October 3, 2018

Therese Terlaje, Acting Speaker-34th Legislature
Regine Biscoe Lee
Legislative Secretary
Guam Congress Building
163 Chalan Santo Papa
Hagatna, Guam 96910

As required by Guam Procurement Law, please see attached certified copy of Certificate of Emergency Re: Procurement of Interim Custodial Services.

I certify that this is a true and correct copy of the original document of the Certificate of Emergency Re: Procurement of Interim Custodial Services.

Catherine T. Galsim

CATHERINE T. GALSIM
Paralegal II
Guam Department of Education

10/3/18
Date

2018 OCT -3 PM 2:53

OFFICE OF THE CENTRAL PROCUREMENT
TIME 1:55 RECEIVED BY DATE 10.3.18

Vice Speaker Therese M. Terlaje
34GL-18-2385
OCT 03 2018
Time: 14:20
Received by:

Office of the People
Senator Régine Biscoe Lee
Legislative Secretary
Date/Time: 10.3.18 1:34pm.
Initials:

2385

DEPARTMENT OF EDUCATION
OFFICE OF THE SUPERINTENDENT

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JON J. P. FERNANDEZ
Superintendent of Education

CERTIFICATE OF EMERGENCY RE: PROCUREMENT OF INTERIM CUSTODIAL SERVICES

WHEREAS, the Organic Act of Guam at Title 48 United States Code § 1421g requires the Government of Guam to provide an adequate public education to the schoolchildren of Guam; and

WHEREAS, Public Law 28-45 created the Every Child is Entitled to an Adequate Public Education Act, which requires a healthful, safe, and sanitary learning environment; and

WHEREAS, on June 28, 2018 the Guam Department of Education (GDOE) published Invitation for Bid (IFB) 013-2018 for custodial services at various public schools, and which was intended to replace the current custodial services contract under IFB 030-2013 expiring on September 30, 2018; and

WHEREAS, on August 20, 2018, GDOE received a protest regarding IFB 013-2018 which effectively prohibits GDOE from moving forward with procuring custodial services under IFB 013-2018 pursuant to Guam Procurement Law; and

WHEREAS, on September 6, 2018, GDOE received notice that the protest was appealed to the Office of Public Accountability, which has not scheduled a hearing date to resolve the matter at this time; and

WHEREAS, GDOE students and staff are now faced with having no custodial services at our schools after September 30, 2018, because resolution of the protest of the custodial services contract under IFB 013-2018 is not guaranteed before September 30; and

WHEREAS, unless a new custodial services contract is approved, fully executed and in place by October 1, 2018, there exists a critical threat to GDOE's ability to provide an Adequate Public Education as defined in Title 1 Guam Code Annotated (GCA) Section 715, and a threat to the health, welfare and safety of our students and employees.

NOW THEREFORE, based on the above reasons, I, JON J.P. FERNANDEZ, certify that the Guam Department of Education, is in a state of emergency that jeopardizes and presents a threat to the health, welfare, and safety of the students and staff of GDOE; and

FURTHERMORE, upon the approval of the Governor and pursuant to Title 5 GCA § 5215, I authorize the emergency procurement of custodial services as necessary for a period of thirty days to ensure the continued reliable provision of custodial services to our GDOE schools. Such emergency procurement shall be made in accordance with applicable procurement law and regulations; and

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FINALLY, pursuant to 5 GCA § 5125 and under penalty of perjury, I certify that the facts stated above are true to the best of my knowledge and that this statement of emergency is not being used solely for the purpose of avoiding the provisions of Article 3 of the Guam Procurement Law at 5 GCA Chapter 5.

JON J.P. FERNANDEZ, Superintendent
Guam Department of Education

9/26/18
Date