



Jerrick Hernandez <jhernandez@guamopa.com>

E-FILING: Re: In the Appeal of Pacific Data Systems, Inc.; OPA-PA-21-001

Sosanbra Salas <ssalas@rwtguam.com>
To: Jerrick Hernandez <jhernandez@guamopa.com>
Cc: "Joshua D. Walsh" <jdwalsh@rwtguam.com>

Mon, Feb 2, 2026 at 2:18 PM

Dear Mr. Hernandez:

Please see the attached document to be filed in the above-referenced matter. Should you have any questions or concerns, please feel free to contact our office. Thank you.

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Regards,
Sosanbra Salas Reyes

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Pldg - Proposed Order Granting Motion to Remand to Ghura with Direction to Issue a Final Protest

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Attorneys for Appellant
Pacific Data Systems, Inc.

IN THE OFFICE OF PUBLIC ACCOUNTABILITY

In the Procurement Appeal of

Pacific Data Systems, Inc. (PDS),

Appellant.

DOCKET NO. OPA-PA-021-001

**[PROPOSED] ORDER GRANTING
MOTION TO REMAND TO GHURA
WITH DIRECTION TO ISSUE A
FINAL PROTEST DECISION**

I. INTRODUCTION

The Motion to Remand to Guam Housing and Urban Renewal Authority (“GHURA”) with Direction to Issue a Final Protest Decision, filed by Appellant Pacific Data Systems, Inc., came before the Office of Public Accountability (“OPA”) for decision. The Appellant was represented by counsel from Razzano Walsh & Torres, P.C. The Purchasing Agency GHURA was represented by its agency counsel Eliseo M. Florig, Jr. GHURA does not oppose the Motion, and agrees with the Appellant's request. Having considered the motion, the record, and the arguments presented, the Public Auditor hereby GRANTS the motion for the reasons set forth below.

II. FINDINGS

1. On May 9, 2025, the Superior Court issued a Decision and Order reversing the OPA's dismissal of PDS's appeal and remanding the case back to the OPA.

2. GHURA denied PDS's agency-level protest on May 5, 2021, on the basis of a jurisdictional timeliness assertion, and the OPA dismissed the appeal for lack of jurisdiction on July 16, 2021, treating other pending motions as moot.

3. The Superior Court expressly declined to decide whether IT&E's bid was responsive and did not instruct the OPA on how to rule on the merits.

4. As a result, no tribunal has reached the merits of PDS's protest, and the OPA presently does not have an agency decision addressing the merits for review.

5. Remanding to GHURA for a final written decision on the merits within a defined time period will promote administrative orderliness and expedite final resolution of the protest, while generating an agency decision suitable for any subsequent OPA review.

III. CONCLUSIONS

7. This procurement appeal is properly before the OPA following the Superior Court's reversal and remand.

8. Because the substantive protest issues have not been adjudicated by GHURA, and because OPA review is premised upon an appeal from an agency decision, remand to GHURA for a final merits decision is appropriate and consistent with the procedural framework governing procurement protests.

9. A limited, expedited remand will promote efficiency, allow the agency to address the merits in the first instance, and preserve the OPA's de novo review function upon a proper appeal from a final agency decision.

IT IS HEREBY ORDERED:

1. This matter is REMANDED to the Guam Housing and Urban Renewal Authority (GHURA) with directions to issue a final written decision on the merits of Pacific Data Systems, Inc.'s protest within 60 (sixty) days of the date of this Order, or to otherwise resolve the protest.
2. A status and scheduling conference is set for _____, 2026.
3. The OPA retains jurisdiction to conduct further proceedings as may be necessary following GHURA's issuance of a final decision on the merits.

SO ORDERED: _____

BENJAMIN J. F. CRUZ
Public Auditor of Guam

SUBMITTED BY:

/S/ Joshua D. Walsh
JOSHUA D. WALSH
Attorneys for Appellant
Pacific Data Systems, Inc.

APPROVED AS TO FORM BY:

/S/ with permission
ELISEO M. FLORIG, JR.
Attorneys for Purchasing Agency
Guam Housing and Urban Renewal Authority