DEPARTMENT OF ADMINISTRATION
(DIPATTAMENTON ATMENESTRASION)
GENERAL SERVICES AGENCY
(Ahensian Setbision Hinirat)
148 Route 1 Marine Corp Drive, Piti Guam 96915
TEL: (671) 475-1707/475-1700 * FAX: (671) 475-1727/472-4217

Eddie Baza Calvo
Governor
Ray Tenorio
Lieutenant Governor

Edward M. Birn
Director
Vincent P. Arriola
Deputy Director

December 20, 2018

MEMORANDUM

To: Acting Speaker, Therese M. Terlaje
I Mina'trentai Kuåttaro Na Liheslaturan Guåhån
Guam Congress Building
163 Chalan Santo Papa,
Hågåtña, Guahan, 96910

Vice Speaker Therese M. Terlaje
34GL-18-2685
DEC 26 2018
Time: 9:20
Received by:

2018 DEC 26 AM 9:45

From: Claudia S. Acfalle, Chief Procurement Officer
General Services Agency *(Ahensian Setbision Hinirat)*
148 Route 1 Marine Corp Drive, Piti Guam 96915

Subject: Emergency Procurement for the Department of Correction
Meal Services for Inmates and Detainees

Buenas yan Hafa Adai, Pursuant to the 5GCA §5215: Emergency Procurement, attach is a copy of the Certificate of Emergency dated December 21, 2018. Enabling the Government of Guam Provide Food (Meal) Services for the inmates and detainees under its jurisdiction located at the Department of Corrections Mangilao Facility and the Hågåtñå Facility. A failure to do so, would Cause a violation of their civil rights and may lead the government back into another federal receivership.

The Department of Correction has submitted a request for a new bid, which is still being reviewed by the Office of Attorney General before public notice and action. This emergency will be effectuated January 01, 2018 for a period up to 90 days, on a 30 day period. 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 of the inmates and detainees.

If you should have any questions, please do not hesitate to contact me at 475-1728 or 472-1707.

Claudia S. Acfalle
Chief Procurement Officer

2685

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December 20, 2018

Memorandum

To: Governor of Guam

From: Chief Procurement Officer
General Services Agency

Subject: Request for Emergency Procurement

Please find attached a memorandum from the Director of the Department of Corrections 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.

The current emergency expires on December 31, 2018, and they have submitted a request for a new bid, which is still be reviewed by the Office of the Attorney General before public notice and action. This emergency will be for a period up to ninety (90) days, in thirty (30) day period. 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 of our seniors who rely on this meal at either the designated congregate sites or at their home.

Based upon the facts provided by the Department, I, CLAUDIA S. ACFALLE, 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..

12/20/18

CLAUDIA S. ACFALLE
Chief Procurement Officer

APPROVED

12/21/18

EDDIE BAZA CALVO, Date
Governor of Guam

Doc. No. 34GL-18- 2685.

OPD-1218-5975

EDDIE BAZA CALVO
GOVERNOR

RAY TENORIO
LIEUTENANT GOVERNOR

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

ALBERTO "TONY" LAMORENA V
DIRECTOR

ERIC M. PALACIOS
DEPUTY DIRECTOR

In Reply to
DOC2018-12-468

December 4, 2018

Memorandum

To: Chief Procurement Officer

From: Director, Department of Corrections

Subject: **Request for Emergency Procurement**
Ref: Food Services to DOC Inmates and Detainees

Håfa Adai. This is to request approval for emergency procurement for food services to Department of Corrections' (DOC) Inmates and Detainees up to ninety (90) days.

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);

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; an amendment was issued for the month of November 2018 and an amendment for the month of December 2018 is pending GSA's approval;

5) A draft bid proposal for Food Services for the Department of Corrections Inmates and Detainees is currently being reviewed by the Office of the Attorney General.

December 4, 2018

MEMORANDM
To: Chief Procurement Officer
Subject: Request for Emergency Procurement
Ref: Food Services to DOC Inmates and Detainees

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 4th day of December 2018 by,

ALBERTO A. LAMORENA V