



Office of Public Accountability
Suite 401 DNA Building
238 Archbishop Flores Street
Hagatna, Guam 96910

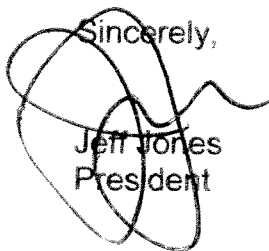
August 2, 2013

RE: Appellant Comments on Agency Report For OPA-PA-008-2013

We received the above mentioned report on July 24, 2013 and have the following comments.

- 1) Triple J disagrees that the most responsible and responsive bidder was awarded GSA Bid No. 0116-12. While Morrico was the lowest priced bidder they did not meet all the specifications as outlined in the bid. Specifically the side emergency exits and the riveted body panels. In addition the delivery was also late and exceeded the original delivery date required.
- 2) While GSA is correct that the protest was filed after the award it was impossible for Triple J to file the protest any sooner than it did since the deficiencies mentioned above could not have been known until the buses were physically present on Guam. That said and as stated in our protest and appeal DPW and GSA did have opportunities to address and remedy the deficiencies during their factory inspection and failed to do so.
- 3) Triple J's appeal was filed within the 15 days of GSA's final rejection of our protest dated June 28, 2013. It is our position that our request for reconsideration dated June 11, 2013 tolled the deadline for appeal. 2 GAR, Division 4 Section 910(h), requests for reconsideration section, Subsection (3) states in part "a request for reconsideration shall be acted upon as expeditiously as possible". GSA took 18 days to respond to our request for reconsideration which we do not feel is expeditious. Further we feel that GSA's delay may have been designed to cause us to miss the deadline for appeal so that the protest could be dismissed with discussing the true facts and merits of the protest.

Sincerely,



Jeff Jones
President

RECEIVED
OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS

DATE: 8/2/13

TIME: 2:20 AM PM BY: Thyza

FILE NO OPA-PA: 13-008