



Jerrick Hernandez <jhernandez@guamopa.com>

In the Appeal of Pacific Data Systems; Consolidated Appeal No.'s OPA-PA-21-004 and OPA-PA-21-005

Claire Pollard <cpollard@rwtguam.com>

Fri, Sep 24, 2021 at 3:18 PM

To: Jerrick Hernandez <jhernandez@guamopa.com>

Cc: "Joshua D. Walsh" <jdwalsh@rwtguam.com>, "Edwin J. Torres" <etorres@rwtguam.com>

Dear Mr. Hernandez:

Please see the attached *Appellant's List of Issues* and *Appellant's Exhibit List* attached below. The Exhibit List with attachments is provided in the Google Drive link below and a physical copy will be delivered to your office today.

Should you have any questions or any issues accessing the drive, please let our office know. Thank you.

<https://drive.google.com/drive/folders/1qziACb12SZi1TY9ilFTRjfTssJYd5f47?usp=sharing>

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Regards,
Claire Pollard

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2 attachments

 **9.24.21 Appellant's Exhibit List.pdf**
69K

 **9.24.21 Appellant's List of Issues.pdf**
63K

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**PROCUREMENT APPEAL OF DENIAL OF PROCUREMENT PROTEST
IN THE OFFICE OF PUBLIC ACCOUNTABILITY**

PART I.

In the Appeal of

Pacific Data Systems, Inc. (PDS),

Appellant.

CONSOLIDATED APPEAL NOS:
OPA-PA-21-004
OPA-PA-21-005

APPELLANT'S LIST OF ISSUES

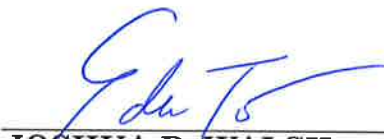
Appellant Pacific Data Systems ("PDS"), by and through its attorneys of record, Joshua D. Walsh and Edwin J. Torres, hereby submits the following list of issues to be determined during the hearing on this procurement matter:

1. Did DOE's Protest Decision violate the law when DOE did not substantively engage with the merits of PDS's protest regarding GTA's price?
2. Would an Award to GTA based upon the price offered by GTA violate Guam law?
3. Is GTA a non-responsible and non-responsive bidder by offering a price that is below the established tariff for the services it is bidding on?

4. Did DOE violate the law by not substantively engaging with whether or not GTA's price submission violates Guam law and does not properly reflect the Gross Receipts Tax/Business Privilege Tax?
5. Did DOE violate the law in ignoring GTA's response to DOE's specification on when services should commence?
6. Did DOE violate the law by proceeding with contract execution with GTA after receiving PDS's Agency level protest?

Respectfully submitted this 24th day of September 2021.

RAZZANO WALSH & TORRES, P.C.

By: 

JOSHUA D. WALSH
EDWIN J. TORRES
Attorneys for Appellant
Pacific Data Systems, Inc.