Suite 401 DNA Building 238 Archbishop Flores St. Hagåtña, Guam 96910



FAX

То:	Ms. Carmen T. Charfauros Supply Management Administrator Department of Education 501 Mariner Avenue B-Building, Suite 116 Barrigada, Guam 96913 Phone: (671) 475-0438 Fax: (671) 472-5001 Email: ctcharfauros@gdoe.net Mr. James L.G. Stake, Esq. Legal Counsel 501 Mariner Avenue Barrigada, Guam 96913 Phone: (671) 300-1537 Email: jlgstake@gdoe.net; legal-admin@gdoe.net		F	From:	Benjamin J.F. Cruz Public Auditor Office of Public Accountability		
			P	Pages:	4 (including cover page)		
CC:	Mr. Joshua D. Walsh, Esq. Attorney for Appellant Pacific Data Systems, Inc.		D	Date:	August 30, 2021		
	Razano Walsh & Torres, P.C. 139 Murrary Blvd. Hagåtña, Guam 96910 Phone: (671) 989-3009 Email: jdwalsh@rwtguam.com			Phone: Fax:	(671) 475-0390 x. 204 (671) 472-7951		
Re:	OPA-PA-21-004 and OPA-PA-21-005 Order Consolidating Appeals/ Scheduling Order						
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Comm	Comments:						
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date, and initials of receiver.							
	Thank you,						
	Jerrick Hernandez, Auditor						
	jhernandez@guamopa.com						

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BEFORE THE PUBLIC AUDITOR PROCUREMENT APPEALS TERRITORY OF GUAM

In the Appeal of) Appeal No: OPA-PA-21-004 Appeal No: OPA-PA-21-005		
Pacific Data Systems, Inc.,	ORDER CONSOLIDATING APPEALS/ SCHEDULING ORDER		
Appellant.))		

ORDER CONSOLIDATING APPEALS

On July 14, 2021, Pacific Data Systems, Inc. ("PDS") filed a Notice of Procurement with the Office of Public Accountability ("OPA"), wherein PDS appeals the decision of purchasing agency Department of Education ("DOE"), dated June 29, 2021, related to the procurement for Telecommunication Service – Plain Old Telephone Services (POTS) under Invitation for Bid No. GDOE IFB 027-2021. OPA assigned this appeal as OPA-PA-21-004.

Also on July 14, 2021, Pacific Data Systems, Inc. ("PDS") filed a Notice of Procurement with the Office of Public Accountability ("OPA"), wherein PDS appeals the decision of purchasing agency Department of Education ("DOE"), dated June 29, 2021, related to the procurement for Telecommunication Service – Digital Transmission Services (DTS) under Invitation for Bid No. GDOE IFB 028-2021. OPA assigned this appeal as OPA-PA-21-004.

On August 30, 2021, a pre-hearing was held before the Public Auditor, where the parties stipulated to consolidate the two appeals. The Public Auditor has the authority to consolidate appeals for purposes including efficiency and expediency in resolving appeals. 5 G.C.A. § 5701; 2 G.A.R. §§ 12101, 12108-12109. Although these two appeals arise from protests related to two separate IFBs, they are both related to telecommunication services and involve the same

1 purchasing agency, DOE, and appellant, PDS. The Public Auditor finds that consolidating these 2 appeals will provide for efficient, expeditious resolution of the appeals. Therefore, the Public 3 Auditor ORDERS that these appeals, OPA-PA-21-004 and OPA-PA-21-005, be and are 4 consolidated and all matters pertaining to the appeals shall be heard concurrently. 5 **SCHEDULING ORDER** 6 The Public Auditor ORDERS the following expedited schedule, but remains subject to 7 change at the discretion of the Public Auditor: 9 **Opposition to Motions** 10 **Deadline:** September 8, 2021 at 5:00 P.M. 11 **Reply to Opposition Deadline:** September 17, 2021 at 5:00 P.M. 12 13 **Tentative Motion Hearing:** September 20, 2021 at 10:00 A.M. 14 Filing Deadline for 15 **Hearing Materials:** September 24, 2021 at 5:00 P.M. Parties shall file and serve on the other parties, no later than 16 this date and time, their respective Witness Lists, Exhibit 17 Lists with four copies of all exhibits, Admissions of Fact and List of Issues which require evidence or arguments to be 18 presented at the hearing. The Appellant's Exhibits shall be marked with corresponding and sequential numbers. The 19 Purchasing Agency's Exhibits shall be marked with corresponding and sequential capital letters of the alphabet. 20 The Parties may file stipulated joint witness, exhibit, and 21 issues lists, and admissions of fact in lieu of filing such documents separately. The term "Exhibit List" as used in this 22 paragraph refers to exhibits that any party will present to a witness for testimonial purposes during the hearing in this 23 matter. 24 25 Filing Deadline for **Hearing Briefs:** September 28, 2021 at 5:00 P.M. 26 The Parties shall file and serve on the other parties, their Hearing Briefs summarizing their arguments concerning 27 contested issues no later than this date and time.

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1	Hearing Date:	September 30, 2021 at 9:00 A.M.
2		The Hearing will proceed in the following order: (1) Opening Statements of the Parties; (2) Appellant's Case in
3		Chief; (3) The Purchasing Agency's Case in Chief; (4) Closing Arguments of the Parties.
4	Elling Doodling for	
5	Filing Deadline for Brief RE Remedies:	October 7, 2021 at 5:00 P.M.
6		The Parties may, but are not required to, file and serve on the other parties, additional briefs on the issue of Remedies no
7		later than this date and time.
8	SO ORDERED this 30 th day of Au	gust 2021 by:
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11		De la company de
12		Benjamin J.F. Cruz
13		Public Auditor of Guam
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Jerrick Hernandez < jhernandez@guamopa.com>

OPA-PA-21-004 and 21-005 Order Consolidating Appeals and Scheduling Order

Jerrick Hernandez < jhernandez@guamopa.com>

Mon, Aug 30, 2021 at 4:07 PM

To: "James L.G. Stake" <jlgstake@gdoe.net>, "Joshua D. Walsh" <jdwalsh@rwtguam.com>, ctcharfauros@gdoe.net, Legal Admin <legal-admin@gdoe.net>, "Edwin J. Torres" <etorres@rwtguam.com>

Cc: Thyrza Bagana <tbagana@guamopa.com>

Hafa Adai,

Please see attached Order Consolidating Appealsand Scheduling Order for OPA-PA-21-004 and 21-005. This email will serve as an official notice in lieu of a transmittal via Fax.

Please confirm receipt of this email and the attached document. Thank you.

Regards,

Jerrick J.J.G. Hernandez, MA, CGAP, CICA Office of Public Accountability - Guam www.opaguam.org Tel. (671) 475-0390 ext. 204 Fax (671) 472-7951

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21-004 and 21-005 Order of Consolidation and Scheduling Order.pdf