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OFFICE OF THE PUBLIC AUDITOR

In the Appeal of:) Appeal No. OPA – PA-06-003
L.P. GANACIAS ENTERPRISE INC., dba)
RADIOCOM)

Appellant,

AGENCY REBUTTAL

In response to the Comments on Amended Agency Report filed by L.P. Ganacias Enterprise Inc., dba Radiocom (Appellant) the agency General Agency Services (GSA) submits the following Rebuttal.

1. It is unclear precisely what Appellant's Comments are and what it is "incorporating." GSA assumes that it intended to refer to its Comment on Agency Report dated January 18, 2007.
2. The record provided by GSA is complete as required by the applicable rules.

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1 3. The Agency adequately and completely submitted its Agency Report. That Report,
2 inclusive of documentation, provides more than adequate justification for this
3 Procurement.

4 4. The Procurement satisfies both legal and practical standards. Factors as they exist
5 concerning this procurement dictate a finding that it was wholly justified and even
6 advisable.

7 5. Legal authority supports the procurement actions taken by GSA in this instance. The
8 rationale for a sole-source or limited-source acquisition is that the government's needs
9 must not be compromised simply to achieve competition. The needs of the government
10 may take varied forms. Included are unique problems or situations that can be
11 addressed only by procurement from a sole-source. Also, the source's ability to
12 provide the equipment service the equipment and the equipment itself must be
13 considered. Interoperability, compatibility, with other systems and warranties and are
14 contributing factors. In this regard, the Agency Report dated February 2, 2007 is
15 incorporated herein.
16

17 Further, the Guam statutory scheme empowers the Chief Procurement Officer to enter into
18 sole-source procurements. Such scheme is seated in public policy. Her actions and decisions
19 should be given considerable weight.
20

21 Dated this 7th day of February, 2007.

22 OFFICE OF THE ATTORNEY GENERAL
23 Alicia G. Limtiaco, Attorney General

24 By: 

25 **DONALD BOURGEOIS**
Assistant Attorney General