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

DEPARTMENT OF ADMINISTRATION
DIPATTAMENTON ATMENESTRASION

GENERAL SERVICES AGENCY
(Ahensian Setbision Hinirat)
Telephone (*Telifon*): (671) 475-1707/1729
Fax (*Faks*): (671) 472-4217/1727

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

August 27, 2019

MEMORANDUM

35GL-19-0953
Speaker Tina Rose Muña Barnes
AUG 2 1 2019
Time 9:22 ()AM ()PM
Received By: Maff

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

From: Chief Procurement Officer, Acting\
General Services Agency

Subject: Emergency Declaration Request for Department of Correction Meal Service For Inmates and Detainees.

2019 AUG 28 AM 10:38

Madame Speaker,

Hafa Adai, Pursuant to the 5GCA §5215: Emergency Procurement, attached is a copy of the Emergency Request approved by the Acting Governor Joshua F. Tenorio dated August 28, 2019. The request is from Department of Corrections dated August 27, 2019 for an emergency request to provide continued Meal Services for Inmates and Detainees who are sheltered under Department of Correction.

The reason for the thirty (30) day request is the contract has just been received in our office after review with the Office of the Attorney General Office which must comply with 5 GCA § 5150 which is over the cost of $500,000.

If you should have any questions, please do not hesitate to contact me at 475-1728 or 475-1700.

Robert H, Kono
Acting

0953

OFFICE OF LEGAL COUNSEL

Ufisinan I Maga'hågan Guåhan
Office of the Governor of Guam

LOURDES A. LEON GUERRERO
Governor of Guam

JOSHUA F. TENORIO
Lieutenant Governor of Guam

Transmitted Via Central Files

August 27, 2019

ROBERT H. KONO
Chief Procurement Officer Acting
General Services Agency
Ahensian Setbision Hirnirat
148 Route 1 Marine Corps Drive
Piti, Guam 96915

Re: GSA – Request for Emergency Procurement re Food/Meals Services for DOC Inmates and Detainees (for September 2019)

Dear Mr. Kono:

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

> **General Services Agency Memorandum dated August 27, 2019**: Request for Emergency Procurement of food/meal services for the inmates and detainees housed at the Department of Corrections and Hagåtña Detention Facility, for a minimum of 30 days starting September 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,

for

HAIG T. HUYNH
Legal Counsel

Enclosure: Original signed Request for Emergency Procurement

cc: *Åkto Maga'låhen Guåhan* (via email)
Maga'hågan Guåhan (via email)

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

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Governor (Maga'håga)
JOSHUA F. TENORIO
Lt. Governor (Sigundo Maga'lâhi)

August 27, 2019

2019 - 5353
RCVD AT CENTRAL FILE
AUG 27 '19 AM10:18
Jessica Cruz

Memorandum

To: Governor of Guam, Acting

From: Chief Procurement Officer, Acting
General Services Agency

Subject: Request for Emergency Procurement for the Department of Corrections

Please find attached a memorandum received from the Director of the Department of Corrections dated August 26, 2019, requesting for an emergency procurement to provide food services for the inmates and detainees at the Department of Corrections and the Hagatna 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, as well as the possibility of rioting, if the inmates and prisoners are not fed.

The current emergency expires on August 30, 201. The General Services Agency recently did a bid announcement for a long-term contract. 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, 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, the Guam Procurement law.

Robert H Kono 8/27/19
ROBERT H. KONO
Chief Procurement Officer, Acting

APPROVED
8/27/19
JOSHUA F. TENORIO Date
Governor of Guam, Acting

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
DIRECTOR

JOEY A. TERLAJE
DEPUTY DIRECTOR

In Reply to:
DOC2019-08-324

August 26, 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 September 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 of 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. It is noteworthy to mention that as of July 19, 2019, GSA was still working with the Attorney General's Office to finalize GSA forms for the bid packet.
11) On July 30, 2019, Purchase Order Number P196E00515 was issued to cover the month of August 2019.
NOTE: GSA placed the bid advertisement for publication in the local newspaper on Thursday, August 22, 2019, and therefore the IFB is now in progress with a scheduled bid opening in September which is two (2) weeks from date of publication.

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 26th day of August 2019 by,

SAMANTHA J. BRENNAN