Kumision Inangokkon Tano' CHamoru
(CHamoru Land Trust Commission)

P.O. Box 2950 Hagåtña, Guåhan 96932 *Phone: 649-5263 Ext. 400 Fax: 649-5383*

Lourdes A. Leon Guerrero
Governor

Joshua F. Tenorio
Lieutenant Governor

Commission Members

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Commissioner

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Commissioner

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Commissioner

(Vacant)
Commissioner

Jack E. Hattig III
Administrative Director

October 29, 2019

35GL-19-1154
Speaker Tina Rose Muña Barnes

OCT 2 9 2019
Time 10:12 (X)AM ( )PM
Received By:

Honorable Tina Muña Barnes
Speaker
I Mina'trentai Singko Na Liheslaturan Guåhan
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Dear Madam Speaker:

2019 OCT 29 AM 10:28

Hafa Adai! Pursuant to Public Law 34-99, this is a transmittal to *I Liheslaturan Guåhan* of the CHamoru Land Trust Commission (CLTC) Determination of Need (DON) for an Exceptional Term Contract with intent to issue a Request for Proposal (RFP) for the lease of availability of CLTC lands for the following properties:

1. **Lot 5075-REM-A NEW-RI, Tamuning, Guam**
   - Behind East West Rental
2. **Lot 7054-R8, Yigo, Guam**
   - Behind Yigo Gym Area
3. **Tract 111, Lot 12, Municipality of Tamuning, Guam**
   - Across GVB

Provided with this transmittal are the following Exhibits:

1. DONs for each of the above 3 properties, approved by the CLTC during its September 2019 regular meeting
   - Includes Survey Maps of each property
2. Copies of the published notices of the Determination of Need for an Exceptional Term Contract

The CLTC via the Guam Economic Development Authority (GEDA) intends to issue the subject RFPs for each of the above three (3) properties within the next few weeks. Should you have any questions or concerns, please feel free to contact my office at any time. Si Yu'us Ma'ase.

Senseramente,

JACK E. HATTIG III
Administrative Director

Rev. 8/13/2019

cc: CEO/Administrator, Guam Economic Development Authority

1156

DETERMINATION OF NEED FOR EXCEPTIONAL TERM CONTRACT
Lot 5075-REM-A NEW-Rl, Tamuning, Guam

1.0 OVERVIEW

This Determination of Need for Exceptional Term Contract is issued pursuant to Public Law 32-40 as amended by Public Law 34-99 wherein the Chamorro Land Trust Commission hereby makes this "written Determination of Need justifying by a quantifiable sum an Exceptional Term Contract, and specifying the full term, inclusive of extensions, options and renewals, for such contract, and provide a copy of such Determination of Need to the Speaker of *I Liheslaturan Guahan*."

CLTC Resolution No. 2016-10 which designated this property for commercial lease was adopted on June 16, 2016 and transmitted to the Legislature as required by Public Law 33-95 on June 24, 2016 (Legislative Doc. No. 33GL-16-1728).

The Chamorro Land Trust Commission (hereinafter referred to as "CLTC") via its property manager, the Guam Economic Development Authority (hereinafter referred to as "GEDA"), intends to issue a Request for Proposals ("RFP") for the lease availability of Lot 5075-REM-A NEW-Rl, Tamuning, containing 1.9 acres and zoned Multi-Family-R2 (the Property). The Property is located off Route 1, behind East West Rental in Upper Tumon. The CLTC intends to negotiate a lease agreement for the Property that allows a prospective developer to implement its proposed and approved development plans. The Property has potential for commercial use. CLTC intends to negotiate a lease agreement for the Property that allows a prospective lessee to utilize the Property for land uses consistent with the R2 zoning designation. If required, the offeror will be allowed to pledge the leasehold interest in the property to secure development financing. The property is located in Census Tract 66010951901 which is a Qualified Opportunity Zone (QOZ) pursuant to Section 13823 of U. S. Public Law 115-97 which provides tax incentives for investments in QOZs.

To allow prospective developers to invest in the Property and recover investments, CLTC proposes to allow a lessee to lease the property for a term of up to fifty (50) years with one or more options to extend the term for an additional Forty-Nine (49) years. Such term will be subject to negotiations based primarily upon the amount of time required by the lessee to recover its investment, satisfy financing requirements and profit from investments.

Smaller scale developments (in the tens to hundreds of thousands of dollars), have traditionally been pursued by smaller organizations and are met with a distinctly unique set of challenges. Smaller local corporations, partnerships and sole proprietorships that are common on Guam are very much dependent on local financing institutions to engage in almost any form of commerce. A commercial loan is dependent on various terms such as, the principle loan amount, interest, and primarily, the borrower's ability to repay. While there may be some organizations or businesses that might be able to afford a loan from hundreds of thousands to the millions of dollars, and still able to repay it back in less than five years, there are also a large number of small local businesses that are unable to do so. For example, even a $250K business loan at only 4% interest

over a mere 5 year term would require monthly payments of almost $5K a month for the loan itself, not to mention other standard overhead, operational, or costs of goods sold. Limiting a lease term to 5 years would only add an additional hardship, or even exclusion, for most small local businesses to participate, employ local workers, or have a hope at success.

Even if a business were to be successful at negotiating a real property lease, a basic guideline for any local lending institutions is that a commercial loan would generally not be granted to any organization with only a leasehold interest that would be shorter than the life of the loan itself. Thus, in order to provide a fair commercial lease opportunity to a wider range of the small local business community and still provide a decent chance at success, it is concluded that an Exceptional Term Lease for longer than 5 years be allowed.

The tax assessed value is over $61 per square meter. Fair market rental value will be based upon two recent property appraisals as required for CLTC properties by Public Law 31-44. A description of the property and the potential major components of a Request for Proposals follows, to provide preliminary but more detailed information on this development opportunity.

1.1 LAND USE CONSIDERATIONS

1.1.1 Property Location. The Property is located off Route 1, behind East West Rental in Upper Tumon, Guam (See attached Map).

1.1.2 Previous Land Use. The Property was not previously used by the government of Guam.

1.1.3 Current Zoning. The property is zoned R2. If a change to this zoning designation is needed to implement the developer's plans, an explanation of the need for change must be included in the proposal submitted in response to an RFP.

1.1.4 Mining of Property. Should aggregate mining be intended by the prospective developer as part of its development plan, CLTC requires that proposal in response to an RFP discuss how the property will become usable after the developer ceases to use the property for this purpose and discuss royalties that will be paid from the use of the property for this purpose.

1.2 CLTC COMMITMENTS

- To support designation of the appropriate zone for the property to accommodate the development plan, to the extent allowable by law.
- To support the developer in satisfying all regulatory, land use, environmental, business, building and other local and federal permitting requirements, to the extent allowable by law.
- To support the developer in presenting and securing approval of the lease agreement to the extent allowable by law.

1.3 OFFER RESPONSIBILITIES

A lease agreement(s) will be prepared once negotiations with the successful offeror(s) have concluded. Since the lease will require offeror(s) to carry out various responsibilities, including, but not limited to those listed below, proposals must indicate concurrence with paying the costs for and carrying out the major responsibilities listed below:

1.3.1 Conceptual Plan. Prepare a conceptual plan for the proposed development, commit to a specific development schedule and secure all necessary development permits. In submitting a proposal in response to an RFP, offerors are required to submit this conceptual plan for the development of the property or portion(s) thereof which shall identify the type of use, the market demand for the goods and/or services to be offered, a rough order of magnitude cost for developing the site and the offeror's ability to finance development and operations including evidence of such financial ability.

1.3.2. Business Plan. Create for itself and for CLTC, a Business Plan that contains a project pro forma consistent with the conceptual plan covering the period of time required by the offeror(s) for project development and operation.

1.3.3 Infrastructure. Plan, implement and fund all infrastructure improvements needed for development plans.

1.3.4. Management. Accept management and maintenance responsibility for the Property that preserves the value and revenue generating capacity of the Property.

1.3.5. Environmental Remediation (If Needed). Accept responsibility for performance and costs of any environmental remediation required to develop the Property as proposed. Prospective lessees shall prepare a Phase I Environmental Site Assessment before the issuance of a lease agreement and shall provide a performance bond to ensure that the property is returned in an acceptable end-state.

1.3.6. Insurance. Obtain all required property, liability and workmen's compensation insurance, and indemnify CLTC from any liability arising from the development and use of the Property.

1.3.7 Survey/Retracement. Prepare a property boundary survey map of the Property and obtain all required approvals. Survey monuments must be maintained and visible at all times for inspection by CLTC.

1.3.8. Fees. Pay all fees associated with the recording the Lease at the Department of Land Management.

1.4 OFFEROR REQUIREMENTS

A primary consideration of the CLTC and the Government of Guam is the benefits to be derived through the lease and development of this valuable asset. Traditional methods of generating revenue are addressed in subsections 1.4.1 and 1.4.2 below. However, CLTC, GEDA and the Government of Guam recognize that significant public benefits can also be derived through public/private partnerships and other mechanisms that, considered as a whole, exceed the benefits derived from a traditional real estate lease transaction. Should other non-traditional methods be proposed by the offeror, these methods will be given serious consideration but offerors must still identify the benefits that would have been derived from a strict real estate lease transaction for comparative purposes. Offerors are required to review the CLTC Rules and Regulations codified at 21 GCA Section 75122 (attached) and to address the following requirements in their proposals:

1.4.1. Rent. Rent shall be no less than ten percent (10%) of the appraised fair market value. Per Public Law 31-44, two appraisals must be prepared at the expense of the prospective developer with CLTC selection of one appraiser. Prospective developers are required to identify the amount of ground rent to be paid annually/monthly over the term of the lease, taking into account CLTC's objective of generating the highest amount of revenue. Rent shall escalate at a minimum of five (5) year intervals based at a minimum upon current appraisal of fair market value but in no event shall rent be lower than the rent charged during the previous five (5) year period.

1.4.2. Participation Rent. Participation rent, which is a mutually agreed upon percentage of the revenues generated from the use of the property above a mutually agreed upon revenue threshold shall be paid by the lessee to the landlord beginning on the fifth (5^{th}) anniversary of the lease and shall be paid in four (4) equal quarterly installments. To arrive at this threshold, prospective offerors must submit a pro-forma financial statement and propose a reasonable threshold in their proposals to meet this requirement.

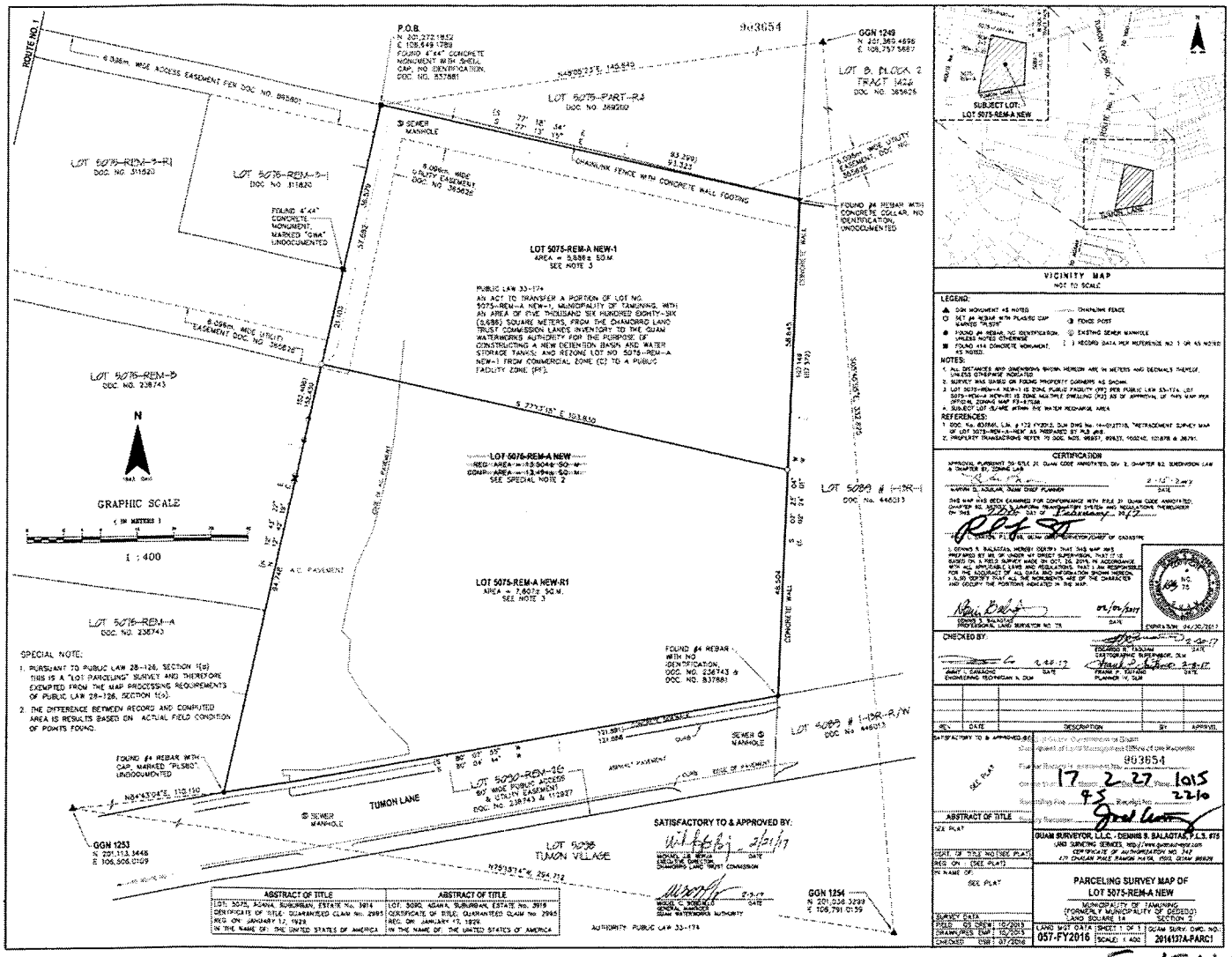
1.4.3. Alternative Payment Mechanisms. Alternatives to property rent, subtenant and other rents may be proposed by offerors in their proposals, however, any proposal suggesting such alternatives must demonstrate how CLTC's objective of generating the highest amount of revenue is achieved by comparing the suggested alternative to the property rent, subtenant and other payments described above. Alternative payment schedules including rent deferrals may also be proposed but in no event will the total amount of rent be reduced. Interest may also be charged on any deferred rents.

1.4.4. Security Deposit. The proposal shall indicate that the developer(s) agrees to pay a non-refundable security deposit upon execution of a lease and the amount of such security deposit.

1.4.5. Sub-lessee Use of Property. Offerors must specify in their proposals whether or not subletting (or any form of third party use) is intended for any or all portions of the property being leased. Should subletting be intended, offerors shall identify the proportion of sub-lessee rents paid to the lessee to be paid to CLTC, if any. In addition, participation rent as described above may be required to be paid by sub-lessees.

1.4.6. Other Requirements. To ensure acceptability of the intended lease agreement by the public and the government of Guam, compliance with 21 GCA Section 75122 is required however, additional requirements may be imposed and/or negotiated that are not specifically identified in this RFP, at the discretion of the Government of Guam. In addition, Public Law 32-40 requires Legislative approval of all leases whose term exceeds five (5) years. Additional requirement(s) may be imposed by the Guam Legislature. By submitting a proposal in response to this RFP, prospective offerors understand and agree that additional requirements may be negotiated by the Executive and/or Legislative Branches of the Government of Guam.

ATTACHMENT A: MAP



S-15164

DETERMINATION OF NEED FOR EXCEPTIONAL TERM CONTRACT
Lot 7054-R8, Yigo, Guam

1.0 OVERVIEW

This Determination of Need for Exceptional Term Contract is issued pursuant to Public Law 32-40 as amended by Public Law 34-99 wherein the Chamorro Land Trust Commission hereby makes this "written Determination of Need justifying by a quantifiable sum an Exceptional Term Contract, and specifying the full term, inclusive of extensions, options and renewals, for such contract, and provide a copy of such Determination of Need to the Speaker of *I Liheslaturan Guahan*."

CLTC Resolution No. 2016-11 which designated this property for commercial lease was adopted on June 16, 2016 and transmitted to the Legislature as required by Public Law 33-95 on June 24, 2016 (Legislative Doc. No. 33GL-16-1728).

The Chamorro Land Trust Commission (hereinafter referred to as "CLTC") via its property manager, the Guam Economic Development Authority (hereinafter referred to as "GEDA"), intends to issue a Request for Proposals ("RFP") for the lease availability of Lot 7054-R8, Yigo, containing 8 acres and zoned Agriculture (The Property). The Property is located off Route 1, behind the Yigo Gym. The CLTC intends to negotiate a lease agreement for the Property that allows a prospective developer to implement its proposed and approved development plans. The Property has potential for commercial use as it is located just off Marine Corps Drive. CLTC intends to negotiate a lease agreement for the Property that allows a prospective lessee to utilize the Property for land uses consistent with the Agriculture Zone (A) designation. If required, the offeror will be allowed to pledge the leasehold interest in the property to secure development financing.

To allow prospective developers to invest in the Property and recover investments, CLTC proposes to allow a lessee to lease the property for a term of up to fifty (50) years with one or more options to extend the term for an additional Forty-Nine (49) years. Such term will be subject to negotiations based primarily upon the amount of time required by the lessee to recover its investment, satisfy financing requirements and profit from investments.

Smaller scale developments (in the tens to hundreds of thousands of dollars), have traditionally been pursued by smaller organizations and are met with a distinctly unique set of challenges. Smaller local corporations, partnerships and sole proprietorships that are common on Guam are very much dependent on local financing institutions to engage in almost any form of commerce. A commercial loan is dependent on various terms such as, the principle loan amount, interest, and primarily, the borrower's ability to repay. While there may be some organizations or businesses that might be able to afford a loan from hundreds of thousands to the millions of dollars, and still able to repay it back in less than five years, there are also a large number of small local businesses that are unable to do so. For example, even a $250K business loan at only 4% interest over a mere 5 year term would require monthly payments of almost $5K a month for the loan itself, not to mention other standard overhead, operational, or costs of goods sold. Limiting a lease term

to 5 years would only add an additional hardship, or even exclusion, for most small local businesses to participate, employ local workers, or have a hope at success.

Even if a business were to be successful at negotiating a real property lease, a basic guideline for any local lending institutions is that a commercial loan would generally not be granted to any organization with only a leasehold interest that would be shorter than the life of the loan itself. Thus, in order to provide a fair commercial lease opportunity to a wider range of the small local business community and still provide a decent chance at success, it is concluded that an Exceptional Term Lease for longer than 5 years be allowed.

Fair market rental value will be based upon two recent property appraisals as required for CLTC properties by Public Law 31-44. A description of the property and the potential major components of a Request for Proposals follows, to provide preliminary but more detailed information on this development opportunity.

1.1 LAND USE CONSIDERATIONS

1.1.1 Property Location. The Property is located off Route 1, behind the Yigo Gymnasium, Guam (See attached Map).

1.1.2 Previous Land Use. The Property was not previously used by the government of Guam.

1.1.3 Current Zoning. The property is zoned Agriculture (A). If a change to this zoning designation is needed to implement the developer's plans, an explanation of the need for change must be included in the proposal submitted in response to an RFP.

1.1.4 Mining of Property. Should aggregate mining be intended by the prospective developer as part of its development plan, CLTC requires that proposal in response to an RFP discuss how the property will become usable after the developer ceases to use the property for this purpose and discuss royalties that will be paid from the use of the property for this purpose.

1.2 CLTC COMMITMENTS

- To support designation of the appropriate zone for the property to accommodate the development plan, to the extent allowable by law.
- To support the developer in satisfying all regulatory, land use, environmental, business, building and other local and federal permitting requirements, to the extent allowable by law.
- To support the developer in presenting and securing approval of the lease agreement to the extent allowable by law.

1.3 OFFER RESPONSIBILITIES

A lease agreement(s) will be prepared once negotiations with the successful offeror(s) have concluded. Since the lease will require offeror(s) to carry out various responsibilities, including, but not limited to those listed below, proposals must indicate concurrence with paying the costs for and carrying out the major responsibilities listed below:

1.3.1 Conceptual Plan. Prepare a conceptual plan for the proposed development, commit to a specific development schedule and secure all necessary development permits. In submitting a proposal in response to an RFP, offerors are required to submit this conceptual plan for the development of the property or portion(s) thereof which shall identify the type of use, the market demand for the goods and/or services to be offered, a rough order of magnitude cost for developing the site and the offeror's ability to finance development and operations including evidence of such financial ability.

1.3.2. Business Plan. Create for itself and for CLTC, a Business Plan that contains a project pro forma consistent with the conceptual plan covering the period of time required by the offeror(s) for project development and operation.

1.3.3 Infrastructure. Plan, implement and fund all infrastructure improvements needed for development plans.

1.3.4. Management. Accept management and maintenance responsibility for the Property that preserves the value and revenue generating capacity of the Property.

1.3.5. Environmental Remediation (If Needed). Accept responsibility for performance and costs of any environmental remediation required to develop the Property as proposed. Prospective lessees shall prepare a Phase I Environmental Site Assessment before the issuance of a lease agreement and shall provide a performance bond to ensure that the property is returned in an acceptable end-state.

1.3.6. Insurance. Obtain all required property, liability and workmen's compensation insurance, and indemnify CLTC from any liability arising from the development and use of the Property.

1.3.7 Survey/Retracement. Prepare a property boundary survey map of the Property and obtain all required approvals. Survey monuments must be maintained and visible at all times for inspection by CLTC.

1.3.8. Fees. Pay all fees associated with the recording the Lease at the Department of Land Management.

1.4 OFFEROR REQUIREMENTS

A primary consideration of the CLTC and the Government of Guam is the benefits to be derived through the lease and development of this valuable asset. Traditional methods of generating revenue are addressed in subsections 1.4.1 and 1.4.2 below. However, CLTC, GEDA and the Government of Guam recognize that significant public benefits can also be derived through public/private partnerships and other mechanisms that, considered as a whole, exceed the benefits derived from a traditional real estate lease transaction. Should other non-traditional methods be proposed by the offeror, these methods will be given serious consideration but offerors must still identify the benefits that would have been derived from a strict real estate lease transaction for comparative purposes. Offerors are required to review the CLTC Rules and Regulations codified at 21 GCA Section 75122 (attached) and to address the following requirements in their proposals:

1.4.1. Rent. Rent shall be no less than ten percent (10%) of the appraised fair market value. Per Public Law 31-44, two appraisals must be prepared at the expense of the prospective developer with CLTC selection of one appraiser. Prospective developers are required to identify the amount of ground rent to be paid annually/monthly over the term of the lease, taking into account CLTC's objective of generating the highest amount of revenue. Rent shall escalate at a minimum of five (5) year intervals based at a minimum upon current appraisal of fair market value but in no event shall rent be lower than the rent charged during the previous five (5) year period.

1.4.2. Participation Rent. Participation rent, which is a mutually agreed upon percentage of the revenues generated from the use of the property above a mutually agreed upon revenue threshold shall be paid by the lessee to the landlord beginning on the fifth (5^{th}) anniversary of the lease and shall be paid in four (4) equal quarterly installments. To arrive at this threshold, prospective offerors must submit a pro-forma financial statement and propose a reasonable threshold in their proposals to meet this requirement.

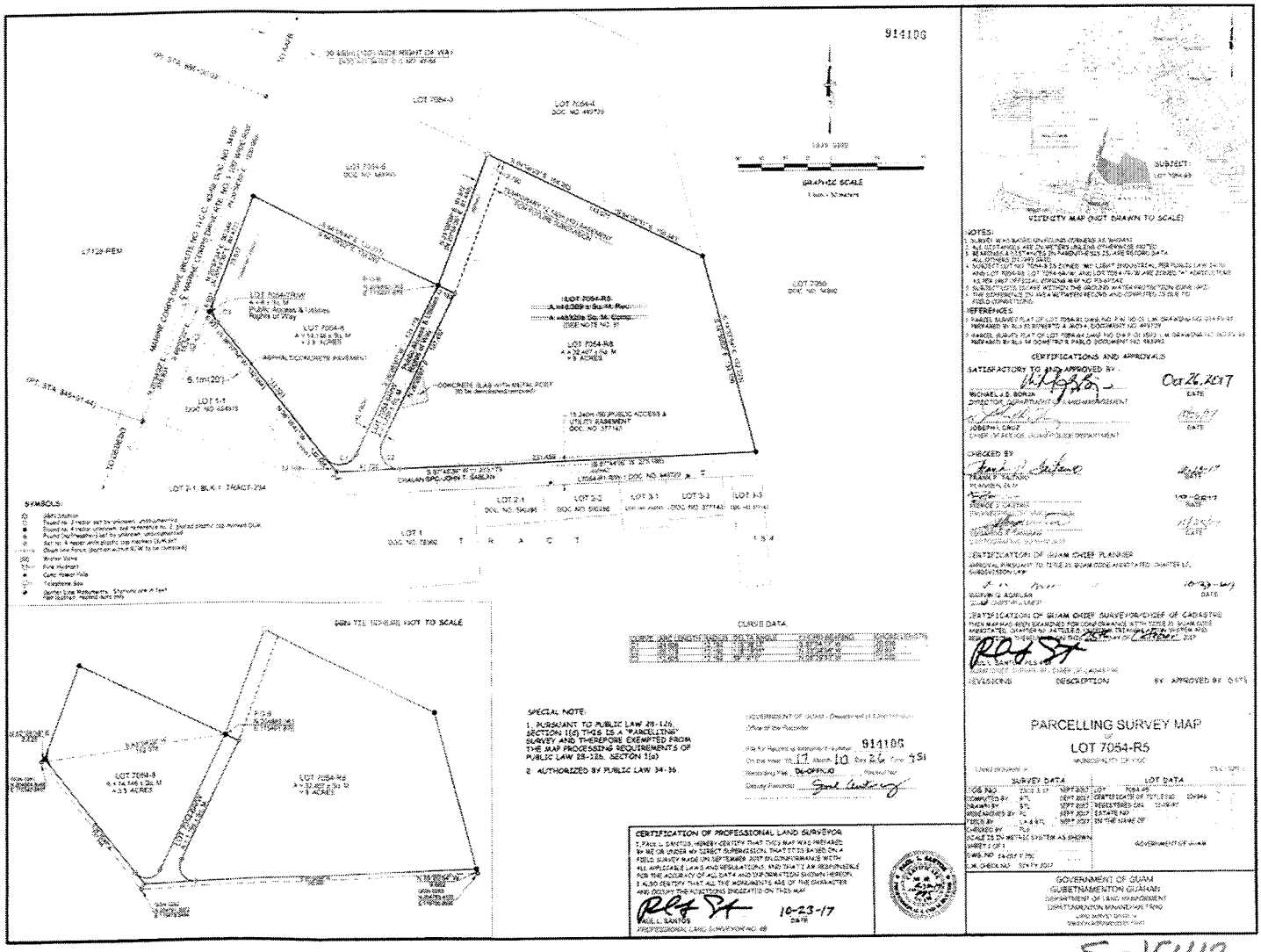
1.4.3. Alternative Payment Mechanisms. Alternatives to property rent, subtenant and other rents may be proposed by offerors in their proposals, however, any proposal suggesting such alternatives must demonstrate how CLTC's objective of generating the highest amount of revenue is achieved by comparing the suggested alternative to the property rent, subtenant and other payments described above. Alternative payment schedules including rent deferrals may also be proposed but in no event will the total amount of rent be reduced. Interest may also be charged on any deferred rents.

1.4.4. Security Deposit. The proposal shall indicate that the developer(s) agrees to pay a non-refundable security deposit upon execution of a lease and the amount of such security deposit.

1.4.5. Sub-lessee Use of Property. Offerors must specify in their proposals whether or not subletting (or any form of third party use) is intended for any or all portions of the property being leased. Should subletting be intended, offerors shall identify the proportion of sub-lessee rents paid to the lessee to be paid to CLTC, if any. In addition, participation rent as described above may be required to be paid by sub-lessees.

1.4.6. Other Requirements. To ensure acceptability of the intended lease agreement by the public and the government of Guam, compliance with 21 GCA Section 75122 is required however, additional requirements may be imposed and/or negotiated that are not specifically identified in this RFP, at the discretion of the Government of Guam. In addition, Public Law 32-40 requires Legislative approval of all leases whose term exceeds five (5) years. Additional requirement(s) may be imposed by the Guam Legislature. By submitting a proposal in response to this RFP, prospective offerors understand and agree that additional requirements may be negotiated by the Executive and/or Legislative Branches of the Government of Guam.

ATTACHMENT A: MAP



S-15412

DETERMINATION OF NEED FOR EXCEPTIONAL TERM CONTRACT
Tract 111, Lot 12, Municipality of Tamuning, Guam

1.0 OVERVIEW

This Determination of Need for Exceptional Term Contract is issued pursuant to Public Law 32-40 as amended by Public Law 34-99 wherein the Chamorro Land Trust Commission hereby makes this "written Determination of Need justifying by a quantifiable sum an Exceptional Term Contract, and specifying the full term, inclusive of extensions, options and renewals, for such contract, and provide a copy of such Determination of Need to the Speaker of *I Liheslaturan Guahan*."

CLTC Resolution No. 2017-05 which designated this property for commercial lease was adopted on March 20, 2017 and transmitted to the Legislature as required by Public Law 33-95 on March 21, 2017 (Legislative Doc. No. 34GL-17-0313).

The Chamorro Land Trust Commission (hereinafter referred to as "CLTC") via its property manager, the Guam Economic Development Authority (hereinafter referred to as "GEDA"), intends to issue a Request for Proposals ("RFP") for the lease availability of Tract 111, Lot 12, Municipality of Tamuning, consisting of approximately 2,564 square meters, as shown on survey map L.M. No. 332FY95, Instrument No. 530747, currently Resort-Hotel Zone (The Property). The Property is located off Route 14, along San Vitores Road across from the Ypao Beach Park and the Proa Restaurant. The CLTC intends to negotiate a lease agreement for the Property that allows a prospective developer to implement its proposed and approved development plans. The Property has potential for commercial use as it is located within Guam's tourist district. CLTC intends to negotiate a lease agreement for the Property that allows a prospective lessee to utilize the Property for land uses consistent with the Resort-Hotel Zone (H) designation. If required, the offeror will be allowed to pledge the leasehold interest in the property to secure development financing. The property is located in Census Tract 66010951902 which is a Qualified Opportunity Zone (QOZ) pursuant to Section 13823 of U. S. Public Law 115-97 which provides tax incentives for investments in QOZs.

To allow prospective developers to invest in the Property and recover investments, CLTC proposes to allow a lessee to lease the property for a term of up to fifty (50) years with one or more options to extend the term for an additional Forty-Nine (49) years. Such term will be subject to negotiations based primarily upon the amount of time required by the lessee to recover its investment, satisfy financing requirements and profit from investments.

Smaller scale developments (in the tens to hundreds of thousands of dollars), have traditionally been pursued by smaller organizations and are met with a distinctly unique set of challenges. Smaller local corporations, partnerships and sole proprietorships that are common on Guam are very much dependent on local financing institutions to engage in almost any form of commerce. A commercial loan is dependent on various terms such as, the principle loan amount, interest, and primarily, the borrower's ability to repay. While there may be some organizations or businesses that might be able to afford a loan from hundreds of thousands to the millions of dollars,

and still able to repay it back in less than five years, there are also a large number of small local businesses that are unable to do so. For example, even a $250K business loan at only 4% interest over a mere 5 year term would require monthly payments of almost $5K a month for the loan itself, not to mention other standard overhead, operational, or costs of goods sold. Limiting a lease term to 5 years would only add an additional hardship, or even exclusion, for most small local businesses to participate, employ local workers, or have a hope at success.

Even if a business were to be successful at negotiating a real property lease, a basic guideline for any local lending institutions is that a commercial loan would generally not be granted to any organization with only a leasehold interest that would be shorter than the life of the loan itself. Thus, in order to provide a fair commercial lease opportunity to a wider range of the small local business community and still provide a decent chance at success, it is concluded that an Exceptional Term Lease for longer than 5 years be allowed.

The tax assessed value is $336 per square meter. Fair market rental value will be based upon two recent property appraisals as required for CLTC properties by Public Law 31-44. A description of the property and the potential major components of a Request for Proposals follows, to provide preliminary but more detailed information on this development opportunity.

1.1 LAND USE CONSIDERATIONS

1.1.1 Property Location. The Property is located off Route 14, along San Vitores Road across from the Ypao Beach Park and the Proa Restaurant in Tumon, Guam (See attached Map).

1.1.2 Previous Land Use. The Property was formerly utilized by GVB as a park.

1.1.3 Current Zoning. The property is zoned Resort Hotel (H). If a change to this zoning designation is needed to implement the developer's plans, an explanation of the need for change must be included in the proposal submitted in response to an RFP.

1.1.4 Mining of Property. Should aggregate mining be intended by the prospective developer as part of its development plan, CLTC requires that proposal in response to an RFP discuss how the property will become usable after the developer ceases to use the property for this purpose and discuss royalties that will be paid from the use of the property for this purpose.

1.2 CLTC COMMITMENTS

- To support designation of the appropriate zone for the property to accommodate the development plan, to the extent allowable by law.
- To support the developer in satisfying all regulatory, land use, environmental, business, building and other local and federal permitting requirements, to the extent allowable by law.
- To support the developer in presenting and securing approval of the lease agreement to the extent allowable by law.

1.3 OFFER RESPONSIBILITIES

A lease agreement(s) will be prepared once negotiations with the successful offeror(s) have concluded. Since the lease will require offeror(s) to carry out various responsibilities, including, but not limited to those listed below, proposals must indicate concurrence with paying the costs for and carrying out the major responsibilities listed below:

1.3.1 Conceptual Plan. Prepare a conceptual plan for the proposed development, commit to a specific development schedule and secure all necessary development permits. In submitting a proposal in response to an RFP, offerors are required to submit this conceptual plan for the development of the property or portion(s) thereof which shall identify the type of use, the market demand for the goods and/or services to be offered, a rough order of magnitude cost for developing the site and the offeror's ability to finance development and operations including evidence of such financial ability.

1.3.2. Business Plan. Create for itself and for CLTC, a Business Plan that contains a project pro forma consistent with the conceptual plan covering the period of time required by the offeror(s) for project development and operation.

1.3.3 Infrastructure. Plan, implement and fund all infrastructure improvements needed for development plans.

1.3.4. Management. Accept management and maintenance responsibility for the Property that preserves the value and revenue generating capacity of the Property.

1.3.5. Environmental Remediation (If Needed). Accept responsibility for performance and costs of any environmental remediation required to develop the Property as proposed. Prospective lessees shall prepare a Phase I Environmental Site Assessment before the issuance of a lease agreement and shall provide a performance bond to ensure that the property is returned in an acceptable end-state.

1.3.6. Insurance. Obtain all required property, liability and workmen's compensation insurance, and indemnify CLTC from any liability arising from the development and use of the Property.

1.3.7 Survey/Retracement. Prepare a property boundary survey map of the Property and obtain all required approvals. Survey monuments must be maintained and visible at all times for inspection by CLTC.

1.3.8. Fees. Pay all fees associated with the recording the Lease at the Department of Land Management.

1.4 OFFEROR REQUIREMENTS

A primary consideration of the CLTC and the Government of Guam is the benefits to be derived through the lease and development of this valuable asset. Traditional methods of generating revenue are addressed in subsections 1.4.1 and 1.4.2 below. However, CLTC, GEDA and the Government of Guam recognize that significant public benefits can also be derived through public/private partnerships and other mechanisms that, considered as a whole, exceed the benefits derived from a traditional real estate lease transaction. Should other non-traditional methods be proposed by the offeror, these methods will be given serious consideration but offerors must still identify the benefits that would have been derived from a strict real estate lease transaction for comparative purposes. Offerors are required to review the CLTC Rules and Regulations codified at 21 GCA Section 75122 (attached) and to address the following requirements in their proposals:

1.4.1. Rent. Rent shall be no less than ten percent (10%) of the appraised fair market value. Per Public Law 31-44, two appraisals must be prepared at the expense of the prospective developer with CLTC selection of one appraiser. Prospective developers are required to identify the amount of ground rent to be paid annually/monthly over the term of the lease, taking into account CLTC's objective of generating the highest amount of revenue. Rent shall escalate at a minimum of five (5) year intervals based at a minimum upon current appraisal of fair market value but in no event shall rent be lower than the rent charged during the previous five (5) year period.

1.4.2. Participation Rent. Participation rent, which is a mutually agreed upon percentage of the revenues generated from the use of the property above a mutually agreed upon revenue threshold shall be paid by the lessee to the landlord beginning on the fifth (5^{th}) anniversary of the lease and shall be paid in four (4) equal quarterly installments. To arrive at this threshold, prospective offerors must submit a pro-forma financial statement and propose a reasonable threshold in their proposals to meet this requirement.

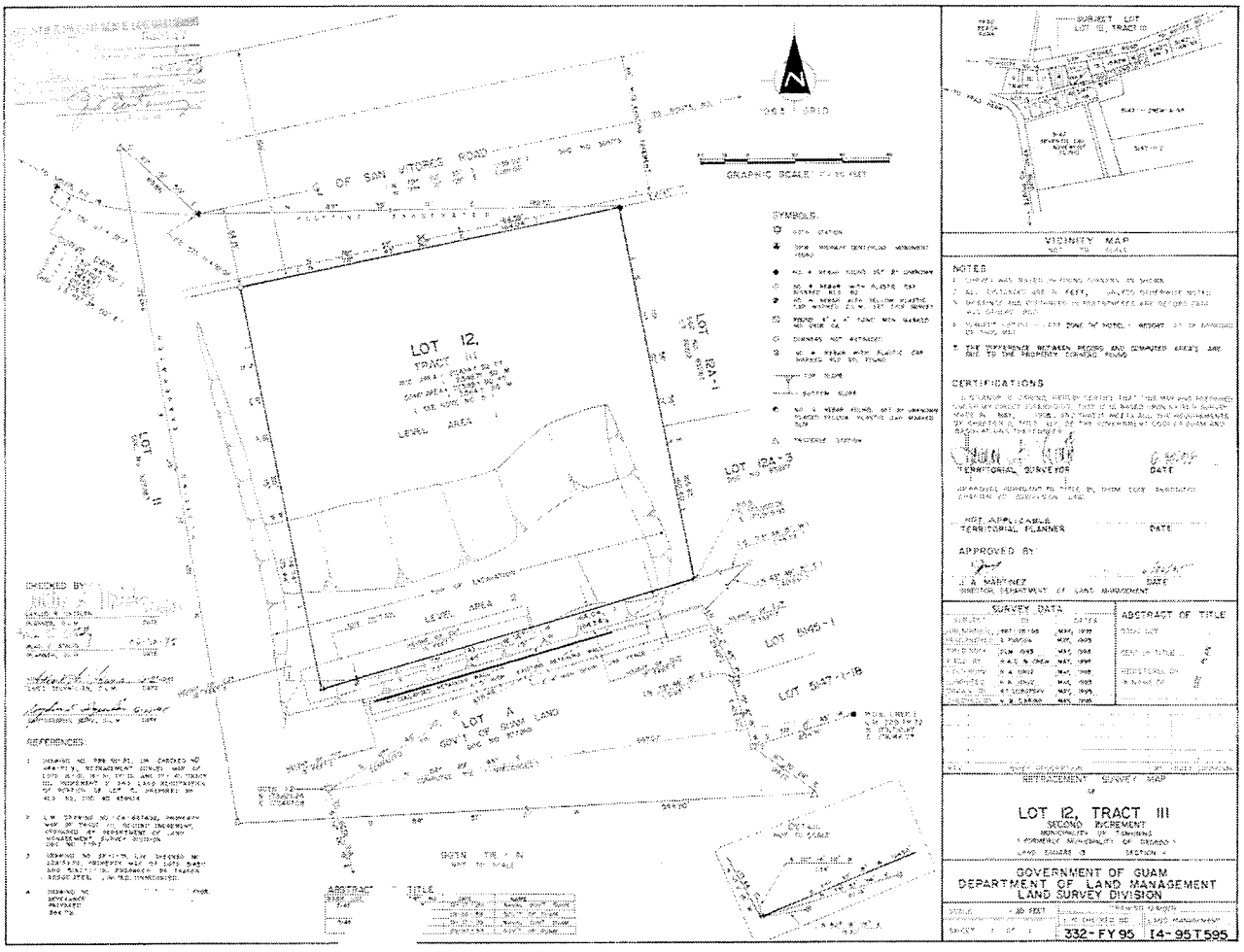
1.4.3. Alternative Payment Mechanisms. Alternatives to property rent, subtenant and other rents may be proposed by offerors in their proposals, however, any proposal suggesting such alternatives must demonstrate how CLTC's objective of generating the highest amount of revenue is achieved by comparing the suggested alternative to the property rent, subtenant and other payments described above. Alternative payment schedules including rent deferrals may also be proposed but in no event will the total amount of rent be reduced. Interest may also be charged on any deferred rents.

1.4.4. Security Deposit. The proposal shall indicate that the developer(s) agrees to pay a non-refundable security deposit upon execution of a lease and the amount of such security deposit.

1.4.5. Sub-lessee Use of Property. Offerors must specify in their proposals whether or not subletting (or any form of third party use) is intended for any or all portions of the property being leased. Should subletting be intended, offerors shall identify the proportion of sub-lessee rents paid to the lessee to be paid to CLTC, if any. In addition, participation rent as described above may be required to be paid by sub-lessees.

1.4.6. Other Requirements. To ensure acceptability of the intended lease agreement by the public and the government of Guam, compliance with 21 GCA Section 75122 is required however, additional requirements may be imposed and/or negotiated that are not specifically identified in this RFP, at the discretion of the Government of Guam. In addition, Public Law 32-40 requires Legislative approval of all leases whose term exceeds five (5) years. Additional requirement(s) may be imposed by the Guam Legislature. By submitting a proposal in response to this RFP, prospective offerors understand and agree that additional requirements may be negotiated by the Executive and/or Legislative Branches of the Government of Guam.

ATTACHMENT A: MAP



0095
0095

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GOOD: 3 Lines, 3 Consecutive Days.....$78.00
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BEST: 3 Lines, 10 Consecutive Days.....$115.00

ROOMMATES

Conditions/Restrictions: *Roommate a person who shares a room or apartment with another or others.
GOOD: 3 Lines, 7 Consecutive Days.....$57.00
BETTER: 3 Lines, 10 Consecutive Days.....$73.00

AUTOMOTIVE PACKAGES

• Automotive • Trucks • Bikes • Boats • Motorcycles
Conditions/Restrictions: One vehicle per ad
Ad format: Make, Model, Year.
GOOD: 3 Lines, 7 Consecutive Days.....$58.00
BETTER: 3 Lines, 10 Consecutive Days.....$68.50
BEST: 4 Lines, 14 Consecutive Days.....$79.00

SUPER DEALS

Personal Items below $500 in total value
GOOD: 3 Lines, 7 Consecutive Days.....$24.50
BETTER: 3 Lines, 10 Consecutive Days.....$33.00
BEST: 3 Lines, 14 Consecutive Days.....$40.00
***Price must be included in the ad to qualify.**

PRIVATE PARTY PLEASERS

Personal Items below $2,500 in total value
GOOD: 3 Lines, 7 Consecutive Days.....$33.00
BETTER: 3 Lines, 10 Consecutive Days.....$43.50
BEST: 3 Lines, 14 Consecutive Days.....$54.00
***Price must be included in the ad to qualify.**

Personal Items below $2,501 in total value
GOOD: 3 Lines, 7 Consecutive Days.....$59.00
BETTER: 3 Lines, 10 Consecutive Days.....$70.00
BEST: 3 Lines, 14 Consecutive Days.....$80.00
***Price must be included in the ad to qualify.**

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• Fundraising • Rummage • Yard Sale
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Ad format: Village, Date, Time
Garage Sale: Private residence
Rummage: School or Non-profit organization
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BETTER: 3 Lines, 7 Consecutive Days.....$33.00

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BETTER: 3 Lines, 10 Consecutive Days.....$33.00
BEST: 3 Lines, 14 Days.....$40.00

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Pacific Daily News

GUAM ECONOMIC DEVELOPMENT AUTHORITY

DETERMINATION OF NEED FOR EXCEPTIONAL TERM CONTRACT

Tract 111, Lot 12, Tamuning, Guam
Lot 5075-REM-A NEW-R1, Tamuning, Guam
Lot 7054-R5, Yigo, Guam

The Guam Economic Development Authority (GEDA), on behalf of the Chamorro Land Trust Commission (CLTC), is issuing this public announcement of a Determination of Need (DON) to justify by a quantifiable sense of and Exceptional Term Contract Pursuant to Public Law 34-99. GEDA intends to issue a Request for Proposals (RFP) for the lease availability of the above lots. These properties are located along San Vitores Road across GVB (0.6 acres), behind the East West Rental (1.9 acres), and behind the Yigo Gym (12 acres), respectively. These DONs are available for public inspection and download from the GEDA website at www.investguam.com.

GEDA will be accepting any comments via email only until November 7, 2019 which will be taken into consideration in issuing the relative RFPs for the above properties. Please address any such comments to GEDA's Deputy Administrator, Mr. Artemio "Ricky" Hernandez, Ph.D. ahernandez@investguam.com.

/s/ Melanie Meno Bola, CEO / Administrator

Pursuant to PL 36-12, funding for this ad was paid by GEDA's General Fund

UPDATED THE GUAM PUBLIC UTILITIES COMMISSION NOTICE OF PUBLIC MEETING

NOTICE IS HEREBY GIVEN that the Guam Public Utilities Commission [PUC] will conduct a regular business meeting, commencing at 6:30 p.m. on October 31, 2019, at Suite 202 GCIC Building, 414 W. Soledad Ave., Hagatna.

The following business will be transacted:

Agenda

1. **Approval of Minutes of September 26, 2019**
2. **Docomo Pacific Inc.**
   - **Docomo Docket 19-01, Petition for Approval of Interconnection Agreement, ALJ Report, and Proposed Order**
3. **Port Authority of Guam**
   - **PAG Docket 20-01, Petition to Approve Contract for A/E Design and Consulting Services for EQMR, Warehouse No. 1 and Waterline, Counsel Report, and Proposed Order**
4. **Guam Power Authority**
   - **GPA Docket 19-13, Petition to Approve Energy Conversion Agreement (ECA) with KEPCO for the 198MW Power Plant, Concentric Energy Advisors Report, ALJ Report, Chairman's Report, and Proposed Order**
5. **Administrative Matters**
   - **Meeting Date for November Meeting**
   - **Ground Breaking for Sinifa, Santa Rita and Santa Rosa reservoir project**
7. **Other Business**

Further information about the meeting may be obtained from the PUC's Administrator Lou Palomo at 472-1907. Those persons who require special accommodations, auxiliary aids, or services to attend the meeting should also contact Ms. Palomo.

This Notice is paid for by the Guam Public Utilities Commission

Doc. No. 35GL-19-1156.

IN BRIEF

Harbaugh tells players' parents he's not leaving Michigan

ANN ARBOR, Mich. – Michigan coach Jim Harbaugh has sent an email to parents of players on his team, refuting a report saying representatives are working on his departure from the school.

In an email, a copy of which was obtained by The Associated Press, Harbaugh says the idea that he's looking to leave his alma mater is not true. He says it happens every year by unspecified "enemies" to disrupt the program and impact recruiting.

The person who shared the email did so on condition of anonymity because it was intended only for players' parents.

Harbaugh, who is 43-16 with the Wolverines, is in the fifth year of a seven-year contract

McKinzie, Code of Honor top Classic field for Breeders' Cup

ARCADIA, Calif. – McKinzie heads a field of 11 horses, including mare Blate against males, for the Breeders' Cup Classic, with trainer Bob Baffert going for a fourth victory in the $6 million race that includes Preakness winner War of Will. The Classic won't have Kentucky Derby winner Country House or Belmont winner Sir Winston.

The Classic outcome could influence Horse of the Year, which it's done 13 times before when the winner has gone on to earn year-end honors. The 1 ¼-mile race pits West Coast star McKinzie and Code of Honor, the East's top horse who finished second in the Kentucky Derby.

The Classic field is among a total of 187 horses pre-entered Wednesday for the $30 million, 14-race world championships at Santa Anita on Nov. 1-2.

A total of 47 foreign horses were pre-entered, including a leading 17 by Irish trainer Aidan O'Brien.

Chiefs' Mahomes throwing during practice after knee injury

KANSAS CITY, Mo. – Chiefs quarterback Patrick Mahomes planned to throw in practice Wednesday, raising the possibility the reigning league MVP could return sooner than expected from a dislocated kneecap.

Mahomes hurt the knee on a quarterback sneak Thursday night in Denver. The initial thought was that he could miss up to six weeks, but X-rays and an MRI exam returned the best possible result, and coach Andy Reid said that he has not been ruled out for Sunday night against Green Bay.

That said, the Chiefs are preparing as if backup Matt Moore will be the starter, and they have elevated rookie Kyle Shurmur from the practice squad to serve as the potential backup.

In other injury news, defensive end Frank Clark was held out of practice with a neck injury and linebacker Darron Lee with an illness. But left tackle Eric Fisher was back from his groin injury and wide receiver Sammy Watkins was able to test his ailing hamstring.

—Wire services

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REQUEST FOR PROPOSALS (RFP)
NO. 20-01

INDEFINITE DELIVERY/INDEFINITE QUANTITY (ID/IQ) ARCHITECTURAL/ENGINEERING (A/E) AND CONSTRUCTION MANAGEMENT (CM) SERVICES

The Judiciary of Guam is accepting proposals from qualified firms to provide Indefinite Delivery Indefinite Quantity (ID/IQ) Architectural/Engineering (A/E) and Construction Management (CM) Services for the Judiciary of Guam.

Interested and qualified firms may purchase printed or electronic copy of the RFP, $25.00 per copy (non-refundable), at the Procurement Office located in Guam Judicial Center, 1st Floor, 120 West O'brien Drive in Hagåtña beginning Friday, October 25, 2019 (Guam Standard Time) from 8:00 am to 5:00 pm, Monday thru Friday, except Government of Guam holidays. Acceptable payments are cash, credit/debit card or check payable to the "Judiciary of Guam".

All Proposals must be submitted to the Procurement Office no later than 2:00 pm, November 15, 2019 (Guam Standard Time). Late proposals will not be considered.

For any periodic updates of the RFP please visit the Judiciary's website http://guamcourts.org. For more information, please contact the Procurement Office at (671)475-3175/3393/3141/3290 or email at mantonio@guamcourts.org and/or jocepeda@guamcourts.org.

/s/ JOHN Q. LIZAMA
Administrator of the Courts

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GUAM ECONOMIC DEVELOPMENT AUTHORITY

DETERMINATION OF NEED FOR EXCEPTIONAL TERM CONTRACT

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/s/ Melanie Mendiola, CEO / Administrator
Pursuant to PL 26-12, funding for this ad was paid by GEDA's General Fund

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