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# TRANSMITTAL

<b>To:</b>	<b>Ms. Elizabeth Napoli</b> <b>Executive Manager</b> Guam Housing and Urban Renewal Authority 117 Bien Vendia Avenue Sinajana, Guam 96910 Phone: (671) 477-9851 Fax: (671) 300-7565 Email: <a href="mailto:efnapoli@ghura.org">efnapoli@ghura.org</a>	<b>From:</b>	<b>Benjamin J.F. Cruz</b> <b>Guam Public Auditor</b> Office of Public Accountability
	<b>Mr. Eliseo M. Florig, Jr., Esq.</b> <b>In-House Counsel</b> 117 Bien Venida Avenue Sinajana, Guam 96910 Phone: (671) 477-9851 Fax: (671) 300-7565 Email: <a href="mailto:emflorig@ghura.org">emflorig@ghura.org</a>	<b>Pages:</b>	4 (including cover page)
<b>CC:</b>	<b>Mr. Joshua D. Walsh, Esq.</b> <b>Attorney for Appellant Pacific Data Systems, Inc.</b> Razano Walsh & Torres, P.C. 139 Murrery Blvd. Hagåtña, Guam 96910 Phone: (671) 989-3009 Email: <a href="mailto:jdwalsh@rwtguam.com">jdwalsh@rwtguam.com</a>	<b>Date:</b>	February 3, 2026
		<b>Phone:</b>	(671) 475-0390Jos x. 204
		<b>Fax:</b>	(671) 472-7951

**Re:** OPA-PA-21-001 Signed Order Granting Motion to Remand to GHURA with Direction to Issue a Final Protest Decision

For Review       Please Comment       Please Reply       Please Recycle

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Thank you,  
 Jerrick Hernandez, Auditor  
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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.

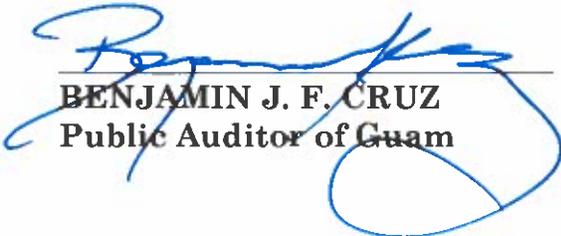
**IT IS HEREBY ORDERED:**

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 **10:00 am, Friday, April 3, 2026** **(To be held via Zoom Meeting)**.

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:** February 3, 2026.

  
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*



Jerrick Hernandez <jhernandez@guamopa.com>

## OPA-PA-21-001 Signed Order Granting Motion to Remand to GHURA with Direction to Issue a Final Protest Decision

Jerrick Hernandez <jhernandez@guamopa.com>

Tue, Feb 3, 2026 at 8:52 AM

To: "Joshua D. Walsh" <jdwalsh@rwtguam.com>, Elisio Florig <emflorig@ghura.org>

Cc: Elizabeth Napoli <efnapoli@ghura.org>, Thyrsa Bagana <tbagana@guamopa.com>, Audrey Aguon <aaaguon@ghura.org>

Hafa Adai,

Please see attached Signed Order Granting Motion to Remand to GHURA with Direction to Issue a Final Protest Decision for OPA-PA-21-001 . This email will serve as an official notice in lieu of a transmittal via Fax.

Please confirm receipt of this email and the attached document. Thank you

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Best Regards,



Jerrick J.J.G. Hernandez, MA, CIA, CGFM, CFE, CICA, CGAP  
*Accountability Auditor*

**Office of Public Accountability**

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