A. § 5701: "The Public Auditor shall adopt rules of procedure, which, to the fullest extent possible, will provide for the expeditious resolution of controversies...."

<sup>2</sup> 2 G.A.R.R. § 12106.

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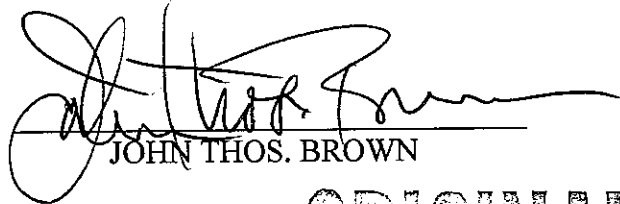
evidence and argument <sup>3</sup>, waived hearing <sup>4</sup>, and have agreed to submit the matter for decision <sup>5</sup>.

The time is now ripe for Findings and Decision <sup>6</sup>, not further debate and deliberation.

The issue to be imminently decided is whether GPSS has properly procured the equipment purchased as evidenced by the Xerox contract(s), and GPSS is singularly responsible and competent to answer the issue. If the Interested Party should be adversely affected by the decision of the Public Auditor, it is not without recourse.<sup>7</sup>

Appellant requests that, whatever other reason Interested Party may have in appearing herein, it not be heard, and that Findings and Decision be rendered without further delay or distraction.

Dated: April 14, 2008

  
JOHN THOS. BROWN

ORIGINAL

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<sup>3</sup> See, Notice of Appeal, Procurement Record, Supplemental Procurement Record, and Appellant's Comment on Agency Report, all on file herein.

<sup>4</sup> Appellant filed its waiver February 27, 2008. GPSS failed to request hearing within the time required (2 G.A.R.R. § 12108(a)).

<sup>5</sup> See, Appellant's Request for Decision on the Record filed March 6, 2008, and the Purchasing Agency's "No Objection", filed March 7, 2008.

<sup>6</sup> See, 2 G.A.R.R. § 12110 (a).

<sup>7</sup> E.g., 2 G.A.R.R. § 12301(a), 5 G.C.A. § 5707(a).