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BEFORE THE
Office of Public Accountability

PACIFIC DATA SYSTEMS, INC. (PDS) vs. GUAM POWER AUTHORITY (GPA)	**OPA-PA-15-007** **PDS REPLY TO GPA MOTION TO DISMISS**

COMES NOW Pacific Data System (PDS) to provide this reply to the Motion to Dismiss filed by Guam Power Authority (GPA) in the above referenced Procurement Appeal.

PDS requests that the OPA DENY the GPA Motion to Dismiss since GPA has incorrectly interpreted Guam Law as it relates to the timeline to file a Procurement Appeal with the OPA. PDS filed its Procurement Appeal on May 29, 2015, according to 2 GAR - Div. 4 - CH. 12 – PROCUREMENT APPEALS TO THE PUBLIC AUDITOR - Section 12201(a) which states as follows:

> *Pursuant to 5 GCA §5425(e) a protestor may Appeal a decision under 5 GCA §5425(c) relative to the protest of a method of selection, a solicitation, an award of a contract, or a 2 GAR - ADMINISTRATION Div. 4 - Procurement Regulations CH. 12 – PROCUREMENT APPEALS TO THE PUBLIC AUDITOR - P. 14 decision under 5 GCA §5425(h) regarding entitlement to costs, within* ***fifteen (15) days of receipt by protestor of the decision. (emphasis added)***

PDS received the Protest Decision by GPA in this matter on May 14, 2015, and filed the subject Procurement Appeal with the OPA on May 29, 2015; within the 15 day timeline allowed by the applicable procurement regulations noted above for the type of appeal made by PDS.

For the above reason the GPA Motion should be denied and the PDS Procurement Appeal should move ahead according to the process and timeline defined by the OPA and Hearing Officer in this matter.

RESPECTFULLY SUBMITTED this 24th day of June 2015.

PACIFIC DATA SYSTEMS

JOHN DAY - *President*

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