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 Hinirat)

July 25, 2019

MEMORANDUM

35GL-19-0789
Speaker Tina Rose Muña Barnes
JUL 25 2019
Time 2:07 ( )AM (X)PM
Received By:

To: Honorable Speaker, Tina Muna Barnes
Imina'trentai Sinko Na Liheslaturan Guahan
Congress Bldg. 163 Chalan Santo Papa
Hagatna, Guam 96932

From: General Services Agency
Division of Department of Administration

Subject: Emergency Procurement Request
Ref: Food Services for Department of Public Health & Social Services

Madame Speaker,

Hafa Adai, Pursuant to the 5GCA §5215: Emergency Procurement, attach is a copy of the Emergency Procurement request approved by I Maga'hagan Guahan dated July 24, 2019. The request is from D.P.H.S.S dated July 17, 2019 for an emergency request to provide continued Food (Meal) Services for Elderly Nutrition Program and Home Delivered Meals. A failure to provide services would cause a violation of Supreme Court of Guam CVA No. 18-030 Superior Court of Guam CV0995-16

2019 JUL 25 PM 2:55

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 and General Services 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 475-1728.

Robert H. Kono
Acting Chief Procurement Officer

Enclosure:
07/17/2019 Department of Corrections Request
07/24/2019 General Services Agency Request
07/24/2019 Signed Request for Emergency Procurement

0789

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

July 25, 2019

ROBERT H. KONO
Acting 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 and Home-Delivered Meals (for August 2019)

Dear Ms. Kono:

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

> **General Services Agency Memorandum dated July 24, 2019**: Request for Emergency Procurement for Department of Public Health and Social Services' Elderly Nutrion Program, Congregate and Home-Delivered Meals for a minimum of 30 days starting August 1, 2019.

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,

HAIG T. HUYNH
Legal Counsel

Enclosure: Original signed Request for Emergency Procurement

cc: *Maga'hågan Guåhan* (via email)
Sigundo Maga'låhi (via email)

Doc. No. 35GL-19-0789.

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Deputy Director (Sigundo Direktot)

General Services Agency (Ahensian Setbision Hinirat)

Tina Sanchez

RCVD AT CENTRAL FILE
JUL 24'19 PM2:01
2019-4600

July 24, 2019

MEMORANDUM

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

From: General Services Agency *(Ahensian Setbision Hinirat)*

Subject: Emergency Procurement Request:
Department of Public Health & Social Services
Elderly Nutrition Program (ENP):Congregate (C1) and Home-Delivered Meals (C2)

Madame Governor,

Buenas yan Hafa Adai, Pursuant to the 5GCA §5215, 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 August 01, 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.

OFFICE OF THE GOVERNOR
GOVERNOR'S CHAMBER

Based upon the facts provided by the Department, I, ROBERT H. KONO, Acting 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.

Robert H. K 7/24/19
Robert H. Kono
Acting, Chief Procurement Officer

APPROVED:

Lourdes A. Leon Guerrero 7/24/2019

LOURDES A. LEON GUERRERO, DATE
I Maga'hågan Guåhan
GOVERNOR OF GUAM

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

JUL 17 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 August 1, 2019. The current Emergency Procurement expires on July 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.

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. §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