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 OFFICE OF PUBLIC ACCOUNTABILITY
 PROCUREMENT APPEALS

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 FILE NO. OPA-PA: 10-009

IN THE OFFICE OF PUBLIC ACCOUNTABILITY
 PROCUREMENT APPEAL

In the Petition of)	
)	
TOWN HOUSE DEPARTMENT STORES,)	STIPULATION TO SETTLE
INC., dba)	AND WITHDRAW APPEAL
ISLAND BUSINESS SYSTEMS)	
& SUPPLIES,)	
APPELLANT)	DOCKET NO. OPA-PA-10-009
_____)	

COMES NOW Appellant, IBSS, and Respondent, UOG, who have stipulated and agree, as follows, to resolve the underlying Protest and dismiss this action.

1 Respondent acknowledges that it received Appellant's Request for Reconsideration, as stated in the Notice of Appeal, and Appellant now acknowledges that Appellant attempted to email Respondent's response to the Request of date November 5, 2010, the day this Appeal was filed, but that there was an error in the email address, so it was not timely delivered, and was not received by Appellant until November 11, 2010.

2 Respondent acknowledges that the specifications complained of may be unduly restrictive, and desires to further investigate and understand the standard commercial specifications of the relevant copier industry, and then draft specifications legally appropriate to its needs; it is anticipated that amendments to accommodate new specifications will need to be drawn, and that the "proposed amendments to the solicitation would be of such magnitude that a new solicitation is desirable." (See, 2 GAR § 3115(d)(1)(B)(iii), which allows a bid to be cancelled, prior to opening, in this event.)


3 Appellant is agreeable to resolve the dispute raised by its Protest by Stipulating to withdraw this Appeal, and its protest, so that Respondent might cancel the instant solicitation and issue a new IFB with new specifications more consistent with standard commercial specifications as well as "Green" initiatives such as are reflected in 2 GAR § 1102.02 and any other legally applicable standard.

4 Respondent agrees to so cancel the solicitation and to hereafter issue a new IFB with specifications which are consistent with the matters herein represented and agreed.


5 Wherefore, Appellant and Respondent stipulate to withdraw and dismiss this Appeal upon the terms and conditions hereof. Any such dismissal shall not be with prejudice until all conditions are satisfied.

Wherefore, it is stipulated and submitted this 12th day of November that this matter ought to be dismissed as requested herein.

Respectfully,



John Thos. Brown
General Counsel for Appellant IBSS



Victorina Renacia
Legal Counsel for Respondent UOG