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8 **PACIFIC DATA SYSTEMS, INC.**

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PROCUREMENT APPEALS

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FILE NO OPA-PA: 12-018

9 **OFFICE OF PUBLIC ACCOUNTABILITY**
10 **PROCUREMENT APPEALS**

11 IN THE APPEAL OF
12 **TELEGUAM HOLDINGS LLC and its**
13 **WHOLLY OWNED SUBSIDIARIES,**
14 **GTA TELECOM LLC; GTA SERVICES**
15 **LLC and PULSE MOBILE LLC,**

OPA Docket No. OPA PA 12-018

**HEARING BRIEF OF PACIFIC DATA
SYSTEMS, INC.**

16 Appellants.

17 Interested Party Pacific Data Systems, Inc. ("PDS") provides the following
18 Hearing Brief as instructed by the Hearing Officer in this matter:

19 **WITNESSES**

- 20 1. John Day, President of PDS.
- 21 2. Ed Cruz, Chief Information Officer for the Government of Guam.
- 22 3. John Kim, GTA Controller.
- 23 4. Rebuttal witnesses as needed.

24 **EXHIBITS**

25 PDS is not currently aware of any exhibits which are not already part of
26 the Procurement or Appeal Record.

27 **SUMMARY OF APPEAL**

28 GTA's appeal is from GSA's denial of its protest regarding Bid Form 11 of
GSA procurement IFB GSA-064-11. PDS will cover the following points during its
presentation to the Hearing Officer.

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1. The award to PDS by GSA for this Bid Form should be affirmed by the OPA. The record shows that GSA properly described the services to be provided and the evaluation to be used and the fact that only one award would be made per Bid Form. Since Bid Form 11 involved two services, GSA evaluated both services together and made the award to the lowest responsive and responsible bidder; in this case PDS.

2. The GTA claims that PDS did not meet the technical requirements for this Bid Form are unsubstantiated and false. GSA did perform a technical review of the PDS Technical submission and determined that the PDS submission was fully responsive.

DATED this 11th day of January, 2013.

Respectfully submitted,

BERMAN O'CONNOR & MANN
Attorneys for *PACIFIC DATA SYSTEMS, INC.*

By: 
BILL R. MANN