



LOURDES A. LEON GUERRERO, Governor (Maga'hága)
JOSHUA F. TENORIO, Lt. Governor (Sigundo Maga'láhi)



EDWARD M. BIRN
Director (Direktot)
EDITH C. PANGELINAN
Deputy Director (Sigundo Direktot)

GENERAL SERVICES AGENCY (Ahensian Setbision Hirnirat)

June 25, 2019

MEMORANDUM

To: Honorable Speaker, Tina Muña Barnes
I Mina'trentai Kuáttaro Na Liheslaturan Guáhån
Guam Congress Bldg. 163 Chalan Santo Papa,
Hagåtña, Guahan, 96932

From: Chief Procurement Officer, General Services Agency
Division of Department of Administration

Subject: **Emergency Procurement Request**
Ref: Food Services for Department of Correction Inmates and Detainees.

3566-19-0660
Speaker Tina Rose Muña Barnes

JUN 25 2019
Time 4:11 () AM () PM
Received By: Steph L

Buenas Yan Hafa Adai Madame Speaker,

Hafa Adai, Pursuant to the 5GCA §5215: Emergency Procurement, attach is a copy of the Emergency Procurement request approved by I Maga'hågan Guahan dated June 25, 2019. The request is from Department of Corrections dated June 24, 2019 for an emergency request to provide continued Food (Meal) Services effective July 1, 2019, for Inmates and Detainees who are currently under the jurisdiction of Department of Correction. A failure to provide services would cause a violation of their civil rights and may lead the Government back into another federal receivership.

The reason for the thirty (30) day request, is to allow implementation of the Invitation for Bid which is in the process and is in the review with General Services Agency and the Office of the Attorney General Office which must comply with 5 GCA § 5150 which is over the cost of \$500,000.00

If you should have any questions, please do not hesitate to contact me at 475-1707 or 475-1700.

Robert H. Kono
Robert H. Kono

Acting, Chief Procurement Officer

Enclosure:

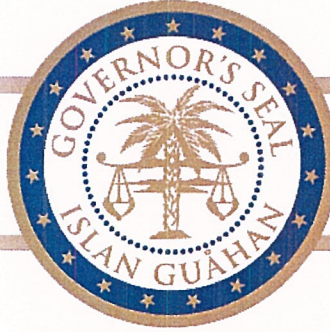
- 06/24/2019 Dept. of Correction Emergency Request
- 06/24/2019 General Services Agency Request to Gov. Office
- 06/25/2019 Maga'hågan Signed Approved Emergency Request

2019 JUN 26 AM 11:19

2660

UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR



JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

Transmitted Via Central Files

June 24, 2019

CLAUDIA S. ACFALLE
Chief Procurement Officer
General Services Agency
Ahensian Setbision Hirnirat
148 Route 1 Marine Corps Drive
Piti, Guam 96915

Re: GSA – Request for Emergency Procurement re Food Services to DOC Inmates and Detainees (for July 2019)


Dear Ms. Acfalle:

The following document is transmitted with the signature of *Maga'hågan Guåhan*:

General Services Agency Memorandum dated June 24, 2019: Request for Emergency Procurement for Department of Corrections food services to inmates and detainees for a minimum of 30 days starting July 1, 2019.

Any questions or concerns can be sent directly to the Legal Counsels via email (haig.huynh@guam.gov or sophia.diaz@guam.gov) or call 475-9475/9476.

Senseramente,



HAIG T. HUYNH
Legal Counsel

Enclosure: Original signed Request for Emergency Procurement

cc: *Maga'hågan Guåhan* (via email)
Sigundo Maga'låhi (via email)



LOURDES A. LEON GUERRERO, Governor (*Maga'håga*)
JOSHUA F. TENORIO, Lt. Governor (*Sigundo Maga'låhi*)



EDWARD M. BIRN
Director (*Direktot*)
EDITH C. PANGELINAN
Deputy Director (*Sigundo Direktot*)

GENERAL SERVICES AGENCY (*Ahensian Setbision Hinirat*)

2019-3859

PROCD AT CENTRAL FILED
JUN 25 '19 AM 9:49

Elaine Tajalle

June 24, 2019

Memorandum

To: Governor of Guam

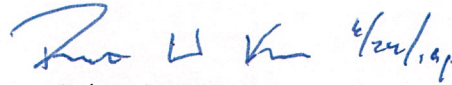
From: Chief Procurement Officer, Acting
General Services Agency

Subject: Request for Emergency Procurement for the Department of Corrections

Please find attached a memorandum received from the Director of the Department of Corrections on June 24, 2019, 2019, requesting for an emergency procurement to provide food services for the inmates and detainees at the Department of Corrections and the Hagatna Facility. As the Department is required to provide basic food services to the inmates and detainees under its jurisdiction, a failure to do would cause a violation of their civil rights and may lead the government back into another federal receivership, as well as the possibility of rioting, if the inmates and prisoners are not fed.

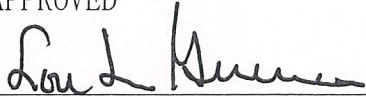
The current emergency expires on June 30, 2019, and they have submitted a request for a new bid. However, before the General Services Agency can process the bid request, the law requires the Office of the Attorney General's approval of all phases of the procurement process. As such, Phase I was recently approved, and Phase II is currently being reviewed by the Office of the Attorney General before the General Services Agency can act. We believe that the approval by the Attorney General on the new bid will be done shortly. This emergency request will be for a period of up to thirty (30) days. The procurement of these services through an Emergency Procurement under 5 G.C.A. §5215 is necessary in order to avert a threat to the health, welfare and safety to the island if the prisoners and inmates who are under the government's control are not fed.

Based upon the facts provided by the Department, I, Robert H. Kono, Acting Chief Procurement Officer for the General Services Agency do certify under penalty of perjury, that a certificate of emergency is not being used solely for the purpose of avoidance of the provisions of Title 5, Guam Code Annotated, Chapter 5, the Guam Procurement law.

Handwritten signature of Robert H. Kono in blue ink, including the date 4/24/19.

Robert H. Kono
Chief Procurement Officer, Acting

APPROVED

Handwritten signature of Lourdes A. Leon Guerrero in black ink, written over a horizontal line.

Lourdes A. Leon Guerrero, Date
Governor of Guam



LOURDES A. LEON GUERRERO
GOVERNOR

JOSHUA F. TENORIO
LIEUTENANT GOVERNOR

DEPARTMENT OF CORRECTIONS
DEPARTAMENTON MANGNGURIHI
GOVERNMENT OF GUAM

P.O. Box 3236 HAGATNA, GUAM 96932
#1 MASHBURN LANE DAIRY ROAD, MANGILAO, GUAM 96913
TELEPHONE No.: (671)735-5170/5176
FAX No.: (671)734-4051
WEBSITE: WWW.DOC.GUAM.GOV



SAMANTHA J. BRENNAN
DIRECTOR

JOEY A. TERLAJE
DEPUTY DIRECTOR

In Reply to:
DOC2019-06-232

June 21, 2019

Memorandum

To: Chief Procurement Officer
From: Director, Department of Corrections
Subject: **Request for Emergency Procurement**
Ref: Food Services to DOC Inmates and Detainees (for July 2019)

Håfa Adai. This is to request approval for emergency procurement for food services to Department of Corrections' (DOC) Inmates and Detainees for a minimum of thirty (30).

Statement of Facts Giving Rise to the Emergency:

- 1) The current food services under GSA-035-12 expired March 31, 2018 under Purchase Order No. P186A00982. The contract was already extended in 2016 from its original expiration date for two (2) years;
- 2) DOC requested for an Emergency Procurement on March 29, 2018 to GSA along with its requirements / specifications for an Invitation for Bid (IFB); however, the bid was canceled in its entirety;
- 3) On June 29, 2018, Purchase Order Number P186E00010 was issued to California Mart, S.H. Enterprises, Inc. to provide food services (daily breakfast, lunch and dinner meals, dietary snacks and dietary meals) for DOC Inmates and Detainees for a period of thirty (30) days minimum which covered the period of July 2018;
- 4) On October 1, 2018, Purchase Order Number P196E00001 was issued to cover the month of October 2018; amendments were issued for the months of November 2018 and December 2018;

EQUAL OPPORTUNITY EMPLOYER



June 21, 2019

Memorandum

To: Chief Procurement Officer

Subject: Request for Emergency Procurement

Ref: Food Services to DOC Inmates and Detainees (for July 2019)

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- 5) On December 26, 2018, Purchase Order Number P196E00232 was issued to cover the month of January 2019;
- 6) On February 28, 2019, Purchase Order Number P196E00286 was issued to cover the month of March 2019;
- 7) On March 27, 2019, Purchase Order Number P196E00296 was issued to cover the month April 2019.
- 8) On April 29, 2019, Purchase Order Number P196E00474 was issued to cover the month of May 2019.
- 9) The review of the draft bid proposal for Food Services for the Department of Corrections Inmates and Detainees has been finalized and approved by the Office of the Attorney General on May 16, 2019 thus completing Phase One of the IFB process. The IFB for Food Services has been submitted to GSA on Friday, May 17, 2019.
- 10) In addition, on May 31, 2019, Purchase Order Number P196E00474 was amended to cover the month of June 2019.

Statement of No Proper Purposes:

The emergency procurement set forth above is not being used solely for the purpose of avoiding any provisions in Guam's Procurement Laws and Regulations. As we continue to work on these issues, there still exists an immediate need to ensure that food services are provided to DOC's inmate population of over 700+ and most importantly, to avoid any future court action.

The Department of Corrections has determined there is an emergency need to ensure that Inmates and Detainees are provided their daily breakfast, lunch and dinner meals, dietary snacks and dietary meals (as prescribed by medical physician) while in DOC's custody.

So determined, declared, and certified, this 21st day of June 2019 by,


SAMANTHA J. BRENNAN