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RECEIVED
OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS

DATE: 11/30/12

TIME: 2:00 AM PM BY: MH

FILE NO OPA-PA: 12-018

Attorneys for Appellant

TeleGuam Holdings, LLC ("GTA")

OFFICE OF PUBLIC ACCOUNTABILITY

GUAM

IN THE APPEAL OF

TELEGUAM HOLDINGS, LLC AND ITS
WHOLLY OWNED SUBSIDIARIES, GTA
TELECOM, LLC; GTA SERVICES, LLC;
AND PULSE MOBILE LLC.

Appellant.

APPEAL NO. OPA-PA-12-018

MOTION TO COMPEL

Appellant Teleguam Holdings, LLC and its wholly owned subsidiaries move to compel the General Services Agency and Pacific Data Systems, Inc. to produce a copy of PDS' response including its technical specifications for Bid Form 11, which are not included as part of the record in this case. This information should be included in the procurement record in this case, and furnished to the OPA by GSA on November 14, 2012. GTA has searched the procurement record, but believes this information has not been submitted.

In the event the information has been submitted confidentially, section 12106 of 2 GAR Div. 4 gives the OPA has the authority to make available to any member of the public information submitted that bears on the substance of the Appeal. GTA therefore requests that the

OPA order that the information be disclosed without delay.

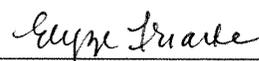
As noted in its Procurement Appeal, on May 4, 2013, GTA submitted a Freedom of Information Request for all technical specifications submitted by Pacific Data Systems for its bid for Bid Form 11. GSA responded by providing a copy of the actual Bid Form 11 submitted by PDS. GSA was nonresponsive relative to providing the exact technical specifications PDS submitted in relation to Bid Form 11.

This information is relevant to the second ground of GTA's protest and appeal in OPA-PA-12-018, which is that GSA has failed to use objectively measurable criteria with regard to Bid Form 11. PDS' technical specifications are expected to provide clarity as to why PDS' bid was \$1,500 per month, whereas GTA's bid was \$9,400 per month, thereby demonstrating that the parties' bids were made under different understandings as to the requirements of the specifications. If PDS' technical specifications do not match GSA's expectations as set forth in GSA064-11, it will be demonstrated that they are not the lowest most responsible bidder.

GTA therefore requests that GSA or PDS be compelled to disclose PDS' technical specifications in response to Bid Form 11.

DATED: Hagåtña, Guam, 30 November 2012.

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