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RECEIVED
 OFFICE OF PUBLIC ACCOUNTABILITY
 PROCUREMENT APPEALS

DATE: 6/13/2014

TIME: 3:35 AM PM BY: Ry

FILE NO OPA-PA: 14-004

Attorneys for Appellant
 G4S Security Systems, (Guam) Inc.

THE OFFICE OF PUBLIC ACCOUNTABILITY

In the Procurement Appeal of)
)
 G4S SECURITY SYSTEMS,)
 (GUAM) INC.,)
)
 Appellant.)
 _____)

Docket No. OPA-PA-14-004
**MOTION TO SET HEARING
 DATE AND TO PRECLUDE
 CONSIDERATION OF DPW
 ARGUMENTS**

G4S Security Systems, (Guam), Inc. (“G4S”), filed its appeal herein on May 20, 2014, and served the notice of appeal on the Department of Public Works (“DPW”) on that same day. *See, Exhibit A.*

On May 22, 2014, the Office of Public Accountability (“OPA”), issued its “Amended Notice of Receipt of Appeal” and ordered the DPW to submit its procurement record by May 30, 2014. Pursuant to 2 GAR § 12104(c)(3), “a Purchasing Agency shall submit to the Public Auditor a complete copy of the procurement record relevant to the appeal within five (5) working days of receiving notice of any Appeal” Accordingly, the procurement record was actually due on May 27, 2014. Nonetheless, the DPW did not submit its procurement record by that date or by the May 30, 2014, date established by the OPA’s “Amended Notice of Receipt of Appeal.”

Additionally, in the OPA’s “Amended Notice of Receipt of Appeal,” it ordered the DPW to submit its Agency Report “by Friday, June 6, 2014, ten work days following receipt of this notice of appeal.” However, pursuant to 2 GAR § 12104(c)(3), “[t]he Agency Report shall be submitted

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within twenty days of receiving notice of Appeal on Contract Dispute" This procurement appeal involves a contract dispute and, accordingly, the DPW actually had twenty (20) days from receipt of the notice of appeal to file its Agency Report. And, in calculating time for OPA submissions, if the period of time for submission is in excess of seven (7) days, weekends and holidays are included in the time computation. *See*, 2 GAR § 12102(g). Therefore, the DPW was required to submit its Agency Report by June 9, 2014. DPW did not file its Agency Report by that date.

To date, and despite the OPA's Rules of Procedure and its orders herein, DPW has still not submitted the procurement record or its Agency Report. It has instead decided to simply ignore the OPA's orders. 2 GAR § 12104(c)(5), provides that "The failure of an Appellant or any Interested Party to comply with the time limits stated in this section may result in resolution of the Appeal without consideration of the comments untimely filed."

Given the egregious failure of the DPW to comply with the OPA's time standards, G4S now moves the OPA to exclude consideration of any arguments or comments that DPW might otherwise have included in a timely filed Agency Report, or in any Agency Report it may seek to file outside of the OPA's time standards. In addition, G4S requests that the OPA set a hearing date for this appeal as soon as is practicable in consideration of the schedule of the OPA and its Hearing Officer.

Respectfully submitted this 13th day of June, 2014.

DOOLEY ROBERTS & FOWLER LLP

By:



KEVIN J. FOWLER

Attorneys for Appellant

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OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS

DATE: 5/20/14

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FILE NO OPA-PA: 74-004

THE OFFICE OF PUBLIC ACCOUNTABILITY

In the Procurement Appeal of)
)
G4S SECURITY SYSTEMS,)
(GUAM) INC.,)
)
Appellant.)
_____)

Docket No. OPA-PA-14-004

NOTICE OF APPEAL

Appellant Information:

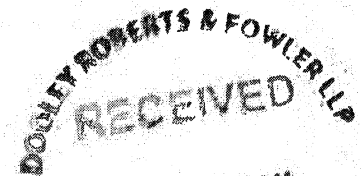
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Appeal Information:

- A) Department of Public Works, government of Guam ("DPW").
- B) Invitation for Bid, Project No. 480-5-1052-DMHSA FMT-TAM; Upgrading of Telecommunication Building Infrastructure & Cabling System for DMHSA Main Building in Tamuning.
- C) Decision being appealed is the DPW's May 2, 2014, Notice of Termination of Contract Agreement.
- D) Appeal is made from a decision on a contract controversy.
- E) Names of competing bidders: N/A.



MAY 20 2014

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