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)

35GL-19-1043
Speaker Tina Rose Muña Barnes

September 25, 2019

SEP 2 6 2019
Time 9:22 (X)AM ( )PM
Received By:

MEMORANDUM

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

2019 SEP 26 AM 11:29

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 September 23, 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 September 30,2019. The General Services Agency recently did a bid announcement for a long-term contract. However, neither bid met the requirements and a new bid will be issued.;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.

If you have any questions, please feel free to contact me at 475-1700.

00.

CLAUDIA S. ACFALLE
Chief Procurement Officer

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

Speaker Tina Rose Muña Barnes

SEP 2 6 2019
Time 9:22 ( )AM ( )PM
Received By:

September 25, 2019

ROBERT H. KONO
General Services Agency
DEPARTMENT OF ADMINISTRATION
590 South Marine Corps. Drive
Suite 219, ITC Building
Tamuning, Guam 96913

Re: GSA – Request for Emergency Procurement for the Department of Corrections (CF#2019-5935)

Dear Mr. Kono:

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

> **General Services Agency Memorandum dated September 23, 2019**: Request for Emergency Procurement for the Department of Corrections.

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.

Sensåramente,

HAIG T. HUYNH
Legal Counsel

Enclosure(s): Original signed Request for Emergency Procurement

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

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

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

September 23, 2019

Memorandum

To: Governor of Guam

From: Chief Procurement Officer
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 September 30, 2019. The General Services Agency recently did a bid announcement for a long-term contract. However, all bidders submission was rejected for failing to submit all of the necessary information required in the bid. This rejection is being reviewed by the Office of the Attorney General, and if agreed, a new bid will be issued. In the meaning, 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.

9/26/19
CLAUDIA S. ACFALLE
Chief Procurement Officer

APPROVED

9/25/2019
LOURDES A. LEON GUERRERO Date
Governor of Guam

2019.5935
Lillian Kosaka

RCVD AT CENTRAL FILES
SEP 24'19 PM2:28

These specifications were developed by Jayna T. Borja, WPSII, of the Department of Corrections and approved by the Director, Department of Corrections.

Approved by: _____
JOEY A. TERLAJE
Acting Director, Department of Corrections

Price per Meal and Dietary Snack:

MEAL:	Unit Cost per Meal:
Breakfast	_____
Lunch	_____
Dinner	_____

DIETARY SNACK:	Unit Cost per Snack
Breakfast	_____
Lunch	_____
Dinner	_____

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.

12) On August 30, 2019, Purchase Order Number P196E00518 was issued to cover the month of September 2019.
13) The IFB bid opening for Food Services to DOC Inmates and Detainees was scheduled on September 13, 2019. As of this date, no status yet as to who the contract was awarded to.

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 18th day of September 2019 by,

JOEY A. TERLAJE

DEPARTMENT OF CORRECTIONS
DEPA 7TAMENTON MANGNGUR/H/
GOVERNMENT OF GUAM
P.O. Box 3236 HAGATNA, GUAM 96932 #1 MASHBURN LANE DAIRY ROAD, MANGILAO, GUAM 9691 3
TELEPHONE No.: (67 1)7355170/5176
FM No.: (671)7344051
WEBSITE: WWW.DOC.GUAM.GOV

LOURDES A. LEON GUERRERO
GOVERNOR
JOSHUA F. TENORIO
LIEUTENANT GOVERNOR

SAMANTHA J. BRENNAN
DIRECTOR
JOEY A. TERLAJE
DEPIJTY DIRECTOR

In Reply to:
DOC2019-09-376

September 23, 2019

Memorandum

To: Chief Procurement Officer
From: Acting Director, Department of Corrections
Subject: Request for Emergency Procurement
Ref: Food Services to DOC Inmates and Detainees (for October 2019)

Hafa 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:

I) 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 I , 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.