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PACIFIC DATA SYSTEMS

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**BEFORE THE
Office of Public Accountability**

PACIFIC DATA SYSTEMS, INC.
vs.
GUAM POWER AUTHORITY

OPA-PA-15-007

**PDS COMMENTS ON GPA AGENCY REPORT NOT
FILED**

COMES NOW Pacific Data System (PDS) to make this filing regarding Comments on the Agency Report that should have been provided by Guam Power Authority (GPA) in this Appeal (see §12104.C.4). The Agency Report should have been submitted by GPA in this matter by not later than 06/15/2015 (see OPA website regarding dates associated with this Appeal).

I. GPA HAS FAILED TO FILE THE REQUIRED AGENCY REPORT AND RESPOND TO THE PDS APPEAL:

PDS is unable to provide comments on the GPA Agency report in this Procurement Appeal since GPA has failed in its obligations to provide the Agency Report as required by OPA Rules of Procedure (see §12104.C.3). This failure by GPA is significant and indicates that GPA has no defense/response to the PDS Appeal that was filed on 05/29/2015.

This is a continuing example of GPA's failure to adhere to procurement regulations related to Procurement Protests and Appeals. It should be noted that GPA failed to respond to the original PDS protest in this procurement (filed on 11/24/2014) for more than five months and then only answered the PDS Protest on 05/14/2015 after being ordered by the OPA to do so (see OPA-PA-15-005).

II. CONCLUSION

GPA continues to violate Guam Procurement Regulations with its failure to timely provide the required Agency Report in this Appeal. PDS requests that the OPA use this lack of response by GPA and GPA's failure to meet its obligation to answer the PDS Appeal as the basis to issue a finding/decision in favor of PDS in this matter.

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RESPECTFULLY SUBMITTED this 24th day of June 2015.

PACIFIC DATA SYSTEMS



JOHN DAY
President

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