

PACIFIC DATA SYSTEMS

185 ILIPOG DRIVE
HBC BLDG SUITE 204A
TAMUNING, GUAM 96913
TELEPHONE: (671) 300-0200
FACSIMILE: (671) 300-0265

**BEFORE THE
Office of Public Accountability**

PACIFIC DATA SYSTEMS, INC.
vs.
GUAM POWER AUTHORITY

OPA-PA-15-005

PDS COMMENTS ON GPA AGENCY REPORT

Comes now Pacific Data System (PDS) to submit comments on the Agency Report provided by Guam Power Authority (GPA) in this matter on April 27, 2015

I. PDS COMMENTS ON THE GPA AGENCY REPORT:

The Agency report submitted by GPA does not deal with the subject matter of the PDS appeal; which is the failure by GPA to make a timely decision on the PDS Protest filed on November 24, 2014. As noted in the PDS Appeal, an Agency is required by procurement law and regulation¹ to make decision on a Protest "as expeditiously as possible"².

Instead of issuing the Protest Decision as required, or providing some explanation for delay in issuing the decision, GPA's Agency Report seems to be providing a defense of GPA procurement actions and decisions which are not currently before the OPA in this Appeal.

II. CONCLUSION

PDS renews its request to the OPA for an order requiring GPA to issue a decision regarding the timely protest that PDS filed on 11/24/2014 in this reference procurement. This PDS protest has now been pending a decision by GPA for over 5 months.

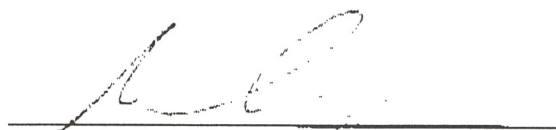
¹ 5 GCA § 5425(b) gives the head of the purchasing agency the "authority" and "duty" to settle and resolve a protest. § 5425(c) requires that the decision "shall" be issued "promptly".

² GAR § 9101(g)(1) requires ("shall") the head of the purchasing agency to issue a decision on a protest "as expeditiously as possible".

1 For the record PDS waive its right to a hearing on this appeal and requests the OPA to issue a decision
2 based upon the record at the earliest possible date.

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4 **RESPECTFULLY SUBMITTED** this 27th day of April 2015.

5 **PACIFIC DATA SYSTEMS**

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7 **JOHN DAY**

8 *President*

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TRANSACTION REPORT

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