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**RECEIVED**  
OFFICE OF PUBLIC ACCOUNTABILITY  
PROCUREMENT APPEALS

DATE: 10/5/12  
TIME: 3:55  AM  PM BY: JH  
FILE NO OPA-PA: 12-016

5 **BEFORE THE**  
6 **OFFICE OF PUBLIC ACCOUNTABILITY**  
7 **PROCUREMENT PETITION**

8 IN THE PETITION OF )  
9 TELEGUAM HOLDINGS LLC )  
Appellant )

DOCKET NO: OPA-PA-016-12  
OBJECTION TO APPEAL, MOTION FOR  
DISMISSAL

12 Pacific Data Systems (PDS) hereby makes this objection to the Appeal filed by Teleguam  
13 Holdings LLC (GTA) pursuant to 2 GAR §12104(c)(9). This procurement appeal is not properly before  
14 the Office of Public Accountability (OPA) and must be dismissed since the original protest made by GTA  
15 was not timely filed with the General Services Agency (GSA); the GTA protest was filed 15 days after  
16 GTA knew or should have known of the procurement issue that was the subject of the GTA protest (ref 5  
17 GCA §5425(a)).

18 GTA's original protest to GSA, and the basis for this appeal, stems from a revised Bid Status that  
19 was issued by GSA on May 3, 2012 in GSA-064-11<sup>1</sup>. The May 3, 2012 date of this notice by GSA to  
20 GTA is referenced in the GTA protest and appeal filing and is not a matter of dispute. Fifteen (15) days  
21 after receiving the GSA notice, GTA filed its protest with GSA on May 18, 2012<sup>2</sup>. In its decision of  
22 October 5, 2012<sup>3</sup>, GSA did deny the GTA protest but did not do so for lack of timeliness of the GTA  
23 filing. As noted, the GTA protest was not timely filed and should have been rejected by GSA for this  
24 reason.

25 <sup>1</sup> Reference Exhibit G of GTA 10/08/2012 OPA Appeal filing  
<sup>2</sup> Reference GTA 10/08/2012 OPA Appeal filing at IV.D page 5  
<sup>3</sup> Reference Exhibit A of GTA 10/08/2012 OPA Appeal filing

1 To be timely, GTA must have submitted its protest in writing within 14 days after it knew or  
2 should have known of the facts giving rise to the procurement issues. 5 G.C.A. §5425. The very first  
3 instance in which GTA knew or should have known of the GSA decision was on May 3, 2012. At that  
4 point, GTA had possession of the facts of the GSA decision in the procurement. Thus, GTA had 14 days  
5 from the date the GSA Notice was released to file a timely protest. GTA's protest dated May 18, 2012,  
6 was one day over the time allowed for a protest to be filed on the GSA decision.

7 PDS now requests that the OPA dismiss the current GTA appeal since the original protest filed  
8 with GSA was not timely filed and is in violation of 5 GCA §5425(a) and thus the OPA does not have  
9 jurisdiction over the protest.

10 **RESPECTFULLY SUBMITTED** this 15<sup>th</sup> day of October 2012.

11 **PACIFIC DATA SYSTEMS**

12   
13 \_\_\_\_\_  
14 **JOHN DAY**  
15 *President*