

**Office of the Attorney General**  
**Leonardo M. Rapadas**  
 Attorney General of Guam  
 Civil Division  
 287 West O'Brien Drive  
 Hagåtña, Guam 96910 • USA  
 (671) 475-3324 • (671) 472-2493 (Fax)  
 www.guamattorneygeneral.com

**RECEIVED**  
 OFFICE OF PUBLIC ACCOUNTABILITY  
 PROCUREMENT APPEALS  
 DATE: 5/3/13  
 TIME: 7:50  AM  PM BY: JH  
 FILE NO OPA-PA: 13-001

Attorneys for General Services Agency, Department of Administration

**OFFICE OF PUBLIC ACCOUNTABILITY  
 PROCUREMENT APPEAL**

In the Appeal of

MORRICO EQUIPMENT, LLC

Appellant.

) Docket No. OPA-PA-13-001  
 )  
 )  
 )

) **DECLARATION OF JOHN WEISENBERGER**  
 )  
 )  
 )  
 )  
 )  
 )


I, John Weisenberger, do hereby declare:

1. I am an Assistant Attorney General and I am assigned to represent the General Services Agency, Department of Administration in the matter captioned above.
2. On Tuesday April 30, 2013 I sent an email message to Mr. Paul Cepeda at the Department of Public Works. Mr. Cepeda is responsible for the maintenance of heavy equipment owned by the government of Guam.
3. Paul Cepeda was actively involved in the development of the specifications for both the Custom Cab-Forward Pumpers and the Urban/Wildland Interface Pumpers that are the subject of Multi-Step Bid No. GSA-005013.
4. On Thursday, May 2, 2013, Paul Cepeda responded to my email message of April 30, 2013.

**ORIGINAL**

5. Attached hereto and marked as Exhibit A is both my email of April 30, 2013, and Paul Cepeda's email response of May 2, 2013.

I make this Declaration on May 3, 2013. I declare under penalty of perjury that the foregoing declaration is true and correct to the best of my knowledge and belief.

  
\_\_\_\_\_  
**JOHN WEISENBERGER**  
Assistant Attorney General

# Exhibit “A”

## John Weisenberger

---

**From:** Paul N.I. Cepeda [paul.cepeda@dpw.guam.gov]  
**Sent:** Thursday, May 02, 2013 2:25 AM  
**To:** John Weisenberger  
**Subject:** Re: Inspection Trips for Fire engine Acquisitions

Good morning John,

Sorry i would like to call you but presently I'm in San Diego for my daughters graduation from Law School..that's right Law School she actually graduated last week now she's a JD.HAHAHA...

Anyway I totally disagree with the OPA decision it is important that GFD have the right to go inspect there fire truck as they are being built to insure that they understand the how it's being built and to insure it meets specs...and have the opportunity to speak to the factory personnel for further knowledge on the fire truck

Good example on the latest School Bus specs we asked in the specs for one pre trip to the factory to inspect the school buses..we noticed a few upgrades they did that better the buses..the mechanic that went saw first hand how the buses were manufactured.. they got to speak to the factory personnel to further there knowledge...and noticed that the buses did NOT meet specs reason for is we asked for a side emergency door but due to a misunderstanding between the factory and Morrico Equip. the factory did not install the side emergence door however DPW director decided to accept the buses even if I disagreed..

But there is no manufactures standard when it comes to off island inspection it is up to the government to request and we have been doing this for ages and it is VERY BENEFICIAL to the government

Paul

On Tue, Apr 30, 2013 at 11:55 PM, John Weisenberger <[jweisenberger@guamag.org](mailto:jweisenberger@guamag.org)> wrote:

Hi Paul,

As you may be aware, GSA lost an appeal involving the solicitation for fire trucks, custom cab pumpers and urban/wildland interface pumpers. One provision of the IFB that the Public Auditor ruled must be changed is the provision requiring the manufacturer to bring two GFD personnel to the factory, once at the beginning of the construction of the trucks, and once at the conclusion, presumably to confirm that trucks will not be shipped to Guam prior to being approved by GFD.

I believe GFD will want to ask for a reconsideration of this decision. Do you have any information about industry standards concerning this type of trip to the factory concerning the construction of expensive custom machines, etc.?

Please call me at number below or otherwise respond. Thanks, John.

**Saina Ma'ase,**

**Si' John Weisenberger**

Assistant Attorney General

**Ufisinan Hinirat Abugao**

**Office of the Attorney General**

287 West O' Brien Drive

Hagatna, Guam 96910

Ph: 671 475-3324 ext. 3097

Email: [jweisenberger@guamag.org](mailto:jweisenberger@guamag.org)

URL: [www.guamag.org](http://www.guamag.org)

**CONFIDENTIALITY NOTICE:** This email and any files transmitted with it may be legally privileged and confidential and is intended solely for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any review, dissemination or copying of this email, or taking any action in reliance on the contents of this information is strictly prohibited. If you received this transmission in error, please notify us immediately by e-mail or telephone to arrange for the return of this email and any files to us or to verify it has been deleted from your system.