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

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

35GL-19-0790
Speaker Tina Rose Muña Barnes
JUL 25 2019
Time 2:07 ( )AM (X)PM
Received By: Matt

From: 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'hagan Guahan dated July 24, 2019. The request is from Department of Corrections dated July 23, 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.

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 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:
07/23/2019 Department of Corrections Request
07/24/2019 General Services Agency Request
07/24/2019 Signed Request for Emergency Procurement

0790

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 Food Services to DOC Inmates and Detainees (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 Corrections food services to inmates and detainees 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)

RICARDO J. BORDALLO GOVERNOR'S COMPLEX · HAGÅTÑA, GUAM 96910
P.O. BOX 2950 · HAGÅTÑA, GUAM 96932
671.472.8931 · 671.472.8932/6

Doc. No. 35GL-19-0790.

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)

Tina Sanchez

RCVD AT CENTRAL FILE
JUL 24'19 PM2:02
2019-4609

July 24, 2019

MEMORANDUM

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

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

Subject: Emergency Procurement Request for the Department of Correction
Ref: Food Services to D.O.C Inmates and Detainees

Madame Governor,

Buenas yan Hafa Adai, Pursuant to the 5GCA §5215: Emergency Procurement, attached is a copy of the a memorandum dated 23 July 2019, 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 Mangilao and the Hågåtña 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 Department of Corrections has submitted a request for a new bid, which is still being reviewed by the Office of the Attorney and General Services Agency before public notice and action. This emergency will be effectuated August 01, 2019 for a period of 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 of the inmates/detainees.

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

Robert H. Kono
Acting Chief Procurement Officer

520 South Marine Corps. Dr. Tamuning, Guam 96913 • Telephone (*Telifon*): (671) 475-1707/1705 • Fax (*Faks*): 671) 475-1727

APPROVED:

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

7/24/2019
DATE

520 South Marine Corps. Dr. Tamuning, Guam 96913 • Telephone (*Telifon*): (671) 475-1707/1705 • Fax (*Faks*): 671) 475-1727

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:
DOC2019-07-273

July 23, 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 August 2019)

Håfa Adai. This is to request approval for emergency procurement for food services to Department of Corrections' (DOC) Inmates and Detainees for a minimum of thirty (30).

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 and on May 31, 2019, this purchase order was amended to cover the month of June 2019.

9) On June 24, 2019, Purchase Order Number P196E00491 was issued to cover the month of July 2019.

10) 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. *NOTE: as of July 19, 2019, GSA is still working with the Attorney General's Office to finalize GSA forms for the bid packet.*

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 23rd day of July 2019 by,

SAMANTHA J. BRENNAN