DEPARTMENT OF ADMINISTRATION
DIPATTAMENTON ATMENESTRASION

LOURDES A. LEON GUERRERO, *Governor (Maga'hâga)*
JOSHUA F. TENORIO, *Lt. Governor (Sigundo Maga'lâhi)*

EDWARD M. BIRN
Director (Direktot)
EDITH C. PANGELINAN
Deputy Director (Sigundo Direktot)

GENERAL SERVICES AGENCY (Ahensian Setbision Hirnirat)

May 24, 2019

35GL-19-0554
Speaker Tina Rose Muña Barnes

MAY 24 2019
Time 4:39 ( )AM ( )PM
Received By

2019 MAY 24 PM 4:49

MEMORANDUM

To: Honorable Speaker, Tina Muña Barnes
I Mina'trentai Kuåttaro Na Liheslaturan Guåhån
Guam Congress Bldg. 163 Chalan Santo Papa,
Hagåtña, Guahan, 96932

From: Chief Procurement Officer, General Services Agency
Division of Department of Administration

Subject: **Emergency Procurement Request**
Ref**: Food Services for Department of Correction Inmates and Detainees.**

Madame Speaker,

Hafa Adai, Pursuant to the 5GCA §5215: Emergency Procurement, attach is a copy of the Emergency Procurement request approved by I Maga'hågan Guahan dated May 21, 2019. The request is from Department of Corrections dated May 20, 2019 for an emergency request to provide continued Food (Meal) Services for Inmates and Detainees who are currently under the jurisdiction of Department of Correction. A failure to provide services would cause a violation of their civil rights and may lead the Government back into another federal receivership.

The reason for the thirty (30) day request, is to allow implementation of the bid that, has been in review with the Office of the Attorney General Office which must comply with 5 GCA § 5150 which is over the cost of $500,000.00

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

ANITA T. CRUZ
Acting Chief Procurement Officer

Enclosure:
05/15/2019 Department of Public Health & Social Services
Signed Request for Emergency Procurement
05/20/2019 General Services Agency
Signed Request for Emergency Procurement

0554

UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

Transmitted Via Central Files

May 22, 2019

CLAUDIA S. ACFALLE
Chief Procurement Officer
General Services Agency
Ahensian Setbision Hirnirat
148 Route 1 Marine Corps Drive
Piti, Guam 96915

2019 MAY 24 PM 4:49

Re: GSA Request for Emergency Procurement re DOC Food Services to Inmates and Detainees

Dear Ms. Acfalle:

The following document is transmitted with the signature of *Maga'hågan Guåhan*:

> **General Services Agency Memorandum dated May 20, 2019**: Request for Emergency Procurement for Department of Corrections to provide food services for the inmates and detainees effective June 1, 2019. (CF# 2019-3034)

Any questions or concerns can be sent directly to the Legal Counsels via email (haig.huynh@guam.gov or sophia.diaz@guam.gov) or call 475-9475/9476.

Senseramente,

for **HAIG T. HUYNH**
Legal Counsel

Enclosure: Original signed Request for Emergency Procurement

cc: *Sigundo Maga'låhi* (via email)

RICARDO J. BORDALLO GOVERNOR'S COMPLEX · HAGÅTÑA, GUAM 96910
P.O. BOX 2950 · HAGÅTÑA, GUAM 96910
671.472.8931 • 671.472.8932/6

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GENERAL SERVICES AGENCY (Ahensian Setbision Hirnirat)

May 20, 2019 2019-3034

RCVD AT CENTRAL FILE
MAY 20'19 PM4:31
Jessica Cruz

To: Honorable Lourdes A. Leon Guerrero
I Maga'hâgan Guåhan
Governor of Guam

From: Chief Procurement Officer, General Services Agency

Subject: Request for Emergency Procurement
Ref: Food Services to Department of Corrections (DOC) Inmates and Detainees.

Please find attached a memorandum received from the Director of the Department of Corrections on May 20, 2019, requesting for an emergency procurement to provide food services for the inmates and detainees at the Department of Corrections and the Hagatna Facility effective June 01, 2019 for a period of thirty (30) days. 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, as well as the possibility of rioting, if the inmates and prisoners are not fed.

The current emergency expires on May 31, 2019, and they have submitted a request for a 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 5 G.C.A. §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.

ANITA T. CRUZ
Acting

Approved

Lourdes A. Leon Guerrero,
Governor of Guam

5/21/2019
Date

LOURDES A. LEON GUERRERO
GOVERNOR

JOSHUA F. 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

SAMANTHA J. BRENNAN
DIRECTOR

JOEY A. TERLAJE
DEPUTY DIRECTOR

In Reply to:
DOC2019-05-191

May 20, 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 June 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) On April 29, 2019, Purchase Order Number P196E00474 was issued to cover the month of May 2019.

9) The review of the draft bid proposal for Food Services for the Department of Corrections Inmates and Detainees has been finalized and approved by the Office of the Attorney General on May 16, 2019 thus completing Phase One of the IFB process. The IFB for Food Services has been submitted to GSA on Friday, May 17, 2019.

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 20th day of May 2019 by,

SAMANTHA J. BRENNAN