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OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS

DATE: 11/27/13

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FILE NO OPA-PA: 13-016

8 **BEFORE THE OFFICE OF PUBLIC ACCOUNTABILITY**
9 **PROCUREMENT APPEAL**

10 IN THE APPEAL OF

11 TELEGUAM HOLDINGS, LLC AND
12 ITS WHOLLY OWNED
13 SUBSIDIARIES, GTA TELEGUAM,
14 LLC; GTA SERVICES, LLC; AND
15 PULSE MOBILE LLC,

16 Appellant.

17 APPEAL NO. OPA-PA-13-016

18 **NOTICE RE:**
19 **JUDICIAL PROCEEDING**

20 Pursuant to 2 GAR Div 4 §12103(b), if an action concerning a procurement under appeal
21 has commenced in court, the Office of Public Accountability (“OPA”) shall not act on the appeal
22 and shall decline the matter due to judicial involvement unless the court requests a decision of the
23 OPA.

24 The Guam Department of Education (“GDOE”) confirms that to the best of its knowledge
25 no case or action concerning the procurement that is the subject of this Appeal, that is, GDOE
26 Invitation for Bid 020-2011 (the “IFB”), has been commenced in court. GDOE agrees to notify
27 the Office of Public Accountability if a court action involving the underlying procurement shall
28 commence.

29 However, an action has commenced in court that directly relates to the OPA’s authority to
30 grant the relief requested in this matter. Appellant has requested that the OPA terminate the
31 award of Part 6 of the IFB (See Procurement Appeal filed November 19, 2013 at p. 10). A case
32 currently before the Guam Supreme Court, *Xerox Corporation vs. Office of Public Accountability*,
33 Sup. Ct. Guam CVA13-018, raises the issue of whether the OPA has authority to terminate a


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contract between a vendor and an agency of the Government of Guam. Therefore, though not directly involving GDOE IFB 020-2011, Guam Supreme Court Case No. CVA13-018 does concern the present appeal to the extent it affects the OPA's authority to grant the relief requested by the Appellant herein.

Respectfully submitted,

GUAM DEPARTMENT OF EDUCATION

By: 
_____ **REBECCA M. PEREZ, ESQ.**
Legal Counsel

Nov 27, 2013