Eddie Baza Calvo
Governor

Christine W. Baleto
Director
Dept. of Administration

GSA

GENERAL SERVICES AGENCY
(Ahensian Setbision Hinirat)
Department of Administration
148 Route 1 Marine Corps Drive, Piti, Guam 96915
Tel: (671) 475-1707 Fax Nos: (671) 475-1727 / 472-4217

Ray Tenorio
Lieutenant Governor

Vincent P. Arriola
Deputy Director
Dept. of Administration

April 26, 2017

GL# 34-A-445
Speaker Benjamin J.F. Cruz

APR 2 6 2017
Time: 9:40 [X] AM [ ] PM File No. 34-353
Received By: Glenn

MEMORANDUM

To: Hon. Benjamin J. F. Cruz
Speaker, 34th Guam Legislature

From: Chief Procurement Officer, Acting

Subject: **Emergency Procurement – Certificate of Emergency**

Buenas yan Hafa Adai! Pursuant to the 5GCA §5215: Emergency Procurement, attached is a copy of the Certificate of Emergency dated April 25, 2017 enabling the Department of Correction to procure full preventive services on a three (3) year maintenance agreement of the Fire and Life Safety Systems (fire alarm) and the Fire Sprinkler Systems that are installed at the Department of Corrections.

If you have any questions, please do not hesitate to contact me at 475-1707/20.

RHK 4/26/17

ROBERT H. KONO

Attachment

2017 APR 26 AM 10:11

0445

Eddie Baza Calvo
Governor

Christine W. Baleto
Director
Dept. of Administration

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April 25, 2017

Memorandum

To: Acting Governor of Guam

From: Chief Procurement Officer
General Services Agency

Subject: Request for Emergency Declaration

Please find attached a request for an emergency declaration from the Director of the Department of Corrections for Fire and Life Safety Systems (Fire Alarm), Sprinkler System as well as a maintenance agreement for the Department of Corrections.

As you are aware, on April 1, 2017, the Guam Fire Department conducted an inspection at the main facility and found that the Fire Alarm and Sprinkler System were inoperable and presented a major health and safety risk to all persons within the facility. As such, they had issued the Department a Notice of Hazard (see attached).

The Department of Corrections is responsible for the holding of both men and women convicted of a crime or awaiting trial. Currently, there are over 800 inmates and detainees within the main facility as well as over 100 employees. The Department has implemented a temporary fire watch to ensure public safety at the facility, however, such a temporarily measure does not provide immediate notice throughout the department in the event of a fire, nor does it provide for a rapid response to the location.

One of the issues that caused the government to enter into the 1991 Consent Decree was the failure to have an appropriate fire alarm and sprinkler system. With the major push by this administration as well as the Attorney General, the government was able to recently be released from the burden of the Consent Decree. As such, the Department is taking all necessary steps to show that it is fulfilling all of the responsibilities necessary to stay out of any further court involvement.

CF0417 1826

Doc. No. 34GL-17-0445.

I Claudia S. Acfalle, Chief Procurement Officer, do certify under penalty of perjury that the facts stated by the Office of the Governor are true and that this statement of emergency is not being used solely for the purpose of avoidance of the provisions of Chapter 5 of Title 5 Guam Code Annotated, the Guam Procurement Law.

4/21/17

CLAUDIA S. ACFALLE
Chief Procurement Officer

Dated:_____

Approved By:

RAY TENORIO
Acting Governor of Guam

APR 25 2017

DEPARTMENT OF CORRECTIONS
DEPATTAMENTON 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

EDDIE BAZA CALVO
Governor

PAT TENORIO
Lieutenant Governor

ALBERTO "TONY" LAMORENA V
Director

KATE G. BALTAZAR
Deputy Director

Reply to:
DOC2017-04-0[illegible]

April 24, 2017

MEMORANDUM

To: Chief Procurement Officer

From: Director, Department of Corrections

Subject: **Request for Emergency Procurement**
Ref: Preventive Maintenance Service Agreement of Fire and Life Safety Systems and Fire Sprinkler Systems at the Department of Corrections Facilities

Hafa Adai. This is to request approval for emergency procurement for full preventive services on a three (3) year maintenance agreement of the Fire and Life Safety Systems (fire alarm) and the Fire Sprinkler Systems that are installed at the Department of Corrections. The following is our factual basis of Determination that Emergency Procurement is Necessary:

1. In compliance with the 1991 Consent Decree (Munson Order), eighteen (18) fire alarm systems and eighteen (18) fire sprinkler systems were installed sometime in 1992 at the various Posts within the Adult Correctional Facility in Mangilao, to include the Director's Office, and the Hagatna Guam / Federal Detention Facilities.

2. On April 12, 2017, the Guam Fire Department conducted an inspection of the fire alarm and fire sprinkler systems at the Department of Corrections. As a result, the inspection revealed discrepancies and, therefore, the Fire Marshal and Chief of Fire Prevention issued the Department of Corrections a **Notice Of Hazard** due to the fire system being out-of-service or in need of repairs. Attached is a copy of the Guam Fire Department's inspection report.

3. The Department of Corrections remains on fire watch until the fire protection systems are fully serviced and repaired by a qualified contractor.

April 24, 2017

MEMORANDUM
To: Chief Procurement Officer
Subject: Request for Emergency Procurement
Ref: Preventive Service Maintenance Agreement of Fire and Life Safety System and Fire Sprinkler Systems at the Department of Corrections Facilities

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 the fire alarm system and fire sprinkler system in these facilities are operational and are in accordance with the fire code and, most importantly, to avoid further court action with regard to the Munson Order, Civil Case No. 91-00020.

The Department of Corrections has determined that a clear and present threat to the welfare and safety of the Inmates and Detainees, to include the Correction Officers and civilian staff assigned to these Units, exists based on the notice of fire hazard that was issued by the Fire Marshal.

So determined, declared, and certified, this 24th day of April 2017 by

ALBERTO A. LAMORENA V

Attachments

Guam Fire Department Inspection Report
Fire Prevention Bureau
DPW One Stop Office Tel: 646-8810 Fax: 472-3360

Case No.: 17-6540 Time: 1446 Date: 4-12-2017

Type of Inspection
- ☐ Business License
- ☐ Initial
- ☐ Notice of Hazard
- ☐ Occupancy
- ☐ 1st Re-Inspection
- ☐ Stop Order
- ☐ Permit
- ☐ 2nd Re-Inspection
- ☐ Other
- ☐ Fire Protection System
- ☐ 3rd Re-Inspection
- ☒ Unannounced
- ☐ Complaint

Plan Review No.: GFD Invoice No.: Occupancy Group: I
Name (Business/Contractor): WAC Representative:
Physical Location: #3 GILDA RUAM LANE
Mailing Address: PMB 3276 City: HAGATNA State: Zip: 96932 Village: MANGILAO
Building Owner: Phr:

Combustible Waste Material (Chap.3)

Waste Materials Managed	(304)	☐Y ☐N	Vegetation Managed	(304)	☐Y ☐N
Clearance from Ignition Source Adequate	(305)	☐Y ☐N	Vehicle Impact Protection Adequate	(312)	☐Y ☐N
Storage Space Adequate	(315)	☐Y ☐N	Hazard to Firefighters Adequate	(316)	☐Y ☐N

Emergency Planning & Preparedness (Chap.4)

Fire Safety & Evacuation Plan Adequate	(404)	☐Y ☐N	Evacuation Drills Record Available	(405)	☐Y ☒N

Fire Service Features (Chap.5)

Fire Apparatus Access Roads Adequate	(503)	☐Y ☐N	Access to Bldg. Openings & Roofs Adequate	(504)	☐Y ☐N
Premise Identification Adequate	(505)	☐Y ☐N	Fire Hydrant Clearance Adequate	(507)	☐Y ☐N
Fire Protection Equip. I.D. & Access Adequate	(509)	☐Y ☐N			

Building Service & Systems (Chap.6)

Emergency Standby Power Systems Adequate	(604)	☐Y ☐N	Maintenance/Service Records Adequate	(604)	☐Y ☒N
Electrical Equipment Clearance Adequate	(605)	☐Y ☐N	Electrical Labeling Adequate	(605)	☐Y ☒N
Extension Cords/Multiplug Adapters Adequate	(605)	☐Y ☐N	Mech. Refrigeration Records Available	(606)	☐Y ☐N
Refrigeration System Emerg. Shutoff Adequate	(606)	☐Y ☐N	Elevator Emergency Signs Adequate	(607)	☐Y ☐N
Elevator Keys Available for Firefighters	(607)	☐Y ☐N	Stationary Storage Battery Systems Adequate	(608)	☐Y ☐N
Comm. Kitchen Hoods Inspection Maintained	(609)	☐Y ☐N			

Fire-Resistance-Rated Construction (Chap.7)

Meets Requirements of Chapter 7 ☐Y ☐N

Interior Finish, Decorative Materials and Furnishings (Chap.8)

Decorative Vegetation meets Code	(806)	☐Y ☐N	Decorative Materials meets Code Requirements	(807)	☐Y ☐N

Fire Protection Systems (Chap.9)

Required Permits Available	(901)	☐Y ☐N	Fire Protection Systems Records Available	(901)	☐Y ☒N
Automatic Sprinkler System Required	(903)	☐Y ☒N	Sprinkler System F.D.C. Adequate	(903)	☐Y ☐N
Sprinkler Supervision & Alarm Adequate	(903)	☐Y ☒N	Alternative Auto Fire Extg System Provided	(904)	☐Y ☐N
Alternative Extg. System Connected to Alarm	(904)	☐Y ☐N	Commercial Cooking Extg System Adequate	(904)	☐Y ☐N
Class-K Fire Extinguisher Provided	(904)	☐Y ☐N	Standpipe System Adequate	(905)	☐Y ☐N
Portable Fire Extinguishers Adequate July 2016	(906)	☒Y ☐N	Fire Alarm & Detection System Adequate	(907)	☐Y ☒N
Stand-alone Smoke Detectors Adequate	(907)	☐Y ☐N	Smoke Control Systems Adequate	(909)	☐Y ☐N
Fire Department Connections (FDC) Adequate	(912)	☐Y ☐N	Fire Pump Records Adequate	(913)	☐Y ☒N

Means of Egress (Chap.10)

Means of Egress Adequate	(1003.5)	☐Y ☒N	Occupant Load Posted	(1004)	☐Y ☐N
Means of Egress Illumination Adequate	(1006)	☐Y ☒N	Exit Doors & Door Hardware Adequate	(1008)	☐Y ☐N
Stairways (width, handrails, etc.) Adequate	(1009)	☐Y ☒N	Exit Signs Adequate	(1011/30)	☐Y ☒N

In accordance with Title 10 GCA (Guam Code Annotated) Chap. 72, Guam Fire Department, Chap. 73, section 73111 International Fire Code, you are hereby requested to comply with, or correct the items listed below:

Remarks

(1) Fire Alarm Turn off = Duty officer Me Trouble Zone #2
(2) 1004.1.9 Locking arrangement in correction facilities
(3) 901.6.2 - Records - Records of all System inspection test must be readily avail to fire official
(4) 901.6.1 - Standard fire protection system shall be inspected, tested and maintained in accordance to approved installation
NOTE: Follow up on 5/10/2017 to collect Fire protection System

Fire Alarm Type		Certifying Co		Certified Date	
Auto Sprinkler Type		Certifying Co		Certified Date	
Cooking Supp. Type		Certifying Co.		Certified Date:	
Standpipe Type		Certifying Co		Certified Date	
Fire Pump Type		Certifying Co		Certified Date	
Rated GPM		Rated RPM		Water Storage Capacity	
LPG Type		Certifying Co.		Certified Date	
Cylinder Type		Volume			

Disposition: ☐APPROVED ☐DISAPPROVED ☒NOTICE OF HAZARD ☐STOP ORDER

I certify that the above information are true and correct to the best of my knowledge and belief:

X Alan P. Bocue
Acknowledged By (Print)

X
Signature Time Date 04/12/2017

F/LT AP CONCEPCION/FIRE RA#17
Fire Department Official (Print)

Signature

GFD FORM 90
Revised 2010
OPR: FPB

Judge dismisses DOC consent decree

Jasmine Stole, jstole@guampdn.com Published 8:11 p.m. ChT April 12, 2017 Updated 10:01 a.m. ChT April 13, 2017



(Photo: PDN file photo)

UPDATE: 10 a.m., April 13

U.S. District Court Chief Judge Tydingco Gatewood ordered the dismissal of a 26-year-old consent decree between the federal government and Department of Corrections.

Tuesday, a joint motion to dismiss the settlement agreement, which would end the consent decree, was signed by the U.S. Attorney's Office, U.S. Department of Justice and attorney general of Guam.

"Guam's compliance with the terms of the settlement agreement means inmates and detainees are more likely to be housed in cleaner and safer conditions, and that they will have adequate access to vital health care services," Shawn Anderson, Acting U.S. attorney for Guam and the Northern Mariana Islands, said in a statement.

Original story follows:

Following a joint motion to dismiss the longstanding consent decree filed Tuesday, the Department of Corrections was put on notice for its fire protection system after an inspection revealed discrepancies.

The Guam Fire Department inspected the prison Wednesday. Code enforcers issued a notice of hazard, according to Joey Manibusan, fire marshal and chief of fire prevention.

The prison is aware of the fire alarm issues, Manibusan said. DOC officers conduct fire watch duties, which were implemented before Wednesday's inspection. The prison also is working on a purchase order for fire alarm maintenance and repairs, Manibusan said.

Government and non-government establishments are required to maintain their fire protection systems in accordance with the fire code, Manibusan said.

Part of the 1991 settlement agreement states the prison was to improve fire safety and sanitation. By April 1992, an automatic sprinkler system had to be installed. The prison also was ordered to install a fire alarm system with smoke detectors, the agreement states.

Alberto Lamorena, DOC executive director, said in his nine months as the director he couldn't recall if the fire alarm system had been tested. He did don't know when the next test was scheduled. When asked if the fire protection system worked, Lamorena said DOC will be testing the system.

Lamorena said if the prison fire system needs work, the prison will repair it. There's a sprinkler system and the prison is checking to see if everything is operational, Lamorena said.

"You're dealing with an antiquated system, ... so if you're not testing them constantly, we have to check. But the last time it was looked at, it was functioning," Lamorena said. "We're not quite sure when that was done."

In 2015, Judge Alex Munson issued a court order for two outstanding issues: the prison's electronic locking system; and its health care policies.

The medical care at the prison is provided by Guam Memorial Hospital staff, established through a memorandum of understanding, Lamorena said. The electronic locking systems should be installed by the end of the year, court documents state.

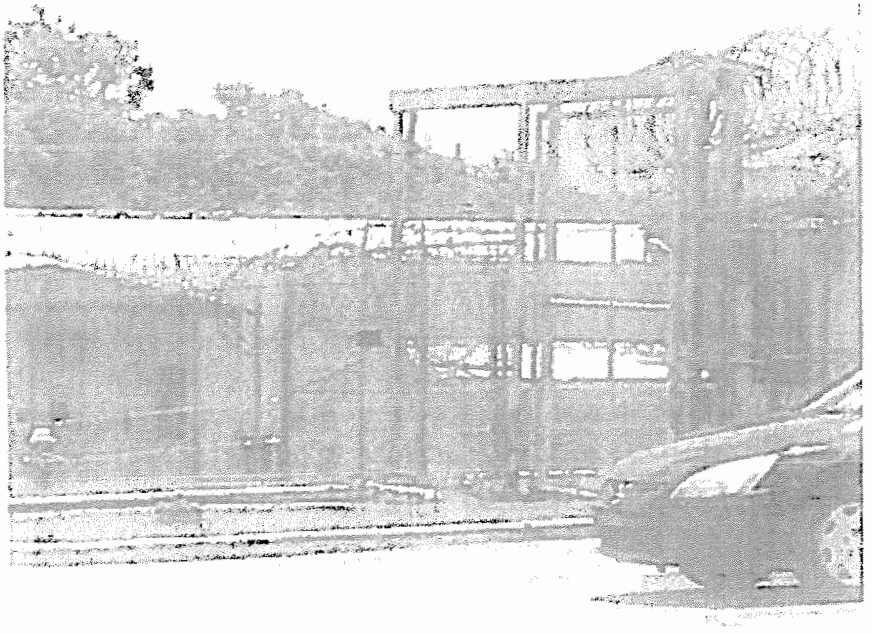
READ MORE:

Proposed end to prison consent decree filed (http://www.guampdn.com/story/news/2017/04/11/proposed-end-prison-consent-decree-filed/100315946/)

Judge extends deadline for DOC (http://www.guampdn.com/story/news/2015/06/16/judge-extends-deadline-for-doc-0617/28803895/)

Judge impressed with court-ordered progress at prison (http://www.guampdn.com/story/news/2016/06/21/judge-impressed-court-ordered-progress-prison/86167790/)

DOC put on notice for inoperable fire system



Posted: Apr 12, 2017 9:38 PM
Updated: Apr 20, 2017 10:26 AM

By Nick Delgado CONNECT

The Guam Department of Corrections has been put on notice for not having working fire alarms in its prison, according to Guam Fire Department fire marshal Joey Manibusan. An inspection was conducted at the Mangilao facility Wednesday. A notice of hazard was issued due to the fire system being out of service or in need of repairs, he said. This notice comes the day before DepCor is set to go before the District Court of Guam for a status conference regarding its decades old consent degree.

A joint motion to dismiss the more than 25 year old case was filed on Tuesday concluding that the department had resolved the healthcare concerns and is working to finalize installing new locking mechanisms.

"The completion of this civil Settlement Agreement demonstrates the U.S. Department of Justice's continuing commitment to ensure that all men and women who are detained or serving prison sentences receive the protections guaranteed by the Constitution," Acting United States Attorney Shawn Anderson said in a press release. "Guam's compliance with the terms of the Settlement Agreement means inmates and detainees are more likely to be housed in cleaner and safer conditions, and that they will have adequate access to vital health care services."

The installation of a working fire system is among the list of violations noted in the 1991 settle agreement with the federal government. "DOC is in the process of getting their systems for all their facilities in proper working order," Manibusan said. "Until their fire protection systems are fully services and repaired by a qualified contractor, DOC will remain on fire watch."

The department informed GFD they are working on a purchase order for maintenance and repairs of the system.