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PROCUREMENT APPEAL
BEFORE THE OFFICE OF THE PUBLIC AUDITOR

In the Appeal of)	
)	APPELLANT'S STATEMENT OF
)	ISSUES FOR HEARING
TOWN HOUSE DEPARTMENT STORES,)	
INC., dba)	
ISLAND BUSINESS SYSTEMS)	DOCKET NO. OPA-PA -08-012
& SUPPLIES,)	
APPELLANT)	
_____)	

APPELLANT, Town House Department Stores, Inc., dba Island Business Systems & Supplies, hereby identifies the principal unresolved issues raised in this Appeal and to be considered at the Hearing of this matter at the scheduled Hearing Date, January 7, 2009:

I. Did GSA get caught out conducting Federal Supply purchases illegally?

1. Whether 5 GCA §5122 is a source of legal authority to imply the existence of a method of source selection unique to Federal Supply Schedule purchases beyond the specific methods of source selection identified in 5 GCA §5210(a)?
2. Whether GSA has the power to adopt procedures to implement a unique procurement method for Federal Supply Schedule purchases apart from the specific methods of source selection identified in 5 GCA §5210(a)?
3. Whether the competitive sealed bid method of source selection is incompatible with the application of 5 GCA §5122 to purchases from the Federal Supply Schedule?
4. Assuming for argument GSA's authority to create procurement procedures for Federal

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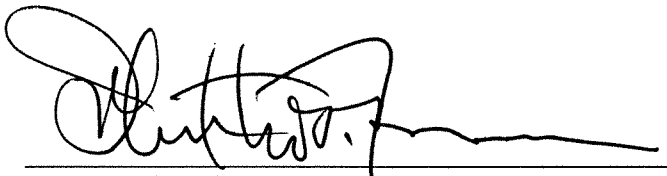
Supply purchases: first, are those adopted procedures designed to comply with the policies and purposes of the Procurement Act and Regulations; and, second, does GSA practice revealed in the Protest below comply with its own procedure?

II. Can GSA escape critical review of its long standing but illegal practice of Federal Supply purchasing by simply conceding to finish the particular illegal requisition Protested below by competitive sealed bid?

1. Whether GSA, having invited debate over its power, procedure and practice to conduct Federal Supply Purchases outside the mandates of competitive sealed bid in justifying its denial of the underlying Protest, can deprive Appellant of a resolution of its Appeal of that dispute by unilaterally changing the method of source selection during the pendency of this Appeal?

2. Whether the lingering GSA procurement procedures and practices implementing an alternative method of source selection, not specified in Procurement Law or Regulation, to facilitate purchases from the Federal Supply Schedule, or the un-retracted AG Opinion(s) condoning that procedure and practice, undermine the integrity of the procurement process and the Procurement Act; and, if so, does the Public Auditor have a duty to address those issues in this case to promote the integrity of the procurement system and the Procurement Act?

Respectfully submitted,



John Thos. Brown
General Counsel for Appellant