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PROCUREMENT APPEALS

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IN THE OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEAL

IN THE APPEAL OF

TELEGUAM HOLDINGS LLC and its
WHOLLY OWNED SUBSIDIARIES, GTA
TELECOM LLC; GTA SERVICES LLC and
PULSE MOBILE LLC,

Appellants.

Docket No. OPA-PA-12-016

IN THE APPEAL OF

PACIFIC DATA SYSTEMS, INC.,

Appellant.

Docket No. OPA-PA-12-017

IN THE APPEAL OF

TELEGUAM HOLDINGS LLC and its
WHOLLY OWNED SUBSIDIARIES, GTA
TELECOM LLC; GTA SERVICES LLC and
PULSE MOBILE LLC,

Appellants.

Docket No. OPA-PA-12-018

**RESPONSE TO PACIFIC DATA
SYSTEMS, INC.'S MOTION TO
RECONSIDER CONSOLIDATION;
REQUEST FOR DECISION ON PDS'
REQUEST FOR A HEARING IN OPA-PA-
12-016**

Appellant Teleguam Holdings, LLC and its wholly owned subsidiaries ("GTA") hereby respond to Pacific Data Systems, Inc.'s ("PDS") Motion to Reconsider Consolidation in OPA-PA-12-017 and OPA-PA-12-018. GTA generally agrees that de-consolidating the cases will

result in a more streamlined hearing process. However, GTA strongly disagrees with PDS' argument that a ruling favorable to PDS in OPA-PA-12-017 moots the remaining cases.

I. OBJECTION TO PDS' ARGUMENT REGARDING OPA-PA-12-017

PDS' protest in OPA-PA-12-017 is limited to the award for **Bid Form 10** of GSA064-11, and specifically to the issues of whether GTA's bid was responsive and whether the procurement regulations allow corrections after bid opening. While PDS prays that the OPA reject GTA's "entire bid" for GSA064-11, PDS' protest in OPA-PA-12-017 deals only with Bid Form 10. *See* Agency Rep. filed in OPA-PA-12-011, Tab 16 at 155 (PDS' Protest (May 9, 2012) ("This is a protest by Pacific Data Systems ("PDS") to the award made to Teleguam Holdings, LLC . . . **on Bid Form 10 in procurement GSA-064-11**")). OPA-PA-12-017 is also not dispositive of OPA-PA-12-016 and OPA-PA-12-018 because any issues raised in OPA-PA-12-017 were not brought forward by PDS in either OPA-PA-12-016 or OPA-PA-12-018. Therefore, regardless of whether the matters proceed in a consolidated fashion or not, the OPA must consider all procurement appeals on their own merit.

II. REQUEST FOR DECONSOLIDATION

GTA agrees that deconsolidating the cases is easier and less confusing for the parties and the OPA. GTA agrees that there are no overlapping issues in the three different cases. A consolidation of the cases may muddy the issues presented in each case, so that the parties and the OPA may be confused as to which bid form the witnesses is testifying.

If the OPA wishes to hold a single hearing with respect to GSA 064-11, GTA suggests that the hearing be done by handling the separate procurements in a consecutive fashion, with each case having its own opening statement, examination, and closing arguments, as opposed to being done jointly with consolidated arguments and consolidated testimonies from witnesses testifying on separate bid forms. This approach will streamline the presentation of evidence and


argument.

III. REQUEST FOR DECISION ON PDS' UNTIMELY REQUEST FOR A HEARING IN OPA-PA-12-016.

GTA respectfully requests a ruling on PDS' untimely Request for a Hearing in OPA-PA-12-016. All parties are required to file and serve their witness lists and exhibit lists no later than 5 p.m., December 17, 2012. *See* Order Consolidating Appeals and Scheduling Order (Nov. 21, 2012). A decision on PDS' untimely Request for a Hearing in OPA-PA-12-016 is necessary before December 17, 2012, because the parties must know if they are to (1) prepare for a hearing on the issues presented in OPA-PA-12-016 and (2) submit witness lists and exhibit lists for OPA-PA-12-016. Because a hearing was waived in OPA-PA-12-016 during the Prehearing Conference, GTA does not consider that the OPA will hear OPA-PA-12-016 on January 9, 2012. However, GTA hereby requests the OPA to rule on the outstanding Request for Hearing.

Submitted this 12th day of December, 2012.

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