THE OFFICE OF PUBLIC ACCOUNTABILITY

In the Matter of Appeal of)	
)	
Triple J Motors,)	
)	OPA-PA-13-014
Appellant)	
)	Notice of Confirmation of
)	Procurement Record
)	
)	

The General Services Agency hereby confirms that the Procurement Record in OPA-PA-013-11 is the same Procurement Record that will be used in OPA-PA-013-14, except for the following:

PROCUREMENT APPEAL FILED BY CARS PLUS on October 22, 2013 and related documents. (See attached)

CLAUDIA S. ACFALLE
Chief Procurement Officer

Appendix A: Notice of Appeal Form
PROCUREMENT APPEAL

PART I- To be completed by OPA

In the Appeal of	)	**NOTICE OF APPEAL**
Cars Plus, LLC	)	
(Name of Company), APPELLANT	)	Docket No. OPA-PA_____
_____	)	

PART II- Appellant Information

Name: Joey Crisostomo C/O Cars Plus, LLC
Mailing Address: 647 Route 8, Maite, Guam 96910

Business Address: 647 Route 8, Maite, Guam 96910

Email Address: joeyc@carsplusguam.com
Daytime Contact No: 477-7807 ext. 101
Fax No.: 477-7805

PART III- Appeal Information

A) Purchasing Agency: General Services Agency

B) Identification/Number of Procurement, Solicitation, or Contract: GSA-097-13

C) Decision being appealed was made on Aug. 16, 2013 (date) by:
X Chief Procurement Officer ___ Director of Public Works ___ Head of Purchasing Agency

Note: You must serve the Agency checked here with a copy of this Appeal within 24 hours of filing.

D) Appeal is made from:
(Please select one and attach a copy of the Decision to this form)
X Decision on Protest of Method, Solicitation or Award
___ Decision on Debarment or Suspension
___ Decision on Contract or Breach of Contract Controversy
(Excluding claims of money owed to or by the government)
___ Determination on Award not Stayed Pending Protest or Appeal
(Agency decision that award pending protest or appeal was necessary to protect the substantial interests of the government of Guam)

ORIGINAL

E) Names of Competing Bidders, Offerors, or Contractors known to Appellant:

Triple J Enterprise, Inc.	
Atkins Kroll, Inc.	

PART IV- Form and Filing

In addition to this form, the Rules of Procedure for Procurement Appeals require the submission together with this form of additional information, including BUT NOT LIMITED TO:

1. A concise, logically arranged, and direct statement of the grounds for appeal;
2. A statement specifying the ruling requested;
3. Supporting exhibits, evidence, or documents to substantiate any claims and the grounds for appeal unless not available within the filing time in which case the expected availability date shall be indicated.

Note: Please refer to 2 GAR § 12104 for the full text of filing requirements.

PART V- Declaration Re Court Action

Pursuant to 5 GCA Chapter 5, unless the court requests, expects, or otherwise expresses interest in a decision by the Public Auditor, the Office of Public Accountability will not take action on any appeal where action concerning the protest or appeal has commenced in any court.

The undersigned party does hereby confirm that to the best of his or her knowledge, no case or action concerning the subject of this Appeal has been commenced in court. All parties are required to and the undersigned party agrees to notify the Office of Public Accountability within 24 hours if court action commences regarding this Appeal or the underlying procurement action.

Submitted this 22 day of Oct., 2013.

By: _____
APPELLANT

or

By: _____
Appellant's Duly Authorized Representative
(Address) 194 Hernan Cortez Ave., Suite 216, Hagatna, Guam
(Phone No.) (671) 777-3675

LEEVIN T. CAMACHO, ESQ.
194 Hernan Cortez Ave., Suite 216
Hagåtña, Guam 96910
(671) 777-3675
Attorney for *Cars Plus, LLC*

OFFICE OF PUBLIC ACCOUNTABILITY

PROCUREMENT APPEAL

In the Appeal of Cars Plus LLC, Appellant.	DOCKET NO. OPA-PA _____ **STATEMENT OF RELATED CASES**

Appellant **CARS PLUS LLC** submits the instant statement of related cases in the hope of avoiding the additional cost and expense of preparing duplicative materials. This appeal involves the same invitation for bid at issue in OPA-PA-13-012 and OPA-PA-13-011 (collectively "Triple J Appeals"). The appellant in those matters has filed a motion to consolidate. Upon information and belief, the Procurement Record in all three matters will be substantially the same. The protest that is the basis of this appeal as well as the decision made by the General Services Agency are all also a part of the Procurement Record in the Triple J Appeals. Cars Plus respectfully submits that, based on the overlapping facts and issues, a consolidation of all cases related to the purchase of police cars may be appropriate.

Dated: October 22, 2013.

LEEVIN TAITANO CAMACHO

LEEVIN T. CAMACHO, ESQ.
194 Hernan Cortez Ave., Suite 216
Hagåtña, Guam 96910
(671) 777-3675
Attorney for *Cars Plus, LLC*

OFFICE OF PUBLIC ACCOUNTABILITY

PROCUREMENT APPEAL

In the Appeal of Cars Plus LLC, Appellant.	DOCKET NO. OPA-PA _____ **APPELLANT'S ADDITIONAL INFORMATION PROVIDED TO SUPPLEMENT NOTICE OF APPEAL**

I. STATEMENT OF GROUNDS FOR APPEAL

a. Relevant Factual Background

On June 28, 2013, bids for IFB NO. GSA-097-13 were opened and Appellant Cars Plus, LLC ("Cars Plus") was found to be the lowest bidder. On July 12, 2013, General Services Agency ("GSA") contacted Cars Plus regarding clarification on the certification of warranty and its limitations. Exhibit A. Yet, on July 8, 2013, GSA had already provided a copy of the bid submitted by Triple J. Enterprises, Inc. to the Department of Public Works for review and approval in order to make an award on the bid. Exhibit B.

On July 17, 2013, GSA issued an updated Bid Status recommending an award to Triple J. Motors. Exhibit C. That same day, GSA issued a purchase order. Cars Plus had no notice that its bid had been rejected for "non-conformance" until that date.

Cars Plus protested the GSA decision on July 30, 2013. Exhibit D. This protest was based on the fact that the product offered by Cars Plus complied with all bid specifications and provided all information requested in the invitation for bids. Cars Plus also argued that, under

the same standards applied to its bid, none of the bids submitted conformed to the bid specifications.

On July 30, 2013, GSA notified Triple J of the protest and requested that Triple J "stop all activities in relation to fulfilling this bid . . . ." Exhibit E. Upon information and belief, the following day, GSA contacted Triple J to pick up a second purchase order for two (2) additional police cars. Notice of Appeal ¶ 6 (Sept. 25, 2013). Cars Plus had no notice that any purchase orders had been issued while its protest was pending.

On August 16, 2013, GSA determined that the protest filed by Cars Plus had merit. Exhibit F. Specifically, GSA found that that the bid submitted by Triple J did not contain a certification of warranty and limitations. GSA also stated that it did not contest the fact that the product offered by Cars Plus met all of the detailed specifications found in the invitation for bids. GSA stated that, based on the merit of the protest, the matter would be re-bid at a later date.

Based on the representation that GSA would re-bid the items and the fact that no other interested parties had appealed the decision to re-bid, Cars Plus did not appeal GSA's decision.

On September 12, 2013, GSA ran an advertisement for IFB No. GSA-172-13 for the purchase of police vehicles. GSA set the date of bid opening for September 27, 2013. On that date, GSA canceled the re-bid based on an appeal that had been filed with the Office of Public Accountability ("OPA"). Cars Plus has no other means of ensuring that its rights are protected.

b. Ground for appeal: Cars Plus was the lowest responsive bidder.

Cars Plus was the lowest bidder by approximately $9,000.00 As mentioned above, GSA does not dispute that the police cars offered by Cars Plus meets all of the bid specifications. The basis for GSA rejecting the bid submitted by Cars Plus is that it did not have sufficient information about the warranty and limitations.

The IFB states:

The successful bidder shall also provide the manufacturer's standard warranty. **Certification of warranty and its limitations shall be provided with this proposal. (Shall be no less than 3 years / 36,000 miles bumper to bumper and 5 years / 60,000 miles power-train).**

( ) **YES**, as requested. _____
( ) NO; Remarks: _____

(emphasis in original). Cars Plus indicated **YES**, that the warranty offered complied with the IFB request. Cars Plus submitted additional information confirming that the police cars being offered came with a powertrain warranty that exceeded the requirements requested.

Despite meeting the parenthetical explanation that the certification of warranty and limitations be no less than 3 years / 36,000 miles bumper to bumper and 5 years / 60,000 miles powertrain, GSA determined that the information and representations made by Cars Plus were collectively insufficient. Cars Plus was also never given an opportunity, as the *successful bidder*, to submit the manufacturer's standard warranty.

II. RULING REQUESTED

Cars Plus complied with all bid specifications and submitted all information requested. Cars Plus was the lowest responsive bidder and, therefore, should be awarded IFB NO. GSA-097-13.

III. SUPPORTING DOCUMENTS

Cars Plus submits the attached documents to support its position on appeal, and has also included references to documents previously submitted by GSA in OPA -PA-13-011.

Dated: October 22, 2013.

LEEVIN TAITANO CAMACHO

Eddie Baza Calvo
Governor

GENERAL SERVICES AGENCY
(Ahensian Setbision Hinirat)
Government of Guam
148 Route 1 Marine Drive, Piti, Guam 96915

Benita A. Manglona
Director

Ray Tenorio
Lieutenant Governor

Anthony C. Blaz
Deputy Director

July 12, 2013

Cars Plus LLC
647 Route 8
Maite, Guam 96910
Attn: Eugene A. Rios
Phone: 477-7807
Fax : 477-7752
Re : GSA-097-13

GSA would like to clarify under warranty (#2) page 30, where in the bid package is your certification of warranty and its limitations.

You may call me, Inez Perez (671) 475-1711 or email inez.perez@gsa.guam.gov

Your immediate response would be greatly appreciated.

7/16/13

for Claudia S. Acfalle
Chief Procurement Officer
Date

Exhibit A

Eddie Baza Calvo
Governor

Benita Manglona
Director, Dept. of Admin.

GENERAL SERVICES AGENCY
Government of Guam
148 Route 1 Marine Drive Corp
Piti, Guam 96915

Ray Tenorio
Lt. Governor

Anthony C. Blaz
Deputy Director

July 8, 2013

Memorandum

To: Department of Public Works
Paul Cepeda, Superintendent Transportation

From: Buyer Supervisor II

Subject: Approval of Bid Specifications (Invitation for Bid No. GSA-097-13)
Police Patrol Vehicle, 2013-2014 Interceptors

Hafa Adai! Attached is a copy of specifications submitted by Triple J. Enterprises, Inc. in regards to the above bid invitation GSA-097-13

Please review and evaluate the specifications and the attached brochures/literature provided by the bidder and concur below if all required specifications are met. We would appreciate your response no later than Tuesday, July 9, 2013 before close of business in order for GSA to make an award on this bid.

If you have any questions regarding this matter, please call at 475-1713 or fax 475-1727

ANITA T. CRUZ

Meets Specifications X

Non-Compliance of Specifications [ ]

Remarks: _____

CONCURRED BY:

7/14/13

CARL DOMINQUEZ, Director
Department of Public Works

Exhibit B

GENERAL SERVICE AGENCY
(Ahensian Setbision Hinirat)
Government of Guam
148 ROUTE 1 MARINE DRIVE, PITI. GUAM 96915
Tel: 475-1707/1720 Fax: 472-4217 / 475-1716/27

Accountability * Impartiality * Competence * Openness * Value

BID STATUS

Cars Plus LLC.
647 Route 8
Maite, Guam 96910
Phone (671)477-7807
Fax (671)477-7752

Date: July 17, 2013

BID INVITATION NO.: **GSA-097-13**

OPENING DATE: **June 28, 2013**

DESCRIPTION:
POLICE PATROL VEHICLE, 2013-2014 INTERCEPTORS

The following is the result of the above-mentioned bid. Refer to the items checked below.

[ ] **Cancelled (in its entirety), or partially cancelled due to: Due to Ambiguity of Specifications**

( ) Insufficient funds:
( ) Change of specifications; or
( ) Insufficient number of bidders.

[X] Rejected due to:

( ) Late submission of bid;
( ) No bid security or insufficient bid security amount submitted; as required by section 11 of the General Terms and Conditions;
( ) Not meeting the delivery requirement as stated in the IFB;
(X) Non-conformance with the specifications: **See remarks below.**
( ) Inability to provide future maintenance and services to the equipment;
( ) High price:
( ) Others:

Remarks: Under specifications regarding "Certification of Warranty and its Limitations (#2 page 30)".

[X] Bid recommended for award:

Triple J Enterprise, Inc. dba Triple J Motors in the total amount of: $294,904.00

REMARKS:

Thank you for your participation with this bid. Please send your authorized representative to pick-up your original Bid Status and your Bid Guarantee Bond.

7-18-13

CLAUDIA S. ACFALLE
Chief Procurement Officer

Exhibit C

CARS PLUS
DRIVEN TO SATISFY!

647 Route 8, Maite, GU 96910 | Tel (671) 477-7807 | Fax (671) 477-7805 | www.carsplusguam.com

July 30, 2013

Claudia S. Acfalle
Chief Procurement Officer
General Services Agency
P.O. Box 884
Hagatna, Guam 96932

Re: Protest of GSA Bid Invitation No. GSA-097-13 Relating to Police Patrol Vehicles, 2013-2014 Interceptors

Dear Mrs. Acfalle,

We are providing this letter as our official protest in connection with GSA Bid Invitation No. GSA-097-13, related to the procurement of Police Patrol Vehicles, 2013-2014 Interceptors for the Guam Police Department and the rejection of the bid submitted Cars Plus, LLC.

GSA issued a Bid Status on July 17, 2013 stating that our bid was rejected due to the "Nonconformance with the specifications." The remarks clarified that GSA's determination was made relating to the Certification of Warranty and its Limitations (#2 Page 30). On July 23, 2013, we requested reasons and further details as to our bid being rejected. On July 23, 2013, GSA issued a memorandum explaining that our bid was rejected because we did not include information relating to a certification of warranty and limitations in our bid package.

The grounds for this appeal are (1) our product complies with all bid specifications, (2) we submitted all information requested in the invitation for bids; and (3) assuming *arguendo* that we did not submit warranty information, this is a minor informality that should be waived because it would result in a $10,000 savings to the Government of Guam.

First, our product complies with all bid specifications. Under Warranty, item 2, the bid requires that the product have a warranty of no less than 3 years / 36,000 miles bumper to bumper and 5 years / 60,000 miles power-train. We certified that our product meets this requirement. We submitted documentation showing a minimum 3 year / 36,000 basic warranty. We also submitted documentation showing that the Dodge Charger comes with a 5 year / 100,000 mile limited warranty. Our product actually exceeds the minimum requirements. When we submitted our bid, all terms and representations – including our representations regarding the warranty and limitations – were binding and enforceable.

Exhibit D

Furthermore, we submitted all information required in the bid. The bid does not explicitly state that warranty information should be submitted as part of the descriptive literature. Item 19 of the bid entitled "Descriptive Literature" is defined as being "details of the product(s) the bidder proposes to furnish, including design, materials, components, performance characteristics, methods of manufacture, construction, assembly or other characteristics which are considered appropriate." The Dodge Charger meets all of the bid specifications and warranty specifications. There was no indication that the manufacturer's standard warranty should be submitted. There was nothing in the Special Reminder to Prospective Bidders that the manufacturer's standard warranty was required to be submitted. Compare In re Dick Pacific Const. Company Ltd., OPA-PA-07-007 (Decision Jan. 1, 2008) (Special Reminder to Bidders explicitly identified additional documents to be submitted with bid and consequences for failing to submit said documents).

In fact, based on a reading of the bid, only the successful bidder had the responsibility of submitting this information. Item 2 states that "[t]he successful bidder shall also provide the manufacturer's standard warranty." GSA never found us to be the successful bidder. More importantly, GSA never gave us an opportunity to provide the manufacturer's standard warranty which even more clearly establishes that the Dodge Charger meets the bid specifications in all aspects. GSA does not appear to even dispute that the Dodge Charger meets all bid specifications, instead rejecting our offer because it wants descriptive literature relating to a warranty that sets out in detail the specifics of the warranty and limitations. Cars Plus is prepared to submit that information once GSA determines that it is the successful bidder.

Moreover, "[t]he Procurement Officer ***shall*** waive [minor] informalities or allow the bidder to correct them depending on which is in the best interest of the territory." 2 GAR § 3109 (m)(4)(B). The inclusion of the manufacturer's standard warranty has no effect on price, quantity, quality, delivery or contractual conditions. Id. Cars Plus was the lowest bidder by approximately $10,000. It would be in the best interest of the territory to award the bid to the lowest bidder when there is no doubt that the product meets all required specifications.

Finally, Triple J's bid is non-compliant based on the same standards that GSA has applied to Cars Plus. The manufacturer's warranty submitted with the bid package was for 2013 Ford models. Triple J, however, has offered to provide *either* the 2013 or 2014 Ford Interceptor. There is no information about the limitations or a certification of warranty for the 2014 model.

Additionally, the bid explicitly states that "[t]he transmission **shall be** a 5-speed fully automatic transmission . . . ." (emphasis added). According to the descriptive literature, the Ford Interceptor does not have a 5-speed fully automatic transmission.

Despite all of this information being available to GSA, it appears that you awarded Triple J the contract on or about July 17, 2013. Documents provided to Cars Plus shows that a representative from Triple J signed the Invitation for Bid before GSA even notified us that our

CARS PLUS
DRIVEN TO SATISFY!

647 Route 8, Maite, GU 96910 | Tel (671) 477-7807 | Fax (671) 477-7805 | www.carsplusguam.com

bid had been rejected. This is a troubling pattern that has been documented in the OPA Report No. 11-04, where it found that the GSA erred in holding that accepting an expired Certificate of Authority was a "minor informality."

We are the lowest responsible and responsive bidder and have complied with all requested and required information. Furthermore, we intend to fully comply with and satisfy our obligations and commitment to the Government of Guam as stated in our Bid Proposal once awarded the bid. Based on the information presented above, we respectfully request that GSA reconsider its evaluation of the award the bid to Cars Plus, LLC as we have proved to be the lowest responsible and responsive bidder.

Should you have any further questions or concerns, please contact me at 477-7807 or via email at joeyc@carsplusguam.com. I greatly appreciate your time and consideration.

Best regards,

Joey Crisostomo
President

C.C.
Leevin T. Camacho, Esq.

Eddie Baza Calvo
Governor

Benita A. Manglona
Director

GSA

GENERAL SERVICES AGENCY
(Ahensian Setbision Hinirat)
Department of Administration
148 Route 1 Marine Drive, Piti, Guam 96915
Tel: (671) 475-1707 Fax Nos: (671) 475-1727 / 475-1716

Ray Tenorio
Lieutenant Governor

Anthony C. Blaz
Deputy Director

July 30, 2013

Memorandum

Mr. J. Jones
Senior Vice President
Triple J Enterprises, Inc.
P.O. Box 6066
Tamuning, Guam 96931

Re: GSA Bid No. 097-13
Police Patrol Vehicle 2013-2014 Interceptors

Please be informed that a protest on this bid has been filed by Cars Plus. Therefore, please stop all activities in relation to fulfilling this bid until the resolution of the protest.

7/30/13
CLAUDIA S. ACFALLE
Chief Procurement Officer.

TRIPLE J
ACKNOWLEDGEMENT COPY
RECEIVE BY _____ JAN JONES
DATE 7/31/13
TEL: 646.9124 FAX 646.9487

COMMITED TO EXCELLENCE

Exhibit E

Eddie Baza Calvo
Governor

Benita A. Manglona
Director

GSA

GENERAL SERVICES AGENCY
(Ahensian Setbision Hinirat)
Department of Administration
148 Route 1 Marine Drive, Piti, Guam 96915
Tel: (671) 475-1707 Fax Nos: (671) 475-1727 / 475-1716

Ray Tenorio
Lieutenant Governor

Anthony C. Blaz
Deputy Director

August 16, 2013

Joey Crisostomo
President
Cars Plus
647 Route 8
Maite, Guam 96910

Re: Protest – Invitation for Bid No.: GSA-097-13
(Police Patrol Vehicle, 2013-2014 Interceptors)

Dear Mr. Crisostomo:

Buenas Yan Hafa Adai! This is to acknowledge receipt of your protest letter that was lodged on 31 July 2013 regarding the above referenced bid number.

Upon review of your protest the following is our factual evaluation:

Issue No. 1

You stated in part: "The grounds for your appeal is you claim: (1) your product complies with all bid specifications, (2) you submitted all information requested in the invitation for bids; and (3) assuming arguendo that you did not submit warranty information, that it is a minor informality that should be waived because it would result in a $10,000 savings to the Government of Guam."

Response:

GSA does not contest that the product you offered meets the detailed specifications for the interceptors, however, on page 30 of the invitation for bid package item number 2 it specifically stated in part in bold letters "**Certification of warranty and <u>its limitations</u> shall be included with this proposal...**" Cars Plus failed to comply with this requirement of the bid to submit with its proposal the limitations of the warranty offered to the government of Guam.

Exhibit F

Issue No. 2

You stated in part: "Your product complies with all bid specifications. Under Warranty, item 2 the bid requires that the product have a warranty of no less than 3 years/36,000 miles bumper to bumper and 5 years/60,000 miles power-train. You certified that your product meets this requirement. You claimed that you submitted documentation showing a minimum 3 year/36,000 basic warranty. You also claimed that you submitted documentation showing that the Dodge Charger comes with a 5 year/100,000 mile limited warranty..."

Response:

Again, as stated on response to issue No.1 GSA does not contest that the product you offered meets the detailed specifications for the interceptors. We also do not contest that you did submit the documentations indicating the warranty of no less than 3 years/36,000 miles bumper to bumper and 5 years/60,000 miles power-train. You also stated that you submitted the documentation showing that the Dodge Charger comes with a 5 year/100,000 mile limited warranty which we do not contest. We are contesting that the documents you submitted in your bid failed to indicate the limitations within the 5 year/100,000 miles limited warranty.

Issue No. 3

You stated in part: "The bid does not explicitly state that warranty information should be submitted as part of the descriptive literature. You claimed that item 19 of the bid entitled "Descriptive Literature" defined what it means. You also claimed that nothing in the Special Reminder to Prospective Bidders that the manufacturer's standard warranty was required to be submitted."

Response:

GSA does not contest that under the descriptive literature it did not explicitly state that warranty information should be submitted as part of the descriptive literature. However, on page 30 item 2 it did explicitly stated **"Certification of warranty and its limitations shall be included with this proposal..."** Therefore, the rejection of your bid was due to the failure of Cars Plus to comply with this requirement of the bid.

Issue No. 4

You stated in part: "Triple J's bid is non-compliant based on the same standards that GSA has applied to Cars Plus. The manufacturer's warranty submitted with the bid package was for 2013 Ford models. Triple J, however, has offered to provide either the 2013 or 2014 Ford Interceptor."

Response:

GSA confirmed with Triple J whether they are offering 2013 or 2014 model. GSA has confirmed that Triple J is offering a 2014 model that is non-conformance with the warranty requirement to indicate what is included under the limited warranty. Therefore, your protest is with merit based on the issue raised on Issue #4.

Issue No. 5

You stated in part: "The bid explicitly states that the transmission shall be a 5-speed fully automatic transmission."

Response:

The bid offered by Triple J exceeded the bid requirement of 5-speed fully automatic transmission. Triple J offered a 6-speed fully automatic transmission based on the descriptive literature submitted by Triple J. DPW Transportation representative deemed the bid offered by Triple J exceeded the minimum requirement of the bid.

Issue No. 6

You stated in part: "Documents provided to Cars Plus shows that a representative from Triple J signed the Invitation for Bid before GSA even notified you that your bid had been rejected."

Response:

We agree with your statement that GSA issued the award to the successful bidder prior to Cars Plus receiving its bid status. However, your company was called at the same time on 17 July 2013 with the successful and the unsuccessful bidders to pick up either their bid status or their purchase order. The fact that your representative failed to come on 17 July 2013 and instead came on 18 July 2013 does not constitute a "troubling pattern" as you indicated.

Issue No. 7

You stated in part: "The Chief Procurement Officer shall waive minor informalities or allow bidder to correct them depending on which is in the best interest of the territory. You also stated that the inclusion of the manufacturer's standard warranty has no effect on price, quantity, quality, delivery or contractual conditions."

Response:

Be advised that your failure to comply with the warranty requirements does have an effect on contractual conditions. The Chief Procurement Officer as you have pointed out determines whether it is in the government's best interest, based upon the above stated criteria, to use this regulation. She has determined that it was not.

Based on your argument that GSA did not give you the opportunity to provide the limitations within the 5 year/100,000 limited warranty is unfounded. Please refer to a memorandum dated 23 July 2013 that indicates that prior to rejecting your bid, we wrote to you inquiring where in your bid package was the certificate of warranty and its limitations were. You indicated in an email to GSA on 16 July 2013 that it would be in your "Maximum Care Booklet". We reviewed the booklet and there was no specific statement about the limitations and a certificate of warranty.

On 18 July 2013 we contacted Mr. Eugene Rios, the named contact for this bid, to meet to discuss this issue. Mr. Rios was unable to point out the specific certification of warranty and the limitation that was being requested. GSA did grant an opportunity for your company to show that you did comply with the requirement of the bid to which Mr. Rios was unable to do. In fact, Mr. Rios, during our discussion with Ms. Inez Perez and Mr. Paul Llanes, buyer I stated that he believes the document that he brought with him to GSA on 18 July 2013 was probably what he should have included in the bid package he submitted for Cars Plus. Mr. Rios showed the documents to Mr. Robert Kono, procurement advisor, Ms. Inez Perez, buyer I, and Mr. Paul Llanes, buyer I and all three agreed with Mr. Rios that yes, it is the document you should have submitted with your bid.

Based on the above, it is our determination that your protest is with merit on issue #4 and without merit on all others. Please be advised that a re-bid will be issued at a later date for this requirement. Upon receipt of this letter, you are, therefore, notified of our determination and that you have a right to seek administrative and judicial review within the confines of the law.

Sincerely,

CLAUDIA S. ACFALLE
Chief Procurement Officer