DEPARTMENT OF ADMINISTRATION
DIPATTAMENTON ATMENESTRASION

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

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

GENERAL SERVICES AGENCY (Ahensian Setbision Hirnirat)

May 24, 2019 35GL-19-0555

Speaker Tina Rose Muña Barnes

MAY 24 2019
Time 4:34 ( )AM (X)PM
Received By:

2019 MAY 24 PM 4:46

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 for Department of Public Health & Social Services**
Ref**: Elderly Nutrition Program: Congregate (C1) and Home-Delivered Meals (C2)**

Madame Speaker,

Hafa Adai, Pursuant to the 5GCA §5215: Emergency Procurement, see attached is a copy of the Emergency Procurement request approved by I Maga'hågan Guahan dated May 21, 2019. The request is from Department of Public Health & Social Services dated May 15, 2019 for an emergency request to provide Elderly Nutrition Program (ENP), Congregate Meals (C1) component and ENP, Home-Delivered Meals (C2) component for the anticipated service period effective June 1, 2019.

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

0555

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

Re: GSA Request for Emergency Procurement re DPHSS Elderly Nutrition Program (Memo dated 5-20-2019)

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 Public Health and Social Services re Elderly Nutrition Program: Congregate and Home Delivered Meals (CF# 2019-3035)

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 Hinirat)

2019-3035

May 20, 2019

Jessica Cruz

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

From: Chief Procurement Officer

Subject: Request for Emergency Procurement for Department of Public Health & Social Services
Ref: Elderly Nutrition Program: Congregate and Home-Delivered Meals.

Attached is a request from the Director of the Department of Public Health and Social Services seeking your approval for the Emergency Procurement of the Elderly Nutrition Program (ENP), Congregate Meals (C1) component and ENP, Home-Delivered Meals (C2) component for the anticipated service period effective June 1, 2019 for a period of thirty (30) days. The reason for the 30-days is that both parties have filed a Request for Reconsideration from the Office of Public Accountability of her decision on the initial appeal for the Congregate and Home-Delivered Meals Program. Additionally, the current food vendor has filed an appeal in the Supreme Court of Guam questioning both the Superior Court and the OPA's decision. The government is intending to issue a new food bid, but the review has just finished the first phase review with the Office of the Attorney General.

The Elderly Nutrition Program ensures the provision of a hot, nutritious meal that provides a minimum of 33 1/3 percent of the current Recommended Dietary Allowance, as established by the Food and Nutrition Board of the National Academy of Sciences, National Research Council to seniors who access one of the 14 congregate meals sites or those who have been determined by our Case Management Services program to be homebound. The Congregate component or C1 of the ENP provides for approximately 780 seniors, Monday through Friday, while the Home-Delivered component or C2 provides for approximately 1,180 homebound seniors, Monday through Sunday, for a combined total of approximately, 1,960 seniors; however, meals are not provided on 10 recognized holidays. For many seniors who access this meal service, this is perhaps the one balanced meal they will receive on any service day of the program.

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, Section 5125 of the Guam Procurement law.

ANITA T. CRUZ
Acting

APPROVED:

Lourdes A. Leon Guerrero
Governor of Guam

Date 5/21/2019

GOVERNMENT OF GUAM
DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
DIPATTAMENTON SALUT PUPBLEKO YAN SETBISION SUSIAT

LOURDES A. LEON GUERRERO
GOVERNOR, MAGA'HÅGA'

JOSHUA F. TENORIO
LT. GOVERNOR, SIGUNDO MAGA'LÅHI

LINDA UNPINGCO DENORCEY, MPH
DIRECTOR

LAURENT SF DUENAS, MPH, BSN, RN
DEPUTY DIRECTOR

MAY 15 2019

MEMORANDUM

TO: Chief Procurement Officer, General Services Agency

FROM: Director, Department of Public Health and Social Services

SUBJECT: Emergency Procurement for the Elderly Nutrition Program: Congregate and Home-Delivered Meals

The Department of Public Health and Social Services is seeking your agency's assistance for the Emergency Procurement of the Elderly Nutrition Program (ENP), Congregate Meals (C1), and Home-Delivered Meals (C2) components for the anticipated service period of 30 Calendar Days effective June 1, 2019. The current Emergency Procurement expires on May 31, 2019. The reason for the 30-days is there remains an on-going appeal for Congregate and Home-Delivered Meals Programs with the Supreme Court of Guam, CVA No. 18-030 Superior Court of Guam, CV0995-16.

The Department completed its Phase 1 Planning and Drafting Phase on March 14, 2019 and is in coordination with General Services Agency to issue a new bid through Phase 2 Solicitation and Bidding Phase.

Currently, the Division's Bureau of Program Administration and Development is responsible for 11 contracted programs is currently staffed with three (3) Program Coordinators and is currently challenged in preparing planned procurements with only one (1) of the two Program Coordinator's for the Division having completed the Mandatory Certification and Continuing Education in line with Guam PL 32-131.

The Elderly Nutrition Program ensures the provision of a hot, nutritious meal that provides a minimum of 33 1/3 percent of the current Recommended Dietary Allowance, as established by the Food and Nutrition Board of the National Academy of Sciences, National Research Council to seniors who access one of the 15 congregate meals sites or those who have been determined by our Case Management Services program to be homebound. The Congregate component or C1 of the ENP provides for approximately 780 seniors, Monday through Friday, while the Home-Delivered component or C2 provides for approximately 1,180 homebound seniors, Monday through Sunday, for a combined total of approximately, 1,960 seniors; meals are not provided on 10 recognized holidays. For many seniors who access this meal service, this is perhaps the one balanced meal they will receive on any service day of the program.

The procurement of these services through an Emergency Procurement under 5 G.C.A.

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§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.

Attached for the procurement activity for both ENP Congregate Meals (C1) and Home-Delivered Meals (C2) components are the following: 1) Procurement Specifications for ENP C1 and ENP C2; 2) Requisitions for the Emergency Procurement for ENP C1 and ENP C2; and 3) Declaration re Compliance with 5 GCA §5150 (AG Procurement Form 014).

Should you have any questions, please contact Ms. Charlene D. San Nicolas, Program Coordinator IV or Mr. Arthur U. San Agustin, MHR at 735-7415 or 735-7421.

LINDA UNPINGCO DENORCEY, MPH

Attachments

5/16/19

123 CHALAN KARETA, MANGILAO, GUAHAN 96913-6304
www.dphss.guam.gov • Ph: 1.671.735.7102 • Fax: 1.671.473.5910