Speaker's Office <speaker@guamlegislature.org>

Messages and Communications, 34GL-18-2491: Fwd: Procurement of Interim Custodial Services

1 message

Speaker's Office <speaker@guamlegislature.org> Mon, Oct 29, 2018 at 8
To: Carl Sanchez <clerks@guamlegislature.org>
Cc: Rennae Meno <rennae@guamlegislature.org>

Date Received	Time Received	Date of Document	Description of Document	Department/Agency	Document Number
10-26-18	**17:07**	**10-26-18**	Department of Education - Procurement of Interim Custodial Services, Certificate of Emergency *	Department of Education	34GL-18-2491

* This message received AFTER 17:00, 10/26/2018

---------- Forwarded message ----------
From: **Senator Therese Terlaje** <senatorterlajeguam@gmail.com>
Date: Fri, Oct 26, 2018 at 5:06 PM
Subject: Fwd: Procurement of Interim Custodial Services
To: speaker@guamlegislature.org

Vice Speaker Therese M. Terlaje
34GL-18-2491
OCT 26 2018
Time: 17:07
Received by:

2018 OCT 29 AM 9:15

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The Office of Vice Speaker Therese M. Terlaje
Committee on Culture and Justice
I Mina'trentai Kuåttro na Liheslaturan Guåhan
34th Guam Legislature
Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910
T: (671) 472-3586 F: (671) 472-3589
senatorterlajeguam@gmail.com

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---------- Forwarded message ---------
From: **Mae Rose A.N. Chaco** <manchaco@gdoe.net>
Date: Fri, Oct 26, 2018 at 5:04 PM
Subject: RE: Procurement of Interim Custodial Services
To: <senatorterlajeguam@gmail.com>
Cc: <legal-admin@gdoe.net>

Hafa adai Madame Speaker,

In compliance with Guam Procurement Law, please see attached certified copy of the Certificate of Emergency Re: Procurement of Interim Custoc Services.

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

Please confirm receipt of this email to legal-admin@gdoe.net

Senseramente,

MaeRose Nauta Chaco
Clerk Typist III
Guam Department of Education

GDOE - 2018

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OFFICE OF ACTING SPEAKER THERESE M. TERLAJE
I Mina'trentai Kuåtro na Liheslaturan Guåhan
Guam Congress Building | 163 Chalan Santo Papa | Hagatna, GU 96910
T: (671) 472-3586 | F: 472- 3589
speaker@guamlegislature.org

2 attachments

Certificate of Emergency re Procurement of Interim Custodial Services.pdf
68K

34GL-18-2491, Certificate of Emergency re Procurement of Interim Custodial Services.pdf
180K

2491

DEPARTMENT OF EDUCATION
OFFICE OF THE SUPERINTENDENT

www.gdoe.net
501 Mariner Avenue
Barrigada, Guam 96913
Telephone: (671) 300-1547/1536

JON J. P. FERNANDEZ
Superintendent of Education

CENTRAL ... RECEIVED BY
TIME 11:20 DATE 10.23.18

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 previous custodial services contract under IFB 030-2013 which expired 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 (OPA); and

WHEREAS, on September 26, 2018, GDOE requested and thereafter received approval from the Governor of Guam for emergency procurement of interim custodial services, which are set to expire on November 3, 2018; and

WHEREAS, thereafter, the OPA scheduled on November 19, 2018 a formal hearing to address this protest, which effectively eliminates the possibility of resolving such protest before the November 3 expiration of GDOE's current emergency procurement for custodial services; and

WHEREAS, GDOE students and staff are again faced with having no custodial services at our schools after November 3, 2018, because resolution of the protest of the custodial services contract under IFB 013-2018 is not guaranteed before November 3; and

WHEREAS, unless a new custodial services contract is approved, fully executed and in place by November 4, 2018, there exists an ongoing 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 continued 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, remains in a state of emergency that jeopardizes and presents a continued threat to the health, welfare, and safety of the students and staff of GDOE; and

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FURTHERMORE, upon the approval of the Governor and pursuant to Title 5 GCA § 5215, I authorize the second 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

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

10/22/18
Date