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OFFICE OF PUBLIC ACCOUNTABILITY  
PROCUREMENT APPEALS

DATE: 12 Sept 12

September 10, 2012

TIME: 2:45 AM PM BY: NH

FILE NO OPA-PA: 12-12

AGENCY REPORT

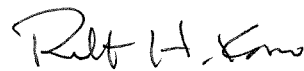
OPA-PA-12-012 (IFB GSA -064-11)

The Agency Report for OPA-PA-12-012 (IFB GSA 064-11) is submitted as outlined in 2 GAR Div. 4, Chapter 12, Section 12105.

- (a) A copy of the protest (Refer to Tab 16, Book 7 "Other correspondence").
- (b) A copy of the bid or offer submitted by Appellant (Refer to Tab 4).
- (c) A copy of the Solicitation (Refer to Tab 6).
- (d) A copy of the Abstract (Refer to Tab 7)
- (e) Any other documents which are relevant.
  - Amendments 1 thru 8 (Refer to Tab 8)
  - Questions and Responses (Refer to Tab 9)
  - Bid Analysis (Refer to Tab 1)
  - Bid Submittal of other bidders (Refer to Tab 12)
  - Copy of other correspondence (Refer to Tab 16)
  - Appeal by PDS (Refer to OPA-PA-12-011)
  - GSA response to protest of May 9, 2012(Refer to Tab. 16, Book 7"Other Correspondence"
- (f) The decision from which the Appeal is taken. No decision made on this matter.
- (g) A statement answering the Allegation of the Appeal. 5 GCA Section 5425(g) clearly prohibits the government from moving forward on a matter while the protest has not been finally addressed. Here, a protest was filed on May 9, 2012 regarding GSA's determination of the Major Shareholder and Disclosure Affidavit Form submitted by GTA. On May 17, 2012, PDS filed an appeal with the OPA regarding the application of the local preference (See OPA-PA-012-11). On September 4, 2012, PDS filed this appeal (See attachment on listing from Certification of Record of OPA-PA-012-12 filed September 6, 2012). On September 5, 2012, OPA filed a decision on OPA-PA-012-11) (See

attachment on listing from Certification of Record of OPA-PA-012-11 filed September 6, 2012).

- (h) If the award was made after receipt of the protest. No ward was made.
- (i) A statement indicating whether the matter is the subject of a court proceeding. A court proceeding related to this bid is currently in the court system. Pacific Data Systems and John Day v. Government of Guam and Claudia Acfalle personally and in her capacity as Chief Procurement Officer for the government of Guam, defendants CV 0647-11.



ROBERT H. KONO

Acting Chief Procurement Officer