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

Lourdes A. Leon Guerrero
Governor
Joshua F. Tenorio
Lieutenant Governor

Edward M. Birn
Director
Edith C. Pangelinan
Deputy Director

April 25, 2019

35GL-19-0423
Speaker Tina Rose Muña Barnes
APR 26 2019
Time 2004 ( )AM ( )PM
Received By: Matthew

2019 APR 26 PM 2:16

MEMORANDUM

To: Hon. Tina Muña Barnes
Speaker, 35 Guam Legislature

From: Claudia S. Acfalle
Chief Procurement Officer

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 23, 2019, enabling the Department of Corrections and the Hagatna Facility 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. We requested for a thirty (30) day Emergency on a month-to-month basis to allow implementation of the bid.

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

CLAUDIA S. ACFALLE

Attachments

0423

Martin B-Reyes

2019-2316
RCVD AT CENTRAL FILES
APR 23'19 PM8:17

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April 23, 2019

Memorandum

To Governor of Guam

From: Chief Procurement Officer

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 April 23, 2019, requesting an emergency procurement to provide food services for the inmates and detainees at the Department of Corrections and the Hagatna Facility for the month of May 2019. As the Department is, require providing 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 April 30, 2019, and they submitted a request for new bid, which is still being reviewed by the Office of the Attorney General before it can be submitted to the General Services Agency for action. 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 5GCA §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, 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.

CLAUDIA S. ACFALLE

APPROVED:

4/25/19

LOURDES A. LEON GUERRERO Date
Governor of Guam

COMMITTED TO EXCELLENCE

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

LOURDES A. LEON GUERRERO
GOVERNOR

JOSHUA F. TENORIO
LIEUTENANT GOVERNOR

SAMANTHA J. BRENNAN
ACTING DIRECTOR

JOEY A. TERLAJE
DEPUTY DIRECTOR

In Reply to:
DOC2019-04-141

April 8, 2019

ACKNOWLEDGEMENT COPY
RECEIVE BY GSA Cruz Say
DATE 23April 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 May 2019)

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); 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;

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) 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.

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 8th day of April 2019 by,

SAMANTHA J. BRENNAN
Acting