



**RECEIVED**  
OFFICE OF PUBLIC ACCOUNTABILITY  
PROCUREMENT APPEALS

DATE: APRIL 11, 2014

**Appendix A: Notice of Appeal Form  
PROCUREMENT APPEAL**

TIME: 2:35  AM  PM BY: JB

FILE NO OPA-PA: 14-002

**PART I- To be completed by OPA**

In the Appeal of	)	<b>NOTICE OF APPEAL</b>
	)	
<u>FUKUDA ENTERPRISES, LLC</u>	)	
(Name of Company), APPELLANT	)	
_____	)	
	)	Docket No. OPA-PA _____

**PART II- Appellant Information**

Name:	<u>FUKUDA ENTERPRISES, LLC</u>
Mailing Address:	<u>Post Office Box 6763</u> <u>Tamuning, GU 96931</u>
Business Address:	<u>296 Pangelinan Blas Lane</u> <u>Harmon, GU 96930</u>
Email Address:	<u>jasonf@fukudaent.com</u>
Daytime Contact No:	<u>671-649-4239 or 483-4439</u>
Fax No.:	<u>671-649-4039</u>

**PART III- Appeal Information**

- A) Purchasing Agency: Guam Department of Education
- B) Identification/Number of Procurement, Solicitation, or Contract: IFB 004-2014 for Purchase of Special Education Mini Buses.
- C) Decision being appealed was made on 03-27-2014 (date) by:  
 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)*
- 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)

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

TRIPLE J MOTORS	_____
_____	_____
_____	_____
_____	_____
_____	_____

**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**

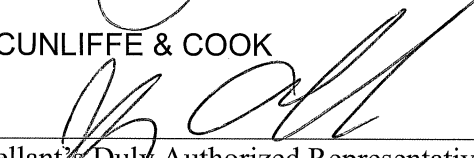
Pursuant to 5 GCA Chapter 5, unless the court requests, expects, or otherwise expresses interest in a decision by the Public Auditor, the Office of Public Accountability will not take action on any appeal where action concerning the protest or appeal has commenced in any court.

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 \_\_\_\_\_ day of April, 20 14.  
FUKUDA ENTERPRISES, LLC

By:   
APPELLANT JOSEFINA FUKUDA, Member

or CUNLIFFE & COOK

By:   
Appellant's Duly Authorized Representative  
JEFFREY A. COOK, ESQ.  
(Address) Suite 200, Archbishop Flores Street, Hagatna, GU 96910  
(Phone No.) 671 472-1824

## **STATEMENT OF GROUNDS FOR APPEAL**

On November 20, 2013, GUAM DEPARTMENT OF EDUCATION (“GDOE”) issued IFB 004-2014 (“IFB”) for 22 Passenger Mini School Buses. The IFB included the following specification pertaining to the wheelchair lifts on the buses: “Successful bidder must also be certified by Wheelchair Lift Manufacturer to entertain, address and negotiate all warranties and liabilities for said wheelchair lift here including an on-island authorized to service center located on Guam.”

On information and belief, Triple J Motors (“Triple J”) was listed as a bidder with GDOE in November, 2013.

On information and belief, Triple J obtained a copy of the IFB shortly after it was issued November 20, 2013.

The IFB as issued had a November 27, 2013 deadline for submission of pre-bid written questions. The IFB did not schedule a pre-bid conference. The IFB as issued scheduled the time and date for opening the bids as December 16, 2013.

On November 25, 2013 Appellant FUKUDA ENTERPRISES, LLC (“Appellant or FUKUDA”) submitted questions pertaining to the bid. On December 4, 2013, GDOE issued Amendment 1 correcting the time and date for the opening of the bids based on a mistake by GDOE. On December 6, 2013, GDOE issued Amendment 2 answering the questions submitted by Appellant on November 25, 2013. On December 13, 2013, GDOE issued Amendment 3 changing the time and opening of the bids from December 16, 2013, to December 20, 2013.

On December 20, 2013, at 09:45 Appellant's representatives were at GDOE to submit its bid package. Present waiting for the time to submit bid packages were representatives of Appellant, Morrico Equipment and Matson. At that time, Appellant and others present for the opening received email on their smart phones that there was a notice of stay of the IFB. There was no representative of Triple J present to submit a bid package when the email was sent advising vendors of the notice of stay of procurement only 15 minutes before bids were to be submitted and opened.

Triple J Enterprises submitted a protest at 09:10 on December 20, 2013 objecting to the above-referenced specification in the IFB. See, Exhibit 1.

On January 30, 2014, GDOE lifted the stay issued December 20, 2013. On February 11, 2014, GDOE issued Amendment 4 deleting the above-referenced language regarding the specification pertaining to the wheelchair lifts and scheduled a new date and time for opening of bids, that being February 19, 2014 at 10:00 a.m. See, Exhibit 2.

On February 14, 2014, Appellant sent a letter to GDOE, which although not artfully drafted, protested GDOE's changing the specification based on Triple J's protest. Appellant questioned the propriety of GDOE accepting the protest from Triple J on the day the bids were suppose to be opened, that being December 20, 2013. Appellant noted that this issue had not been timely raised within the period for pre-bid questions set forth in the IFB. Appellant claimed that the amendment changed the entire bid package and was unfair to the other vendors who had their bids ready to submit on the date set forth by the IFB as amended by Amendments 1 and 3. See, Exhibit 3.



On February 19, 2014, GDOE received the bids from Appellant and Triple J and opened the bids. Triple J's Bid was the lower bid.

On March 5, 2014 Appellant's attorney sent GDOE a letter requesting a response to Appellant's protest letter of February 14, 2014 and requesting an acknowledgement that there was a stay pending the protest. See, Exhibit 4. On March 25, 2014, GDOE issued a Stay. On March 27, 2014, GDOE responded to Appellant's protest denying it and advising Appellant of its right to appeal. See, Exhibit 5. Appellant now timely appeals to the OPA pursuant to 5 GCA §5425(e).

As noted herein, on information and belief, Triple J knew or should have known more than 15 days before it filed its protest on December 20, 2013, that it had issues with the specification regarding the wheelchair lifts. Triple J had taken part in previous IFB's regarding purchases of mini school buses with wheelchair lifts in 2004, 2005, 2007, 2009, 2011 and 2012. In all of those previous IFB's, the same language regarding specification for the wheelchair lift as cited herein was part of the IFB specification. See, Exhibit 6.

5 GCA §5425(a) requires a bidder to file a protest within fourteen (14) days of when it knows or should have known of the issue it raises in its protest. For Triple J's protest filed December 20, 2013, to be a valid protest, Triple J would have to show it did not know of the specification requirements until on or after December 5, 2013. As alleged herein, Triple J was on the bidder's list with GDOE and Triple J received the IFB before December 5, 2013. Therefore, Triple J's protest was not timely and should have been rejected by GDOE.

Appellant also challenged the amount of time given vendors between the issuance of Amendment 4 changing the specification on February 11, 2014, and the new bid opening date of February 19, 2014. Under 2 GAR §3109(d), the minimum bidding time in an IFB is fifteen (15) days. It is Appellant's position that if the agency is going to amend specification, it should minimally allow a 15 day period to schedule a new time for submitting and opening bids.

2 GAR §3109(i) requires a reasonable time to allow bidders to consider amendments to the IFB. Although reasonable time is not defined in the GAR, it is Appellant's position that the 15 day time period provided for in 2 GAR §3109(d), should be the minimal time provided when GDOE amends the specification as to a major component of the IFB. This seems particularly true when GDOE had included this specification in all of its previous IFB's for buses for disabled children. This specification was deemed necessary by GDOE for a number of years and there was no explanation as to why all of a sudden Mr. Paul Cepeda, the drafter of the IFB specification, determined that the specification was no longer necessary to protect the Government.

It is Appellant's position that the reason for the specification requiring the successful bidder to be certified by the wheelchair lift manufacturer is to protect the consumers of these buses which are disabled school children and reduce potential liability of GDOE if there are wheelchair lift malfunctions. This specification is material to the IFB.

It should also be noted that Triple J's protest letter of December 20, 2013, misstated the facts regarding manufacturers of wheelchair lifts. Ricon is not the only lift manufacturer. There is at least one other lift manufacturer, Braun Ability, that meets the

certification requirements in the IFB. Triple J could have sought to obtain a similar status from Braun Ability that it criticized Appellant having with Ricon. Because this was a material amendment to the IFB specification, GDOE should have cancelled the IFB and reissued it allowing the vendors adequate time to assess the change in the IFB and how it affected their bids.

2 GAR §3109(t)(2) provides in a multi-step seal bidding process, if “a contemplated amendment will significantly change the nature of the procurement, the invitation for bids shall be cancelled in accordance with §3115 ... of this chapter and a new Invitation for Bids issued”. Although this appeal involves the protest of an IFB and not a multi-step competitive seal bid process, the reasoning in 2 GAR §3109(t)(2) should apply similarly in the process under review in this case. If the agency is going to make an amendment that changes the specification significantly, it should have cancelled the IFB and reissued it allowing vendors the opportunity to determine how to proceed with the amendment.

Additionally, GDOE should explain why a specification that it deemed necessary in at least 7 prior IFBs for purchase of mini buses with wheelchair lifts is no longer required; particularly a specification that pertains to warranty issues of the wheelchair lift which clearly go to safety of disabled children using the mini buses.

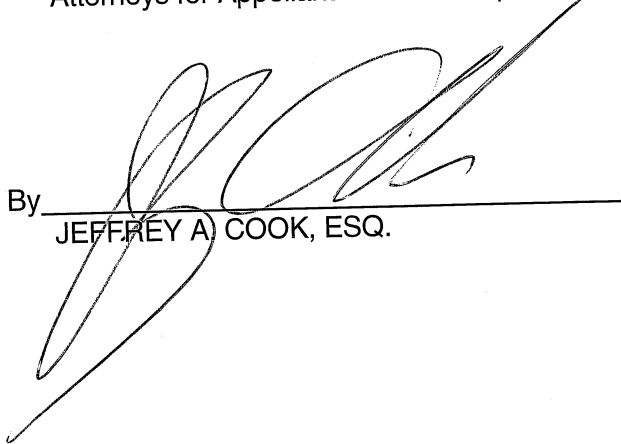
Appellant respectfully asks the OPA to order that GDOE cancel the bid protested by Appellant and reissue the IFB with its original specification, or justify amending the specification to remove a requirement pertaining to the warranty and maintenance of the wheelchair lifts and explain why that specification should not continue to be a

requirement in the IFB based on the best interest of the users of the buses intended to be purchased under this IFB.

Respectfully submitted this 11<sup>th</sup> day of April, 2014.

**CUNLIFFE & COOK**  
A Professional Corporation  
Attorneys for Appellant Fukuda Enterprises LLC

By

  
\_\_\_\_\_  
JEFFREY A. COOK, ESQ.



**ORIGINAL**

Rec: 9:10am  
12/20/13

Guam Department of Education  
Attn: Carmen Taitano  
Buyer Supervisor  
Ph: 300-1585  
cttaitano@gdoe.net

December 19, 2013

RE: Bid Protest - Bid no. DOE 004-2014 22 Passenger Mini School Buses  
Triple J Motors is filing the subject bid protest due to the following specification requirements which restrict us from participating in this procurement.

Section: Wheelchair Lift- As Written by DOE:

“Successful bidder must also be certified by Wheelchair Lift Manufacture to entertain, address and negotiate all Warranties and Liabilities for or said Wheelchair Lift here including an on island authorized to service center located on Guam”.

We have expressed to DOE in the past that this is unjustified, unfair, and restricts other potential vendors. The primary lift manufacture for this type of vehicle is Ricon. Ricon has only one authorized service and warranty facility on island which is Fukuda Enterprises. Furthermore, Ricon refuses to certify any other vendors to service their products. This requirement essentially assures that the vehicles can only be procured from Fukuda. Clearly this is not in the best interest of the Government.

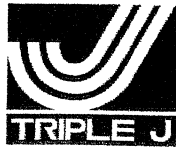
We find it very unusual that DOE does not have this same requirement for the most important aspects of the vehicle like the chassis, engine, transmission and body. As it stands now, operation of one of the least complicated aspects of the vehicle, the wheelchair lift, is taking priority over the ability of the vehicle to be maintained and operated safely on Guam's roads. This is a very unusual decision on DOE's part and one we feel needs to be reconsidered.

**TRIPLE J MOTORS**

P.O. BOX 6066 • TAMUNING, GUAM 96931 • TEL: (671) 648-6010 • FAX: (671) 648-6051  
Cell: (671) 687-1280

**EXHIBIT "1"**

Customers First



As with other vehicle solicitations, bids should be allowed as long as there is a local authorized representative for the vehicle and equipment being offered. This requirement assures that there is on-island expertise should a problem arise but it also allows for competitive bids and a fair price for taxpayers.

Thank you for your attention to this matter.

Charlie Reynolds

A handwritten signature in black ink, appearing to be 'CR' with a stylized flourish.

Fleet & Commercial Sales Manager

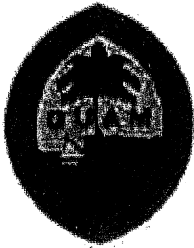
CC: Jeff Jones President & COO  
Jay Jones Senior Vice President  
Alma Valdez Business Manager  
Mike Temerowski Sales Manager

Pg. 2/2

**TRIPLE J MOTORS**

P.O. BOX 6066 • TAMUNING, GUAM 96931 • TEL: (671) 648-6010 • FAX: (671) 648-6051  
Cell: (671) 687-1280

EXHIBIT "1"



DEPARTMENT OF EDUCATION  
OFFICE OF SUPPLY MANAGEMENT

[www.gdoe.net](http://www.gdoe.net)  
Manuel F.L. Guerrero Administration Building  
2<sup>nd</sup> Floor, Suite B-220  
Hagatna, Guam 96910  
Telephone: (671) 475-0438/Fax: (671) 472-5001



JON J.P. FERNANDEZ  
Superintendent of Education

MARCUS Y. PIDO  
Supply Management Administrator

February 11, 2014

**AMENDMENT 4**

**Prospective Bidders:**

Please refer to our Invitation for Bid No. IFB 004-2014, Indefinite Quantity Bid for the Purchase of Special Education Mini Buses (22 Passenger), a copy of which was obtained by your company for consideration.

In the Spirit of clarity and achieving the best possible solution to satisfy the requirements of IFB 004-2014, GDOE is hereby revising and amending the Bid Form in response to this IFB.

*The following requirement has been deleted from the wheelchair lift specifications on the 1st Bid Form that was attached to the IFB packet:*

*"Successful bidder must also be certified by Wheelchair Lift Manufacturer to entertain, address and negotiate all Warranties and Liabilities for or said Wheelchair Lift here including an on island authorized to service center located on Guam."*

*Amended requirements have been added to the warranty section on page 11 of the revised and amended Bid Form. Please see attached revised and amended Bid Form.*

**PAGE 5, SUBSECTION 2.2.5 – TIME AND DATE FOR RECEIPT OF BIDS**

Notice of Stay was lifted on January 30, 2014

**From:**

Time: 10:00 AM Chamorro Standard Time (ChST)  
Date: Friday, December 20, 2013

**To:**

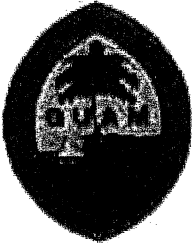
Time: 10:00 AM Chamorro Standard Time (ChST)  
Date: Wednesday, February 19, 2014

All else remains the same.

Sincerely,

MARCUS Y. PIDO  
Supply Management Administrator

cc: Procurement File: IFB 004-2014



Jon J. P. Fernandez  
Superintendent of Education

**DEPARTMENT OF EDUCATION  
OFFICE OF SUPPLY MANAGEMENT**

[www.gdoe.net](http://www.gdoe.net)  
Manuel F.L. Guerrero Administration Building  
2<sup>nd</sup> Floor, Suite B-220  
Hagatna, Guam 96910  
Telephone: (671) 475-0438/Fax: (671) 472-5001



Marcus Y. Pido  
Supply Management Administrator

**AMENDMENT ACKNOWLEDGEMENT FORM**

IFB 004-2014  
INDEFINITE QUANTITY BID FOR THE PURCHASE OF  
SPECIAL EDUCATION MINI BUSES (22 PASSENGER)

**AMENDMENT 4**

February 11, 2014

Please review the attached document. (All Notice/Amendments can be reviewed on our website)  
Please sign this acknowledgement page and only return this page, attention to **CARMEN T. TAITANO** via fax (671) 472-5001 or e-mail to: [cttaitano@gdoe.net](mailto:cttaitano@gdoe.net).

I, \_\_\_\_\_, an authorized representative of the company named below, acknowledge receipt of **AMENDMENT 4**, for **IFB 004-2014, Indefinite Quantity Bid for the Purchase of Special Education Mini Buses (22 Passenger)**. Number of pages **14** (including this coversheet).

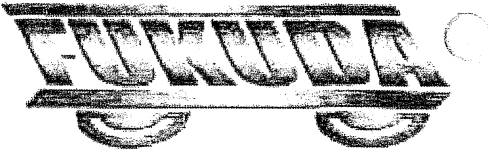
\_\_\_\_\_  
Company Name (Print)

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Time and Date





FUKUDA ENTERPRISES, LLC.

BUS SALES AND RENTALS  
PARTS AND SERVICES  
UNIFORMS

February 14, 2014

Mr. Marcus Pido  
Supply Management Administrator  
Office of Supply Management  
Department of Education  
P.O. Box DE  
Hagatna Guam 96932

Re: IFB No. 004-2014

Sent via "EMAIL."

Mr Marcus Pido,

We disagree with your Amendment# 4 that was issued on February 11, 2014.

**The following requirement has been deleted from the wheelchair lift specifications on the 1<sup>st</sup> Bid Form that was attached to the IFB packet:**

"Successful bidder must be also be certified by Wheelchair Lift Manufacturer to entertain, address and negotiate all Warranties and Liabilities for or said Wheelchair Lift here including an on island authorized to service center located on Guam."

Amended requirements have been added to the warranty section on Page 11 of the revised and amended Bid Form. Please see attached revised and amended Bid Form.

This was your response to the stay issued on December 20, 2013?

Our response and questions are as follows:

- 1) In this IFB, section 1- Invitation for Bid (IFB) timeline  
1.1- Table Timeline  
November 27, 2013  
Deadline of submission of Pre-Bid Written Questions 2:00PM, Chamorro Standard Time (chst)

Why was it possible for a vendor to submit and protest the bid on 12/20/13, which was the day it was scheduled to be opened? When the last day to submit questions was on November 27, 2013?

- 2) Now the entire bid is changed?



FUKUDA ENTERPRISES, LLC.

BUS SALES AND RENTALS  
PARTS AND SERVICES  
UNIFORMS

Your amendment 4, which changes the entire bid package, should not continue in its current form. The original bid form which was issued on November 20, 2013 must and should be used to continue this bid process. It is unfair to other vendors who was present at your office on December 20, 2013 and was ready to submit bid packages.

Now, your office decides to change specifications when the question and answer time line has come and gone to satisfy a certain vendor.

We would like to have a reponse by the end of business today.

Sincerely,

Jason Y. Fukuda  
Member

F RANDALL CUNLIFFE  
JEFFREY A. COOK

LAW OFFICES

TELEPHONE (671) 472-1824  
TELEFAX (671) 472-2422  
E-MAIL cclaw@teleguam.net

*Cunliffe & Cook*

JEFFREY A. MOOTS

Suite 200  
210 Archbishop Flores Street  
Hagåtña, Guam 96910

**FAKED**

March 5, 2014

Mr. Marcus Y. Pido  
Supply Management Administrator  
**DEPARTMENT OF EDUCATION**  
**OFFICE OF SUPPLY MANAGEMENT**  
Manuel F.L. Guerrero Administration Building  
2<sup>nd</sup> Floor, Suite B-220  
Hagåtña, Guam 96910

**RE: Protest of IFB 004-2014**

Dear Mr. Pido:

On February 14, 2014, my client, Fukuda Enterprises, LLC., submitted a letter to you protesting Amendment No. 4 of the IFB issued February 11, 2014. This amendment deleted a specification from the IFB. This amendment was made after the initial date bids were due, December 20, 2013, and long after the deadline for pre-bid questions of November 27, 2013.

Pursuant to 2 GAR, Division 4, §9101(c), you are required to stay the procurement until the protest is resolved. As of this date, my client has not received a response to its protest letter. Please confirm the bid process has been stayed and advise when you will respond to my client's protest.

Also, pursuant to 2 GAR, Division 4, §9101(f), I hereby submit this written request that you make available all information submitted to the department and its response regarding the protest that resulted in you issuing the Notice of Stay of Procurement on December 20, 2013 in the above referenced IFB.

Thank you for your immediate attention to this matter.

Sincerely,

**CUNLIFFE & COOK**

  
JEFFREY A. COOK

JAC: njg JAC Letters 2014  
March 2014 F0138

EXHIBIT "4"

# Transmission Report

Date/Time  
Local ID 1

03-05-2014  
6714722422

01:18:11 p.m.

Transmit Header Text  
Local Name 1

LAW OFFICES CUNLIFFE AND COOK

This document : Confirmed  
(reduced sample and details below)  
Document size : 8.5"x11"

## LAW OFFICE CUNLIFFE COOK

Suite 200  
210 Archbishop F.C. Flores Street  
Hagåtña, GU 96910

Telephone: (671) 472-1824 Telecopier: (671) 472-2422 E-Mail: cclaw@teleguam.net

**DATE:** March 5, 2014 **FILE NO:** F-0138  
**TO:** Marcus Y. Pido  
Office of Supply Management  
Department of Education  
**FAX NO.:** (671) 472-5001  
**FR:** Jeffrey A. Cook, Esq.  
**RE:** Protest of IFB 004-2014

### COMMENTS:

Please see attached. The original letter will be mailed to your office.

### DESCRIPTION OF DOCUMENTS:

1. Cover sheet; and,
2. Letter dated March 5, 2014.

Total Page(s), Including Cover Sheet **2**

### CONFIDENTIAL NOTICE:

The information in this facsimile is intended for the named recipient(s) only. It may contain privileged and confidential matters. If you have received this facsimile in error, or if there is a transmission error, please notify us immediately by collect telephone call and return the original to sender by mail. We will reimburse you for postage. Do not disclose the contents to anyone. Thank you.

Total Pages Scanned : 2

Total Pages Confirmed : 2

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	081	6714725001	01:17:26 p.m. 03-05-2014	00:00:16	2/2	1	EC	HS	CP33600

### Abbreviations:

HS: Host send  
HR: Host receive  
WS: Waiting send

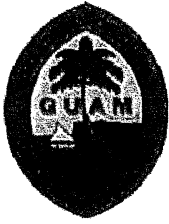
PL: Polled local  
PR: Polled remote  
MS: Mailbox save

MP: Mailbox print  
RP: Report  
FF: Fax Forward

CP: Completed  
FA: Fail  
TU: Terminated by user

TS: Terminated by system  
G3:   
EC:

**EXHIBIT "4"**



**DEPARTMENT OF EDUCATION  
OFFICE OF THE SUPERINTENDENT**

www.gdoe.net  
P.O. Box D.E., Hagatña, Guam 96932  
Telephone: (671)475-0457 or 300-1547/1536 • Fax: (671)472-5001  
Email: jonfernandez@gdoe.net



**JON J.P. FERNANDEZ**  
Superintendent of Education

March 27, 2014

Jeffrey A. Cook, Esq.  
Counsel for Fukuda Enterprises, LLC  
CUNLIFFE & COOK, P.C.  
210 Archbishop Flores Street, Suite 200  
Hagatña, Guam 96910

**RE: Protest Letter dated March 5, 2014 re: GDOE Invitation for Bid No. 004-2014;  
22 Passenger Mini School Buses**

Dear Mr. Cook:

I am writing in response to your letter of March 5, 2014 which references itself as a protest over Guam Department of Education ("GDOE") Invitation for Bid No. 004-2014 (the "IFB"). As you know, the IFB solicited 22-Passenger Mini School Buses.

In your letter, you state that on February 14, 2014 your client, Fukuda Enterprises, LLC "submitted a letter to [GDOE] protesting Amendment 4 of the IFB". To clarify, the February 14<sup>th</sup> letter from Fukuda Enterprises was not labeled a protest, nor does it state anywhere in the letter that Fukuda Enterprises was protesting the actions of GDOE. In fact, your client makes the statement that "[o]ur response and questions are as follows ..." and then indicates that it wanted a response by the end of the business day. As the Fukuda Enterprises letter did not identify itself as, or provide a statement of reasons for, a protest as required by 2 GAR Div 4 §9101, the letter was not a protest. It therefore was not treated as a protest, and no stay was required nor issued by GDOE.

With regard to your letter of March 5, 2014, it is labeled as a protest of the IFB, is being treated as such, and a Stay of Procurement was recently issued in response thereto. Although there was a delay between the date of your protest and the issuance of the stay, GDOE represents that, in accordance with applicable law and regulation, no action was taken in furtherance of award of the IFB between the time the protest was received and the date of this letter.

As you provide no other information about the substance of your protest, by your reference to it, GDOE is assuming the basis of your protest to be the Fukuda Enterprises letter of February 14, 2014 regarding Amendment 4 to the IFB. GDOE hereby responds to the questions raised in that letter, and for the reasons below, denies your protest in its entirety.

**Fukuda Enterprises Question 1:** Why was it possible for a vendor to submit and protest the bid on 12/20/13, which was the day it was scheduled to be opened? When the last day to submit questions was on November 27, 2013?

**EXHIBIT "5"**

**GDOE Response:** Pursuant to 5 GCA §5425, any actual or prospective bidder may file a written protest within fourteen days after the bidder knows or should know of the facts giving rise to the protest. §5425 does not consider deadlines to submit questions about an IFB when defining the fourteen day limit. A protest over GDOE IFB 004-2014 was received on December 19, 2013 from a prospective bidder, and it was deemed timely by GDOE. The protest involved a specification for a wheelchair lift. In an effort to address and potentially resolve the protest, GDOE consulted with Paul Cepeda of the Department of Public Works, who collaborated on the development of the specifications for the IFB (as noted in Section 2.1.2 of the IFB.). Thereafter GDOE determined it to be in its best interests to issue Amendment 4, which modified the specifications for a wheelchair lift. The issuance of Amendment 4 resulted in the resolution of the protest, and in GDOE's continuing with the solicitation described in the IFB. The deadline for potential vendors to submit questions about the IFB was identified in the IFB at Section 1.1 as November 27, 2013. However, that deadline does not equate to a deadline to file a protest, as that time limit is defined in 5 GCA §5425, as discussed above.

**Fukuda Enterprises Question 2:** Now the entire bid is changed?

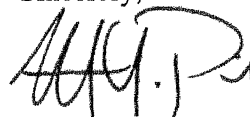
**GDOE Response:** The IFB was modified as described in Amendment 4.

**Further Comment by Fukuda Enterprises:** "The original bid form which was issued on November 20, 2013 must and should be used to continue this bid process. It is unfair to other vendors who was present at your office on December 20, 2013 and was ready to submit bid packages. Now your office decides to change specifications when the question and answer time line has come and gone to satisfy a certain vendor".

**GDOE Response:** Amendment 4 was issued on February 11, 2014, after consultation with Mr. Paul Cepeda, a drafter of the IFB specifications. After conferring with Mr. Cepeda, GDOE determined it best to make the changes described in Amendment 4. Such changes were likely to increase competition among bidders, resulting in more competitive rates for GDOE. The Amendment advised all bidders that the deadline to submit bids had been extended to February 19, 2014, eight days after the amendment was issued. This allowed each potential bidder an equal opportunity to reconsider its bid and submit one that took into account the changes described in Amendment 4. In fact, no bids were submitted to GDOE prior to the issuance of Amendment 4, so no bidder was prejudiced by having submitted a bid without opportunity to consider the information in the amendment. All bidders were afforded an equal amount of time to develop and submit a bid after Amendment 4 was issued. Fukuda Enterprises apparently had time to consider the changes made by the amendment, as Fukuda Enterprises confirmed receipt of Amendment 4 on February 14, 2014, and did not submit its bid until the last day to do so, that is, February 19, 2014. Given this, claims that the changes in Amendment 4 were unfair to vendors who were previously ready to submit bids are without merit.

For the reasons above, your protest is denied in its entirety. Pursuant to 5 GCA §5425, you have the right to appeal this decision to the Office of Public Accountability within fifteen days.

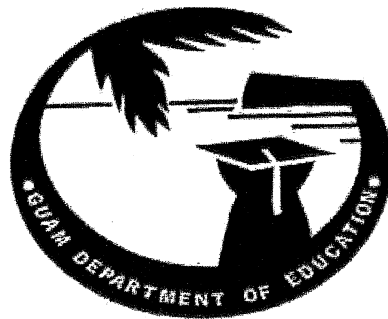
Sincerely,



Marcus Y. Pido

DEPARTMENT OF EDUCATION  
OFFICE OF SUPPLY MANAGEMENT  
INVITATION FOR BID

VEHICLE - MINI BUS 22 PASSENGERS  
CAPACITY WITH WHEEL CHAIR LIFT,  
5 - EACH.



Issued Date: Thursday, November 13, 2003

Opening Date: Friday, November 28, 2003 @ 10:00 am

Pre-Bid conference will be held at the Manuel F.L. Guerrero Bldg., Administration Bldg., 1<sup>st</sup> Floor, Department of Education  
Conference Room on Wednesday, November 19, 2003 @ 10:00 am  
1500

**IFB No. FBE 005-2004**

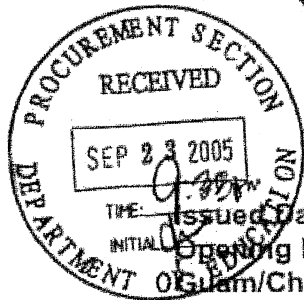
JUAN P. FLORES  
Superintendent of Education

<b>Seat and Crash Barriers:</b>	Barriers are located forward of the first row of seats, Seat depth shall be at 15" with a backrest of at least 39" high and a knee clearance of 24". Steel frame with polyurethane foam padding bolted to the floor And wall. Should meet all requirements of FMV SS222 School bus passenger.	_____
	A Department Of Transportation (D.O.T) approved Restraint system shall be provided for all passengers And driver seat position.	_____
	Number of seats will be based on space availability Of 22 passenger seat diagram with One(1), Two (2), Wheelchair placements. Bidder shall include that number Of seats coinciding with the number of wheelchair Placement.	_____
<b>Step Threads:</b>	All steps; including floor line platform area, shall be Covered with 3/16 inches rubber floor covering or Other material equal in wear resistance and abrasion Resistance to top grade rubber.	_____
<b>Stop Signal Arm:</b>	Air powered, octagon stop signal shall be in red and White letters with white border. Flashing lamps in stop Arm shall be connected to the alternate red flashing Signal lamp circuits <b>with Led lights</b> .	_____
<b>Sun Shield:</b>	Interior adjustable transparent sun shield not less than 6" x 30" with a finished edge shall be installed in a position convenient for use by driver.	_____
<b>Windows:</b>	Window size shall be at least 23" x 25" with an opening of at least 10".	_____
**	<b>And all windows will be <u>TINTED</u> with dark tint. Two (2) push out emergency windows. One (1) On each side of the Bus.</b>	_____
<b>Wheelchair Lift:</b>	Wheelchair lift must have restraint system. Wheelchair Lift Shall be mounted inside the right side rear of the bus <b>"MUST BE ADA AND FEDERAL D.O.T. APPROVED"</b> For commercial transport of individual with disability. Must have master switch easily accessible to driver So it Cannot be accidently turned on. Bidder must specify Make/Model and other specifications related to Wheelchair Lift. Appropriate brochures describing the Wheelchair Lift Must be provided to operator, to include repair and service Manual. Wheelchair lift door shall be at lease 42" x 64". Successful bidder must also be certified by Wheelchair Lift Manufacturer to entertain, address and negotiate all Warranties and Liabilities for or said Wheelchair Lift here including an on island authorized to service center located Here on Guam. The lift platform shall be 32 inches.	_____
		Ricon S-2005 w/ brake interlock 32 inch platform Interlock tied into parking brake.
		_____
		Ricon certification attached.
		_____
		As Specified
<b>Wheelchair Position:</b>	(WCP) and wheelchair restraint system shall be floor Mounted (at rear of bus) four (4) point Tie down system With adjustable straps that separately Anchors both Wheelchair and occupant in a forward Facing position. Bidder must specify make/model And other specification Related to the WCP. Appropriate Brochures describing The wheelchair restraint System and the WCP must be <b>"ADA AND FEDERAL D.O.T. APPROVED"</b> , WCP must be able to accommodate wheelchairs of all sizes.	_____
		_____
		As Specified
<b>Wheelchair Securement/ Occupant Restraint Systems:</b>	The wheelchair positions shall be forward facing utilizing Ortho Safe Protector System (OSPS) or QTR Retractable Securement System (Q-8100-A1 Delux System). Each vehicle Shall be equipped with <b>six (6) sets</b> of wheelchair/occupant Restraints. Manufacturer's part numbers and quantities per position.	_____
		Q-8100 Deluxe system
		_____
		As Specified
	Are listed:	_____



**GUAM PUBLIC SCHOOL SYSTEM  
OFFICE OF SUPPLY MANAGEMENT  
INVITATION FOR BID**

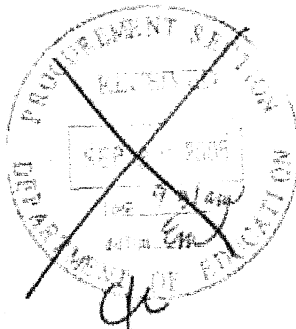
**OUTRIGHT PURCHASE OF VEHICLES 22-  
PASSENGER MINI BUS, 4 X 4 PICKUP TRUCK  
AND 4 X 4 SPORT UTILITY VEHICLE.**



Issued Date: September 08, 2005  
Opening Date: September 20, 2005  
Guam/Chamorro Time: 10:00AM Tuesday

**IFB No. FBE 019-2005**

**JUAN P. FLORES  
Superintendent of Education**



Prepared by:

**ANDREW T. CERTEZA  
Buyer Supervisor I  
GPSS Office of Supply Management  
2005  
[acerteza@dos.edu.gu](mailto:acerteza@dos.edu.gu)**

FBE 019-2005  
OUTRIGHT PURCHASE OF VEHICLES

C.E. White  
Seats:

Passenger seats shall be contoured track-mounted seat belts equipped with three (3) sets of seat belts Having a securement range from 16" - 55". Seats Shall be all vinyl with padded guard rails on aisle on Seats. Grab rails shall be constructed as an integral Parts of the seat frame. Seats shall be color Coordinated with the exterior and interior colors of The vehicle. Each bus will have four (4) of the C.E. White Co. Integrated Child Restraint School Bus seat Model Number: CR39 (39" double seat).

As Specified

Collins Child

Restraint Seat.

\* Each bus will be equipped with four (4) Student Transportation Add-on Restraint with one (1) Connector Strap (star plus for 25 - 90 pounds).

As Specified

Step Treads:

All steps, including floor line platform area, shall be Covered with 3/16 inches rubber floor covering or Other material equal in wear resistance and abrasion Resistance to top grade rubber.

As Specified

Stop Signal  
Arm:

Electric Type, and should be powered by a 12 volt Motor, octagon stop signal shall be in red and White letters with white border. Flashing lamps in stop Arm shall be connected to the alternate red flashing Signal lamp circuits. **With LED LIGHTS.**

As Specified

Sun Shield:

Interior adjustable transparent sun shield not less Than 6" x 30" with a finished edge shall be installed in a position convenient for use by driver.

As Specified

\*\* Windows:

Window size shall be at least 23" x 25" with a Opening of at least 10", and all windows be **TINTED** with dark tint.

As Specified

Two (2) push put emergency windows. One (1) On each side of the bus.

As Specified

Wheelchair  
Lift:

Wheelchair lift must have restraint system. Wheelchair lift shall be mounted inside the right side rear of the bus **"MUST BE ADA AND FEDERAL D.O.T. APPROVED"** For commercial transport of individual with disability Must have master switch easily accessible to driver so Can not be accidentally turned on. Bidder must specify Make/model and other specification related to wheelchair Lift. Appropriate brochures describing the wheelchair lift Must be provided to operator, repair and service manual. Wheelchair lift door shall be at lease 42" x 64". **Wheelchair lift must be tied into the parking brake.**

Ricon Corp.

with brake interlock

32 inch platform.

As Specified

\* Successful bidder must also be certified by Wheelchair Lift Manufacturer to entertain, address and negotiate all Warranties and Liabilities for or said Wheelchair Lift here Including an on island authorized to service center located Here on Guam.

As Specified

The lift platform shall be 32 inches.

As Specified

Wheelchair  
Position:

(WCP) and wheelchair restraint system shall be floor Mounted (at rear of bus) four (4) point Tie down system With adjustable straps that separately Anchors both Wheelchair and occupant in a forward facing position. Bidder must specify make/model and other specification Related to the WCP. Appropriate Brochures describing The wheelchair restraint System and the WCP must be **"ADA AND FEDERAL D.O.T. APPROVED"** WCP must be able to accommodate wheelchairs of All sizes.

As Specified

**GUAM PUBLIC SCHOOL SYSTEM  
OFFICE OF SUPPLY MANAGEMENT**

**INVITATION FOR BID**

**OUTRIGHT PURCHASE OF VEHICLES, PICKUP  
TRUCK, FOUR WHEEL DRIVE, 4-DOOR, CREW-  
CAB AND MINI BUS 22-PASSENGER WITH  
WHEELCHAIR LIFT (WCL).**



Issued Date: May 02, 2007  
Opening Date: May 23, 2007  
Guam Time: 10:00AM, Wednesday

**IFB No. GPSS IFB 001-2007**

**LUIS M. REYES  
Superintendent of Education**

Prepared by: **ANDREW CERTEZA**  
Buyer Supervisor I  
GPSS Office of Supply Management  
2007



Step Treads: All steps, including floor line platform area, shall be covered with 3/16 inches rubber floor covering or other material equal in wear resistance and abrasion resistance to top grade rubber. As Specified

Stop Signal Arm: Electric Type, and should be powered by a 12 volt motor, octagon stop signal shall be in red and white letters with white border. Flashing lamps in stop arm shall be connected to the alternate red flashing Signal lamp circuits. **With LED LIGHTS.** As Specified

Sun Shield: Interior adjustable transparent sun shield not less than 6" x 30" with a finished edge shall be installed in a position convenient for use by driver. As Specified

\*\* Windows: Window size shall be at least 23" x 25" with a opening of at least 10", and all windows be TINTED with dark tint. As Specified

Two (2) push put emergency windows. One (1) on each side of the bus with buzzer switch installed and must be DOT approved (emergency alarm). As Specified

Wheelchair Lift: Wheelchair lift must have restraint system. Wheelchair lift shall be mounted inside the right side rear of the bus **"MUST BE ADA AND FEDERAL D.O.T. APPROVED"** for commercial transport of individual with disability. Must have master switch easily accessible to driver so can not be accidentally turned on. Bidder must specify make/model and other specification related to wheelchair lift. Appropriate brochures describing the wheelchair lift must be provided to operator, repair and service manual. Wheelchair lift door shall be at lease 42" x 64". Wheelchair lift must be tied into the parking brake. As Specified



Successful bidder must also be certified by Wheelchair Lift manufacturer to entertain, address and negotiate all warranties and liabilities for or said Wheelchair Lift here including an on island authorized to service center located here on Guam. As Specified



The lift platform shall be 32 inches. **"MUST BE ADA AND FEDERAL D.O.T. APPROVED"**. As Specified

Wheelchair Position(WCP): WCP and wheelchair restraint system shall be floor mounted (at rear of bus) four (4) point tie down system with adjustable straps that separately anchors both wheelchair and occupant in a forward facing position. As Specified

INVITATION FOR BID

PSW

ACFALLE  
CLAUDIA S. ACFALLE  
Chief Procurement Officer

ISSUING OFFICE:  
GENERAL SERVICES AGENCY  
GOVERNMENT OF GUAM  
DEPARTMENT OF EDUCATION  
P.O. BOX FG, Hagatna, Guam 96932  
Tel: 475-1707/1720 \* Fax: 472-44217;475-1727/1716

DATE ISSUED: \_\_\_\_\_ BID INVITATION NO: **GSA/DOE IFB-027-2009**

BID FOR: **VEHICLE-MINI BUS, 22 PASSENGER CAPACITY, DUAL REAR WHEEL WITH WHEELCHAIR LIFT (WCL)**

SPECIFICATION: See Attached Specifications

DESTINATION: DEPARTMENT OF PUBLIC WORKS (DPW); M/F: DEPARTMENT OF EDUCATION (DOE) / SPECIAL EDUCATION - TRANSPORTATION

REQUIRED DELIVERY DATE: 180 Days Upon Receipt of Purchase Order

FUNDING SOURCE: 100% FEDERAL FUNDS FROM THE PART B GRANT OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

INSTRUCTION TO BIDDERS:

INDICATE WHETHER: \_\_\_ INDIVIDUAL X PARTNERSHIP <sup>LLC</sup> \_\_\_ CORPORATION

INCORPORATED IN: 1998

This bid shall be submitted in duplicate and sealed to the issuing office above no later than (Time) 10:00am. Date: October 9, 2009 and shall be publicly opened. Bid submitted after the time and date specified above shall be rejected. See attached General Terms and Conditions, and Sealed Bid Solicitation for details.

The undersigned offers and agrees to furnish within the time specified, the articles and services at the price stated opposite the respective items listed on the schedule provided, unless otherwise specified by the bidder. In consideration to the expense of the Government in opening, tabulating, and evaluating this and other bids, and other considerations, the undersigned agrees that this bid remain firm and irrevocable within 60 calendar days from the date opening to supply any or all the items which prices are quoted.

NAME AND ADDRESS OF BIDDER:  
Fukuda Enterprises LLC  
P.O. Box 6763  
Tamuning Guam 96931

SIGNATURE AND TITLE OF PERSON AUTHORIZED TO SIGN THIS BID:  
Fukuda Member

AWARD: CONTRACT NO.: \_\_\_\_\_ AMOUNT: \_\_\_\_\_ DATE: \_\_\_\_\_

ITEM NO(S) AWARDED: \_\_\_\_\_

CONTRACTING OFFICER:

\_\_\_\_\_  
CLAUDIA S. ACFALLE  
Chief Procurement Officer

NAME AND ADDRESS OF CONTRACTOR:  
Fukuda Enterprises LLC  
P.O. Box 6763  
Tamuning Guam 96931

SIGNATURE AND TITLE OF PERSON AUTHORIZED TO SIGN THIS CONTRACT:  
Fukuda Member

Stop Sign: Electric Type, and should be powered by a 12 volt Motor, octagon stop signal shall be in red and white letters with white border. Flashing lamps in stop arm shall be connected to the alternate red flashing signal lamp circuits. With LED LIGHTS.

Yes

Sun Shield: Interior adjustable transparent sun shield not less than 6" x 30" with a finished edge shall be installed in a position convenient for use by driver.

Yes

Window: Window size shall be at least 23" x 25" with a Opening of at least 10", and all windows be TINTED with dark tint.

Yes

Two (2) push out emergency windows. One (1) On each side of the bus with buzzer switch installed and must be DOT approved (emergency alarm).

Yes

Wheelchair Lift: Wheelchair lift must have restraint system. Wheelchair lift shall be mounted inside the right side rear of the bus **"MUST BE ADA AND FEDERAL D.O.T. APPROVED"** for commercial transport of individual with disability. Must have master switch easily accessible to driver so can not be accidentally turned on. Bidder must specify make/model and other specification related to wheelchair lift. Appropriate brochures describing the wheelchair lift must be provided to operator, repair and service manual. Wheelchair lift door shall be at lease 42" x 64". Wheelchair lift must be tied into the parking brake.

Yes

\* Successful bidder must also be certified by Wheelchair Lift Manufacturer to entertain, address and negotiate all Warranties and Liabilities for or said Wheelchair Lift here including an on island authorized to service center located here on Guam.

\* Yes

The lift platform shall be 32 inches. **"MUST BE ADA AND FEDERAL D.O.T. APPROVED"**

Yes

Wheelchair Position: WCP and wheelchair restraint system shall be floor mounted (at rear of bus) four (4) point Tie down system with adjustable straps that separately Anchors both wheelchair and occupant in a forward facing position. Bidder must specify make/model and other specification Related to the WCP. Appropriate Brochures Describing the wheelchair restraint System and the WCP must be **"ADA AND FEDERAL D.O.T. APPROVED** WCP must be able to accommodate wheelchairs of all sizes.

Yes



**INVITATION FOR BID**  
**GUAM DEPARTMENT OF EDUCATION**

**GDOE IFB 012-2011**  
**OUTRIGHT PURCHASE OF MINI BUSES**

Submission/Opening Date:  
Tuesday, March 1, 2011  
10:00 a.m. (Chamorro Standard Time)

Place:

Department of Education  
Office of Supply Management, Suite B-220  
Manuel F. Leon Guerrero Building  
312 Aspinal Avenue, Hagatna, Guam 96910

**PROCUREMENT SECTION**  
**RECEIVED**

MAR 23 2011

DEPARTMENT OF EDUCATION  
TIME: 8:49 INITIAL: HL

**Seat and  
Crash Barriers.**

All seats shall have a minimum cushion depth of 15 inches, a seat back height of 29 inches above the seating reference point, and must comply with all other requirements of FMVSS No. 222. In addition to the fastener that forms the pivot for each seat retaining clip, a secondary fastener may be used in each clip to prevent the clip from rotating and releasing the seat cushion unintentionally.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
As specified

A Department of Transportation (D.O.T) approved Restraint system shall be provided for all passengers And driver seat position.

\_\_\_\_\_  
As specified

Number of seats will be based on space availability Of 22 passenger seat diagram with 1, 2, wheelchair Placements. Bidder shall include that number of seats Coinciding with the number of wheelchair placement.

\_\_\_\_\_  
As specified

**Seats:**

Passenger seats shall be contoured track-mounted Seat belt seats equipped with 3 sets of integrated 3-point lap and shoulder harness seat belts. Having a securement range from 16" - 60". Seats Shall be all vinyl with padded grab rails on aisle on Seats. Grab rails shall be constructed as an integral Parts of the seat frame. Seats shall be color Coordinated with the interior & exterior colors of the Vehicle.

\_\_\_\_\_  
Collins Seats

\_\_\_\_\_  
As specified

**C.E. White  
Seats:**

Passenger seats shall be contoured track-mounted seat belts equipped with three (3) sets of seat belts having a securement range from 16" - 60". Seats shall be all vinyl with padded guard rails on aisle on seats. Grab rails shall be constructed as an parts of the seat frame. Seats shall be color integral coordinated with the exterior and interior colors of the vehicle. Each bus will have four (4) of the C.E. White Co. Integrated Child Restraint School Bus seat. Model Number: CR30 (39" double seat).

\_\_\_\_\_  
Collins Seats

\_\_\_\_\_  
As specified

Each bus will be equipped with five (5) Student Transportation Add-on Restraint with one (1) Connector Strap (star plus for 25 - 90 pounds).

\_\_\_\_\_  
As specified

**Step Treads:**

All steps; including floor line platform area, shall be covered with 3/16 inches rubber floor covering or other material equal in wear resistance and abrasion resistance to top grade rubber.

\_\_\_\_\_  
As specified

**Stop Signal  
Arm:**

Electric Type, and should be powered by a 12 volt Motor, octagon stop signal shall be in red and white letters with white border. Flashing lamps in stop arm shall be connected to the alternate red flashing signal lamp circuits. With LED LIGHTS.

\_\_\_\_\_  
As specified

**Windows:**

Window size shall be at least 23" x 25" with a opening of at least 10", and all windows be TINTED with dark tint.

\_\_\_\_\_  
As specified

Two (2) push put emergency windows. One (1) on each side of the bus with buzzer switch installed and must be DOT approved (emergency alarm).

\_\_\_\_\_  
As specified

**Wheelchair  
Lift:**

Wheelchair lift must have restraint system. Wheelchair lift shall be mounted inside the right side rear of the bus "MUST BE ADA

\_\_\_\_\_  
As specified



**AND FEDERAL D.O.T. APPROVED** For commercial transport of individual with disability. Must have master switch easily accessible to driver so cannot be accidentally turned on. Bidder must specify make/model and other specification related to wheelchair lift. Appropriate brochures describing the wheelchair lift must be provided to operator, repair and service manual. Wheelchair lift door shall be at least 42" x 64".

Ricon  
As specified

**Wheelchair lift must be tied into the parking brake.**



Successful bidder must also be certified by Wheelchair Lift Manufacturer to entertain, address and negotiate all Warranties and Liabilities for or said Wheelchair Lift here including an on island authorized to service center located on Guam.

Ricon  
Certification  
enclosed

The lift platform shall be 32 inches. **"MUST BE ADA AND FEDERAL D.O.T. APPROVED"**

As specified

**Wheelchair Position:**

(WCP) and wheelchair restraint system shall be floor mounted (at rear of bus) four (4) point tie down system with adjustable straps that separately Anchor both wheelchair and occupant in a forward facing position. Bidder must specify make/model and other specification related to the WCP. Appropriate Brochures describing the wheelchair restraint System and the WCP must be **"ADA AND FEDERAL D.O.T. APPROVED** WCP must be able to accommodate wheelchairs of all sizes.

As specified

**Wheelchair Securement/ Occupant Restraint Systems:**

The wheelchair positions shall be forward facing utilizing Ortho Safe Protector System (OSPS) or QTR Retractable Securement System (Q-8100-A1Delux System). Each vehicle shall be equipped with six (6) sets of wheelchair/ occupant restraints. Manufacturer's part numbers and Quantities per Position.

As specified

Are listed.

- Ortho Safe Protector System (OSPS):**  
Two (2) Rear Tie Downs - Part Number: #50-01  
Two (2) Front Tie Downs - Part Number: #60-02A  
One (1) Lap Belt - Part Number: #50-03  
One (1) Shoulder Harness - Part Number: #50-06-FF  
**QTR Retractable Securement System:**  
Deluxe System: Part Number: (Q-8100-A1).

**Dimension:**

Overall Length:	245"	<u>285"</u>
Overall width exterior:	86"	<u>95"</u>
Overall height exterior:	110"	<u>114"</u>
Overall height interior:	74"	<u>74"</u>

**Gross Vehicle Weight:**

Buses shall be of 14,500 min. chassis Gross Vehicle Weight (GVW)

As specified

**Standard Feature:**

One (1) spare tire and rim mounted and ready to used and shall be mounted on the

As specified



## Invitation for Bid

Purchase of Five (5) Special Education  
Mini Buses  
(22 Passenger)

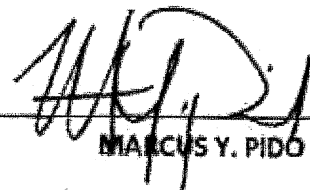
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## Invitation for Bid

No. 012-2012

### Guam Department of Education

Supply Management Office  
Manuel F.L. Guerrero Administration Building, 2<sup>nd</sup> Floor  
312 Aspinall Avenue  
Hagåtña, Guam 96910  
T: +1 (671) 475-0438  
F: +1 (671) 472-5001  
[www.gdoe.net](http://www.gdoe.net)



MARCUS Y. PIDO

Supply Management Administrator

**Seat and  
Crash Barriers:**

All seats shall have a minimum cushion depth of 15 inches, a seat back height of 29 inches above the seating reference point, and must comply with all other requirements of FMVSS No. 222. In addition to the fastener that forms the pivot for each seat retaining clip, a secondary fastener may be used in each clip to prevent the clip from rotating and releasing the seat cushion unintentionally.

As Specified

A Department of Transportation (D.O.T) approved Restraint system shall be provided for all passengers And driver seat position.

As Specified

Number of seats will be based on space availability of 22 passenger seat diagram with 1, 2, wheelchair placements, bidder shall include that number of seats coinciding with the number of wheelchair placement.

As specified

**Seats:**

Passenger seats shall be contoured back-mounted Seat belt seats equipped with 3 sets of integrated 3-point lap and shoulder harness seat belt, having a securement range from 16" - 60". Seats shall be all vinyl. Seats shall be color coordinated with the interior & exterior colors of the vehicle.

As specified

**C.E. White  
Seats:**

Passenger seats shall be contoured back-mounted seat belts equipped with three (3) sets of seat belts having a securement range from 16" - 60". Seats shall be all vinyl with padded guard rails on side on seats. Grab rails shall be constructed as an parts of the seat frame. Seats shall be color integral coordinated with the exterior and interior colors of the vehicle. Each bus will have four (4) of the C.E. White Co. Integrated Child Restraint School Bus seat. Model Number: CR36 (36" double seat).

IMMI Seats as required in Addendum #1 brochure Included

Each bus will be equipped with three (3) Student Transportation Add-on Restraint with one (1) Connector Strap (star plus for 25 - 99 pounds).

As specified

**Step Treads:**

All steps; including floor line platform area, shall be covered with 3/16 inches rubber floor covering or other material equal in wear resistance and abrasion resistance to top grade rubber.

As specified

**Stop Signal  
Arm:**

Electric Type, and should be powered by a 12 volt Motor, octagon stop signal shall be in red and White letters with White border. Flashing lamps in stop arm shall be connected to the alternate red flashing signal lamp circuits. WITH LED LIGHTS.

As specified

**Windows:**

Window size shall be at least 23" x 25" with a opening of at least 10", and all windows be INTIG with dark tint.

As specified

Two (2) push put emergency windows. One (1) on each side of the bus with buzzer switch installed and must be DOT approved (Emergency Alarm).

As specified

**Wheelchair  
Lift:**

Wheelchair lift must have restraint system. Wheelchair lift shall be mounted inside the right side rear of the bus "MUST BE ADA AND FEDERAL D.O.T. APPROVED" For commercial transport of individual with

As specified

disability. Must have master switch easily accessible to driver so cannot be accidentally turned on. Bidder must specify make/model and other specification related to wheelchair lift. Appropriate brochures describing the wheelchair lift must be provided to operator, repair and service manual. Wheelchair lift door shall be at least 42" x 54".

Ricon S-Series  
Brochure included

Wheelchair lift must be tied into the parking brake.

Successful bidder must also be certified by Wheelchair Lift Manufacturer to entertain, address and negotiate all Warranties and Liabilities for or said Wheelchair Lift here including an on island authorized to service center located on Guam.

Ricon  
Certification included

The lift platform shall be 38 inches. **"MUST BE ADA AND FEDERAL D.O.T. APPROVED"**

As specified

Wheelchair Position:

(WCP) and wheelchair restraint system shall be floor mounted (at rear of bus) four (4) point tie down system with adjustable straps that separately Anchor both wheelchair and occupant in a forward facing position. Bidder must specify make/model and other specification related to the WCP. Appropriate Brochures describing the wheelchair restraint System and the WCP must be "ADA AND FEDERAL D.O.T. APPROVED WCP must be able to accommodate wheelchairs of all sizes.

As specified

Wheelchair Securement/ Occupant Restraint Systems:

The wheelchair positions shall be forward facing utilizing Ortho Safe Protector System (OSPS) or QTR Retractable Securement System (Q-8100-A) (Delux System). Each vehicle shall be equipped with six (6) sets of wheelchair/ occupant restraints. Manufacturer's part numbers and Quantities per Position.

As specified

Are listed:

Ortho Safe Protector System (OSPS):  
Two (2) Rear Tie Downs - Part Number: #50-01  
Two (2) Front Tie Downs - Part Number: #60-02A  
One (1) Lap Belt - Part Number: #60-03  
One (1) Shoulder Harness - Part Number: #50-06-FF  
QTR Retractable Securement System:  
Delux System: Part Number: (Q-8100-A1).

Dimension:

Overall Length: 285"  
Overall width exterior: 95"  
Overall height exterior: 114"  
Overall height interior: 74"

285'

95"

114"

74'

Gross Vehicle Weight:

Buses shall be of 14,500 min. chassis Gross Vehicle Weight (GVW)

As specified

Standard Features:

One (1) spare tire and rim mounted and ready to use and shall be mounted on the carriage. One set wheel chock consisting of two (2) wheel chocks, non-slip hard rubber

As specified