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**From:** Speaker's Office <speaker@guamlegislature.org>
**Sent:** Monday, December 14, 2020 8:49 AM
**To:** Clerks Office
**Cc:** Rennae Meno
**Subject:** M&C Fwd: Monthly Board of Directors Meeting Minutes for June 02 & 15, 2020
**Attachments:** SPEAKER - MONTHLY BOD MTG MINS. JUNE 02 & 15, 2020.pdf; GIAA Regular Mtg - June 2, 2020 - Attachments.pdf; GIAA Special Mtg - June 15, 2020 - Attachments.pdf

| | | | | | |
|---|---|---|---|---|---|
| 12/11/20 | 4:17 PM | 12/11/20 | Documents for Monthly Board of Directors Regular Meeting held on June 2 & 15, 2020.* | A.B. Won Pat International Airport Authority | 35GL-20-2508 |


*Sinseru yan Minagåhet,*

**Office of the Speaker • Tina Rose Muña Barnes**
Committee on Public Accountability, Human Resources & the Guam Buildup

35th Guam Legislature
*I Mina'trentai Singko na Liheslaturan Guåhan*

Guam Congress Building | 163 Chalan Santo Papa | Hagatna, GU 96910
T: (671) 477-2520/1
speaker@guamlegislature.org



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Gumai pribilehu yan konfedensia este siha na mensåhi. Solo espesiåtmente para hågu ma entensioña pat ma aturisa para unrisibi. Sen prubidu kumu ti un ma aturisa para manribisa, na'setbe, pat mandespåtcha. Yanggen lachi rinisibu-mu nu este na mensåhi , put fabot ago' guatu gi I numa'huyong gi as speaker@guamlegislature.org yan despues destrosa todu siha I kopian mensåhi. Si Yu'os ma'åse'.


---------- Forwarded message ---------
From: **GIAA Official** <official@guamairport.net>
Date: Fri, Dec 11, 2020 at 4:17 PM
Subject: Monthly Board of Directors Meeting Minutes for June 02 & 15, 2020
To: speaker@guamlegislature.org <speaker@guamlegislature.org>

Hafa Adai,

Please see attached Monthly Board of Directors Meeting Minutes for June 02 & 15, 2020.

Thank you and Stay Safe!

Respectfully,
Teesha Unsiog

P.O. Box 8770, Tamuning, Guam 96931
355 Chalan Pasaheru, Tamuning, Guam 96913
TEL (671) 646-0300 FAX (671) 646-8823
***www.guamairport.com***

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A.B. WON PAT INTERNATIONAL AIRPORT GUAM
ATURIDAT PUETTON BATKON AIREN GUAHAN ENTENASIONAT

P.O. Box 8770
Tamuning, GU 96931
Tel (671) 646-0300
Fax (671) 646-8823
www.guamairport.com

WE'RE ON IT 24/7

Email: official@guamairport.net

December 11, 2020

VIA EMAIL: jon.calvo@guam.gov

The Honorable Lourdes A. Leon Guerrero
Governor of Guam
Office of the Governor of Guam
513 West Marine Corps Drive
Ricardo J. Bordallo Complex
Hagatna, Guam 96910

**REFERENCE: MONTHLY BOARD OF DIRECTORS MEETING MINUTES FOR JUNE 02 & 15, 2020**

*Hafa Adai*, Governor Leon Guerrero:

Transmitted herewith is the A.B. Won Pat International Airport Authority, Guam (GIAA) Board of Directors' meeting minutes held on Tuesday, June 02, 2020, and Monday, June 15, 2020.

Should you have any questions, I will be available to meet with you at your convenience.

*Sinseramente*,

John M. Quinata
Executive Manager

Attachments

cc: GIAA Acct. / Admin

A.B. WON PAT INTERNATIONAL AIRPORT GUAM
ATURIDAT PUETTON BATKON AIREN GUAHAN ENTENASIONAT
P.O. Box 8770
Tamuning, GU 96931
Tel (671) 646-0300
Fax (671) 646-8823
www.guamairport.com
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# MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE A.B. WON PAT INTERNATIONAL AIRPORT AUTHORITY, GUAM
## Tuesday, June 2, 2020, 3:00 p.m.
## GIAA TERMINAL CONFERENCE ROOM #3

### 1. CALL TO ORDER AND ATTENDANCE

The June 2, 2020 regular meeting of the Board of Directors of the A.B. Won Pat International Airport Authority, Guam ("GIAA" or the "Authority") was called to order by Chairman Bamba at 3:13 p.m. at the GIAA Terminal Conference Room #3, 355 Chalan Pasaheru, Tamuning, Guam, 96913.

| **Directors Present:** | **Offices or positions:** |
|---|---|
| Brian J. Bamba (Via VTC) | Chairman |
| Gurvinder Sobti (Via VTC) | Vice Chairman |
| Donald I. Weakley | Board Secretary |
| Lucy M. Alcorn (Via VTC)* | |
| Zenon E. Belanger | |
| Doyon A. Morato (Via VTC) | |
| Rosie R. Tainatongo | |

**Directors Absent:**
None

| **GIAA Officials:** | |
|---|---|
| Thomas C. Ada | Executive Manager |
| John M. Quinata | Deputy Executive Manager |
| John A. Rios | Comptroller |
| Jean M. Arriola | Airport Services Manager |
| Edward Muna | Air Terminal Manager, Acting |
| Vince Naputi | Chief, Airport Police |
| Raymond Mantanona | Chief, ARFF |
| Victor Cruz | Engineering Supervisor |
| Ken McDonald | P&F Superintendent |
| Rolenda Faasuamalie | Airport Marketing |
| Henry Cruz | Supply Management Administrator |
| | |
| Janalynn C. Damian, Esq. (Via VTC) | GIAA Legal Counsel |
| Phill Torres, Esq. | Conflicts Counsel |
| Frank R. Santos | GIAA Consultant |

Chairman Bamba welcomed Airport tenants, stakeholders, and members of the public who are noted in a sign-in sheet attached to these minutes. Chairman Bamba recognized the hard times that the Airport, tourism and aviation industries, and the Guam community are going through presently due to Covid-19, and expressed the need to prepare for a new operating

environment, stating that it will be a monumental task, though the Board stands with Management and that he looks forward to the challenges ahead.

## 2. APPROVAL OF AGENDA

*Chairman Bamba recognized the arrival via zoom video teleconference.

Motion to approve the agenda as presented duly made by Director Tainatongo, seconded by Director Belanger; motion unanimously passed.

## 3. APPROVAL OF MINUTES

**A.** April 23, 2020 - Regular Meeting

On motion duly made by Director Tainatongo, seconded by Vice Chair Sobti, the following resolution was unanimously passed via roll vote:

**Resolution No. 20-34**

The Board hereby approves the minutes of the April 23, 2020 regular meeting, subject to corrections.

## 4. CORRESPONDENCE

**A.** Letter from Car Rental Association - Consideration for Rent Relief
**B.** Letter from Lotte Duty Free Guam - Consideration for Rent Relief
**C.** Letter from IT&E - Consideration for Rent Relief

Executive Manager Ada announced to the Board that correspondence was received relative to requests for consideration for rent relief. Copies of the letters are provided in the Boards package. The Manager added that the requests from the Car Rental Association and Lotte Duty Free Guam will be addressed under Old Business. The request from IT&E will be addressed at the next regular Board meeting. If the Board would like the letters to be elaborated on, Airport Services Manager, Ms. Jean Arriola would be happy to do so. Chairman Bamba acknowledged receipt of the three (3) letters of correspondence.

Director Alcorn inquired on the details of the rent relief requests, and if it is across the Board. Chairman Bamba explained that Management will explain the details of each request should the Board have questions, however Item 5C., will address some of the areas of concern, not specific to individual referenced requests, but a proposed relief package.

## 5. OLD BUSINESS

**A.** Ratification of FAA Grant Agreement - Phase 1A 6L/24R Rehabilitation Project

Mr. Frank Santos informed the Board that the Grant Agreement is for the Runway 6L/24R Rehabilitation Project, specifically for Phase 1A, previously awarded to Hawaiian Rock Products. The Grant was received to fund the Project, and Notice to Proceed to be issued. The source of is from an FAA Supplemental Appropriation made available during FY2019, however the offer was made to the Airport on April 30, 2020. Supplemental Appropriation Grant 3-66-0001-108-2020 (AIP 108) is in the amount of $10M, 90% FAA share, and 10% Airport share; overall the grant is $11M. The Airport's share will be funded by the Restructured Debt Service through the 2019 Bond Refunding.

Mr. Santos announced that Board action is requested to ratify the acceptance of the grant in the amount of $10M, and authorization to utilize the Restructured Debt Service funds in the amount of $1M. Notice to Proceed will be issued in approximately 2-3 weeks from the date of execution. Mr. Santos added that Phase 1B of the referenced Project will be addressed under New Business. Discussion ensued.

After further discussion, on motion duly made by Vice Chairman Sobti, seconded by Director Weakley, the following resolution was unanimously approved via roll call vote:

**Resolution No. 20-35**

The Board hereby ratifies Management's acceptance of the Supplemental Appropriation Grant Agreement AIP Project No. 3-66-0001-108-2020 - Rehabilitate Runway 6L/24R - Phase 1A, and authorizes the utilization of the Restructured Debt Service funds in the amount of $1M as the Airport's 10% share.

**B.** 3rd Floor CIP - Revised Completion Date/Change Order No. 12

The next item discussed was the 3rd Floor CIP. Executive Manager Ada informed the Board that the Board previously authorized Management to undertake a review of the 3rd Floor Project to verify an updated completion date of the Project. With that, the Executive Manager announced that Mr. Kent Hsieh, KHLG & Associates will present an update to the Board. Mr. Hsieh provided a powerpoint presentation to the Board stating that the Project is at 80% completion.

- Contract DBO: August 4, 2020
- January 2020 P6 Schedule Update shows that the project is scheduled to complete on April 26, 2021
- A January 2020 Hoarding Plan for a Sterile Corridor Phase Plan shows a "Target Finish" of December 1, 2021

Discussion followed relative to the reasons for delays. Chairman Bamba expressed concerns with the delays and the budget. The Chairman requested that the issues be brought to the CIP Committee for further review before coming back to the Board.

Executive Manager Ada advised that there is a Change Order requiring Board action. Chairman Bamba inquired if the Change Order is urgent at this time. Executive Manager Ada announced that the work has already been performed by Black Construction.

Mr. Hseih presented Change Order No. 12. Potential Change Orders (PCO's) included two (2) automatic sliding doors at the sterile corridor; Continuation of Island Certificates Steel Inspections and NDT services; Removal and replacement of W7 Glass Wall panel near Gate 7. Changes were not made to the contract, these were services required to move forward with the Project. Change Order No. 12 is in the amount of $774,000.00. Executive Manager Ada reiterated that services have already been provided. Discussion followed.

Mr. Hseih announced that not approving the Change Order at this time, may cause further delays. Executive Manager Ada advised the Board that at the time the referenced PCO's came up, it was in full discussion with the Construction Manager, the Contractor and GIAA Engineering, and it was determined at the time that these services were needed.

After further discussion, on motion duly made by Director Taintaongo, seconded by Director Belanger, the following resolution was unanimously approved via roll call vote:

**Resolution No. 20-36**

The Board hereby approves Change Order No. 12 in the amount of $774,000.00 for the Terminal Building Structural Upgrade and Concourse Isolation Project as presented.

Executive Manager assured the Board, discussion with the CIP Committee regarding the 3rd Floor Project and updated completion date will be scheduled.

**C.** Proposed COVID-19 Rent Relief

Executive Manager Ada announced that Board action is required on a conceptual relief proposal that Management prepared to address the requests received from tenants relative to the hardship due to Covid-19. GIAA Comptroller, Mr. John Rios provided a spread sheet to show the Board that is financially feasible for the Airport to provide relief to its partners. The spreadsheet provided a look at GIAA's original budget approved by the Board for FY20, and the Covid-19 numbers inclusive of the rent relief as previously mentioned by the Executive Manager. Also included on the spreadsheet was the Covid-19 impact on both revenues and expenditures. Mr. Rios announced that the budgeted amount for enplaned passengers dropped from $1.969M to $1.087M, and Operations & Maintenance (O&M) expenses is forecasting at $49.49M from $53.293, which includes the 15% budget reduction beginning April, the hiring freeze, beginning May, and the five (5) month spending reduction from October 2019. Mr. Rios also covered the additional expenditures due to Covid-19, to include the premium pay for Personnel during the pandemic period in the approximate amount of $1.2M, as well as the procurement of equipment and supplies.

The Comptroller informed the Board that Concession revenue is forecasted to drop from $19.014M to $13.806M, a difference of approximately $5.2M. Addressing the rent relief issue relative to those vendors on a Minimum Annual Guarantee (MAG) rent agreement, the Comptroller explained for the Board's information that a MAG vendor is required to pay an annual guarantee payment on a monthly basis regardless of sales or a drop in enplanement numbers. A non-MAG vendors' rent is based on percentage of sales. Out of the $5.2M, non-MAG vendors will see a revenue reduction of approximately $2.2M, therefore a rent relief of approximately $3M may be offered for MAG vendors.

Inclusive of the CARES Act of $20.693M, and impacts to revenues and expenditures, GIAA's Total Airport revenue is forecasted at $72.639M from $77.968. After taking into consideration the O&M expenses, debt service requirements and all other expenditures, GIAA's total surplus is at $5.7M.

Executive Manager Ada announced that the proposed amount of $3M will provide relief to MAG tenants, such as car rental vendors and Lotte Duty Free Guam. The period of relief will be for three (3) months, from April to June, 2020. The Executive Manager emphasized that even after providing $3M in rent relief, and meeting debt service requirements, GIAA will still have a surplus of approximately $5.7M. The relief will be based on the space that the tenant is occupying, through a fixed rate, across the board to all MAG tenants.

Discussion followed on which tenants are included, with Ms. Jean Arriola adding that all tenants are receiving some type of relief. The first relief package was a deferral of rent for three (3) months, the second package is primarily for tenants under a Minimum Annual Guarantee arrangement and informed the Board that the Executive Manager is also asking the Board for the authority to meet with each of those tenants individually to come up with an acceptable arrangement. Discussion ensued on details of possible arrangement options.

Executive Manager Ada added that Management is comfortable in proposing the $3M relief package to tenants as they have actual information for the month of April, however the months of May and June are still forecasted information, and suggested holding off on any additional relief until the actual information becomes available. Chairman Bamba announced that although he has not been engaged in discussions with the Finance Committee, he is comfortable with the numbers presented.

After further discussion, on motion duly made by Director Tainatongo, seconded by Director Belanger, the following resolution was unanimously approved via roll call vote:

**Resolution No. 20-37**

The Board hereby approves the proposed COVID-19 Rent Relief package in an amount up to $3M to cover the period of April to June, 2020; the Board further authorizes Management to individually meet with tenants that are under MAG arrangements with the Airport to come to mutually agreeable arrangements, subject to legal review.

After further discussion, on motion duly made by Director Belanger, seconded by Director Tainatongo, the following resolution was unanimously approved via roll call vote:

**Resolution No. 20-38**

The Board hereby authorizes Management to meet with tenants individually that are under Minimum Annual Guarantee arrangements with the Airport to come to mutually agreeable rent relief arrangements, subject to legal review.

## 6. NEW BUSINESS

### A. Approval of Award for GIAA Runway 6L/24R Rehabilitation - Construction Phase 1B

The first item discussed was the award for GIAA Runway 6L/24R Rehabilitation - Construction Phase 1B. Mr. Frank Santos provided background information to the Board on the referenced project, stating that on June 14, 2019 GIAA issued an Invitation for Bid (IFB) for the construction services for the Project. Only one bidder responded, Hawaiian Rock Products Corporation (HRC), with a bid price exceeding the anticipated phased grant funding. On July 26, 2019, pursuant to Procurement Regulations, GIAA canceled the IFB. At the January 17, 2020 Regular Board meeting, the Board approved the sole source award for Phase 1A to Hawaiian Rock Products Corporation (HRC) in the amount of $10,014,867.60 for a construction period of nine (9) months. Construction for the Project is funded by two (2) separate grant sources from the FAA. The FAA grant previously ratified under Old Business, funded Phase 1A. Management is now prepared to proceed with Phase 1B and request for the Board to approve the sole source award to HRC in the amount of $9,264,620.15. Mr. Santos added that AIP funding for the Project is anticipated for June 2020 in the amount of $11,193,087, FY2020 funding and 100% FAA.

Board action is required to approve the sole source award for Phase 1B to Hawaiian Rock Products Corporation (HRC) in the amount of $9,264,620.15, and to authorize Management to execute the FAA Grant for Phase 1B in the amount of $11,193,087.00. Mr. Santos added that the difference in amounts is due to Construction Management.

After further discussion, on motion duly made by Director Morato, seconded by Director Alocrn, the following resolution was unanimously approved via roll call vote:

**Resolution No. 20-39**

The Board hereby approves the sole source award for Rehabilitate Runway 6L/24R - Construction Phase 1B to Hawaiian Rock Products Corporation in the amount of $9,264,620.15.

After further discussion, on motion duly made by Director Tainatongo, seconded by Director Belanger, the following resolution was unanimously approved via roll call vote:

**Resolution No. 20-40**

The Board hereby authorizes Management to execute the FAA AIP grant agreement for Rehabilitate Runway 6L/24R - Construction Phase 1B in the amount of $11,193,087.00.

**B.** Approval of Award for GIAA Cooling Tower Support Rehabilitation and Repair - IFB No. GIAA-C01-FY20

The next item on the agenda was the approval of Award for GIAA Cooling Tower Support Rehabilitation and Repair under Invitation for Bid, IFB No. GIAA-C01-FY20. Ms. Jean Arriola provided background information to the Board on the referenced IFB. Twenty-three (23) firms/individuals purchased bid packages and four (4) firms submitted a bid before the submission deadline. The four (4) firms were evaluated and determined to be acceptable. As required by the Guam Procurement Regulations, the bids were publicly opened and read aloud. The bid submittals are as follows:

| Bidder: | Total Bid Amount: |
|---|---|
| Sumitomo Mitsui Construction Co., Ltd. | $624,544.00 |
| JRN Air Conditioning & Refrigeration, Inc. | $441,610.51 |
| **IAN Corporation** | **$391,763.19** |
| BME & Sons, Inc. | $814,233.70 |

Management recommends that the Board approve the contract award of $391,763.19 to Ian Corporation, who has been determined to have met the standards of responsibility as outlined in the Guam Procurement Law and Regulations.

Ms. Arriola informed the Board that the lowest bid amount received was approximately 60% lower than the government estimate, Ian Corporation was asked to reconfirm their bid price, in which they did. Funding for this project is available under the CIP fund. The project is for a construction period of 180 days upon issuance of notice to proceed.

Chairman Bamba inquired on the work required and if it is considered an urgent project. Ms. Arriola replied, that it is an urgent project, corrosion was found on the pedestals that support the cooling towers.

Chairman Bamba asked how long it has been an issue. Mr. Victor Cruz, GIAA Engineering Supervisor advised the Board that it has been an issue for some time, the steel beams that cooling towers are sitting on are severely corroded, and the concrete pedestals that are supporting the steel beams are also showing some cracks needing repair or reconstruction from the foundation. A collapse of a cooling tower would affect the whole air-conditioning system throughout the terminal building. Discussion ensued.

After further discussion, on motion duly made by Director Alcorn, seconded by Director Tainatongo, the following resolution was unanimously approved via a roll call vote:

**Resolution No. 20-41**

The Board hereby approves the contract award for GIAA Cooling Tower Support Rehabilitation and Repair under Invitation for Bid No. IFB No. GIAA-C01-FY20 to Ian Corporation in the amount of $391,763.19, subject to review by legal counsel.

**A.** Approval of Award for Landscaping and Plant Rental Services – IFB No. GIAA-004-FY20

The next item on the agenda was the approval of Award for Landscaping and Plant Rental Services under IFB No. GIAA-004-FY20. Ms. Jean Arriola provided background information to the Board on the referenced IFB. Eleven (11) firms/individuals purchased bid packages and two (2) firms submitted a bid before the submission deadline. The two (2) firms were evaluated and determined to be acceptable. As required by the Guam Procurement Regulations, the bids were publicly opened and read aloud . The bid submittals are as follows:

| Bidder: | Year 1: | Year 2: | Year 3: | Total Bid Price (for 3-Year Initial Contract Term): |
|---|---|---|---|---|
| **SHIBY INC. dba Guahan Clean Master 1** | **$119,976.00** | **$131,976.00** | **$143,976.00** | **$395,928.00** |
| JJ Global Services | $176,535.24 | $176,535.24 | $176,535.24 | $529,605.72 |

Management recommends that the Board approve the contract award of $395,928.00 to Guahan Clean Master 1, who has been determined to have met the standards of responsibility as outlined in the Guam Procurement Law and Regulations.

Ms. Arriola advised the Board that the contract for this bid is for an initial term of three (3) years. The contract includes two (2) one (1) year options to be exercised at the sole discretion of GIAA, not to exceed a total contract term of five (5) years. Funding for this contract is available under the Properties and Facilities O&M budget. Discussion ensued on details of the contract.

After further discussion, on motion duly made by Director Weakley, seconded by Director Belanger, the following resolution was unanimously approved via a roll call vote:

**Resolution No. 20-42**

The Board hereby approves the contract award for Landscaping and Plant Rental Services under IFB No. GIAA-004-FY20 to Guahan Clean Master 1 in the amount of $395,928.00, subject to review by legal counsel.

**D.** Approval of Award for Architectural, Engineering and Surveying Services – RFP No. RFP-004-FY20

The next item requiring Board action was the award for Architectural, Engineering and Surveying Services. Ms. Jean Arriola, Airport Services Manager, provided background information to the Board on the referenced RFP including the scope of services, contract term, dates of advertisement of the RFP, proposal submission deadline, and the number of interested proposers. A total of twenty-nine (29) firms showed their interest by obtaining the RFP package, and sixteen (16) firms submitted proposals before the established deadline. An evaluation committee was established to evaluate the sixteen (16) proposals that were submitted based on the evaluation criteria set forth in the RFP. As a result of the committee's evaluation, the offerors were found to be responsible and responsive and the ranking result is as follows:

1. Offeror E
2. Offeror F
3. Offeror P
4. Offeror K
5. Offeror B
6. Offeror A
7. Offeror I
8. Offeror C
9. Offeror L
10. Offeror O
11. Offeror J
12. Offeror H
13. Offeror N
14. Offeror M
15. Offeror G
16. Offeror D

The term of the contracts is for a period of three (3) years with additional two (2) one (1) year options to be exercised at the sole discretion of GIAA, not to exceed a total contract term of five (5) years and subject to the availability of funding. The contract will be funded under the Engineering Division's O&M Budget.

Management recommends that the Board approve the ranking results and the contract award to all Offerors for the Architectural, Engineering and Surveying Services contract, subject to negotiation of fair and reasonable fees to be submitted by the Offerors at a time and in a format determined by GIAA.

Ms. Arriola advised the Board that no costs will determined at this time, the rates will be the only thing negotiated at this time. Ms. Arriola added that in the prior contract for similar

services, GIAA engaged twenty-one firms, and only engaged services when needed. Firms were only engaged for non-AIP projects. Discussion followed.

Director Alocrn inquired if the language in the RFP allowed for more than one firm to be awarded. Ms. Arriola replied yes, the RFP allows for one or more to be awarded.

Chairman Bamba asked if there were any anticipated projects that will require the services of the firms. Ms. Arriola replied that there is one project in queue, with regard to renovation of the Customs and Quarantine area in arrivals. Discussion ensued on types of work the firms will doing.

Director Belanger inquired on the previous contract, if all firms were utilized. Ms. Arriola replied no, the Airport did not utilize all firms. Ms. Arriola clarified for the Board, Management would like to award to all sixteen (16) offerors, they will be on an as-needed basis and available to provide services to GIAA when needed, similar to legal services.

Chairman Bamba inquired on the process with regard to approving a dollar amount for each firm. Ms. Ariola explained that after the Board approved the award to all sixteen (16) firms, GIAA will enter into negotiations with each firm to negotiate the fees, which will then lead to the execution of the contracts. The contracts will have work orders, when work is needed, GIAA would negotiate the scope and fees for that work order.

Director Belanger announced that he would like to abstain from voting on the referenced RFP due to a possible conflict of interest.

After further discussion, on motion duly made by Director Tainatongo, seconded by Vice Chairman Sobti, the following resolution was approved via roll call vote with six (6) votes in favor and one (1) abstention:

**Resolution No. 20-43**

The Board hereby approves the ranking results as presented and the contract award to all sixteen (16) Offerors for Architectural, Engineering and Surveying Services - RFP No. RFP-004-FY20, subject to Management's negotiation of fair and reasonable fees and review by legal counsel.

Ms. Arriola announced the sixten (16) firms are: Amorient Engineering, Duenas Camacho & Associates, E&A Engineers, EM Chen & Associates Inc., EMCE Consulting Engineers, EMPSCO Engineering Consultants, Engineering Partners Inc., GHD Inc., HTD Pacific Inc., KHLG & Associates Inc., Marcario & Asssociates, RIM Architect (Guam), LLC., SSFM International, Inc., Taniguchi Ruth Makio Architects, TG Engineers, PC, and WM Engineering Services, LLC.

**E.** Approval of Award for Legal Services – RFP No. RFP-003-FY20

The next item requiring Board action was the award for Legal Services. Ms. Jean Arriola, Airport Services Manager, announced that she would like to recuse herself from the referenced RFP

due to a conflict of interest, and informed the Board that Mr. Henry Cruz, Supply Management Administrator will present the RFP. Mr. Cruz provided background information to the Board on the referenced RFP including the scope of services, contract term, dates of advertisement of the RFP, proposal submission deadline, and the number of interested proposers. A total of seven (7) firms showed their interest by obtaining the RFP package. An evaluation committee was established to evaluate the two (2) proposals that were submitted before the established deadline, based on the evaluation criteria set forth in the RFP. As a result of the committee's evaluation, the selected firms were found to be responsible and responsive and the firms in order of their ranking are as follows:

1. Offeror A
2. Offeror B

The term of the contract is for a period of two (2) years with additional three (3) one (1) year option years to be exercised at the sole discretion of GIAA, not to exceed a total contract period of five (5) years and subject to the availability of funding. The said contract will be funded under the Administration Division's O&M Budget.

On May 29, 2020, a letter was sent from GIAA notifying Offeror 'A 'that they are determined to be the highest ranked Offeror and requesting a fee proposal. On June 1, 2020, GIAA received the requested fee proposal from Offeror 'A'. On June 2, 2020, a negotiations meeting was held with Offeror 'A' and the GIAA Negotiations Committee, where it was determined that the fees were consistent with the scope of work presented in the RFP and that they were fair and reasonable. Therefore, Management recommends that the Board approve the ranking results and the contract award to Offeror 'A' for the Legal Services contract, subject to the approval by the Office of the Attorney General of Guam.

Director Alcorn inquired if language was revised from the initial Legal RFP, regarding the number of firms GIAA is authorized to hire. Mr. Cruz replied that language was incorporated, allowing GIAA to hire one (1) or more highest ranked proposers.

Director Belanger asked if GIAA is looking to hire both Offerors. Mr. Cruz informed the Board that Management is recommending that the contract be awarded to Offeror 'A'. Executive Manager Ada clarified by providing a brief timeline on the RFP, stating that the re-solicitation of the said RFP was due to the limiting language in the initial RFP solicitation, that only one (1) law firm may be selected. The Board approved the cancellation and re-solicitation. The language was revised in the current RFP solicitation, giving the Executive Manager the latitude to select one or more law firms. At this time Management would like to only offer the contract to Offeror 'A'. The current firm, Calvo Fisher & Jacob, will continue the legal work they are doing under their current contract, without taking on any new work.

Executive Manager Ada announced that Offeror 'A' is Arriola Law Firm. The current law firm, Calvo Fisher & Jacob, will continue their work on the Lotte Duty Free litigation and other legal

work that they had started. All legal work moving forward will be directed to the new firm. A second contract, is not necessary at this point.

Vice Chair Sobti inquired on the evaluation committee and how GIAA determines the evaluations. Executive Manager Ada replied that the Board meeting material states who was on the evaluation committee and the RFP outlines the criteria and what GIAA is looking for in a firm.

Director Belanger inquired, if additional legal work is required in the future, could Offeror 'B' be asked to put in a proposal for it. The Executive Manager replied yes.

Chairman Bamba asked what did the review include. Mr. Cruz replied that the review included the change in language relative to the number of firms that may be awarded, no other changes.

Chairman Bamba asked if the Board had any concerns before voting. Vice Chairman Sobti announced that he had a conflict of interest and would like to abstain from voting.

After further discussion, on motion duly made by Director Belanger, seconded by Director Weakley, the following resolution was approved via roll call vote, with Directors Weakley, Belanger, Alcorn, Morato and Tainatongo voting in favor; Chairman Bamba voting against; and Vice Chairman Sobti abstaining:

**Resolution No. 20-44**

The Board hereby approves the ranking results as presented and the contract award to Offeror 'A' for Legal Services - RFP No. RFP-003-FY20, as presented, subject to Management's negotiation of fair and reasonable fees, subject to review and approval by the Office of the Attorney General of Guam.

Offeror 'A' is Arriola Law Firm.

**F.** Approval of Award for Airport Business and Finance Consultant – RFP No. RFP-002-FY20

The next item requiring Board action was the award for Airport Business and Finance Consultant. Mr. Henry Cruz provided background information to the Board on the referenced RFP including the scope of services, contract term, dates of advertisement of the RFP, proposal submission deadline, and the number of interested proposers. A total of fourteen (14) firms showed their interest by obtaining the RFP package. An evaluation committee was established to evaluate the one (1) proposal that was submitted before the established deadline, based on the evaluation criteria set forth in the RFP. As a result of the committee's evaluation, the selected firm was found to be responsible and responsive, and the firm in order of ranking is as follows:

**1.** Offeror A

The term of the contract is for a period of three (3) years with two (2) one (1) year option years to be exercised at the sole discretion of GIAA, not to exceed a total contract period of five (5) years and subject to the availability of funding. The said contract will be funded under the Administration Division's O&M Budget.

Executive Manager Ada advised the Board that the sole offeror is GIAA's current consultant, Transportation Management Group, LLC (TMG). As a result of the direct efforts of TMG, the firm brought in numerous federal grants to the approximate amount of $51M for FY2020, and currently have $4M in grant applications are underway. The Manager added that the annual contract price of approximately $1.3M for the firm is well worth it, and highly recommends that the Board approve the award to TMG.

Chairman Bamba inquired on the fee for the previous contract. Executive Manager replied $1.1M. Discussion followed.

After further discussion, on motion duly made by Vice Chair Sobti, seconded by Director Belanger, the following resolution was unanimously approved via roll call vote:

**Resolution No. 20-45**

The Board hereby approves the ranking results as presented and the contract award to Offeror 'A' for Airport Business and Finance Consultant - RFP No. RFP-002-FY20, as presented, subject to Management's negotiation of fair and reasonable fees and review by legal counsel.

Offeror 'A' is Transportation Management Group, LLC.

**G.** Refunding of 2020 Bonds

The next item on the agenda was the Refunding of 2020 Bonds. Executive Manager Ada advised that the Board's approval is requested for Management to pursue the refunding of GIAA's 2020 bonds. Similar to Bond legislation approved in 2019, to borrow money at a lower interest rate to pay off GIAA higher interest rate bonds. Legislation has been drafted and a Legislative sponsor to introduce the Bill has been located. A resolution from the Board approving and authorizing Management to pursue legislation to authorize GIAA to got the Bond Market, is required before the Bill may be placed on the legislative agenda.

After further discussion, on motion duly made by Director Tainatongo, seconded by Director Belanger, the following resolution was unanimously approved via roll call vote:

**Resolution No. 20-46**

The Board hereby authorizes Management to pursue legislation relative to the issuance of GIAA revenue bonds and to refund all or a portion of its outstanding general revenue bonds, 2013 Series B, and 2013 Series C.

## 7. REPORT OF THE EXECUTIVE MANAGER

Reference is made to the Executive Manager's Report included as part of the Board's packet, which was presented by Executive Manager Ada. The report included brief updates on Airport operations, CIPs and Regulatory updates. Included with the report was an update relative to COVID-19, presented by Deputy Executive Manager Quinata.

## 8. REPORT OF THE COMPTROLLER

Mr. John Rios reported on the revenues and expenses of the Authority as of **April 30, 2020**. Mr. Rios reported that year-to-date Total Signatory Revenues are below budgeted revenues by **-20.5%**, year-to-date Total Concession Revenues and Passenger Facility Charges are below budget by **-1.3%** and **-31.0%**, respectively. Year-to-date Total Other Revenues, inclusive of non-signatory and non-airline revenues are below the budget estimate by **4.0%**. Year-to-date Total Operating Revenues Actual of **$38.1M** is **-13.7%** below the budget estimate of **$44.2M**. Year-to-date Total Operating Expenses are below budget by **-16.9%**. Components of this line item include a **-2.7%** decrease in Personnel Service, a **-19.7%** decrease in Contractual Services, a **-75.0%** decrease in Materials & Supplies and a **-100.0%** decrease in Equipment/Furnishings from budgeted amounts for these respective categories. The actual year-to-date Net Revenues from Operations of **$12.1M** reflects a decrease of **-6.1%** over the year-to-date budgeted amount of **$12.8M**. Mr. Rios reported that the year-to-date Debt Service Coverage is at **1.10** versus the requirement of **1.25.**

Chairman Bamba inquired on the payroll costs that the Comptroller had mentioned during the COVID-19 relief presentation, and what the expected total is, now the Governor has released certain restrictions. The Comptroller replied Differential Pay was given to employees during Category 1 & 2. Employees that worked during that time will be paid, for Category 3, employees will no longer receive the Differential Pay. Chairman Bamba asked if the costs now were included in the forecast. The Comptroller replied no, that it was only up to June. Executive Manager Ada clarified that the only additional costs are to the Police division, ten (10) Police officers are receiving the 25% Differential Pay, and the remainder are receiving 15% Differential Pay. Discussion followed.

## 9. EXECUTIVE SESSION

There was no Executive Session.

## 10. PUBLIC COMMENTS

There were no Public Comments.

## 11. ADJOURNMENT

Motion to adjourn duly made by Director Tainatongo, seconded by Director Belanger; motion unanimously passed. The meeting was adjourned at 6:08 p.m.

Dated this 29th, day of June, 2020.

Brian J. Bamba
Chairman

Attest:

Donald I. Weakley
Board Secretary

Prepared and Submitted By:

Amanda O'Brien-Rios
Corresponding Secretary

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WE'RE ON IT 24/7

# BOARD OF DIRECTORS REGULAR MEETING
## 3:00 p.m., Tuesday, June 2, 2020
## GIAA TERMINAL CONFERENCE ROOM #3

Public Notice

First Notice:
Pacific Daily News – May 26, 2020
Notice to Media – May 26, 2020

Second Notice:
Pacific Daily News – May 29, 2020
Notice to Media – May 29, 2020

## AGENDA

1. Call to Order and Attendance
2. Approval of Agenda
3. Approval of Minutes
   - **A.** April 23, 2020 Regular Meeting
4. Correspondence
   - **A.** Letter from Car Rental Association - Consideration for Rent Relief
   - **B.** Letter from Lotte Duty Free Guam - Consideration for Rent Relief
   - **C.** Letter from IT&E - Consideration for Rent Relief
5. Old Business
   - **A.** Ratification of FAA Grant Agreement - Phase 1A 6L24R Rehabilitation Project
   - **B.** 3rd Floor CIP - Revised Completion Date/Change Order No. 12
   - **C.** Proposed COVID 19 Rent Relief
6. New Business
   - **A.** Approval of Award for GIAA Runway 6L/24R Rehabilitation - Construction Phase 1B
   - **B.** Approval of Award for GIAA Cooling Tower Support Rehabilitation and Repair - IFB No. GIAA-C01-FY20
   - **C.** Approval of Award for Landscaping and Plant Rental Services - IFB No. GIAA-004-FY20
   - **D.** Approval of Award for Architectural, Engineering and Surveying Services - RFP No. RFP-004-FY20
   - **E.** Approval of Award for Legal Services - RFP No. RFP-003-FY20
   - **F.** Approval of Award for Airport Business and Finance Consultant - RFP No. RFP-002-FY20
   - **G.** Refunding of 2020 Bonds
7. Report of Executive Manager
8. Report of the Comptroller
9. Executive Session
10. Public Comments
11. Adjournment

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WE'RE ON IT 24/7

**A.B. WON PAT INTERNATIONAL AIRPORT AUTHORITY, GUAM**
**Board of Directors Regular Meeting**
**3:00 p.m., Tuesday, June 2, 2020**
**GIAA Terminal Conference Room #3**

**SIGN-IN SHEET**

| | PRINT NAME | COMPANY/AGENCY |
|---|---|---|
| 1. | Daewoong Chen | Lotte Duty Free |
| 2. | Tony SGRD | Lotte Duty Free |
| 3. | Kevin Knoeble | Venture Transportation |
| 4. | VICTOR J. CRUZ | GIAA |
| 5. | Phil TORRES | TLG |
| 6. | Michael Min | Lotte |
| 7. | Maureen Muratita | MBJ |
| 8. | Yolanda Fuasilua | |
| 9. | VINCE NAPUTI | GIAA |
| 10. | Raymond T. Mantanona | ARFF |
| 11. | | GIAA |
| 12. | Gerard Bautista (Via telephone) | |
| 13. | Kevin Kerrigan (Via telephone) | Pacific News Center |
| 14. | | |
| 15. | | |
| 16. | | |
| 17. | | |
| 18. | | |
| 19. | | |
| 20. | | |

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**BETTER:** 3 Lines, 7 Consecutive Days.....$99.00
**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.**

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**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
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## GARAGE SALE

• Fundraising • Rummage • Yard Sale
**Conditions/Restrictions:** 3 Consecutive Days
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## PETS

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4. Complete the form and Make Payment

Pacific Daily News

## SUB-BIDS REQUESTED

FY19 MCAF Project P-9030/PAF189030
ASPI-Cargo Pad with Taxiway Extension and
FY19 MCAF Project P-9040/PAF189040
ASPI-Maintenance Support Facility
Tinian International Airport, Tinian, CNMI

BID DATE: June 2, 2020
@ 2:00 PM Hawaii Standard Time

**Kiewit Infrastructure West Co.**
**License No. CT-12087**
**707 Richards Street, Suite 750 Honolulu, HI 96813**
**Phone: (808) 457-4500 Fax: (808) 457-4570**
**Attn: Craig Oshimo (NWHI.Estimating@kiewit.com)**

We are an Equal Opportunity Employer and request sub-bids from all interested contractors and vendors, including DBE, UDBE, Minority, Small Business, Small Disadvantaged Business, Women-Owned Small Business, Historically Underutilized Business Zoned, Veteran-Owned Small Business, and Service-Disabled Veteran-Owned Small Business.

Plans and specifications may be obtained upon request. Please send email request to NWHI.Estimating@kiewit.com

The Honorable **Lourdes A. Leon Guerrero** Governor
The Honorable **Joshua F. Tenorio** Lt.Governor

## PUBLIC NOTICE

The Board of Directors of the A.B. Won Pat International Airport Authority, Guam (GIAA) will convene its Regular Board meeting on Tuesday, June 2, 2020 at 3:00 p.m. in Terminal Conference Room No. 3. In light of COVID19 public health emergency, GIAA will adhere to social distancing orders. For those who wish to participate telephonically, please call 642-4717 or email arios@guamairport.net for further information. Parking is available in the Public Parking Lot.

For special accommodations or agenda items, please call the Board Office at 642-4717/18.

(This ad paid for by GIAA)

## 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 May 28, 2020, at the Seventh Floor Conference Room, GCIC Building, 414 W. Soledad Ave., Hagatna.

The following business will be transacted:

**AGENDA**

1. **Approval of Minutes of March 26, 2020**
2. **Guam Solid Waste Authority**
   - **GSWA Docket 12-02 [Establishment of Host Community Premium Fees], Petition by Mayors of the Villages of Chalan Pago-Ordot and Inarajan for PUC Approval of a Rate of Inflation Increase of the Host Community Premium, ALJ Report, and Proposed Order**
3. **Port Authority of Guam**
   - **PAG Docket 20-04, PAG Petition for Approval of JDE Enterprise One Financial Management System Upgrade, ALJ Report, and Proposed Order**
4. **Guam Waterworks Authority**
   - **GWA Docket 20-04, Petition for Approval of the Contract with Red Rock Consulting PTY LTD. for the Upgrade of GWA's Enterprise Resource Planning System, PUC Counsel Report, and Proposed Order**
   - **GWA Docket 20-05, Petition for Approval of a Regulatory Asset for COVID-19 Related Expenses, ALJ Report, and Proposed Order**
5. **Guam Power Authority**
   - **GPA Docket 20-06 (In Re: GPA Net Metering Rider), Petition for PUC Approval for the Zeroing Out of Net Metering Annual Excess Credits, ALJ Report, and Proposed Order**
   - **GPA Docket 20-05, Petition for Approval of the Use of Levelized Energy Adjustment Clause ["LEAC"] Funds to Pay for the Costs of the GPA Demand Side Management ["DSM"] Programs, ALJ Report, and Proposed Order**
   - **GPA Docket 20-12, Petition of GPA to Set an Interim LEAC Factor [Further Consideration by PUC], ALJ Report, and Proposed Order**
6. **Administrative Matters**
   - **Extension of PUC Contract for Administrative and Bookkeeping Services**
7. **Other Business**

Due to the current public health emergency, all persons attending the meeting will be required to wear masks. Social distancing protocols will be observed. 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



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visosky@guamlawoffice.com

Attorneys for Petitioner
Kristina P. Galman

IN THE SUPERIOR COURT
OF GUAM

Estate of
Perfecto Trinidad Galman,
Decedent.

PROBATE CASE NO.
PR0016-20

**Notice of Hearing on Petition for Letters of Administration**

Petitioner Kristina P. Galman has filed a petition praying for letters of administration in the Estate of Perfecto Trinidad Galman, Decedent. A hearing on the petition for the appointment of the administrator is set for **June 11, 2020 at 9:00 a.m.** before the Honorable Anita A. Sukola, Judge of the Superior Court of Guam, Hagåtña, Guam.

All persons interested should appear at the hearing and show cause, if any, why the petition should not be granted. Contact the Superior Court of Guam to determine how you may appear at the hearing, whether by teleconference or otherwise.

Date: May 26, 2020

Roberts Fowler & Visosky LLP

By: /s/ **Jon A. Visosky**
Attorneys for Petitioner
Kristina P. Galman

The Honorable
**Lourdes A. Leon Guerrero**
**Governor**

The Honorable
**Joshua F. Tenorio**
**Lt.Governor**

## PUBLIC NOTICE

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For special accommodations or agenda items, please call the Board Office at 642-4717/18.

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**MINUTES OF THE REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE A.B. WON PAT INTERNATIONAL AIRPORT AUTHORITY, GUAM**
**Thursday, April 23, 2020, 3:00 p.m.**
**GIAA TERMINAL CONFERENCE ROOM #3**

## 1. CALL TO ORDER AND ATTENDANCE

The April 23, 2020 regular meeting of the Board of Directors of the A.B. Won Pat International Airport Authority, Guam ("GIAA" or the "Authority") was called to order by Chairman Bamba at 3:02 p.m. at the GIAA Terminal Conference Room #3, 355 Chalan Pasaheru, Tamuning, Guam, 96913.

| **Directors Present:** | **Offices or positions:** |
|---|---|
| Brian J. Bamba (Via video teleconference) | Chairman |
| Gurvinder Sobti (Via video teleconference) | Vice Chairman |
| Donald I. Weakley (Via video teleconference) | Board Secretary |
| Lucy M. Alcorn (Via video teleconference) | |
| Zenon E. Belanger (Via video teleconference) | |
| Doyon A. Morato (Via video teleconference) | |
| Rosie R. Tainatongo (Via video teleconference) | |

**Directors Absent:**
None

| **GIAA Officials:** | |
|---|---|
| Thomas C. Ada | Executive Manager |
| John A. Rios | Comptroller |
| Jean M. Arriola | Airport Services Manager |
| Edward Muna | Air Terminal Manager, Acting |
| Vince Naputi | Chief, Airport Police |
| Victor Cruz | Engineering Supervisor |
| Ken McDonald | P&F Superintendent |
| Antoninette Bautista | Accounting Supervisor |
| Rolenda Faasuamalie | Airport Marketing |
| Henry Cruz | Procurement Office |
| | |
| Janalynn C. Damian (Via video teleconference) | GIAA Legal Counsel |
| Frank R. Santos | GIAA Consultant |

Chairman Bamba welcomed Airport tenants, stakeholders, and members of the public who are noted in a sign-in sheet attached to these minutes.

## 2. APPROVAL OF AGENDA

Motion to approve the agenda as presented duly made by Director Belanger, seconded by Director Alcorn; motion unanimously passed.

## 3. APPROVAL OF MINUTES

**A.** February 27, 2020 - Regular Meeting
**B.** March 11, 2020 - Special Meeting
**C.** March 16, 2020 – Reconvened Meeting

On motion duly made by Director Alcorn, seconded by Vice Chairman Sobti, the following resolution was unanimously passed:

**Resolution No. 20-27**

The Board hereby approves the minutes of the February 27, 2020 regular meeting, the March 11, 2020 special meeting, and the March 16, 2020 reconvened meeting, subject to corrections.

## 4. CORRESPONDENCE

Executive Manager Ada had no Correspondence to report.

## 5. OLD BUSINESS

Executive Manager Ada had no Old Business to present.

At this time Chairman Bamba requested updates before the next Board meeting, on the legal reform relative to the concessions and beautification initiatives previously tabled. Executive Manager Ada acknowledged the requests.

## 6. NEW BUSINESS

**A.** Report of FY19 Financial Audit

The first item discussed was the FY19 Financial Audit. Executive Manager Ada announced that the Airport's FY19 financial audit has been completed and introduced Mr. James Whitt and Mr. Rizalito Paglingayan of Ernst & Young, LLP. Mr. Whitt and Mr. Paglingayan, along with Mr. Ranel Ranoa and Mr. John Onedera from Ernst & Young appeared via video teleconference.

Mr. Paglingayan proceeded to conduct the presentation of the audit results via PowerPoint. Mr. Paglingayan informed the Board that the average accounts receivables collection period has increased to 35.31 days in FY19 from 34.18 days in FY18.

After the brief presentation, Mr. Whitt thanked the Board, Management and Accounting staff for the cooperation extended to the E&Y team throughout the audit process. Brief discussion followed.

After further discussion, on motion duly made by Vice Chairman Sobti, seconded by Director Belanger, the following resolution was unanimously approved:

**Resolution No. 20-28**

The Board hereby approves the FY2019 Financial Audit Report as presented by Ernst & Young, LLP, subject to corrections.

**B.** CARES Grant

The next item on the agenda was the CARES Grant. Executive Manager Ada announced that GIAA Consultant, Mr. Frank Santos will make the presentation. Mr. Santos provided a Power Point presentation relative to the CARES Act funding. Mr. Santos pointed out the O&M and debt service budget for FY20 of $73M, the approved revenue forecast for FY20 is $76M, resulting in net revenues. Based on the reduced air traffic of over 90% due to COVID-19, the revenue forecast is impacted by an estimated 49% decrease. Significant impact to revenues due to COVID-19 began in late February, resulting in a new revenue forecast of $51M, and a $25M deficit between planned O&M and debt service spending and projected revenues.

Mr. Santos presented a chart showing GIAA's budget adjusted to reflect actual expenditures in the 1st quarter of FY20 and the 15% reduction previously approved by the Board. With the inclusion of the $20.7M from the CARES Act Grant to off-set the projected revenue losses, the result is a positive net revenue for FY20. Brief discussion followed on the budget, with Mr. Santos adding that the forecast may be adjusted on a month to month basis depending on COVID-19.

Mr. Santos went on to inform the Board about the CARES Act, stating that the purpose is to keep airports safely operating, keep airport workers employed and keep credit ratings stable. Mr. Santos added that none of GIAA's credit ratings have been downgraded. GIAA's allocation under the CARES Act is $20,693,369.00, plus 100% federal share for FY20 AIP projects. Funding is based on CY18 data for enplanements, debt service and unrestricted cash and investments. Application was completed and the grant agreement is expected in about a week. A condition of the funding is the retention of 90% of GIAA's workforce through the end of CY2020.

Mr. Santos announced Management's recommendation that the grant funding be dedicated to debt service and operations and maintenance expenses. Brief discussion followed.

After further discussion, on motion duly made by Vice Chairman Sobti, seconded by Director Tainatongo, the following resolution was unanimously approved:

**Resolution No. 20-29**

The Board hereby approves the allocation of the CARES Act grant funding of $20,693,369.00 to debt service and operations and maintenance expenses, the Board further ratifies the Authority's application for CARES Act funding and authorizes the Executive Manager to execute the CARES Act grant agreement.

**A.** Approval of Award for Rental of Trash Bins/Containers – IFB No. GIAA-001-FY20

The next item on the agenda was the approval of Award for Rental of Trash Bins/Containers under IFB No. GIAA-001-FY20. Ms. Jean Arriola provided background information to the Board on the referenced IFB. Eleven (11) firms/individuals purchased bid packages and four (4) firms submitted a bid before the submission deadline. The four (4) firms were evaluated and determined to be acceptable. As required by the Guam Procurement Regulations, the bids were publicly opened and read aloud . The bid submittals are as follows:

| **Bidder:** | **Bid Item No. 1: 3-CY Container (General Trash) *Annual Cost** | **Bid Item No. 2: 10-CY Container (General Trash) *Annual Cost** | **Bid Item No. 3: 10-CY Container (Cardboard Boxes Only) *Annual Cost** | **Bid Item No. 4: 24-CY Container (General Trash) *Annual Cost** | **Bid Item No. 5: 10-CY Container (Mixed Waste) *Annual Cost** | **TOTAL BID PRICE:** |
|---|---|---|---|---|---|---|
| **Pacific Waste Systems, LLC** | $9,536.64 | $81,647.40 | $12,223.08 | $117,824.52 | $699.50 | $221,931.14 |
| **Guahan Waste Control (dba: Mr. Rubbishman)** | **$8,697.00** | **$42,835.00** | **$11,804.00** | **$67,932.80** | $984.00 | $132,252.80 |
| **Morrico Equipment LLC** | NO BID | $84,544.20 | $18,720.00 | **$67,635.36** | $600.00 | $171,499.56 |
| **HCP Inc. (dba Lagu Sanitation** | $8,892.00 | $71,500.00 | $12,740.00 | 102,960.00 | **$550.00** | 196,642.00 |

Management recommends that the Board award contracts to the following bidders who have been determined to have met the standards of responsibility as outlined in the Guam Procurement Law and Regulations and who have submitted the lowest responsive Total Unit Price for the following bid items:

| Bidder Item: | Number of Items | Frequency of Collection | Bidder | Lowest Responsive Unit Price |
|---|---|---|---|---|
| **Item No. 1: (3) Cubic yard container (General Trash) to include rental, collection and disposal** | 3 | 1 time per week | Guahan Waste Control (dba Mr. Rubbishman) | $8,697.00 |
| **Item No. 2: (10) Cubic yard container (General Trash) to include rental, collection and disposal** | 1 | 5 times per week | Guahan Waste Control (dba Mr. Rubbishman) | $42,835.00 |
| **Item No. 3: (10) Cubic yard container (Cardboard boxed only) to include rental, collection and disposal** | 1 | 2 times per week | Guahan Waste Control (dba Mr. Rubbishman) | $11,804.00 |
| **Item No. 4: (24) Cubic yard container (General Trash) to include rental, collection and disposal** | 1 | 4 times per week | Guahan Waste Control (dba Mr. Rubbishman) | $67,932.80 |
| **Item No. 5: (10) Cubic yard container (Mixed waste) to include rental, collection and disposal** | 1 | 2 times per year | HCP Inc. (dba Lagu Sanitation) | $550.00 |
| | | | **TOTAL ANNUAL COST:** | **$131,818.80** |

The total contract award for all bid items is up to $131,818.80 per year for a term of five (5) years with two (2) one-year options to be exercised at GIAA's sole discretion. Due to reduction in traffic as a result of COVID-19 travel and operational restrictions, services will be initially reduced based on current GIAA operational demand. Services will be adjusted throughout the term consistent with the demand for such services.

Funding for this contract is available under the Property & Facilities Division O&M Budget. Discussion ensued on details of the contract.

After further discussion, on motion duly made by Director Morato, seconded by Director Alcorn, the following resolution was unanimously approved:

**Resolution No. 20-30**

The Board hereby approves the contract award for Rental of Trash Bins/Containers under Invitation for Bid No. IFB No. GIAA-001-FY20 as recommended by Management, subject to review by legal counsel.

**D.** Modification of Contract – IAC Project

The next item on the agenda was a change order to the Terminal Building Structural Upgrade & Concourse Isolation project. Executive Manager Ada informed the Board that Mr. Frank Santos, GIAA Consultant, will present the item to the Board.

Mr. Santos presented a modification to the referenced contract. Change Order No. 11 in the amount of $1,203,995.00, consists of fifteen (15) aging individual proposed change orders (PCOs) that were negotiated by the Construction Manager's sub-consultant.

Mr. Santos added that additional batches of PCOs are being validated. These will be presented at the next Board of Directors meeting. Funding source will be net revenues or other available monies from prior fiscal years. Discussion ensued relative to PCO batches and monies to fund change orders, with Mr. Santos informing the Board that funding may come from the Bond restructuring. Executive Manager Ada added that these PCOs were already completed, but never processed; additional new PCOs are anticipated moving forward.

After further discussion, on motion duly made by Director Morato, seconded by Director Alcorn, the following resolution was unanimously approved:

**Resolution No. 20-31**

The Board hereby approves Change Order No. 11 to the Terminal Building Structural Upgrade & Concourse Isolation Project in the amount of $1,203,995.00 as presented by Management.

Executive Manager Ada assured the Board that Management will provide an update to the Board on the 3rd floor project in the upcoming weeks. Chairman Bamba asked that Management present the update to the CIP Board Committee.

## 7. REPORT OF THE EXECUTIVE MANAGER

Reference is made to the Executive Manager's Report included as part of the Board's packet, which was presented by Executive Manager Ada. The report included brief updates on Airport operations, CIPs and Regulatory updates. Included with the report was an update relative to COVID-19, presented by Deputy Executive Manager Quinata. Discussion followed relative to the loss of revenue due to the pandemic. The Comptroller informed the Board that he will provide charts relative to the loss of revenue.

## 8. REPORT OF THE COMPTROLLER

Mr. John Rios announced that there will not be a Comptroller's report due numbers still pending from a number of vendors. Mr. Rios indicated that the graphs provided show actual numbers for February, and March is close to actual. Discussion was held on Accounting's process of closing monthly for the sake of reporting to the Board. The Comptroller acknowledged the Board's suggestion of closing sooner in the month. Discussion ensued relative to the deferment of rental fees for vendors.

At this time Legal Counsel announced that were invoices for legal fees requiring Board approval.

Chairman Bamba announced for the record that he is recused from voting on this matter due to a conflict of interest.

Legal Counsel went on to inform the Board that invoices are for the month of February and March 2020 that exceed the monthly cap.

Chairman Bamba inquired if the invoices are reviewed by the Board. Legal Counsel replied that the details of the invoices are usually discussed during executive session. The invoices are with GIAA's administrative office. Executive Manager Ada added that the invoices merit review by the Board before approval. Legal Counsel suggested presenting the invoices to the Board's Litigation Committee to review.

After further discussion, on motion duly made by Director Alcorn, seconded by Director Belanger, the following resolution was unanimously approved:

**Resolution No. 20-32**

The Board hereby authorizes the Authority to issue payment to Calvo Fisher & Jacob LLP for the general matters legal fees incurred in February 2020 that exceed the monthly cap in the amount of $15,394.37; and general matters legal fees incurred in March 2020 that exceed the monthly cap in the amount of $39,982.00, subject to review by the Board's Litigation Committee.

## 10. PUBLIC COMMENTS

Executive Manager Ada introduced Mr. Dae Woong Chen (Danny) from Lotte Duty Free, who would like to make a public comment. Mr. Chen informed the Board that due to the COVID-19 pandemic, that he would like the Board of Directors to consider reduction of rent during the pandemic. He added that a number of airports throughout the world are offering this to concessionaires. Chairman Bamba thanked Mr. Chen for his comments and assured him that the Board, along with Management will take into consideration the concessionaire's hardships at this time.

At this time, Chairman Bamba thanked and congratulated Management for their efforts during this unprecedented time. He went on to encourage the Airport to look into effective recovery efforts.

## 11. ADJOURNMENT

Motion to adjourn duly made by Director Alcorn, seconded by Vice Chairman Sobti; motion unanimously passed. The meeting was adjourned at 5:00 p.m.

Dated this _____, day of _____, 2020.

Attest:

| | |
|---|---|
| Brian J. Bamba | Donald I. Weakley |
| Chairman | Board Secretary |

Prepared and Submitted By:

Amanda O'Brien-Rios
Corresponding Secretary

May 11, 2020

Thomas C. Ada, Executive Manager
AB Won Pat International Airport
355 Chalan Pasaheru B224-A
Tamuning, GU 96913

**Re: Request for Contract Modification**

Dear Mr. Ada:

The purpose of this communication is to request a modification in the current Nonexclusive Car Rental Concession and Lease Agreements ("Car Rental Agreements") in effect with the AB Won Pat International Airport Authority ("ABWPIAA"). As you are aware, the declaration of a federal national emergency as well as restrictions by the Federal Aviation Administration ("FAA") and the Governor's Quarantine Protocols have drastically altered the economic activity at the Airport. All of the Car Rental Agreements have an implied condition requiring full operation of the Airport in order to require performance of our duty to pay the respective contract fees.

While we sincerely appreciate your March 31, 2020 proposal for deferral of airport rents and fees, the mere deferral of rent to a later date would cause additional harm by compounding future financial obligations during these uncertain times. As an alternative, the car rental concessionaires ("Car Rental Companies") would like to propose the following alternative two-part proposal for consideration:

**Part One**
Abatement of: (i) Counter Rent, (ii) Ready/Return Parking Rent, and (iii) Minimum Annual Guarantee Fee for the period April 1, 2020 until the Governor declares a Pandemic Condition of Readiness 4 ("PCOR4 Declaration") which would allow the resumption of tourism. Under this structure, the Car Rental Companies would continue to pay the Percentage Fee Rate during this period.

**Part Two**
Upon issuance of PCOR4 Declaration, all rents and fees would be restored although the full rate of the Minimum Annual Guarantee Fee would be a six-month phased in from the date of the declaration as identified below:

- First thirty days - 60% abatement of required fee
- Second thirty days - 50% abatement of required fee
- Third thirty days - 40% abatement of required fee
- Fourth thirty days - 30% abatement of required fee

- Fifth thirty days - 20% abatement of required fee
- Sixth thirty days – 10% abatement of required fee.

This six-month phased in approach is in recognition that most analysts project that airline activity will not return to prior levels for a two-year period. We wish to work with the ABWPIAA in a good faith effort to develop a solution that considers both of our requirements. As this issue is having immediate and significant impact on operations, we request timely consideration of this contract modification request.

Respectfully,

Kathy Segal – Avis Rent-A-Car

Simon Odoca – Budget/Payless Rent-A-Car

Kevin Tai – Dollar Rent-A-Car

Michael Perrin – Hertz Rent-A-Car

Pacita Tomada – Alamo/National Car Rental

Philippe Gerling – Nissan Rent-A-Car

A.B. WON PAT
INTERNATIONAL AIRPORT AUTHORITY GUAM

MAR 13 2020

TIME: 0913 am

REC'D BY:

March 12, 2020

Jean M. Arriola
Airport Services Manager
AB Won Pat International Airport
355 Chalan Pasaheru B224-A
Tamuning, GU 96913
Telephone: 646-0300/1/2

Subject: Financial Assistance for Rental Car Concessions at GIAA

Dear Ms. Arriola,

Governor Lou Leon Guerrero held a press conference three days ago announcing a 5-point Temporary Economic Assistance and Mitigation (TEAM) Guam plan to provide immediate, temporary help for local businesses that have been impacted by more than 31,000 tourist cancellations due to COVID-19.

The TEAM Guam Plan includes the Guam International Airport Authority and its board of directors approving a percentage rebate on landing and apron fees to assist air carriers with fixed costs during this time.

We applaud the Governor's plan to help the airlines and other businesses however we believe the car rental concessions at the Airport should also be included in receiving economic assistance.

We are writing to ask the Guam International Airport Authority and its Board of Directors to grant immediate financial relief for the car rental concession companies by approving our request to pay only our respective counter space and parking stall rents for a 90-day period.

Hopefully, Guam's economic situation improves after the 90-day period enabling us to resume payment of our fees due to the Airport.

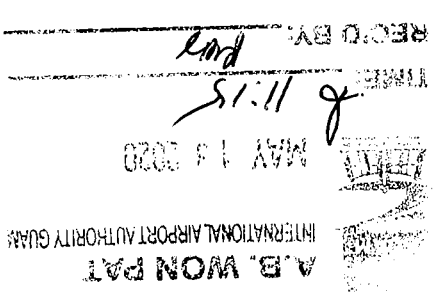
Thank you for your understanding and support. Approval of our request will be greatly appreciated.

On behalf of the car rental concessions located at the airport, your point of contact is Mr. Pete Borja, Operations & Marketing Director, Alamo/Enterprise/National Car Rental at telephone number: (671) 647-1016 or mobile number: (671) 487-8211. The following General Managers are appealing for your kind consideration.

*Signatures of the General Managers for the Guam Airport Car Rental Concessions:*

| | |
|---|---|
| *Kathy Segal – Avis Rent-A-Car* | 3/13/2020 *Date* |
| *Simon Odoca - Budget/Payless Rent-A-Car* | 3/13/2020 *Date* |
| *Kevin Tai – Dollar Rent-A-Car* | 3/12/2020 *Date* |
| *Mike Perrin – Hertz Rent-A-Car* | 3/12/2020 *Date* |
| *Pacita Tomada – Alamo/National Car Rental* | 3/12/2020 *Date* |
| *Philippe Gering – Nissan Rent-A-Car* | 03/21/2020 *Date* |

Amy/pm
Lourdes




VIA HAND DELIVERY

Mr. Thomas C. Ada
Executive Manager
Guam International Airport Authority

March 20, 2020

Re: Request for Rent Payment Adjustment

Dear Mr. Ada,

First of all, thank you for all your efforts to fight this pandemic Sir. I hope I can lend you a helping hand in this fight, but the situation at Lotte Duty Free Guam is critical. We expect a net loss of $1M for March and the net loss will hit at least $1.5M for April. As the airlines cancel more flights in the coming days, there is no doubt that our sales will drop rapidly. There is also Governor's Executive Order for Lockdown starting today at noon.

The bottom line is that the financial situation at Lotte Duty Free Guam is at a critical juncture, and we have no choice but to ask the GIAA and its Board of Directors to provide us with a drastic relief plan.

Starting April's rental payment, we cordially ask the GIAA to calculate the monthly rental payment as 30.1% of our monthly sales data. For example, LDFG will pay April's rental amount in early May, and the total would be 30.1% of April's sales total.

I am proposing this method of monthly payment as a temporary solution and this is the only way for us to survive through this difficult situation caused by the pandemic.

Lotte Duty Free Guam has been one of the strongest partners for the GIAA over the last several years and we've provided about $22M to the GIAA's attorney fees. We have also paid over $1.2M in additional rent payment when we were generating record sales figures.

I believe that Guam and the rest of the world will prevail this difficult period eventually, and we will rebound back stronger than ever. Until then, please listen to our plea and allow us to weather through this difficult period with a temporary relief plan.

Thank you and God Bless.

Sincerely,

Daewoong Chen
CEO
Lotte Duty Free Guam, LLC

P.O. Box 24893
Barrigada, Guam 96921

LOTTE DUTY FREE

OVERSEAS, INC. P.O. Box 24885 • Barrigada, Guam 96921 • Tel: (671) 646-1785/1821 • Fax: (671) 646-7414

May 26, 2020

Mr. Thomas C. Ada
Executive Manager
Guam Airport Authority
P. O. Box 8770
Tamuning, Guam 96931

Reference: Ground Lease Agreement Dated 17 January 2011
Tract 1427, Block 1, Lot 7NEW, 4091 SM, Airport Industrial Park
An area containing 4,091 +/- Square Meters

Dear Mr. Ada:

Given the shattering impact of the Coronavirus on our economy, compounded by the uncertainty brought about by the lockdown promulgated by the mandate from the Governor, operating a business, much less a restaurant, and faced with the many constraints is just not practical nor is it realistically viable. Accordingly, IT&E Overseas, Inc. is compelled to reluctantly close Papa's under such adverse conditions. With that said, we would like to discuss creative options regarding our lease moving forward.

As you may be aware, Section 7V of our lease—Ownership Upon Termination Other Than For Breach By Lessee; Reimbursement to Lessee—allows us to terminate our lease while potentially acquiring some reimbursement relief in return from GIAA. While this may appear incredibly promising, we would prefer taking a mutually beneficial business approach. Here's what we have in mind given that we've already poured a significant amount of our company's life savings to exclusively subsidize the building and its operation:

1. Instead of terminating the lease, IT&E will continue to honor its lease, but GIAA will agree in turn to have IT&E temporarily suspend the monthly rent payments to GIAA.
2. At the same time, GIAA will give IT&E their approval to sublet, subsequently allowing IT&E to entertain any reasonable offers from interested parties.
3. Rent payments to GIAA will continue to be suspended until an offer is secured and acceptable to both parties under the following scenario:
    a. Once all provisions are agreed and cleared, the new party will sign and agree to take over the lease.
    b. IT&E will be released from any further obligation under the original terms.
    c. The new Lessee will thereafter resume the monthly rent payments to GIAA moving forward.

We realized that GIAA may not be receiving any monthly rent during the suspension period, but this approach makes better sense as opposed to opting the more costly alternative of reimbursing IT&E for its ultimate closure of Papa's, not by its own doing, but as a result of government restraining mandates that inhibits Papa's from operating effectively and successfully.

We sincerely request your favorable consideration and welcome a meeting to work the details of this mutually beneficial business plan.

Respectfully yours,

JOHN M. BORLAS
President

U.S. Department
of Transportation
Federal Aviation
Administration

# GRANT AGREEMENT

## PART I - OFFER

| | |
|---|---|
| Federal Award Offer Date | April 30, 2020 |
| Airport/Planning Area | A.B. Won Pat Guam International Airport |
| Supplemental Appropriation Grant Number | 3-66-0001-108-2020 |
| Unique Entity Identifier | 855035531 |

TO: A.B. Won Pat Guam International Airport Authority
**(herein called the "Sponsor")**

FROM: **The United States of America (acting through the Federal Aviation Administration, herein called the "FAA")**

**WHEREAS** , the Sponsor has submitted to the FAA a Project Application dated January 14, 2020, for a grant of Federal funds for a project at or associated with the Guam International Airport, which is included as part of this Grant Agreement; and

**WHEREAS** , the FAA has approved a project for the Guam International Airport (herein called the "Project") consisting of the following:

Rehabilitate Runway 6L/24R (1550 linear feet of primary runway)

which is more fully described in the Project Application.

**NOW THEREFORE,** Pursuant to and for the purpose of carrying out the FAA Reauthorization Act of 2018 (Public Law Number 115-254) and the Consolidated Appropriation Act, 2019 (Public Law Number 116-6) and in consideration of (a) the Sponsor's adoption and ratification of the Grant Assurances dated March 2014, as applied and interpreted consistent with the FAA Reauthorization Act of 2018 (See 2018 FAA Reauthorization grant condition.), (b) the Sponsor' s acceptance of this Offer; and, (c) the benefits to accrue to the United States and the public from the accomplishment of the Project and compliance with the Grant Assurances and conditions as herein provided.

**THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES to pay ninety (90) percent of the allowable costs incurred accomplishing the Project as the United States share of the Project.**

**Assistance Listings Number (Formerly CFDA Number): 20.106**

This Offer is made on and **SUBJECT TO THE FOLLOWING TERMS, CONDITIONS, AND PRIORITY**

**CONSIDERATIONS:**

## CONDITIONS

1. **Maximum Obligation.** The maximum obligation of the United States payable under this Offer is $10,000,000.

   The following amounts represent a breakdown of the maximum obligation for the purpose of establishing allowable amounts for any future grant amendment, which may increase the foregoing maximum obligation of the United States under the provisions of 49 U.S.C. § 47108(b):

   | | |
   |---|---|
   | $0 | for planning |
   | $10,000,000 | for airport development or noise program implementation; and, |
   | $0 | for land acquisition. |

   The source of this Grant may include funding from the Small Airport Fund.

2. **Period Performance.** The period of performance begins on the date the Sponsor formally accepts this agreement. Unless explicitly stated otherwise in an amendment from the FAA, the end date of the period of performance is 4 years (1,460 calendar days) from the date of formal grant acceptance by the Sponsor.

   The Sponsor may only charge allowable costs for obligations incurred prior to the end date of the period of performance (2 CFR § 200.309). Unless the FAA authorizes a written extension, the sponsor must submit all project closeout documentation and liquidate (pay off) all obligations incurred under this award no later than 90 calendar days after the end date of the period of performance (2 CFR § 200.343).

   The period of performance end date does not relieve or reduce Sponsor obligations and assurances that extend beyond the closeout of a grant agreement.

3. **Ineligible or Unallowable Costs.** The Sponsor must not include any costs in the project that the FAA has determined to be ineligible or unallowable.

4. **Indirect Costs - Sponsor.** Sponsor may charge indirect costs under this award by applying the indirect cost rate identified in the project application as accepted by the FAA, to allowable costs for Sponsor direct salaries and wages.

5. **Determining the Final Federal Share of Costs.** The United States' share of allowable project costs will be made in accordance with the Consolidated Appropriations Act, 2018 (Public Law Number 115-141), regulations, policies, and procedures of the Secretary. Final determination of the United States' share will be based upon the final audit of the total amount of allowable project costs and settlement will be made for any upward or downward adjustments to the Federal share of costs.

6. **Completing the Project Without Delay and in Conformance with Requirements.** The Sponsor must carry out and complete the project without undue delays and in accordance with this agreement, and the regulations, policies, and procedures of the Secretary. Per 2 CFR § 200.308, the Sponsor agrees to report to the FAA any disengagement from performing the project that exceeds three months. The report must include a reason for the project stoppage. The Sponsor also agrees to comply with the assurances, which are part of this agreement.

7. **Amendments or Withdrawals before Grant Acceptance.** The FAA reserves the right to amend or withdraw this offer at any time prior to its acceptance by the Sponsor.

8. **Offer Expiration Date.** This offer will expire and the United States will not be obligated to pay any part of the costs of the project unless this offer has been accepted by the Sponsor on or before July 15, 2020, or such subsequent date as may be prescribed in writing by the FAA.

9. **Improper Use of Federal Funds.** The Sponsor must take all steps, including litigation if necessary, to recover Federal funds spent fraudulently, wastefully, or in violation of Federal antitrust statutes, or misused in any other manner for any project upon which Federal funds have been expended. For the purposes of this grant agreement, the term "Federal funds" means funds however used or dispersed by the Sponsor, that were originally paid pursuant to this or any other Federal grant agreement. The Sponsor must obtain the approval of the Secretary as to any determination of the amount of the Federal share of such funds. The Sponsor must return the recovered Federal share, including funds recovered by settlement, order, or judgment, to the Secretary. The Sponsor must furnish to the Secretary, upon request, all documents and records pertaining to the determination of the amount of the Federal share or to any settlement, litigation, negotiation, or other efforts taken to recover such funds. All settlements or other final positions of the Sponsor, in court or otherwise, involving the recovery of such Federal share require advance approval by the Secretary.

10. **United States Not Liable for Damage or Injury.** The United States is not responsible or liable for damage to property or injury to persons which may arise from, or be incident to, compliance with this grant agreement.

11. **System for Award Management (SAM) Registration And Universal Identifier.**

    A. Requirement for System for Award Management (SAM): Unless the Sponsor is exempted from this requirement under 2 CFR 25.110, the Sponsor must maintain the currency of its information in the SAM until the Sponsor submits the final financial report required under this grant, or receives the final payment, whichever is later. This requires that the Sponsor review and update the information at least annually after the initial registration and more frequently if required by changes in information or another award term. Additional information about registration procedures may be found at the SAM website (currently at http://www.sam.gov).

    B. Unique entity identifier (UEI) means a 12-character alpha-numeric value used to identify a specific commercial, nonprofit or governmental entity. A UEI may be obtained from SAM.gov at https://sam.gov/SAM/pages/public/index.jsf).

12. **Electronic Grant Payment(s).** Unless otherwise directed by the FAA, the Sponsor must make each payment request under this agreement electronically via the Delphi eInvoicing System for Department of Transportation (DOT) Financial Assistance Awardees.

13. **Informal Letter Amendment of Supplemental Appropriation Projects.** If, during the life of the project, the FAA determines that the maximum grant obligation of the United States exceeds the expected needs of the Sponsor by $25,000 or five percent (5%), whichever is greater, the FAA can issue a letter amendment to the Sponsor unilaterally reducing the maximum obligation. The supplemental appropriation funds will be available until September 20, 2021.

    The FAA can also issue a letter to the Sponsor increasing the maximum obligation if there is an overrun in the total actual eligible and allowable project costs to cover the amount of the overrun provided it will not exceed the statutory limitations for grant amendments. The FAA' s authority to increase the maximum obligation does not apply to the "planning" component of condition No. 1.

    The FAA can also issue an informal letter amendment that modifies the grant description to correct administrative errors or to delete work items if the FAA finds it advantageous and in the best interests of the United States.

    An informal letter amendment has the same force and effect as a formal grant amendment.

14. **Air and Water Quality.** The Sponsor is required to comply with all applicable air and water quality standards for all projects in this grant. If the Sponsor fails to comply with this requirement, the FAA may suspend, cancel, or terminate this agreement.

15. **Financial Reporting and Payment Requirements.** The Sponsor will comply with all federal financial reporting requirements and payment requirements, including submittal of timely and accurate reports.

16. **Buy American.** Unless otherwise approved in advance by the FAA, the Sponsor will not acquire or permit any contractor or subcontractor to acquire any steel or manufactured products produced outside the United States to be used for any project for which funds are provided under this grant. The Sponsor will include a provision implementing Buy American in every contract.

17. **Maximum Obligation Increase.** In accordance with 49 U.S.C. § 47108(b), as amended, the maximum obligation of the United States, as stated in Condition No. 1 of this Grant Offer:

    A. May not be increased for a planning project;

    B. May be increased by not more than 15 percent for development projects if funds are available;

    C. May be increased by not more than 15 percent for land project if funds are available.

18. **Audits for Public Sponsors.** The Sponsor must provide for a Single Audit or program specific audit in accordance with 2 CFR part 200. The Sponsor must submit the audit reporting package to the Federal Audit Clearinghouse on the Federal Audit Clearinghouse' s Internet Data Entry System at http://harvester.census.gov/facweb/. Provide one copy of the completed audit to the FAA if requested.

19. **Suspension or Debarment.** When entering into a "covered transaction" as defined by 2 CFR §180.200, the Sponsor must:

    A. Verify the non-federal entity is eligible to participate in this Federal program by:

        1. Checking the excluded parties list system (EPLS) as maintained within the System for Award Management (SAM) to determine if the non-federal entity is excluded or disqualified; or

        2. Collecting a certification statement from the non-federal entity attesting they are not excluded or disqualified from participating; or

        3. Adding a clause or condition to covered transactions attesting individual or firm are not excluded or disqualified from participating.

    B. Require prime contractors to comply with 2 CFR §180.330 when entering into lower-tier transactions (e.g. Sub-contracts).

    C. Immediately disclose to the FAA whenever the Sponsor (1) learns they have entered into a covered transaction with an ineligible entity or (2) suspends or debars a contractor, person, or entity.

20. **Ban on Texting While Driving.**

    A. In accordance with Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving, October 1, 2009, and DOT Order 3902.10, Text Messaging While Driving, December 30, 2009, the Sponsor is encouraged to:

        1. Adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers including policies to ban text messaging while driving when performing any work for, or on behalf of, the Federal government, including work relating to a grant or subgrant.

        2. Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as:

            a. Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and

            b. Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

B. The Sponsor must insert the substance of this clause on banning texting while driving in all subgrants, contracts and subcontracts.

21. **Priority Consideration Funded Work Included in a PFC Application.**

Within 90 days of acceptance of this award, Sponsor must submit to the Federal Aviation Administration an amendment to any approved Passenger Facility Charge (PFC) application that contains an approved PFC project also covered under this grant award. The airport sponsor may not make any expenditure under this award until project work addressed under this award is removed from an approved PFC application by amendment.

22. **Exhibit "A" Property Map.** The Exhibit "A" Property Map dated June 2010, is incorporated herein by reference or is submitted with the project application and made part of this grant agreement.

23. **Employee Protection from Reprisal.**

A. Prohibition of Reprisals -

1. In accordance with 41 U.S.C. § 4712, an employee of a grantee or subgrantee may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body described in sub-paragraph (A)(2), information that the employee reasonably believes is evidence of:

   i. Gross mismanagement of a Federal grant;
   ii. Gross waste of Federal funds;
   iii. An abuse of authority relating to implementation or use of Federal funds;
   iv. A substantial and specific danger to public health or safety; or
   v. A violation of law, rule, or regulation related to a Federal grant.

2. Persons and bodies covered: The persons and bodies to which a disclosure by an employee is covered are as follows:

   i. A member of Congress or a representative of a committee of Congress;
   ii. An Inspector General;
   iii. The Government Accountability Office;
   iv. A Federal office or employee responsible for oversight of a grant program;
   v. A court or grand jury;
   vi. A management office of the grantee or subgrantee; or
   vii. A Federal or State regulatory enforcement agency.

3. Submission of Complaint - A person who believes that they have been subjected to a reprisal prohibited by paragraph A of this grant term may submit a complaint regarding the reprisal to the Office of Inspector General (OIG) for the U.S. Department of Transportation.

4. Time Limitation for Submittal of a Complaint - A complaint may not be brought under this subsection more than three years after the date on which the alleged reprisal took place.

5. Required Actions of the Inspector General - Actions, limitations and exceptions of the Inspector General' s office are established under 41 U.S.C. § 4712(b)

6. Assumption of Rights to Civil Remedy - Upon receipt of an explanation of a decision not to conduct or continue an investigation by the Office of Inspector General, the person submitting a complaint assumes the right to a civil remedy under 41 U.S.C. § 4712(c).

24. **2018 FAA Reauthorization.** This grant agreement is subject to the terms and conditions contained herein including the terms known as the Grant Assurances as they were published in the Federal Register on April 3, 2014. On October 5, 2018, the FAA Reauthorization Act of 2018 made certain amendments to 49 U.S.C. chapter 471. The Reauthorization Act will require FAA to make certain amendments to the assurances in

order to best achieve consistency with the statute. Federal law requires that FAA publish any amendments to the assurances in the Federal Register along with an opportunity to comment. In order not to delay the offer of this grant, the existing assurances are attached herein; however, FAA shall interpret and apply these assurances consistent with the Reauthorization Act. To the extent there is a conflict between the assurances and Federal statutes, the statutes shall apply. The full text of the Act is at https://www.congress.gov/bill/115th-congress/house-bill/302/text.

**25. Project which Contain Paving Work in Excess of $500,000.** The Sponsor agrees to:

A. Furnish a construction management program to the FAA prior to the start of construction which details the measures and procedures to be used to comply with the quality control provisions of the construction contract, including, but not limited to, all quality control provisions and tests required by the Federal specifications. The program must include as a minimum:

1. The name of the person representing the Sponsor who has overall responsibility for contract administration for the project and the authority to take necessary actions to comply with the contract;
2. Names of testing laboratories and consulting engineer firms with quality control responsibilities on the project, together with a description of the services to be provided;
3. Procedures for determining that the testing laboratories meet the requirements of the American Society of Testing and Materials standards on laboratory evaluation referenced in the contract specifications (D 3666, C 1077);
4. Qualifications of engineering supervision and construction inspection personnel;
5. A listing of all tests required by the contract specifications, including the type and frequency of tests to be taken, the method of sampling, the applicable test standard, and the acceptance criteria or tolerances permitted for each type of test; and
6. Procedures for ensuring that the tests are taken in accordance with the program, that they are documented daily, and that the proper corrective actions, where necessary, are undertaken.

B. Submit at completion of the project, a final test and quality assurance report documenting the summary results of all tests performed; highlighting those tests that indicated failure or that did not meet the applicable test standard. The report must include the pay reductions applied and the reasons for accepting any out-of-tolerance material. Submit interim test and quality assurance reports when requested by the FAA.

C. Failure to provide a complete report as described in paragraph b, or failure to perform such tests, will, absent any compelling justification; result in a reduction in Federal participation for costs incurred in connection with construction of the applicable pavement. Such reduction will be at the discretion of the FAA and will be based on the type or types of required tests not performed or not documented and will be commensurate with the proportion of applicable pavement with respect to the total pavement constructed under the grant agreement.

D. The FAA, at its discretion, reserves the right to conduct independent tests and to reduce grant payments accordingly if such independent tests determine that sponsor test results are inaccurate.

The Sponsor's acceptance of this Offer and ratification and adoption of the Project Application incorporated herein shall be evidenced by execution of this instrument by the Sponsor, as hereinafter provided, and this Offer and Acceptance shall comprise a Grant Agreement, as provided by the Act, constituting the contractual obligations and rights of the United States and the Sponsor with respect to the accomplishment of the Project and compliance with the assurances and conditions as provided herein. Such Grant Agreement shall become effective upon the Sponsor' s acceptance of this Offer.

**UNITED STATES OF AMERICA**
**FEDERAL AVIATION ADMINISTRATION**

*(Signature)*

Gordon K. Wong
*(Typed Name)*

Manager, Airports District Office
*(Title of FAA Official)*

**PART II - ACCEPTANCE**

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer, and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the Project Application.

I declare under penalty of perjury that the foregoing is true and correct.[1]

Executed this 2nd day of May , 2020 .

A.B. Won Pat Guam International Airport Authority

*(Name of Sponsor)*

*(Signature of Sponsor's Authorized Official)*

**By: Thomas C. Ada**

*(Typed Name of Sponsor's Authorized Official)*

**Title:** Executive Manager

*(Title of Sponsor's Authorized Official*

**CERTIFICATE OF SPONSOR'S ATTORNEY**

I, **Janalynn Cruz Damian**, acting as Attorney for the Sponsor do hereby certify:

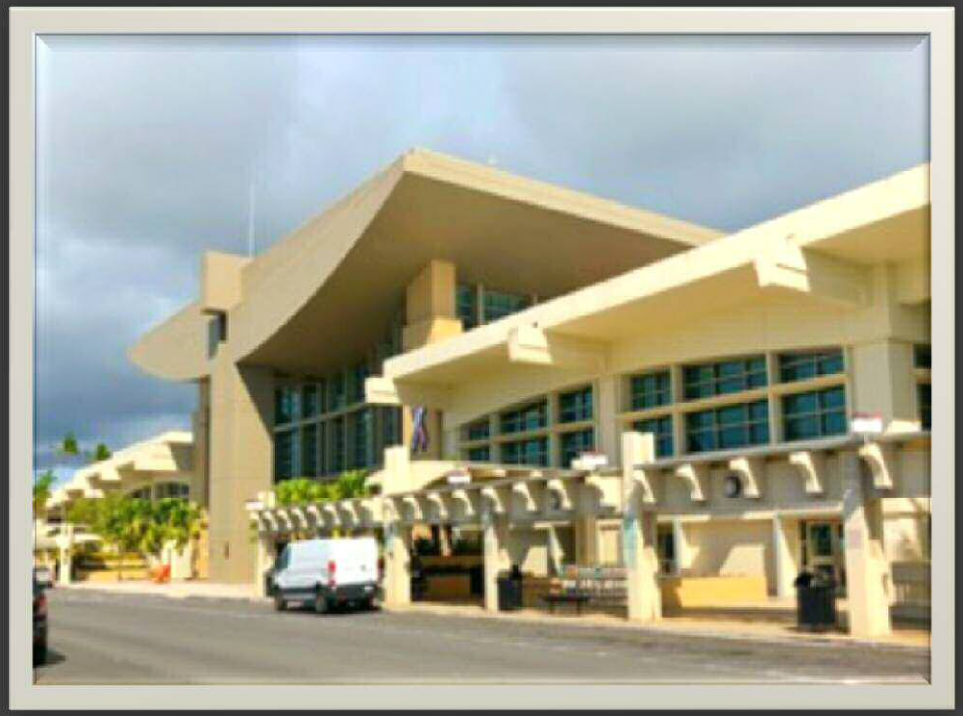
That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the Territory of Guam. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the Act. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Dated at **Barrigada** (location) this **3rd** day of **May**, **2020**

**By:** _____

*(Signature of Sponsor's Attorney)*

[1]Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. Section 1001 (False Statements) and could subject you to fines, imprisonment, or both.



# Terminal Building Structural Upgrade and Concourse Isolation Project

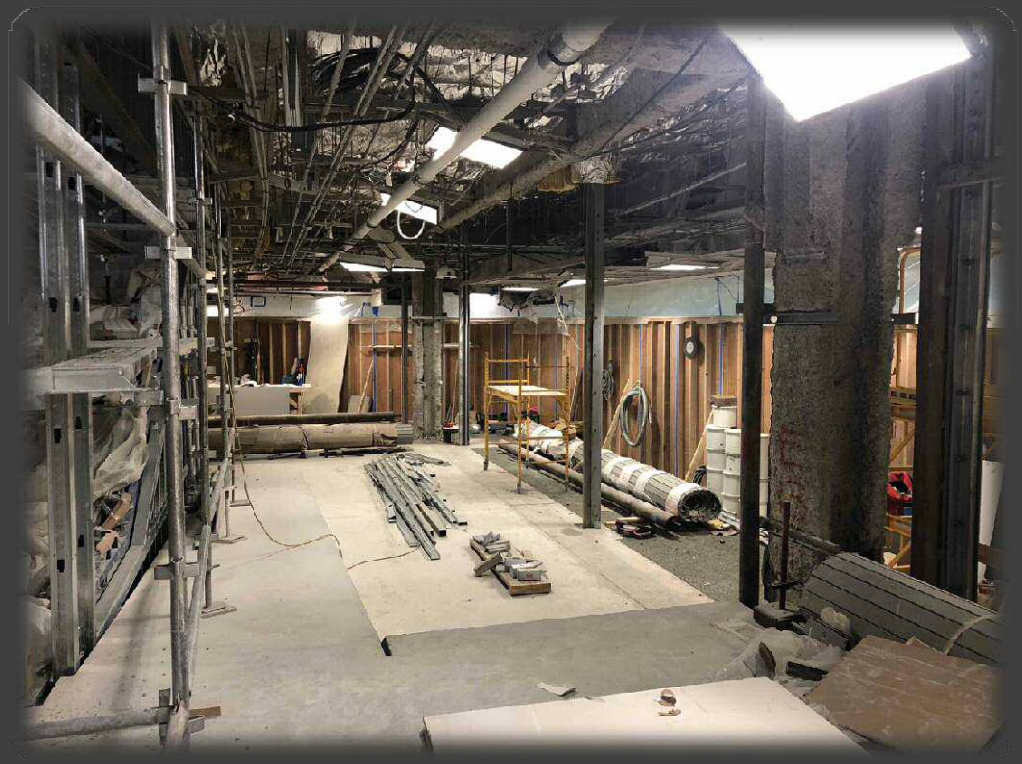
Status Update Briefing | June 2, 2020

A.B. WON PAT INTERNATIONAL AIRPORT GUAM

ATURIDAT PUETTON BATKON AIREN GUAHAN ENTENASIONAT

KHLG & ASSOCIATES, INC.

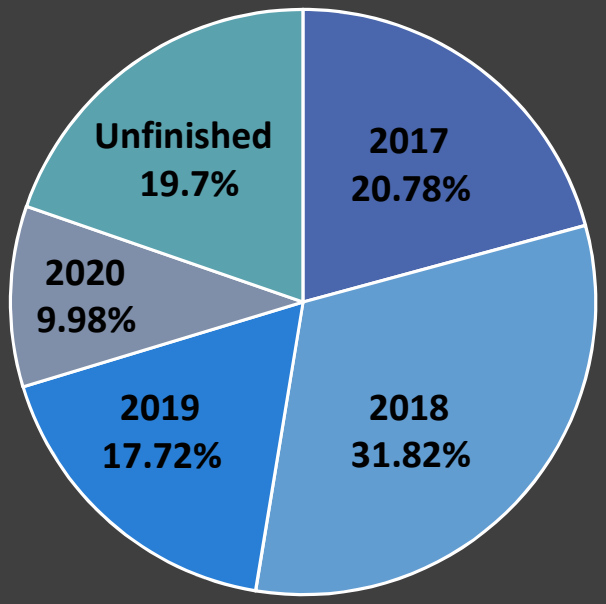
# Table of Contents



- **Status Update**
- **Expected Completion of Phase 1**
  (West Concourse and Entry to CBP)
- **Findings**
  (Verification of Construction Date)
- **Recommendation**

# How much has been completed?

## Percentage Completed: 80%



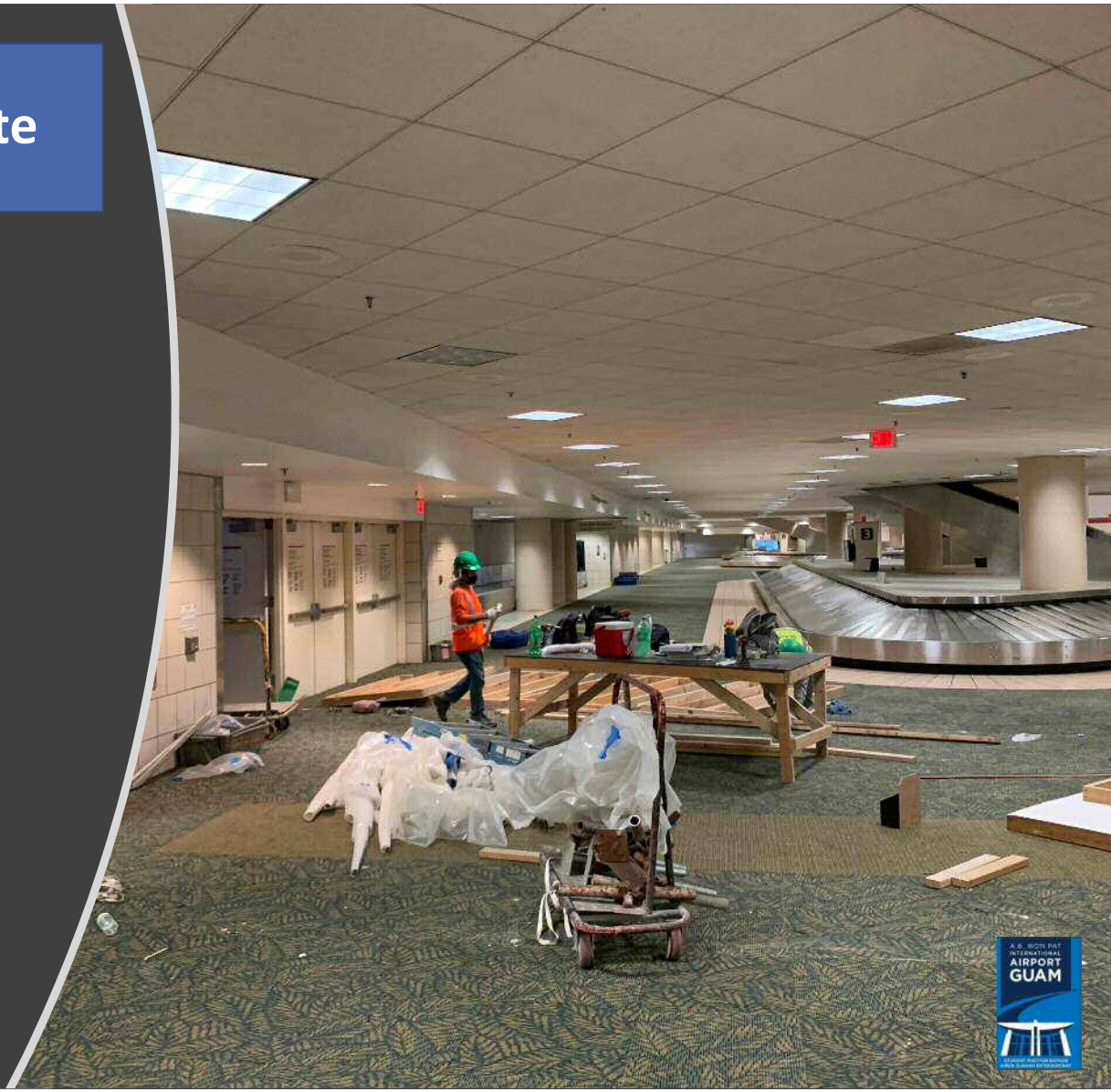

**Based on Contractor's PPR #37 (April 2020)*



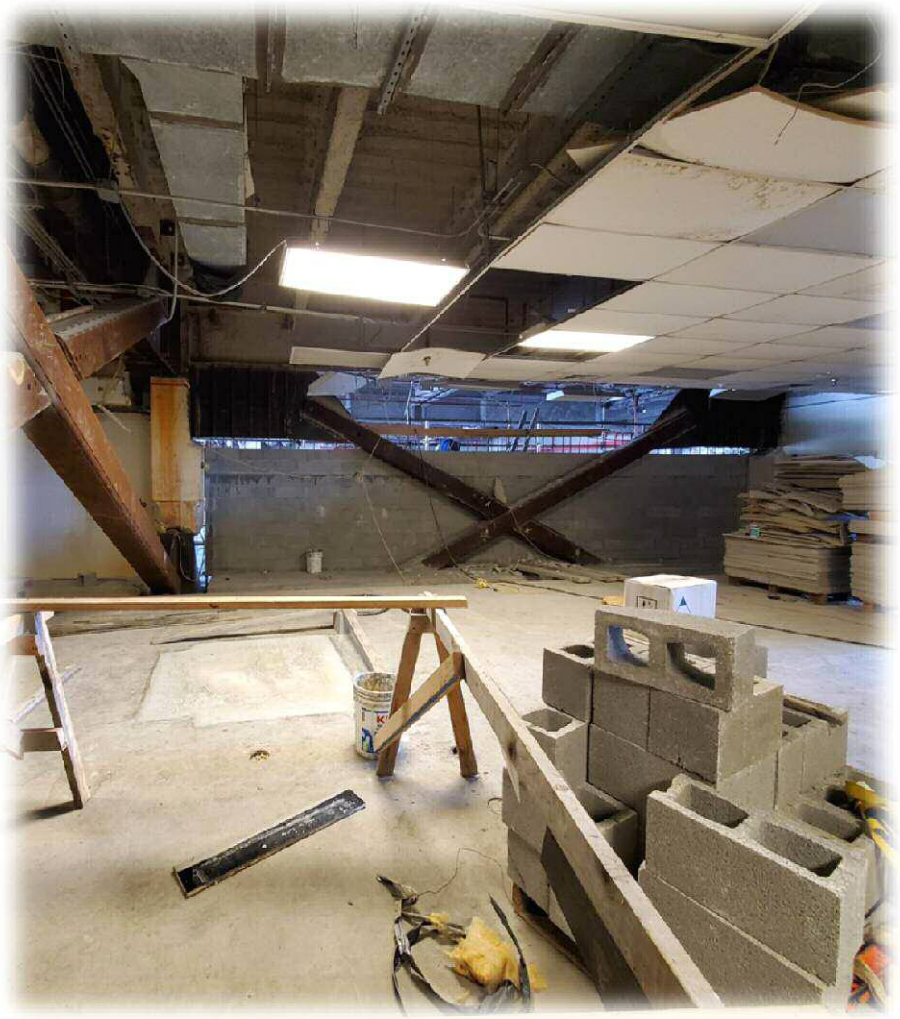
Terminal Building Structural Upgrade and Concourse Isolation Project

## Segments Substantially Complete

# CBP Area Below CBP Immigration, Basement Level



Terminal Building Structural Upgrade and Concourse Isolation Project



# Segments Substantially Complete

## All Seismic Retrofit Work to Gridline E23, Apron Level

Terminal Building Structural Upgrade and Concourse Isolation Project

# Segments Substantially Complete



## All Structural Retrofit Work to Gridline E27, Roof Level

Terminal Building Structural Upgrade and Concourse Isolation Project



# Project Milestones

**As of May 2020…**

**Contractor targeting completion of existing United Airline Club, July 31, 2020**

(Target Finish per Hoarding Plan: September 15, 2020)



# Project Milestones

## As of May 2020…

- Completion of West Concourse and Entry to CBP
- Gate 4 to CBP target: End of November 2020

# Construction Progress
(as of April 30, 2020)

| | |
|---|---|
| • Seismic Upgrade & Restoration | 66% |
| • Concourse Renovation | 64% |
| • PODs – Structural | 51% |
| • PODs – Interior & Finishing | 29% |
| • New Airline Club | 63% |
| • Sterile Corridor Superstructure & Encl. | 69% |
| • Sterile Corridor Interior & Finishing | 47% |

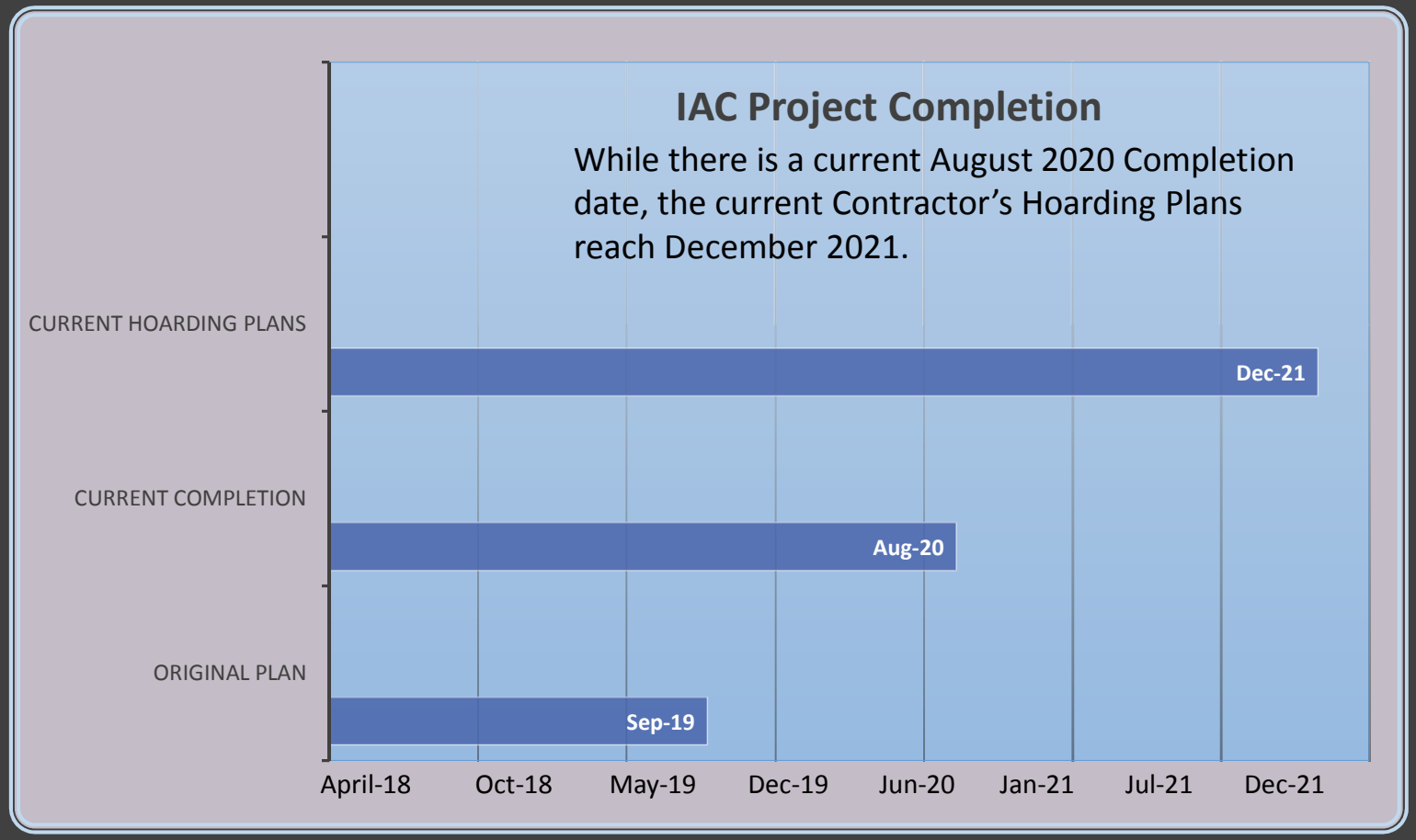
## Total Construction Progress: 57%



# When Will the Project be Substantially Complete?

- **Contract DBO: August 4, 2020**
- **January 2020 P6 Schedule Update shows that the project is scheduled to complete on April 26, 2021**
- **A January 2020 Hoarding Plan for a Sterile Corridor Phase Plan shows a "Target Finish" of December 1, 2021**

# Contract DBO: August 4, 2020





# Fundamental Contradiction

- January 2020 P6 Schedule experienced delays of 265 calendar days based on DBO of August 4, 2020
- Sterile Corridor hoarding plan with target completion date of December 1, 2021 will generate 485 calendar days of delay
- Project to experience apparent delay anywhere between 265 to 485 calendar days of delay

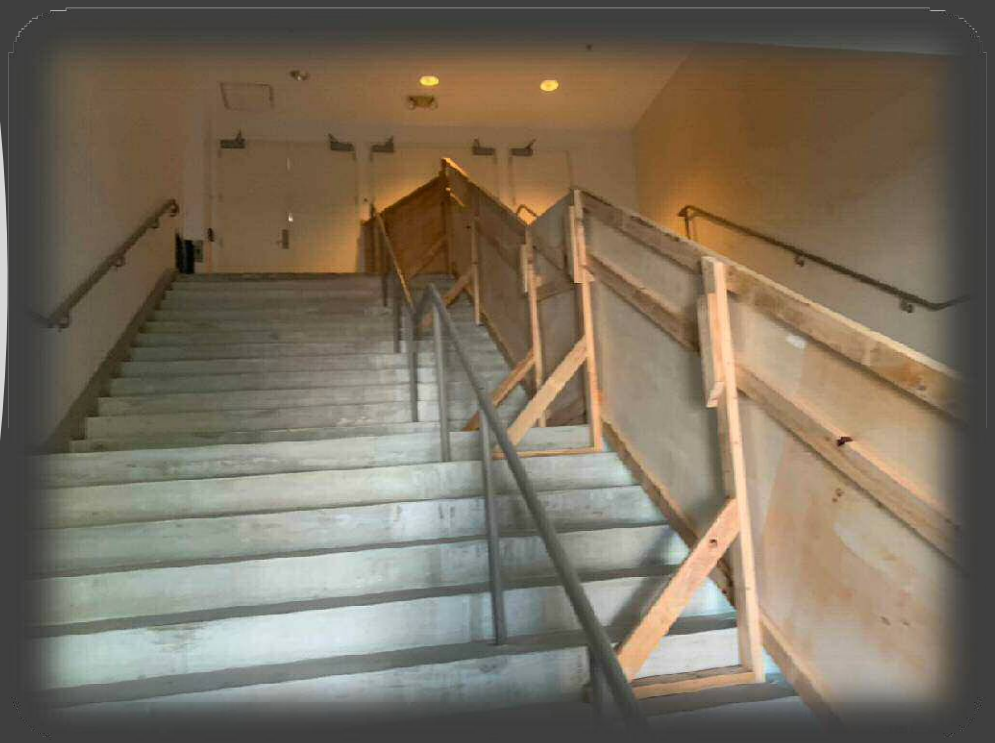
# Recommendation

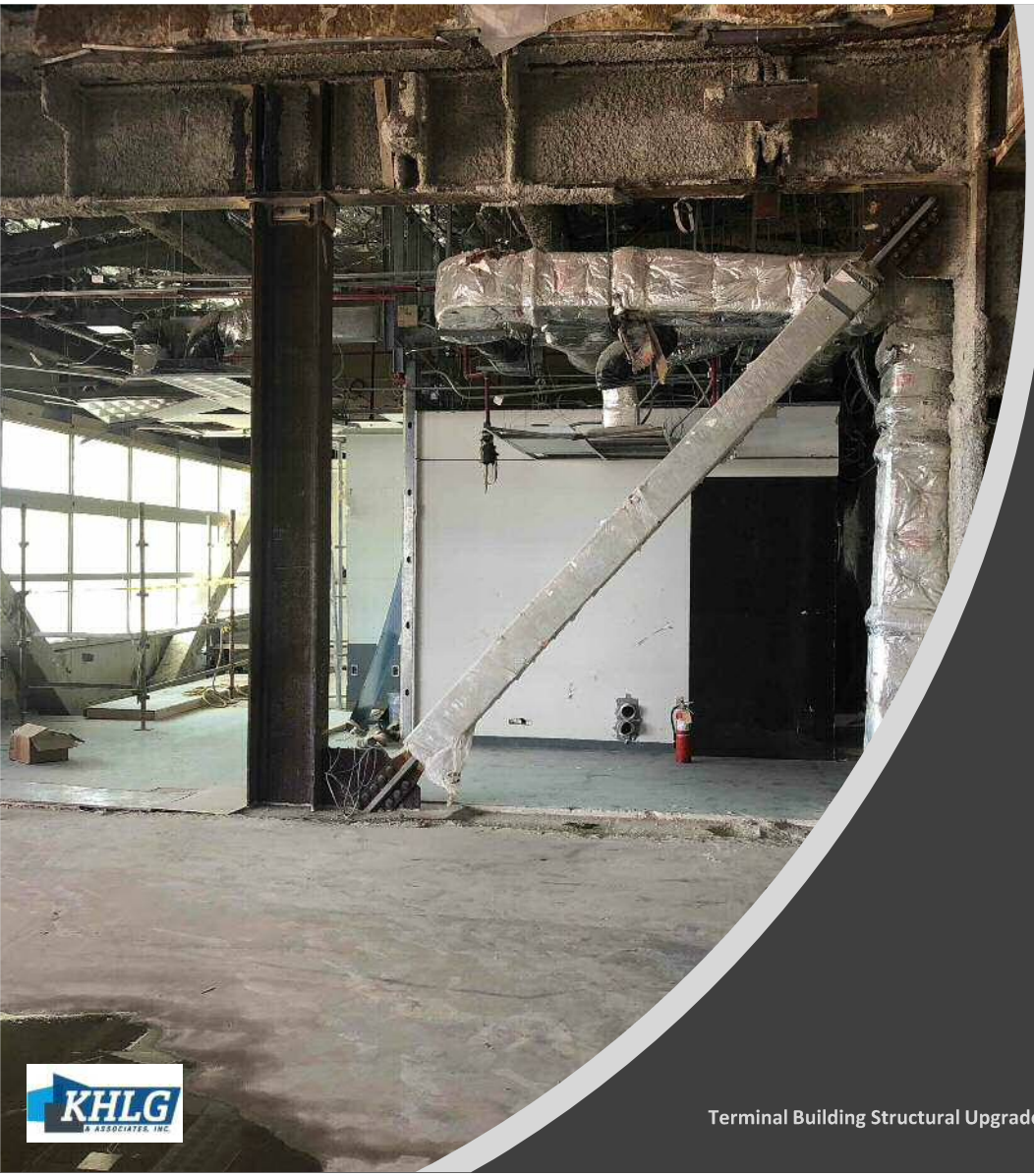
- **The Primavera P6 Project Schedule should be the tool to provide the answer to who is responsible for the delays**
- **However, to this date, this tool has not been used in it's intended manner and not in accordance with Contract.**



# Current Schedule

**The current completion date is 63 calendar days from today (June 2, 2020) and would appear to be difficult, if not unattainable, to achieve based on remaining work to be completed.**





# To Assure Revised Completion Date

- Re-baseline of the schedule
- Forensic delay analysis to proper apportionment of delays to responsible parties



# Re-Baseline of Project Schedule

- Re-Baseline remaining work from where the project currently stands.
- BCC to submit a “recovery schedule” to rectify discrepancy between January 2020 P6 Schedule and hoarding plans (Spec. 01 32 00 Part 2.1 G).



# Re-Baseline of Project Schedule

- Break down activities to ensure ability to track appropriate level of detail and forecasting future work.
- Ability to compare Baseline Schedule Activities to Three Week Look Ahead Activities, ensuring that schedule updates are being performed on a weekly basis.

# Recommendation

COVID 19 → Quarantine
Decrease in Arrivals ↓

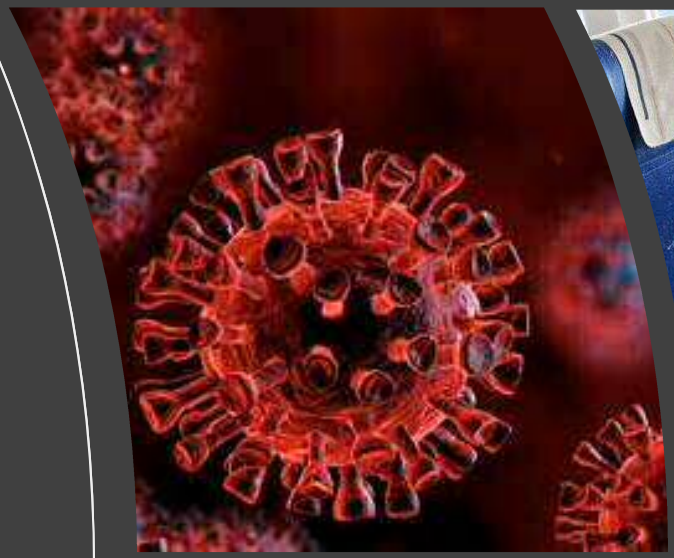
Increase Site Access ↑

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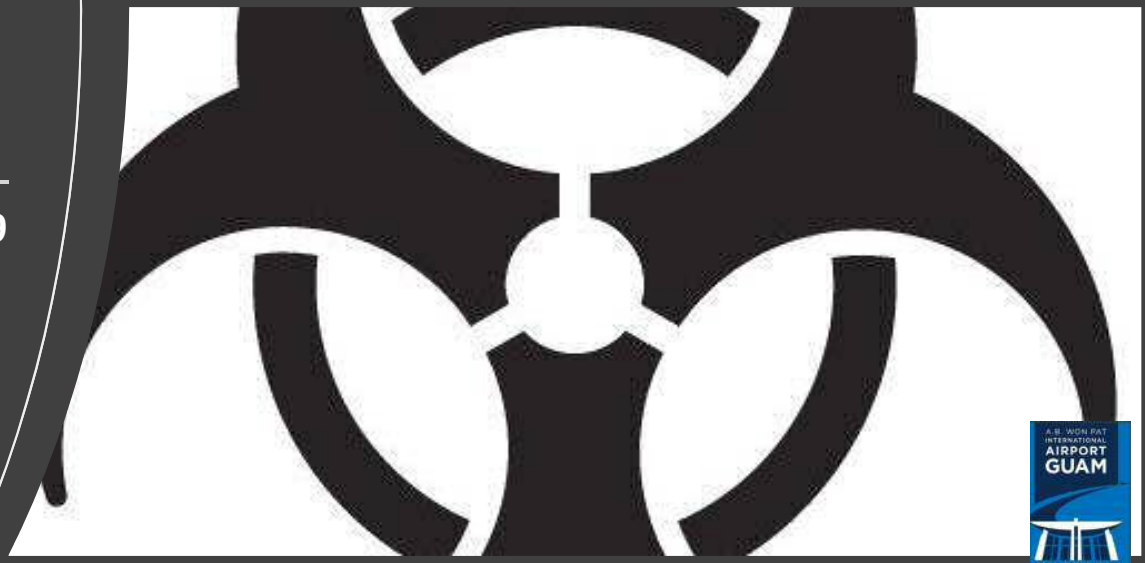
**Re-Baselined Schedule Should Factor in COVID-19**

- Decreased Time = Decreased OH costs
- Decrease Time + Decrease Cost =

**SUCCESSFUL PROJECT**







# Questions?

KHLG & ASSOCIATES, INC.

RECEIVED 5-29-20

KHLG-GIAA
CO 12

# Contractor's Request for Change Order No. 12
# Review / Recommendations
for

## A.B. WON PAT GUAM INTERNATIONAL AIRPORT AUTHORITY
## TERMINAL BUILDING STRUCTURAL UPGRADE AND CONCOURSE ISOLATION PROJECT

**CLIENT PROJECT NO: GIAA-FY14-01-1**
**AIP NO: 3-66-0001-097**
**OFB NO: GIAA-C06-FY16**
**GIAA CONTRACT NO: GIAA-17-003 (C)**

PROJECT CONSTRUCTION MANAGER: Kent Hsieh, KHLG & Associates

Submitted by:
Kent Hsieh, P.E.
Construction Manager

29 May 2020

A.B. Won Pat Guam International Airport Authority
P.O Box 8770
Tamuning, Guam 96931

Attention: Mr. Thomas C. Ada
Executive Manager

Through: Mr. Victor J. Cruz
Engineer Supervisor

Subject: Construction Manager Recommendation for Approval of **Change Order No. 12**
A.B. Won Pat Guam International Airport Authority
Terminal Building Structural Upgrade and Concourse Isolation Project
Project No.: GIAA-FY14-01-1
AIP No.: 3-66-0001-097; IFB No.: GIAA-C06-FY16
GIAA Contract No.: GIAA-17-003(C)

Dear Mr. Ada,

We are endorsing our recommendation for the approval of **Change Order No. 12** in the amount of **Seven Hundred Seventy Four Thousand Dollars and No Cents ($774,000.00)** for the additional cost the Contractor will incur on the Project associated with Change Order Work as shown in each individual PCO's.

These works shall be invoiced for payment based on completed and accepted work in placed.

Briefly summarized, this proposed change order package consists of (3) Three EA individual PCO's numbers identified as follows:

| | |
|---|---|
| PCO 129 | Two (2) Automatic Sliding Doors at Sterile Corridor |
| PCO 130 | Continuation of Island Certs Steel Special Inspection and NDT services |
| PCO 134 | Removal and Replacement of 'W7' Glass Wall Panel near Gate 7 |

KHLG has completed price negotiation on the above PCO's with BCC and based on our determination, finds the negotiated total amount of **$774,000.00** as fair and reasonable and in the best interest of GIAA.



137 Murray Blvd., Suite 203 Hagatna, Guam 96910 | Tel 671.478.5454 | Fax 671.473.4360 | www.KHLGAssociates.com
Project and Construction Management

Should you have any comments, questions and/or concerns, please do not hesitate to contact the undersigned.

KHLG & ASSOCIATES, INC.

Digitally signed by Kent C. Hsieh, P.E.
DN: C=US, E=KentH@KHLGAssociates.com, O="KHLG & Associates, Inc.", OU=KHLG, CN="Kent C. Hsieh, P.E."
Date: 2020.05.29 17:33:56+10'00'

Kent Hsieh, P.E.
Construction Manager
Email: kenth@khlgassociates.com

Enclosure: 1) Brief Description and amount of each PCO's

Cc: Frank Santos, Transportation Management Group
Victor J. Cruz, GIAA Engineering



137 Murray Blvd., Suite 203 Hagatna, Guam 96910 | Tel 671.478.5454 | Fax 671.473.4360 | www.KHLGAssociates.com
Project and Construction Management

KHLG & ASSOCIATES, INC.

**KHLG-GIAA**
**CO-12**

**PROJECT:** **TERMINAL BUILDING STRUCTURAL UPGRADE AND CONCOURSE ISOLATION**

Project No.: GIAA-FY14-01-1
AIP No.: 3-66-0001-97
Contract: GIAA-17-003 (C)

**Change Order No.: 12**

In connection with Contract No. GIAA-17-003 (C), a construction contract between Black Construction Corporation (Contractor) and Antonio B. Won Pat International Airport Authority - Guam (Owner), dated January 26, 2017 for the Terminal Building Structural Upgrade and Concourse Isolation Construction, the following change order is made in accordance with the Contract Document General Provisions, Section 35, Paragraph 35.8:

1. **Description of Change Order No. 12:**
   a. PCO 129: Two (2) Automatic Sliding Doors at Sterile Corridor
      i. The Contractor shall install two (2) Horton Automatic Sliding Glass Doors at Bridge #2 Entry and at the East Sterile Corridor
      ii. Amount of PCO 129 $ 248,113.00

   b. PCO 130: Continuation of Island Certs Steel Special Inspection and NDT services
      i. The Contractor via Subcontractor, Island Certs, shall continue to perform Structural Steel Special inspections in accordance with approved Specifications.
      ii. PCO 130 Not to exceed the Amount of $ 523,600.00

   c. PCO 134: Removal and Replacement of 'W7' Glass Wall Panel near Gate 7
      i. The Contractor shall provide small and shaped steel plates to be welded in place of the gaps after shifting the columns away from the existing braces
      ii. Amount of PCO 134 $ 2,287.00

**CHANGE ORDER NO. 12 NOT TO EXCEED TOTAL AMOUNT OF $774,000.00**

2. **This Change Order No. 12 is only for the Work Defined above.**

**3. Conditions:**

a. The aforementioned change order works affected thereby are subject to all contract requirements and covenants;

b. The rights of A.B. Won Pat International Airport Authority, Guam, are not prejudiced;

c. Duration of Change Order 12 shall be 0 Calendar Days;

d. All claims against A.B. Won Pat International Airport Authority, Guam, which are incidental to, or as a consequence of the aforementioned change order works, are satisfied in their entirety.

**4. Justification of Change Order item:**

See individual PCO.

**5. Modification to the Contract:**

| | | |
|---|---|---|
| a. | Original Amount: | $ 96,932,000.00 |
| b. | Previous Change Orders (CO#01-#11): | $ 16,075,408.36 |
| c. | Contract Amount prior to Change Order No. 12: | $113,007,408.36 |
| d. | Amount of Change Order No. 12: | $ 774,000.00 |
| e. | Current Revised Contract Amount: | $113,781,408.36 |
| f. | Notice to Proceed Date: | March 01, 2017 |
| g. | Original Contract Time: | 927 Calendar Days |
| h. | Original Contract Completion Date: | September 13, 2019 |
| i. | Change Order No. 7 Contract Time Extension | 325 Calendar Days |
| j. | Contract Time Extension for Change Order No. 11: | -0- Calendar Days |
| k. | Revised Contract Completion Date: | August 4, 2020 |

| | GIAA WORKSHEETS | | COVID-19 RELIEF |
|---|---|---|---|
| | ORIGINAL BUDGET | | COVID-19 RELIEF |
| | Total | | Total |
| | 2020 | | 2020 |
| **Summary of Results** | | | |
| Enplaned Passengers(000) | 1,969 | | 1,087 |
| | | | |
| O&M Expenses | 53,293 | | 49,490 |
| | | | |
| Airline Revenue | 34,175 | | 19,032 |
| | | | |
| | | | |
| Concession revenue | 19,014 | | 13,806 |
| Other nonairline revenue | 17,030 | | 14,966 |
| CARES Act | - | | 20,693 |
| Total Nonairline Revenue | 36,044 | | 49,466 |
| | | | |
| PFC Revenue | 7,749 | | 4,142 |
| | | | |
| Total Airport Revenue | 77,968 | | 72,639 |
| | | | |
| | | | |
| **Debt Service Coverage** | | | |
| Revenue | 77,968 | | 72,639 |
| O&M Expenses | 53,293 | | 49,490 |
| Net Revenue | 24,675 | | 23,149 |
| | | | |
| Other Available Moneys | 3,475 | | 3,475 |
| | | | |
| Net Revenues Plus Other Available Moneys | 28,150 | | 26,624 |
| | | | |
| Annual Debt Service | 13,900 | | 13,900 |
| | | | |
| Annual Debt Service Coverage Ratio | 2.03 | | 1.92 |
| | | | |
| **Application of Revenues** | | | |
| | | | |
| Airport Revenues | 77,968 | | 72,639 |
| O&M Expenses | 53,293 | | 49,490 |
| Debt Service | 13,900 | | 13,900 |
| Available Revenue | 10,775 | | 9,249 |
| | | | |
| Other uses of Airport Revenue | | | |
| Subordinate Loans | 1,500 | | 1,500 |
| Reserve funding | | | |
| | | | |
| Revenue available for either | | | |
| Airline-cost sharing | tbd | | tbd |
| GIAA capital projects | tbd | | 2,000 |
| Total | 9,275 | | 5,749 |

[GIAA Letterhead]

| | |
|---|---|
| TO: | Procurement File |
| FROM: | Executive Manager |
| DATE: | June __, 2020 |
| NAME OF PROCUREMENT: | Construction Services for Rehabilitation of GIAA Runway 6L/24R |
| RE: | **WRITTEN DETERMINATION REGARDING USE OF SOLE SOURCE PROCUREMENT** |

Pursuant to the Guam Procurement Law and Regulations, the following determinations are made by the Executive Manager with regard to a sole source procurement of construction services for Phase 1B of the rehabilitation of GIAA's Runway 6L/24R (the "Project"). Phase 1 Construction of the Project is more particularly described in the IFB (defined below), which GIAA has further divided into Phase 1A and Phase 1B. This sole source procurement is for Phase 1B construction services as described in Attachment 1. FAA grant funding for Phase 1B is anticipated in June 2020.

Background

This Project is identified in GIAA's Airport Capital Improvement Program ("ACIP") with the Federal Aviation Administration ("FAA"). GIAA procured an A/E firm, HTD Pacific, Inc., to prepare the drawings, plans and specifications for the Project. GIAA has also procured a construction management firm ("CM"), SSFM, to assist GIAA throughout all phases of construction.

On June 14, 2019, GIAA issued an Invitation for Bid, IFB No. GIAA-C02-FY19 for construction services for the Project (the "IFB"). One bidder responded with a bid price exceeding the anticipated phased grant funding. On July 26, 2019, pursuant to § 3115(d)(2) of the Procurement Regulations, GIAA canceled the IFB. Pursuant to § 3102(c)(1)(C) of the Procurement Regulations, GIAA now intends to proceed with procurement of the construction services for the Project via sole source from the single bidder who responded to the IFB, Hawaiian Rock Products Corporation ("HRC").

During the January 17, 2020 board meeting, the Board approved the sole source award to HRC for Phase 1A in the amount of $10,014,867.60.

Funding

Construction for the Project is funded by two (2) separate grant sources from the FAA. Phase 1A will be funded with $10M in Supplemental Appropriations programmed by the Secretary of the U.S. Department of Transportation. GIAA recently signed the grant agreement for the Phase 1A funding in the amount of $10,014,867.60. Phase 1B will be funded with approximately $10M from FY'20 AIP funding.

Determinations

The following determinations are made pursuant to Sections 3102(c)(1)(C) and 3112(b) of the Procurement Regulations:

1. The services to be acquired are construction services for Phase 1 of the rehabilitation of GIAA Runway 6L/24R in accordance with applicable FAA airfield pavement indices. The level of rehabilitation or reconstruction for Runway 6L/24R is based on pavement condition indices adopted by the FAA to accommodate design, aircraft weight, enhance safety through minimal pavement deficiencies and prolong useful life. To comply with FAA standards, the pavement specifications for Runway 6L/24R require a minimum value for VMA of 15, which cannot be sourced locally. GIAA is requesting for a modification of standards from the FAA to allow for a minimum value for VMA of 13, which would allow for use of locally-sourced aggregate. The intended sole source awardee, HRC, owns the island's only asphalt pavement plant that can provide aggregate with a minimum value for VMA of 13. Because of the nature of the specifications for the pavement needed for the Project and the single local source available, GIAA does not believe that reissuance of a second IFB will result in additional bidders.

2. Pursuant to § 3102(c)(1)(C) of the Procurement Regulations, if there is only one bidder and the Head of the Purchasing Agency determines in writing that the need for the supply or service continues, but that the price of the one bid is not fair and reasonable and there is no time for re-solicitation or re-solicitation would likely be futile, the procurement may then be conducted under § 3112 of the Procurement Regulations (Sole Source Procurement).

a. There was only one bidder. GIAA initially procured the construction services for the Project through a competitive Invitation for Bid. Seventeen (17) firms/individuals picked up the IFB package, however, GIAA received only one bid in response from HRC.

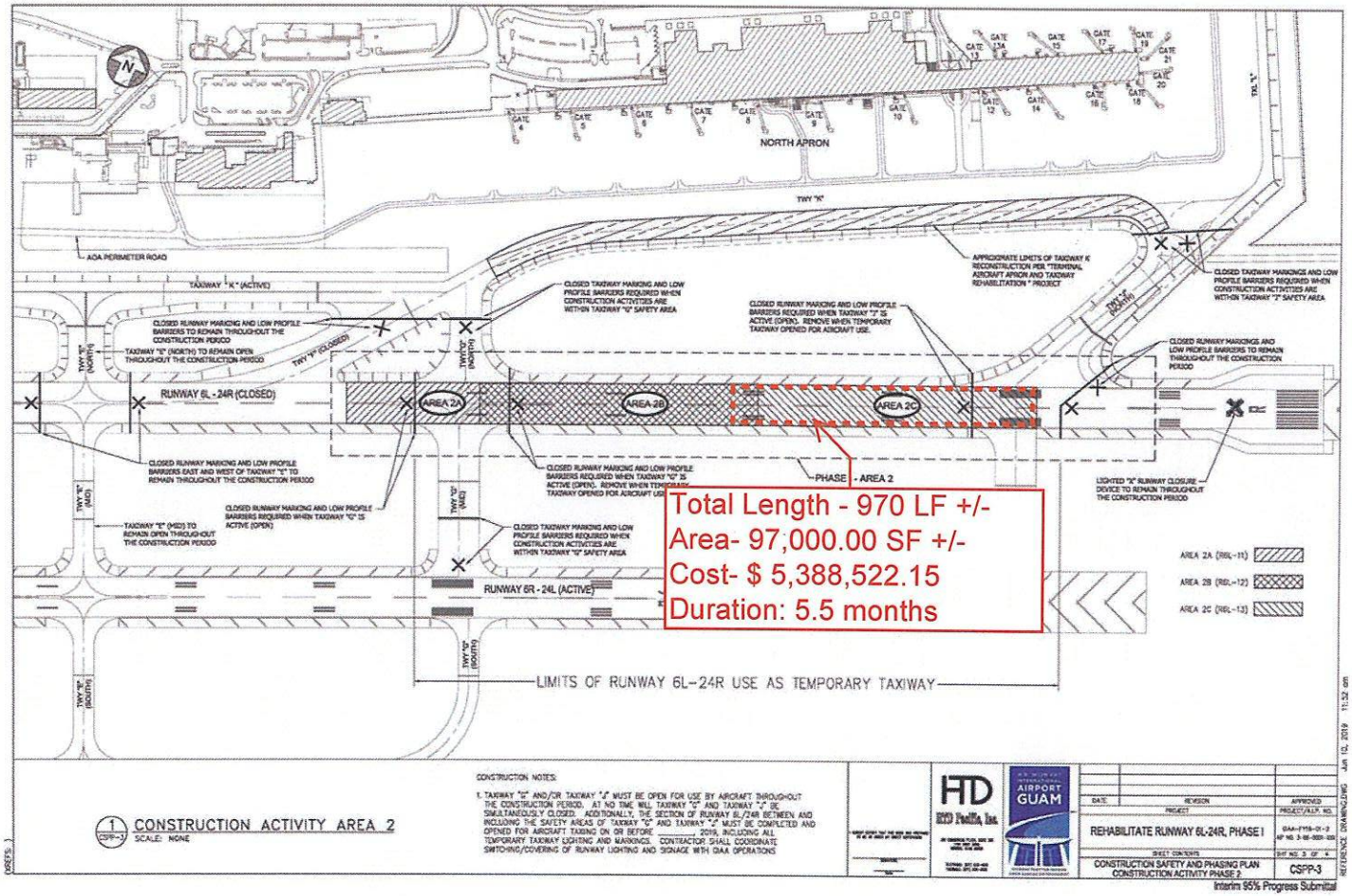
b. Need continues. Runway 6L/24R is in need of rehabilitation. Based on the applicable FAA indices for airfield pavement, Runway 6L/24R is in need of various levels of rehabilitation and reconstruction to satisfy FAA requirements.

c. The bid price exceeds available funding. HRC price bid exceeded the anticipated phased grant funding and cannot be determined to be fair and reasonable.

d. Rre-solicitation would likely be futile. Grant funding has recently been made available for Phase 1A construction services. Grant funding for Phase 1B is expected in June 2020. Certain areas of Runway 6L/24R are in urgent need of rehabilitation or reconstruction. In addition, delay of this Project to next fiscal year impacts scheduling of other FAA funded projects by delaying those projects as well. Further, to comply with FAA standards, the pavement specifications for Runway 6L/24R require a minimum value for VMA of 15, which cannot be sourced locally. GIAA is requesting for a modification of standards from the FAA to allow for a minimum value for VMA of 13, which would allow for use of locally-sourced aggregate. HRC owns the island's only asphalt pavement plant that can provide aggregate with a minimum value for VMA of 13. Because of the nature of the specifications for the pavement needed for the Project and the single local source available, GIAA does not believe that reissuance of a second IFB will result in additional bidders.

In view of the above, it is determined that sole source procurement is authorized pursuant to Sections 3102 and 3112 of the Guam Procurement Regulations.

By: _____
Thomas C. Ada
Executive Manager


NORTH APRON
TWY "K"
AOA PERIMETER ROAD
TAXIWAY "K" (ACTIVE)
RUNWAY 6L - 24R (CLOSED)
AREA 2A
AREA 2B
AREA 2C
PHASE - AREA 2
Total Length - 970 LF +/-
Area- 97,000.00 SF +/-
Cost- $ 5,388,522.15
Duration: 5.5 months
RUNWAY 6R - 24L (ACTIVE)
LIMITS OF RUNWAY 6L-24R USE AS TEMPORARY TAXIWAY
AREA 2A (REL-11)
AREA 2B (REL-12)
AREA 2C (REL-13)
CONSTRUCTION ACTIVITY AREA 2
SCALE: NONE
CONSTRUCTION NOTES:
1. TAXIWAY "G" AND/OR TAXIWAY "J" MUST BE OPEN FOR USE BY AIRCRAFT THROUGHOUT THE CONSTRUCTION PERIOD. AT NO TIME WILL TAXIWAY "G" AND TAXIWAY "J" BE SIMULTANEOUSLY CLOSED. ADDITIONALLY, THE SECTION OF RUNWAY 6L/24R BETWEEN AND INCLUDING THE SAFETY AREAS OF TAXIWAY "G" AND TAXIWAY "J" MUST BE COMPLETED AND OPENED FOR AIRCRAFT TAXING ON OR BEFORE _____, 2019, INCLUDING ALL TEMPORARY TAXIWAY LIGHTING AND MARKINGS. CONTRACTOR SHALL COORDINATE SWITCHING/COVERING OF RUNWAY LIGHTING AND SIGNAGE WITH GIAA OPERATIONS
HTD
HTD Pacific Inc.
AIRPORT GUAM
REHABILITATE RUNWAY 6L-24R, PHASE I
CONSTRUCTION SAFETY AND PHASING PLAN
CONSTRUCTION ACTIVITY PHASE 2
CSPP-3
Interim 95% Progress Submittal

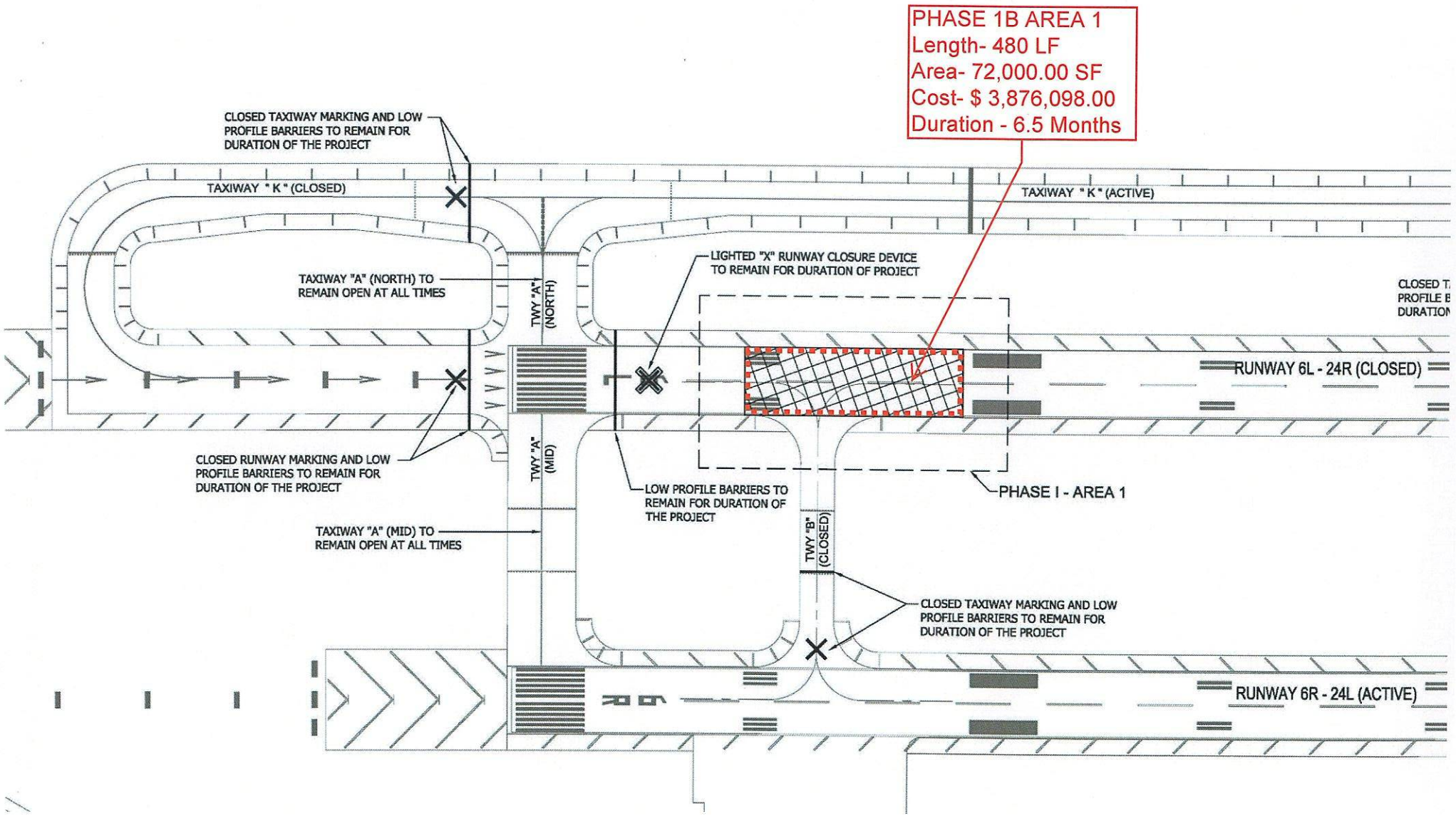
Appendix A - 4

# BID SCHEDULE

**BASE BID**

**(AREA 2 PAVEMENT SECTION R6L-11, R6L-12 and R6L-13)** 12/19/2019

| Pay Item Number | Description | PHASE 1B, Total Length - 970 LF | | |
|---|---|---|---|---|
| | | Est. Qty | Unit Cost | Total Cost |
| C-100 | Contractor Quality Control Program | 1 | 291,006.00 | $ 291,006.00 |
| C-102-5.1 | Temporary Air & Water Pollution, Soil Erosion and Siltation Control | 1 | 309,280.00 | $ 309,280.00 |
| C-105 | Mobilization | 1 | 452,605.00 | $ 452,605.00 |
| C-106-5.1 | Construction Safety & Security | 1 | 317,780.90 | $ 317,780.90 |
| P-101-5.1 | Pavement Removal | 9,424 | 78.00 | $ 735,072.00 |
| P-101-5.2 | Cold Milling | 0 | 790.00 | $ - |
| P-152-4.1 | Unclassified Excavation | 3,741 | 55.00 | $ 205,755.00 |
| P-154-5.1 | Subbase Course | 8,827 | 27.25 | $ 240,535.75 |
| P-209-5.1 | 10-Inch thick Crushed Aggregate Base Course | 8,063 | 58.00 | $ 467,654.00 |
| P-401-8.1 | 2-Inch Thick, Asphalt Surface Course | 0 | 160.00 | $ - |
| P-401-8.2 | 4-Inch Thick, Asphalt Surface Course | 7,592 | 75.00 | $ 569,400.00 |
| P-403-8.1 | 6-Inch Thick, Asphalt Mixture Base Course | 7,592 | 105.00 | $ 797,160.00 |
| P-501-8.1 | Portland Cement Concrete Pavement | 843 | 780.00 | $ 657,540.00 |
| P-620-5.1 | Obliterate Existing Pavement Markings | 65,850 | 3.00 | $ 197,550.00 |
| P-620-5.2a | Runway / Taxiway Pavement Marking | 15,324 | 4.00 | $ 61,296.00 |
| P-620-5.2b | Black Border (No Reflective Media) | 387 | 2.50 | $ 967.50 |
| P-620-5.3 | Temporary Taxiway Marking | 0 | 4.00 | $ - |
| P-620-5.4 | Obliterate Temporary Taxiway Marking | 0 | 3.00 | $ - |
| P-621-5.1 | Grooving | 8,492 | 10.00 | $ 84,920.00 |
| L-125 | Temporary Taxiway Lighting | 0 | 326,800.00 | $ - |
| | **Total:** | | | **$ 5,388,522.15** |




Doc. No. 35GL-20-2508.*

**PHASE 1B**
**(AREA 1 PAVEMENT SECTION R6L-02)**

| Pay Item Number | Description | Est. Qty | Unit | Unit Cost | Total Cost |
|---|---|---|---|---|---|
| C-100 | Contractor Quality Control Program | 1 | LS | 274,900.00 | $ 274,900.00 |
| C-102-5.1 | Temporary Air & Water Pollution, Soil Erosion and Siltation Control | 1 | LS | 120,500.00 | $ 120,500.00 |
| C-105 | Mobilization | 1 | LS | 292,231.00 | $ 292,231.00 |
| C-106-5.1 | Construction Safety & Security | 1 | LS | 161,617.00 | $ 161,617.00 |
| P-101-5.1 | Pavement Removal | 7,875.00 | SY | 78.00 | $ 614,250.00 |
| P-101-5.2 | Cold Milling | 734 | SY | 50.00 | $ 36,700.00 |
| P-152-4.1 | Unclassified Excavation | 2,500.00 | CY | 55.00 | $ 137,500.00 |
| P-154-5.1 | Subbase Course | 7,875.00 | SY | 15.00 | $ 118,125.00 |
| P-209-5.1 | 10-Inch thick Crushed Aggregate Base Course | 7,950.00 | SY | 58.00 | $ 461,100.00 |
| P-401-8.1 | 2-Inch Thick, Asphalt Surface Course | 140.00 | SY | 40.00 | $ 5,600.00 |
| P-401-8.2 | 4-Inch Thick, Asphalt Surface Course | 8,225.00 | SY | 76.00 | $ 625,100.00 |
| P-403-8.1 | 6-Inch Thick, Asphalt Mixture Base Course | 7,971.00 | SY | 112.00 | $ 892,752.00 |
| P-620-5.1 | Obliterate Existing Pavement Markings | 7,651.00 | SF | 3.00 | $ 22,953.00 |
| P-620-5.2a | Runway / Taxiway Pavement Marking | 8,210.00 | SF | 4.00 | $ 32,840.00 |
| P-621-5.1 | Grooving | 7,993.00 | SY | 10.00 | $ 79,930.00 |
| | | **Total:** | | | **$ 3,876,098.00** |

**ANTONIO B. WON PAT**
**INTERNATIONAL AIRPORT AUTHORITY, GUAM**
**BOARD OF DIRECTORS**
**EXECUTIVE SUMMARY**

# INVITATION FOR BID
# GIAA COOLING TOWER SUPPORT REHABILITATION AND REPAIR

**June 2, 2020**

## Purpose

Board action is requested to approve the bid award of the above project under the Invitation For Bid No. GIAA-C01-FY20.

## Background

The project is to provide construction work inclusive of all labor, materials, supplies and equipment for the GIAA Cooling Tower Support Rehabilitation and Repair project.

## Procurement Background

The solicitation announcement was advertised through a local newspaper on March 17 and 23, April 7, and May 1, 2020. The bid submission deadline and bid opening took place on May 15, 2020.

Twenty-Three (23) firms and/or individuals downloaded or purchased bid packages and four(4) firms submitted bids before the submission deadline. The firms were evaluated and all were determined to be responsive. As required by the Procurement Rules and Regulations, the bids were publicly opened and read aloud in the presence of the bidders and several GIAA representatives.

The submitted bids are presented below in the order it was received and opened:

| Bidder: | Total Bid Amount: |
|---|---|
| Sumitomo Mitsui Construction Co., Ltd. | $624,544.00 |
| JRN Air Conditioning & Refrigeration, Inc. | $441,610.51 |
| **IAN Corporation** | **$391,763.19** |
| BME & Sons, Inc. | $814,233.70 |

**Legal Review**

Upon receipt of the required performance and payment bonds, contract documents will be forwarded to legal counsel for review prior to execution and issuance of a Notice to Proceed.

**Financial Review**

The lowest total bid amount received was from IAN Corporation at $391,763.19, or 60% below the government estimate of $969,837.44. Because IAN Corporation's offer was so low as to appear unreasonable, the GIAA procurement office sought confirmation from IAN Corporation that its bid amount of $391,763.19 was in fact the amount it intended to offer. See 2 Guam Admin R. and Reg. Div. 4 § 3109(m)(3), "When the Procurement Officer knows or has reason to conclude that a mistake has been made, such officer should request the bidder to confirm the bid. Situations in which confirmation should be requested include obvious, apparent errors on the face of the bid or a bid unreasonably lower than the other bids submitted. If the bidder alleges mistake, the bid may be corrected or withdrawn if the conditions set forth in Subsections 3109(m)(4) through 3109(m)(6) of this Section are met." On May 20, 2020, GIAA sent a letter to IAN Corporation officially requesting it they confirm its total bid price amount. On May 28, 2020, IAN Corporation responded to GIAA's request for confirmation and stated "IAN Corporation's bid amount, submitted and revealed on May 15, 2020 was $391,763.19. IAN Corp. stands by this bid…."

Therefore, IAN Corporation's bid was determined to be responsive and they were deemed to have met the standards of responsibility as outlined in the Guam Procurement Regulations. Funding for this project is available under the CIP fund.

**Recommendation**

Management recommends the contract award of **$391,763.19** to **IAN Corporation**, who has been determined to have met the standards of responsibility and responsiveness outlined in Guam Procurement Regulation.

A.B. WON PAT INTERNATIONAL AIRPORT GUAM
ATURIDAT PUETTON BATKON AIREN GUAHAN ENTENASIONAT
P.O. Box 8770
Tamuning, GU 96931
Tel (671) 646-0300
Fax (671) 646-8823
www.guamairport.com
WE'RE ON IT 24/7

May 20, 2020

**MEMORANDUM**

TO: **THOMAS C. ADA**
EXECUTIVE MANAGER

FROM: **SUPPLY MANAGEMENT ADMINISTRATOR**

**SUBJECT:** **Bid Evaluation and Recommendation – Invitation For Bid ("IFB")**
GIAA Cooling Tower Support Rehabilitation and Repair,
IFB No. GIAA-C01-FY20

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**Procurement Background:**
The above referenced Invitation For Bid was publicly announced through a local newspaper on March 17 and 23, April 7, and May 1, 2020. The bid submission deadline and bid opening took place on May 15, 2020 at 2:20 p.m.

Twenty-Three (23) firms and/or individuals downloaded the bid package and four (4) firms submitted a bid prior to the bid submission deadline. The bids were opened publicly in the presence of several GIAA representatives. The bid offer was read aloud by the Supply Management Administrator and tabulated by Procurement staff.

The results of the submitted bids are as follows in the order it was received and opened:

| Bidder: | Total Bid Amount: |
|---|---|
| Sumitomo Mitsui Construction Co., Ltd. | $624,544.00 |
| JRN Air Conditioning & Refrigeration, Inc. | $441,610.51 |
| **IAN Corporation** | **$391,763.19** |
| BME & Sons, Inc. | $814,233.70 |

**Bid Analysis and Evaluation:**
Pursuant to Section 11 of the Instructions to Bidders, the contract is to be awarded, if it is to be awarded, to the responsible bidder with the lowest responsive bid, within the available funding for the project; and provided the bid is reasonable and is in the interest of GIAA to accept it. To determine the responsibility of bidders, the bid package specified the required documents that bidders must submit with their bid packages. The attached abstract illustrates the inventory of required documents and bidders' submittal. The government estimate for this project is at $969,837.44

**Sumitomo Mitsui Construction Co., Ltd.:** The firm submitted a total bid price $624,544.00 or 36% below the government estimate. The submitted Bidder's Qualification Statement form included lists of projects from 2014-2019 with resumes. The bidder submitted a copy of their Guam Contractor's License # C-0619-0550. All other required documents are complete and in conformance with the Invitation for Bid.

**JRN Air Conditioning & Refrigeration, Inc.:** The firm submitted a total bid price $441,610.51 or 55% below the government estimate. The submitted Bidder's Qualification Statement form included lists of projects from 2014-2019 with resumes. The bidder submitted a copy of their Guam Contractor's License # C-0619-0909. All other required documents are complete and in conformance with the Invitation for Bid.

**IAN Corporation**: The firm submitted a total bid price $391,763.19 or 60% below the government estimate. The submitted Bidder's Qualification Statement form included lists of projects from 2014-2019 with resumes. The bidder submitted a copy of their Guam Contractor's License # C-0519-0106. All other required documents are complete and in conformance with the Invitation for Bid.

**BME & Sons, Inc.:** The firm submitted a total bid price $814,233.70 or 16% below the government estimate. The submitted Bidder's Qualification Statement form included lists of projects from 2014-2019 with resumes. The bidder submitted a copy of their Guam Contractor's License # C-0419-0037. All other required documents are complete and in conformance with the Invitation for Bid.

**Recommendation:**
IAN Corporation's bid has been determined to be responsive and has been deemed to have met the standards of responsibility as set forth in the Guam Procurement Regulations. Subsequently, they have been determined to be the lowest responsible, responsive bidder.

Therefore, it is recommended that **IAN Corporation** be awarded the contract in the amount of **$391,763.19** for this project.

Should you have any questions, I am available at your request.

**HENRY M. CRUZ**

**APPROVED:**

**THOMAS C. ADA**
EXECUTIVE MANAGER

Attachment
cc: Admin/Proc/Eng

Invitation for Bid No: GIAA-C01-FY20

IFB Name:
**GIAA Cooling Tower Support Rehabilitation and Repair**

DESCRIPTION OF SUPPLIES OR SERVICES:
Rehabilitation and Repair of GIAA Terminal Cooling Towers

**Antonio B. Won Pat**
**International Airport Authority, Guam**
**BID ABSTRACT**
**DETERMINATION FOR PROPOSER'S RESPONSIVENESS/RESPONSIBLENESS**

Bid Submission Deadline
15-May-20
Opening Time
2:30 PM



No. of Packages Issued: 27

No. of Bids Received.

| | BIDDER'S NAME | Bid Form | Bid Schedule | Bid Security | Special Reminder to Prospective Bidders | Acknowledgement Receipt Form | Acknowledgement of All Addenda (A, B, C & D) | Declaration re Ownership & Commissions | Declaration re Non Collusion | Declaration re No Gratuities or Kickbacks | Declaration re Contingent Fees | Declaration re Ethical Standards | Declaration re Compliance with U.S. DOL Wage & Benefits Determination | PROCUREMENT USE ONLY |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | Sumitomo Mitsui | $624,574.0 ✓ | ✓ | BB 15% CW1 2009 ADD ✓ | - | - | ✓ | ✓ | ✓ | - | ✓ | - | ✓ | MET ALL REQUIREMENTS DEEMED RESPONSIVE & RESPONSIBLE / DID NOT MEET ALL REQUIREMENTS DEEMED NON-RESPONSIVE & NON-RESPONSIBLE; THEREFORE, PROPOSAL IS REJECTED |
| 2 | IRN Mech Refrig. | $441,610.51 - | - | BB $74,123.16 ~~$74,123.16~~ ✓ | - | - | - | - | - | - | - | - | - | MET ALL REQUIREMENTS DEEMED RESPONSIVE & RESPONSIBLE / DID NOT MEET ALL REQUIREMENTS DEEMED NON-RESPONSIVE & NON-RESPONSIBLE; THEREFORE, PROPOSAL IS REJECTED |
| 3 | IAN Corporation | $391,763.19 - | - | BB 15% | - | ✓ | ✓ | - | - | - | - | - | ✓ | MET ALL REQUIREMENTS DEEMED RESPONSIVE & RESPONSIBLE / DID NOT MEET ALL REQUIREMENTS DEEMED NON-RESPONSIVE & NON-RESPONSIBLE; THEREFORE, PROPOSAL IS REJECTED |
| 4 | BMC & Sons Inc. | $814,233.70 - | - | BB #221 15% | - | - | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | - | MET ALL REQUIREMENTS DEEMED RESPONSIVE & RESPONSIBLE / DID NOT MEET ALL REQUIREMENTS DEEMED NON-RESPONSIVE & NON-RESPONSIBLE; THEREFORE, PROPOSAL IS REJECTED |
| 5 | | | | | | | | | | | | | | MET ALL REQUIREMENTS DEEMED RESPONSIVE & RESPONSIBLE / DID NOT MEET ALL REQUIREMENTS DEEMED NON-RESPONSIVE & NON-RESPONSIBLE; THEREFORE, PROPOSAL IS REJECTED |
| 6 | | | | | | | | | | | | | | MET ALL REQUIREMENTS DEEMED RESPONSIVE & RESPONSIBLE / DID NOT MEET ALL REQUIREMENTS DEEMED NON-RESPONSIVE & NON-RESPONSIBLE; THEREFORE, PROPOSAL IS REJECTED |
| 7 | | | | | | | | | | | | | | MET ALL REQUIREMENTS DEEMED RESPONSIVE & RESPONSIBLE / DID NOT MEET ALL REQUIREMENTS DEEMED NON-RESPONSIVE & NON-RESPONSIBLE; THEREFORE, PROPOSAL IS REJECTED |
| 8 | | | | | | | | | | | | | | MET ALL REQUIREMENTS DEEMED RESPONSIVE & RESPONSIBLE / DID NOT MEET ALL REQUIREMENTS DEEMED NON-RESPONSIVE & NON-RESPONSIBLE; THEREFORE, PROPOSAL IS REJECTED |
| 9 | | | | | | | | | | | | | | MET ALL REQUIREMENTS DEEMED RESPONSIVE & RESPONSIBLE / DID NOT MEET ALL REQUIREMENTS DEEMED NON-RESPONSIVE & NON-RESPONSIBLE; THEREFORE, PROPOSAL IS REJECTED |
| 10 | | | | | | | | | | | | | | MET ALL REQUIREMENTS DEEMED RESPONSIVE & RESPONSIBLE / DID NOT MEET ALL REQUIREMENTS DEEMED NON-RESPONSIVE & NON-RESPONSIBLE; THEREFORE, PROPOSAL IS REJECTED |

I hereby certify that all bids received in response to this invitation were opened under my personal supervision, and that the names of all bidders have been entered hereon.

SIGNATURE

Henry M. Cruz, Supply Management Administrator

Invitation for Bid No: GIAA-C01-FY20

IFB Name:
**GIAA Cooling Tower Support Rehabilitation and Repair**

**Antonio B. Won Pat**
**International Airport Authority, Guam**
**BID ABSTRACT**
**DETERMINATION FOR PROPOSER'S RESPONSIVENESS/RESPONSIBLENESS**

Bid Submission Deadline:
15-May-20
Opening Time:
2:30 PM



No. of Packages Issued: 27
No. of Bids Received:

DESCRIPTION OF SUPPLIES OR SERVICES:
Rehabilitation and Repair of GIAA Termina Cooling Towers

| | BIDDER'S NAME | Designation of Subcontractors | Bidder's Qualification Statement | Bidder's Financial Statement | Title VI Solicitation Notice | Title VI Clauses for Non-Discrimination Compliance | Title VI List of Pertinent Non-Discrimination Authority | Form Contract Executed | Guam Contractor's License (Classification B) | PROCUREMENT USE ONLY |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | Sumitomo Mitsui Const | - | - | - | - | - | - | - | - | MET ALL REQUIREMENTS DEEMED RESPONSIVE & RESPONSIBLE / DID NOT NOT MEET ALL REQUIREMENTS DEEMED NON-RESPONSIVE & NON-RESPONSIBLE; THEREFORE, PROPOSAL IS REJECTED |
| 2 | HRN A/C & Refrig. | - | - | - | - | - | - | - | - | MET ALL REQUIREMENTS DEEMED RESPONSIVE & RESPONSIBLE / DID NOT NOT MEET ALL REQUIREMENTS DEEMED NON-RESPONSIVE & NON-RESPONSIBLE; THEREFORE, PROPOSAL IS REJECTED |
| 3 | IAN Corporation | - | - | received attached - | - | - | - | - | - | MET ALL REQUIREMENTS DEEMED RESPONSIVE & RESPONSIBLE / DID NOT NOT MEET ALL REQUIREMENTS DEEMED NON-RESPONSIVE & NON-RESPONSIBLE; THEREFORE, PROPOSAL IS REJECTED |
| 4 | BMS & Sons Inc. | - | - | - | - | - | - | - | - | MET ALL REQUIREMENTS DEEMED RESPONSIVE & RESPONSIBLE / DID NOT NOT MEET ALL REQUIREMENTS DEEMED NON-RESPONSIVE & NON-RESPONSIBLE; THEREFORE, PROPOSAL IS REJECTED |
| 5 | | | | | | | | | | MET ALL REQUIREMENTS DEEMED RESPONSIVE & RESPONSIBLE / DID NOT NOT MEET ALL REQUIREMENTS DEEMED NON-RESPONSIVE & NON-RESPONSIBLE; THEREFORE, PROPOSAL IS REJECTED |
| 6 | | | | | | | | | | MET ALL REQUIREMENTS DEEMED RESPONSIVE & RESPONSIBLE / DID NOT NOT MEET ALL REQUIREMENTS DEEMED NON-RESPONSIVE & NON-RESPONSIBLE; THEREFORE, PROPOSAL IS REJECTED |
| 7 | | | | | | | | | | MET ALL REQUIREMENTS DEEMED RESPONSIVE & RESPONSIBLE / DID NOT NOT MEET ALL REQUIREMENTS DEEMED NON-RESPONSIVE & NON-RESPONSIBLE; THEREFORE, PROPOSAL IS REJECTED |
| 8 | | | | | | | | | | MET ALL REQUIREMENTS DEEMED RESPONSIVE & RESPONSIBLE / DID NOT NOT MEET ALL REQUIREMENTS DEEMED NON-RESPONSIVE & NON-RESPONSIBLE; THEREFORE, PROPOSAL IS REJECTED |
| 9 | | | | | | | | | | MET ALL REQUIREMENTS DEEMED RESPONSIVE & RESPONSIBLE / DID NOT NOT MEET ALL REQUIREMENTS DEEMED NON-RESPONSIVE & NON-RESPONSIBLE; THEREFORE, PROPOSAL IS REJECTED |
| 10 | | | | | | | | | | MET ALL REQUIREMENTS DEEMED RESPONSIVE & RESPONSIBLE / DID NOT NOT MEET ALL REQUIREMENTS DEEMED NON-RESPONSIVE & NON-RESPONSIBLE; THEREFORE, PROPOSAL IS REJECTED |

I hereby certify that all bids received in response to this invitaiton were opened under my personal supervison, and that the names of all bidders have been entered hereon.

SIGNATURE

Henry M. Cruz, Supply Management Administrator

TABULATED BY

SIGNATURE

# ATTACHMENT C3

## DECLARATION DISCLOSING OWNERSHIP AND COMMISSIONS

A. I, the undersigned, declare that I am an authorized representative of the offeror and that *[please check only one]:*

[ ] The offeror is an individual or sole proprietor and owns the entire (100%) interest in the offering business.

[X] The offeror is a corporation, partnership, joint venture, or association known as *[please state name of offeror company]* IAN CORPORATION, and the persons, companies, partners, or joint venturers who have held more than 10% of the shares or interest in the offering business during the 365 days immediately preceding the submission date of the proposal are as follows *[if none, please so state]:*

| Name | Address | % of Interest |
|---|---|---|
| Ian J. Chong | 210 East Route 8<br>Barrigada, GU 96913 | 100% |
| | | |
| | | |

B. Further, I say that the persons who have received or are entitled to receive a commission, gratuity or other compensation for procuring or assisting in obtaining business related to the bid or proposal for which this declaration is submitted are as follows *[If none, please so state]:*

| Name | Address | Compensation |
|---|---|---|
| N/A | N/A | N/A |
| | | |
| | | |

C. If the ownership of the offering business should change between the time this declaration is made and the time an award is made or a contract is entered into, then I promise personally to update the disclosure required by 5 GCA §5233 by delivering another declaration to the government.

I declare under penalty of perjury under the laws of Guam (4 GCA Section 4308) that the foregoing is true and correct.

Signature of one of the following:
Offeror, if the offeror is an individual;
Partner, if the offeror is a partnership;
Officer, if the offeror is a corporation.

**THIS DECLARATION MUST BE COMPLETED AND RETURNED IN THE ENVELOPE CONTAINING THE BID.**

**ANTONIO B. WON PAT**
**INTERNATIONAL AIRPORT AUTHORITY, GUAM**
**BOARD OF DIRECTORS**
**EXECUTIVE SUMMARY**

**INVITATION FOR BID**
**LANDSCAPING AND PLANT RENTAL SERVICES**
**IFB NO. GIAA-004-FY20**

**June 2, 2020**

## Purpose

Board action is requested to approve the bid award for Landscaping and Plant Rental Services under the Invitation For Bid No. GIAA-004-FY20.

## Background

The project is to provide landscaping and plant rental services within the Main Terminal Building and Terminal Areas. The awarded bidder will be required to provide potted plants of different types and sizes to be displayed in the different areas of the Main Terminal Building.

The bid award provides a contract term of three (3) years. The contract may be renewed annually at GIAA's sole option for additional one-year period(s), not to exceed the total contract term of five (5) years.

## Procurement Background

The solicitation announcement was advertised through the local newspapers on April 14 and 21 and May 1, 2020. The bid submission deadline and bid opening took place on May 8, 2020.

Eleven (11) firms and/or individuals downloaded or purchased bid packages and two (2) firms submitted bids before the submission deadline. As required by the Procurement Law and Regulations, the bids were publicly opened and read aloud in the presence of several GIAA representatives. Upon further evaluation, the two (2) bids were deemed responsive and both bidders were determined to have met the standards of responsibility as set forth in the Guam Procurement Law and Regulations.

The following presents the results of the bid opening in the order in which they were received and opened:

| BIDDER: | Year 1: | Year 2: | Year 3: | TOTAL BID PRICE *(for 3-Year Initial Contract Term)*: |
|---|---|---|---|---|
| **SHIBY INC. dba Guahan Clean Master1** | **$119,976.00** | **$131,976.00** | **$143,976.00** | **$395,928.00** |
| JJ GLOBAL SERVICES | $176,535.24 | $176,535.24 | $176,535.24 | $529,605.72 |

## Legal Review

Upon approval of award, the contract will be processed in conformance with the Guam Procurement Law and Regulations.

## Financial Review

The total contract award for this bid is $395,928.00 for an initial term of three (3) years. The contract includes two (2) one (1)-year options to be exercised at the sole discretion of GIAA, not to exceed a total contract term of five (5) years. Funding for this contract is available under the Properties and Facilities O&M budget.

## Recommendation

Management recommends the contract award of **$395,928.00** to **Guahan Clean Master1** who has been determined to have met the standards of responsibility and responsiveness outlined in Guam Procurement Law and Regulations.

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P.O. Box 8770
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Tel (671) 646-0300
Fax (671) 646-8823
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May 19, 2020

**MEMORANDUM**

TO: **THOMAS C. ADA**
EXECUTIVE MANAGER

FROM: SUPPLY MANAGEMENT ADMINISTRATOR

**SUBJECT:** **BID EVALUATION AND RECOMMENDATION**
LANDSCAPING AND PLANT RENTAL SERVICES,
IFB NO. GIAA-004-FY20

---

**Procurement Background:**
The above referenced Invitation ForBid was publicly announced through the local newspapers on April 14 and 21 and May 1, 2020. The bid submission deadline and bid opening took place on May 8, 2020 at 2:15 p.m.

Eleven (11) firms and/or individuals downloaded or purchased the bid package and two (2) firms submitted bids before the bid submission deadline. The bid submittals were opened in the presence of several GIAArepresentatives. The bids were read aloud by the Supply Management Administrator and tabulated by the Procurement staff.

The following presents the results of the bid opening in the order in which they were received and opened:

| **BIDDER:** | **Year 1:** | **Year 2:** | **Year 3:** | **TOTAL BID PRICE** *(for 3-Year Initial Contract Term)*: |
|---|---|---|---|---|
| **SHIBY INC. dba Guahan Clean Master1** | **$119,976.00** | **$131,976.00** | **$143,976.00** | **$395,928.00** |
| JJ GLOBAL SERVICES | $176,535.24 | $176,535.24 | $176,535.24 | $529,605.72 |

Pursuant to Section 12 of the Instructions to Bidders, the contract will be awarded, if it is to be awarded, to the responsible bidder the lowest bid based on the Total Bid Price, provided the bid is reasonable and is in the best interest of GIAA to accept it. To determine the responsibility of bidders, the bid package specified the required documents that bidders must submit with their bid packages. The attached abstract illustrates the inventory of required documents and bidders' submittal.

***SHIBY INC. dba Guahan Clean Masters1:*** The firm submitted a bid in the amount of $395,928.00 (total for 3 years). All other documents were complete and in conformance with the Invitation For Bid.

***JJ Global Services:*** The firm submitted a bid in the amount of $529,605.72. All other documents were complete and in conformance with the Invitation For Bid.

**Recommendation:**
Pursuant to the guidelines in Section 12 of the Instruction to Bidders, the award of contract will bemade to the responsible bidder with the lowest bid based on the Total Bid Price, provided the bid is reasonable and is in the best interest of GIAA.

Guahan Clean Master1's bid has been deemed responsive. Furthermore, it has been determined that Guahan Clean Master1 has met the standards of responsibility as set forth in the Guam Procurement Law and Regulations. Therefore, it is recommended that **Guahan Clean Master1** be awarded the Landscaping and Plant Rental Services contract in the amount of **$395,928.00** for an initial term of three (3) years with two (2) one (1)-year options to be exercised at the sole discretion of GIAA, not to exceed the total contract term of five (5) years.

Should you have any questions or concerns, I am available at your request.

**HENRY M. CRUZ**

**APPROVED:**

**THOMAS C. ADA**
EXECUTIVE MANAGER

Attachment

cc: Acct/Proc//P&F

Invitation for Bid No: GIAA-004-FY20

IFB Name:
**LANDSCAPING AND PLANT RENTAL SERVICES**

DESCRIPTION OF SUPPLIES OR SERVICES:
Landscaping and Plant Rental Services

**Antonio B. Won Pat**
**International Airport Authority, Guam**
**BID ABSTRACT**
**DETERMINATION FOR BIDDER'S RESPONSIVENESS/RESPONSIBLENESS**

Bid Submission Deadline:
8-May-20
Opening Time:
10:30 AM



No. of Packages Issued: 14

No. of Bids Received: 2

| | BIDDER'S NAME | Bid Form / Bid Item No. 1 (Year 1(a), Year 2 (b) & Year 3 (c) | TOTAL BID PRICE (AGGREGATE TOTAL OF (3) - YEAR INITIAL (CONTRACT TERM) (d) | Bid Security | Declaration re Ownership & Commissions | Declaration re Non-Collusion | Declaration re No Gratuities or Kickbacks | Declaration re Contingent Fees | Declaration re Ethical Standards | Declaration re Compliance with L & DOL Wage & Benefits Determination | Designation of Subcontractors | Bidder's Qualification Statement | Bidder's Financial Statement | Title VI Solicitation Notice | Local Procurement Preference Application | Service Disabled Veteran Owned Business Application |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | Graham Cleaning | YEAR 1: $ 119,976. –<br>YEAR 2: $ 131,976. –<br>YEAR 3: $ 143,976. – | $395,928. – | BB# KLC-15275.B 15% | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| 2 | JJ Global Services | YEAR 1: $ 176,535.24<br>YEAR 2: $ 176,535.24<br>YEAR 3: $ 176,535.24 | $529,605.72 | BB# 05083020 15% | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| 3 | | YEAR 1:<br>YEAR 2:<br>YEAR 3: | | | | | | | | | | | | | | |
| 4 | | YEAR 1:<br>YEAR 2:<br>YEAR 3: | | | | | | | | | | | | | | |
| 5 | | YEAR 1:<br>YEAR 2:<br>YEAR 3: | | | | | | | | | | | | | | |
| 6 | | YEAR 1:<br>YEAR 2:<br>YEAR 3: | | | | | | | | | | | | | | |
| 7 | | YEAR 1:<br>YEAR 2:<br>YEAR 3: | | | | | | | | | | | | | | |
| 8 | | YEAR 1:<br>YEAR 2:<br>YEAR 3: | | | | | | | | | | | | | | |
| 9 | | YEAR 1:<br>YEAR 2:<br>YEAR 3: | | | | | | | | | | | | | | |
| 10 | | YEAR 1:<br>YEAR 2:<br>YEAR 3: | | | | | | | | | | | | | | |

I hereby certify that all bids received in response to this invitation were opened under my personal supervision, and that the names of all bidders have been entered hereon.

SIGNATURE

Henry M. Cruz, Supply Management Administrator

TABULATED BY:

SIGNATURE

Invitation for Bid. **GIAA-004-FY20**

IFB Name:
**Landscaping and Plant Rental Services**

**Antonio B. Won Pat**
**International Airport Authority, Guam**
**BID ABSTRACT**

Bid Submission Deadline: **8-May-20**
Opening Time: **10:30 AM**



No. of Packages Issued: 14

No. of Bids Received: 2

**DETERMINATION FOR PROPOSER'S RESPONSIVENESS/RESPONSIBLENESS**

**DESCRIPTION OF SUPPLIES OR SERVICES:**
Landscaping and Plant Rental Services

| | BIDDER'S NAME | Executed Contract | Guam Business License | Acknowledge Receipt of IFB | Addenda (A & B) | Special Reminder to Prospective Biddeers | PROCUREMENT USE ONLY |
|---|---|---|---|---|---|---|---|
| 1 | Guahan Cleaning Masters | ✓ | ✓ | ✓ | ✓ | ✓ | ☐ MET ALL REQUIREMENTS DEEMED RESPONSIVE & RESPONSIBLE<br>☐ DID NOT NOT MEET ALL REQUIREMENTS DEEMED NON-RESPONSIVE &<br>NON-RESPONSIBLE; THEREFORE, PROPOSAL IS REJECTED |
| 2 | JJ Global Services | ✓ | ✓ | ✓ | ✓ | ✓ | ☒ MET ALL REQUIREMENTS DEEMED RESPONSIVE & RESPONSIBLE<br>☐ DID NOT NOT MEET ALL REQUIREMENTS DEEMED NON-RESPONSIVE &<br>NON-RESPONSIBLE; THEREFORE, PROPOSAL IS REJECTED |
| 3 | | | | | | | ☐ MET ALL REQUIREMENTS DEEMED RESPONSIVE & RESPONSIBLE<br>☐ DID NOT NOT MEET ALL REQUIREMENTS DEEMED NON-RESPONSIVE &<br>NON-RESPONSIBLE; THEREFORE, PROPOSAL IS REJECTED |
| 4 | | | | | | | ☐ MET ALL REQUIREMENTS DEEMED RESPONSIVE & RESPONSIBLE<br>☐ DID NOT NOT MEET ALL REQUIREMENTS DEEMED NON-RESPONSIVE &<br>NON-RESPONSIBLE; THEREFORE, PROPOSAL IS REJECTED |
| 5 | | | | | | | ☐ MET ALL REQUIREMENTS DEEMED RESPONSIVE & RESPONSIBLE<br>☐ DID NOT NOT MEET ALL REQUIREMENTS DEEMED NON-RESPONSIVE &<br>NON-RESPONSIBLE; THEREFORE, PROPOSAL IS REJECTED |
| 6 | | | | | | | ☐ MET ALL REQUIREMENTS DEEMED RESPONSIVE & RESPONSIBLE<br>☐ DID NOT NOT MEET ALL REQUIREMENTS DEEMED NON-RESPONSIVE &<br>NON-RESPONSIBLE; THEREFORE, PROPOSAL IS REJECTED |
| 7 | | | | | | | ☐ MET ALL REQUIREMENTS DEEMED RESPONSIVE & RESPONSIBLE<br>☐ DID NOT NOT MEET ALL REQUIREMENTS DEEMED NON-RESPONSIVE &<br>NON-RESPONSIBLE; THEREFORE, PROPOSAL IS REJECTED |
| 8 | | | | | | | ☐ MET ALL REQUIREMENTS DEEMED RESPONSIVE & RESPONSIBLE<br>☐ DID NOT NOT MEET ALL REQUIREMENTS DEEMED NON-RESPONSIVE &<br>NON-RESPONSIBLE; THEREFORE, PROPOSAL IS REJECTED |
| 9 | | | | | | | ☐ MET ALL REQUIREMENTS DEEMED RESPONSIVE & RESPONSIBLE<br>☐ DID NOT NOT MEET ALL REQUIREMENTS DEEMED NON-RESPONSIVE &<br>NON-RESPONSIBLE; THEREFORE, PROPOSAL IS REJECTED |
| 10 | | | | | | | ☐ MET ALL REQUIREMENTS DEEMED RESPONSIVE & RESPONSIBLE<br>☐ DID NOT NOT MEET ALL REQUIREMENTS DEEMED NON-RESPONSIVE &<br>NON-RESPONSIBLE; THEREFORE, PROPOSAL IS REJECTED |

I hereby certify that all bids received in response to this invitaiton were opened under my personal supervison, and that the names of all bidders have been entered hereon.

SIGNATURE

Henry M. Cruz, Supply Management Administrator

TABULATED BY:

SIGNATURE

## DECLARATION DISCLOSING OWNERSHIP AND COMMISSIONS

A. I, the undersigned, declare that I am an authorized representative of the offeror and that *[please check only one]*:

[ ] The offeror is an individual or sole proprietor and owns the entire (100%) interest in the offering business.

[✓] The offeror is a corporation, partnership, joint venture, or association known as *[please state name of offeror company]* SHIBY INC. dba: Guahan Clean Master] and the persons, companies, partners, or joint venturers who have held more than 10% of the shares or interest in the offering business during the 365 days immediately preceding the submission date of the proposal are as follows *[if none, please so state]*:

| Name | Address | % of Interest |
|---|---|---|
| ROWENA S. THOMAS | P.O Box 9306 Dededo, Guam 96929 | 100% |
| | | |
| | | |

B. Further, I say that the persons who have received or are entitled to receive a commission, gratuity or other compensation for procuring or assisting in obtaining business related to the bid or proposal for which this declaration is submitted are as follows *[If none, please so state]*:

| Name | Address | Compensation |
|---|---|---|
| N/A | N/A | N/A |
| | | |
| | | |

C. If the ownership of the offering business should change between the time this declaration is made and the time an award is made or a contract is entered into, then I promise personally to update the disclosure required by 5 GCA §5233 by delivering another declaration to the government.

I declare under penalty of perjury under the laws of Guam (4 GCA Section 4308) that the foregoing is true and correct.

ARLENE T. TAN
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: JULY 28, 2021
P.O. Box 9343 Dededo, Guam 96929

05 - 06 - 2020

Signature of one of the following:
Offeror, if the offeror is an individual;
Partner, if the offeror is a partnership;
Officer, if the offeror is a corporation.

**THIS DECLARATION MUST BE COMPLETED AND RETURNED IN THE ENVELOPE CONTAINING THE BID.**

**ANTONIO B. WON PAT INTERNATIONAL AIRPORT AUTHORITY, GUAM**
**BOARD OF DIRECTORS**

**EXECUTIVE SUMMARY**

**REQUEST FOR PROPOSAL NO. RFP-004-FY20**
**ARCHITECTURAL, ENGINEERING AND SURVEYING SERVICES**

June 2, 2020

## Purpose

Board action is requested to approve the ranking results and award for Request for Proposal No. RFP-004-FY20 for Architectural, Engineering and Surveying Services ("RFP").

## Background

The referenced RFP solicits proposals from professional firms and/or individuals to provide architectural, engineering and surveying services on an as-needed basis. GIAA may award more than one contract under this RFP.

## Procurement Background

The RFP was advertised in the local newspapers on May 5, 11 and 14, 2020. The established deadline to submit proposals was May 21, 2020, 4 p.m.

A total of twenty-nine (29) firms showed their interest by obtaining the RFP package and sixteen (16) firms responded by submitting their proposals before the submission deadline.

After receipt of all proposals, an Evaluation Committee was established to perform an independent evaluation of the proposals to determine the best qualified offeror. The proposals were evaluated based on the point system assigned for each criteria identified in the RFP package.

## Proposal Analysis and Evaluation

The Evaluation Committee appointed by me completed their evaluations of the sixteen (16) proposals based on the evaluation criteria set forth in the RFP. The score sheets were gathered and tabulated by the Procurement Office and the evaluation results in the order of ranking are as follows:

1. Offeror E
2. Offeror F
3. Offeror P
4. Offeror K
5. Offeror B

6. Offeror A
7. Offeror I
8. Offeror C
9. Offeror L
10. Offeror O
11. Offeror J
12. Offeror H
13. Offeror N
14. Offeror M
15. Offeror G
16. Offeror D

Offeror C:
Offeror C was inadventently not added to the offeror registry. Because of this clerical oversight by the GIAA Procurement Office, Offeror C was not provided with a copy of Addendum A and therefore, Offeror C's proposal did not include an acknowledgement of receipt of Addendum A with its proposal.

It is apparent that this was a clerical mistake made by GIAA in failing to log Offeror C on the official offeror registry. This mistake has been determined to be immaterial and does not affect price, quantity, quality, delivery, or contractual conditions.

Additionally, allowing for submission of Offeror C's Acknowledgement of Addendum A does not prejudice the other offerors. Pursuant to 2 GAR Div. 4 § 3114(i), GIAA will therefore request that Offeror C correct this immaterial mistake and submit an acknowledgement of receipt of Addendum A.

Offeror N:
Offeror N was inadventently not added to the offeror registry. Because of this clerical oversight by the GIAA Procurement Office, Offeror N was not provided with a copy of Addendum A and therefore, Offeror N's proposal did not include an acknowledgement of receipt of Addendum A with its proposal.

It is apparent that this was a clerical mistake made by GIAA in failing to log Offeror N on the official offeror registry. This mistake has been determined to be immaterial and does not affect price, quantity, quality, delivery, or contractual conditions.

Additionally, allowing for submission of Offeror N's Acknowledgement of Addendum A does not prejudice the other offerors. Pursuant to 2 GAR Div. 4 § 3114(i), GIAA will therefore request that Offeror N correct this immaterial mistake and submit an acknowledgement of receipt of Addendum A.

## Legal Review

Upon Board approval, a contracts will be forwarded to Legal Counsel for review and approval as to form. The term of the contracts is for a period of three (3) years with additional two (2) one (1) year option years to be exercised at the sole discretion of GIAA, not to exceed a total contract period of five (5) years and subject to the availability of funding.

## Financial Review

The Architectural, Engineering and Surveying Services contracts will be funded under the Engineering Division's O&M Budget.

## Recommendation

I recommend the Board approve the ranking results and contract award to all **Offerors** for the Architectural, Engineering and Surveying Services contract, subject to negotiation of fair and reasonable fees to be submitted by the offerors at a time and in a format determined by GIAA.

A.B. WON PAT INTERNATIONAL AIRPORT GUAM
ATURIDAT PUETTON BATKON AIREN GUAHAN ENTENASIONAT
P.O. Box 8770
Tamuning, GU 96931
Tel (671) 646-0300
Fax (671) 646-8823
www.guamairport.com
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May 29, 2020

**MEMORANDUM**

TO: THOMAS C. ADA
**EXECUTIVE MANAGER**

FROM: **SUPPLY MANAGEMENT ADMINISTRATOR**

**SUBJECT:** **EVALUATION AND RECOMMENDATION - REQUEST FOR PROPOSAL (RFP)**
ARCHITECTURAL, ENGINEERING AND SURVEYING SERVICES, RFP NO. RFP-004-FY20

The referenced Request for Proposal ("RFP") solicits proposals from firms and/or individuals to provide professional architectural, engineering and surveying services for the Antonio B. Won Pat International Airport Authority, Guam ("GIAA"). The RFP was advertised in the local newspapers on May 5, 11, and May 14, 2020. The deadline to submit proposals was established for May 21, 2020.

A total of Twenty-Nine (29) firms and/or individuals downloaded or purchased the RFP package and sixteen (16) firms submitted proposals before the submission deadline.

**Proposal Review for Responsiveness**

The sixteen (16) proposals were reviewed to determine responsiveness, that is, whether or not the offerors submitted all the documents required by the RFP.

Offeror A:
Submitted all required documentation. Proposal was determined to be responsive.

Offeror B:
Submitted all required documentation. Proposal was determined to be responsive.

Offeror C:
Offeror C was inadventently not added to the offeror registry. Because of this clerical oversight by the GIAA Procurement Office, Offeror C was not provided with a copy of Addendum A and therefore, Offeror C's proposal did not include an acknowledgement of receipt of Addendum A with its proposal.

It is apparent that this was a clerical mistake made by GIAA in failing to log Offeror C on the official offeror registry. This mistake has been determined to be immaterial and does not affect price, quantity, quality, delivery, or contractual conditions.

Additionally, allowing for submission of Offeror C's Acknowledgement of Addendum A does not prejudice the other offerors. Pursuant to 2 GAR Div. 4 § 3114(i), GIAA will therefore request that Offeror C correct this immaterial mistake and submit an acknowledgement of receipt of Addendum A.

AMERICAN ASSOCIATION OF AIRPORT EXECUTIVES
AIRPORTS COUNCIL INTERNATIONAL
NASAO National Association of State Aviation Officials
TIACA THE INTERNATIONAL AIR CARGO ASSOCIATION

Offeror D:
Submitted all required documentation. Proposal was determined to be responsive.

Offeror E:
Submitted all required documentation. Proposal was determined to be responsive.

Offeror F:
Submitted all required documentation. Proposal was determined to be responsive.

Offeror G:
Submitted all required documentation. Proposal was determined to be responsive.

Offeror H:
Submitted all required documentation. Proposal was determined to be responsive.

Offeror I:
Submitted all required documentation. Proposal was determined to be responsive.

Offeror J:
Submitted all required documentation. Proposal was determined to be responsive.

Offeror K:
Submitted all required documentation. Proposal was determined to be responsive.

Offeror L:
Submitted all required documentation. Proposal was determined to be responsive.

Offeror M:
Submitted all required documentation. Proposal was determined to be responsive.

Offeror N:
Offeror N was inadventently not added to the offeror registry. Because of this clerical oversight by the GIAA Procurement Office, Offeror N was not provided with a copy of Addendum A and therefore, Offeror N's proposal did not include an acknowledgement of receipt of Addendum A with its proposal.

It is apparent that this was a clerical mistake made by GIAA in failing to log Offeror N on the official offeror registry. This mistake has been determined to be immaterial and does not affect price, quantity, quality, delivery, or contractual conditions.

Additionally, allowing for submission of Offeror N's Acknowledgement of Addendum A does not prejudice the other offerors. Pursuant to 2 GAR Div. 4 § 3114(i), GIAA will therefore request that Offeror N correct this immaterial mistake and submit an acknowledgement of receipt of Addendum A.

Offeror O:
Submitted all required documentation. Proposal was determined to be responsive.

Offeror P:
Submitted all required documentation. Proposal was determined to be responsive.

## Evaluation and Selection

Pursuant to Section 10: Selection of Best Qualified Offeror and Proposal of Basic Information of the RFP, after receipt of all proposals, the GIAA Evaluation Committee established by the Executive Manager shall conduct an independent evaluation of the proposals based on the evaluation criteria set forth in the RFP for the purpose of determining if the offerors have met the standards of responsibility outlined in the Guam Procurement Law & Regulations.

The evaluation committee established by management was comprised of the following individuals:

1. Victor J. Cruz, Engineering Supervisor
2. Antonio O. Laniog, Jr., Engineer III
3. Elpidio C. Antenor, Engineer III

The committee completed their evaluations of the sixteen (16) proposals based on the evaluation criteria set forth in the RFP. The scores were tabulated as reflected on the attached summary worksheet. As a result of our tabulation, the firms selected in the order of their ranking are as follows:

1. Offeror E
2. Offeror F
3. Offeror P
4. Offeror K
5. Offeror B
6. Offeror A
7. Offeror I
8. Offeror C
9. Offeror L
10. Offeror O
11. Offeror J
12. Offeror H
13. Offeror N
14. Offeror M
15. Offeror G
16. Offeror D

Attached for your reference is the summary of the committee's evaluation scores based on the evaluation criteria set forth in the RFP.

## Recommendation

Pursuant to Section 10: Selection of Best Qualified Offeror and Proposal of Basic Information of the RFP, "GIAA reserves the right to award the **Architectural, Engineering and Surveying Services** Agreement to more than one (1) of the top-ranked responsible, responsive Offerors based on the ranking of the Offerrors.

It is recommended to the Executive Manager to allow Offerors C and N to correct the apparent clerical mistakes of failing to submit an acknowledged Addendum A. These mistakes are immaterial and does not affect price, quantity, quality, delivery, or contractual conditions. Additionally, allowing for this correction does not prejudice other proposers.

If the above-noted immaterial mistakes in Offeror C and N's proposals are allowed to be corrected, all firms

will be deemed to have met the standards of responsibility and responsiveness outlined in the Guam Procurement Regulations.

Therefore, it is recommended to approve the ranking results and the contract award to all **Offerors** for Architectural, Engineering and Surveying Services, subject to negotiation of fair and reasonable fees. The term of the contracts to be awarded is for a period of three (3) years with additional two (2) one (1) year option years to extend at the sole discretion of GIAA, not to exceed a total contract term of five (5) years and subject to the availability of funding.

Should you have any questions or would like to discuss this matter further, I am available at your request.

**HENRY M. CRUZ**

**APPROVED:**

**THOMAS C. ADA**
EXECUTIVE MANAGER

**Attachments**

cc: Evaluation Committee / Procurement File

Antonio B. Won Pat International Airport Authority, Guam

# Evaluation Score Tally Sheet

## RFP No. RFP-004-FY20

## ARCHITECTURAL ENGINEERING AND SURVEYING SERVICES

| OFFEROR | Evaluator 1 | | Evaluator 2 | | Evaluator 3 | | Final Ranking |
|---|---|---|---|---|---|---|---|
| | Score | Rank | Score | Rank | Score | Rank | |
| E | 88 | 0.50 | 84 | 2.00 | 86 | 0.50 | 1 |
| F | 81 | 4.00 | 85 | 1.00 | 83 | 2.50 | 2 |
| P | 77 | 6.30 | 82 | 3.33 | 86 | 0.50 | 3 |
| K | 77 | 6.30 | 82 | 3.33 | 83 | 2.50 | 4 |
| B | 88 | 0.50 | 80 | 6.16 | 80 | 5.50 | 5 |
| A | 84 | 2.00 | 80 | 6.16 | 82 | 5.00 | 6 |
| I | 83 | 3.00 | 82 | 3.33 | 79 | 7.16 | 7 |
| C | 79 | 5.00 | 83 | 3.00 | 79 | 7.16 | 8 |
| L | 77 | 6.30 | 80 | 6.16 | 79 | 7.16 | 9 |
| O | 71 | 11.00 | 80 | 6.16 | 80 | 5.50 | 10 |
| J | 76 | 10.00 | 78 | 12.25 | 79 | 7.16 | 11 |
| H | 76 | 10.00 | 80 | 6.16 | 77 | 13.33 | 12 |
| N | 75 | 12.00 | 78 | 12.25 | 79 | 7.16 | 13 |
| M | 74 | 13.00 | 80 | 6.16 | 77 | 13.33 | 14 |
| G | 67 | 16.00 | 78 | 12.25 | 79 | 7.16 | 15 |
| D | 72 | 14.00 | 78 | 12.25 | 77 | 13.30 | 16 |

| Evaluators: |
|---|
| No. 1: Victor J. Cruz, Engineering Supervisor |
| No. 2: Antonio O. Laniog, Jr., Engineer III |
| No. 3: Elpidio C. Antenor, Engineer III |

**ANTONIO B. WON PAT INTERNATIONAL AIRPORT AUTHORITY, GUAM**
**BOARD OF DIRECTORS**

**EXECUTIVE SUMMARY**

**REQUEST FOR PROPOSAL NO. RFP-003-FY20**
**LEGAL SERVICES (RE-SOLICITATION)**

June 2, 2020

## Purpose

Board action is requested to approve the ranking results and award for Request for Proposal No. RFP-003-FY20 for Legal Services (Re-Solicitation) ("RFP").

## Background

The referenced RFP solicits proposals from professional firms and/or individuals to provide professional expertise in all legal activities and representations such as, but not limited to, litigations, provide professional opinions, legal interpretations, research, for and on behalf of GIAA Management and its Board of Directors.

## Procurement Background

The RFP was advertised in the local newspapers on April 24, 28, and May 1, 2020. The established deadline to submit the proposals was May 8, 2020, 4 p.m.

A total of seven (7) firms showed their interest by obtaining the RFP package and two (2) firms responded by submitting their proposal before the submission deadline.

## Proposal Analysis and Evaluation

The Evaluation Committee appointed by me completed their evaluations of the two (2) proposals based on the evaluation criteria set forth in the RFP. The score sheets were gathered and tabulated by the Procurement Office and the evaluation results in the order of ranking are as follows:

1. Offeror A
2. Offeror B

## Legal Review

Upon Board approval, a contract will be forwarded to Legal Counsel for review and approval as to form. The term of the contract is for a period of two (2) years with additional three (3) one (1) year option years to be exercised at the sole discretion of GIAA, not to exceed a total contract period of five (5) years and subject to the availability of funding.

## Financial Review

The **Legal Services** contract will be funded under the Administration Division's O&M Budget.

## Recommendation

On May 29, 2020, GIAA sent a letter notifying Offeror A that they were determined to be the highest ranked offeror and requesting a fee proposal. On June 1, 2020, GIAA received requested fee proposal from Offeror A. On June 2, 2020, a negotiations meeting was held with Offeror A and the GIAA Negotiations Committee where it was determined that the fees were consistent with the scope of work presented in the RFP and that they were fair and reasonable.

Therefore, I recommend the Board approve the ranking results and the contract award to **Offeror A** for the **Legal Services** contract, subject to approval by the Office of the Attorney General of Guam.

A.B WON PAT INTERNATIONAL AIRPORT GUAM
ATURIDAT PUETTON BATKON AIREN GUAHAN ENTENASIONAT
P.O. Box 8770
Tamuning, GU 96931
Tel (671) 646-0300
Fax (671) 646-8823
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May 29, 2020

**MEMORANDUM**

TO: **THOMAS C. ADA**
EXECUTIVE MANAGER

FROM: **SUPPLY MANAGEMENT ADMINISTRATOR**

**SUBJECT:** **EVALUATION AND RECOMMENDATION - REQUEST FOR PROPOSAL (RFP)**
LEGAL SERVICES (RE-SOLICITATION), RFP NO. RFP-003-FY20

The referenced Request for Proposal ("RFP") solicits proposals from firms and/or individuals to provide professional legal services for the Antonio B. Won Pat International Airport Authority, Guam ("GIAA"). The RFP was advertised in the local newspapers on April 24, 28, and May 1, 2020. The deadline to submit proposals was established for May 8, 2020.

A total of seven (7) firms and/or individuals downloaded the RFP package and two (2) firms submitted proposals before the submission deadline.

**Proposal Review for Responsiveness**

The two (2) proposals were reviewed to determine responsiveness, that is, whether or not the offerors submitted all the documents required by the RFP.

Offeror A:

Proposal was determined to be responsive.

Offeror B:

Proposal was determined to be responsive.

**Evaluation and Selection**

Pursuant to Section 8: Selection of Best Qualified Offeror and Proposal of Basic Information of the RFP documents, after receipt of all proposals, the GIAA Evaluation Committee established by the Executive Manager shall conduct an independent evaluation of the proposals based on the evaluation criteria set forth in the RFP for the purpose of determining if the offerors have met the standards of responsibility outlined in the Guam Procurement Law & Regulations.

The evaluation committee established by management was comprised of the following individuals:

1. John M. Quinata, Deputy Executive Manager
2. Victor J. Cruz, Engineering Supervisor
3. Ken McDonald, Properties & Facilities Superintendent

The committee completed their evaluations of the two (2) proposals based on the evaluation criteria set forth in the RFP. The scores were tabulated as reflected on the attached summary worksheet. As a result of our tabulation, the firms selected in the order of their ranking are as follows:

AMERICAN ASSOCIATION OF AIRPORT EXECUTIVES
AIRPORTS COUNCIL INTERNATIONAL
NASAO National Association of State Aviation Officials
TIACA THE INTERNATIONAL AIR CARGO ASSOCIATION

1. Offeror A
2. Offeror B

Attached for your reference is the summary of the committee's evaluation scores based on the evaluation criteria set forth in the RFP.

**Recommendation**

Pursuant to Section 8; Selection of Best Qualified Offeror and Proposal of Basic Information of the RFP documents, "GIAA reserves the right to award the **Legal Services** Agreement to one (1) or more firm(s) and/or individual(s) based on the Offerors' qualification ranking, subject to negotiations and mutual agreement of reasonable rates."

As a result of our review of the submitted required documents, all offerors have been deemed to have met the standards of responsibility outlined in the Guam Procurement Law & Regulations.

Therefore, it is recommended to approve the ranking results and the contract award to **Offeror A** for **Legal Services**, subject to negotiation of fair and reasonable fees and approval by the Office of the Attorney General of Guam. The term of the contract to be awarded is for a period of two (2) years with additional three (3) one (1) year option years to be exercised at the sole discretion of GIAA, not to exceed a total contract term of five (5) years and subject to the availability of funding.

Should you have any questions, I am available at your request.

**HENRY M. CRUZ**

**APPROVED:**

**THOMAS C. ADA**
EXECUTIVE MANAGER

**Attachments**

cc: Evaluation Committee / Procurement File

Antonio B. Won Pat International Airport Authority, Guam

# Evaluation Score Tally Sheet

## RFP No. RFP-003-FY20

## LEGAL SERVICES (RE-SOLICITATION)

| OFFEROR DESIGNATION | Evaluator 1 | | Evaluator 2 | | Evaluator 3 | | Final Ranking |
|---|---|---|---|---|---|---|---|
| | Score | Rank | Score | Rank | Score | Rank | |
| OFFEROR A | 98 | 1 | 88 | 2 | 99 | 1 | 1 |
| OFFEROR B | 96 | 2 | 95 | 1 | 96 | 2 | 2 |

| Evaluators: |
|---|
| No. 1: John M. Quinata, Deputy Executive Manager |
| No. 2: Victor J. Cruz, Engineering Supervisor |
| No. 3: Ken McDonald, Properties & Facilities Superintendent |

**ANTONIO B. WON PAT**
**INTERNATIONAL AIRPORT AUTHORITY, GUAM**
**BOARD OF DIRECTORS**
**EXECUTIVE SUMMARY**

**REQUEST FOR PROPOSALS, RFP NO. RFP-002-FY20**
**AIRPORT BUSINESS AND FINANCE CONSULTANT**

June 2, 2020

**Purpose**

Board action is requested to approve the ranking results based on the evaluation process performed through Request for Proposals (RFP) No. GIAA-002-FY20 for Airport Business and Finance Consultant.

**Background**

The referenced RFP solicited proposals from qualified firms and/or individuals to provide business and finance consulting services for GIAA, advising and assisting GIAA management and Board with regard to industry matters, financial issues, planning, regulatory requirements, GIAA policies and procedures, capital improvement projects, and other related matters. The selected consultant will be under the general supervision and direction of the Executive Manager.

**Procurement Background**

The above referenced RFP was advertised via a local newspaper on March 5, 9, and 13 and April 21, 2020. The established deadline to submit proposals was April 24, 2020 at 4 p.m.

A total of fourteen (14) firms and/or individuals showed their interest by obtaining the RFP package and one (1) firm responded by submitting its proposal before the established deadline.

After receipt of all proposals, an Evaluation Committee was established to perform an independent evaluation of the proposals to determine the best qualified offeror. The sole proposal was evaluated based on the point system assigned for each criteria identified in the RFP package.

The Evaluation Committee has completed their evaluations and the score sheets were gathered and tabulated by the Procurement Office. The evaluation results in the order of ranking are as follows:

1. Offeror A

**Legal Review**

Upon Board approval, a contract will be forwarded to Legal Counsel for review and approval as to form. The term of the contract is for three (3) years with two (2) one (1)-year options to be exercised at the sole discretion of GIAA, not to exceed a total of five (5) years and subject to the availability of funding.

**Financial Review**

The Airport Business and Finance Consultant contract will be funded under the Administration Division's O & M Budget.

**Recommendation**

On May 29, 2020, GIAA sent a letter notifying Offeror A, the sole proposer, that they were determined to be the highest ranked offeror and requesting a fee proposal. Offeror A submitted requested fee proposal on June 1, 2020. On June 2, 2020, a negotiations meeting was held between Offeror A and the GIAA Negotiations Committee where Offeror A's revised fees (reduction in fees over various line items) was determined to be consistent with the scope of work presented in the RFP and that they were fair and reasonable.

Therefore, it is recommended that the Board approve the ranking results and the contract award to **Offeror A** as the highest ranked and sole offeror, that has met and exceeded the requirements set for in the RFP for the **Airport Business and Finance Consultant** contract.

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P.O. Box 8770
Tamuning, GU 96931
Tel (671) 646-0300
Fax (671) 646-8823
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May 21, 2020

**MEMORANDUM**

TO: THOMAS C. ADA
**EXECUTIVE MANAGER**

FROM: **SUPPLY MANAGEMENT ADMINISTRATOR**

**SUBJECT:** **EVALUATION AND RECOMMENDATION - REQUEST FOR PROPOSAL (RFP)**
AIRPORT BUSINESS AND FINANCE CONSULTANT, RFP NO. GIAA-002-FY20

The referenced Request for Proposal (RFP) solicits interest from qualified firms and/or individuals to provide business and finance consulting services for GIAA, advising and assisting GIAA management and Board with regard to industry matters, financial issues, planning, regulatory requirements, GIAA policies and procedures, capital improvement projects, and other related matters. The advertisement for this RFP was published in a local newspaper on March 5, 9, and 13 and April 21, 2020. The deadline to submit proposals was established at April 24, 2020 at 4 p.m.

A total of fourteen (14) firms and/or individuals downloaded or purchased the RFP package and one (1) firmsubmitted a proposalbefore the submission deadline.

**Evaluation and Selection**

Pursuant to Section 8 of Basic Information of the RFP documents, after receipt of all proposals, the GIAA Evaluation Committee conducted an independent evaluation for the purpose of selecting the most responsive and responsible offeror based on the evaluation criteria set forth in the RFP. The committee appointed by the Executive Manager to evaluate the proposals included the following:

1. John M. Quinata, Deputy Executive Manager
2. Victor Cruz, Engineering Supervisor
3. Ken McDonald, Properties & Facilities Superintendent

The committee completed their evaluation and the scores were tabulated as reflected on the attached summary worksheet. As a result of our tabulation, the firms selected in the order of their ranking are as follows:

1. Offeror A

## Recommendation

Based on the tabulation of the proposers' ranking, it is determined that **OfferorA**, the sole offeror, ranked number one as the best qualified firm to perform the required services in accordance with the criteria set forth in the RFP. As a result of our review of the submitted required documents, the firm has been deemed to have met the standards of responsibility and responsiveness outlined in the Guam Procurement Law & Regulations.

Therefore, as the highest ranked and sole offeror, that has met and exceeded the requirements set forth in the RFP for the **Airport Business and Finance Consultant**, it is recommended that the ranking results and the contract award to **Offeror A** be approved, subject to negotiation of fair and reasonable fees.

Attached is the summary of the committee's evaluation scores based on the evaluation criteria set forth in the RFP for your reference. Should you have any questions, I am available at your request.

**HENRY M. CRUZ**

**APPROVED:**

**THOMAS C. ADA**
EXECUTIVE MANAGER

Attachments

cc: Evaluation Committee
Procurement File

Antonio B. Won Pat International Airport Authority, Guam

## Evaluation Score Tally Sheet

**RFP No. RFP-002-FY20**

**AIRPORT BUSINESS AND FINANCE CONSULTANT**

| OFFEROR DESIGNATION | Evaluator 1 | | Evaluator 2 | | Evaluator 3 | | Final Ranking |
|---|---|---|---|---|---|---|---|
| | Score | Rank | Score | Rank | Score | Rank | |
| Offeror A | 99 | 1 | 100 | 1 | 97 | 1 | 1 |

| Evaluators: |
|---|
| No. 1: John M. Quinata, Deputy Executive Manager |
| No. 2: Victor J. Cruz, Engineering Supervisor |
| No. 3: Kenneth F. McDonald, Properties & Facilities Superintendent |

*I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN*
**2020 (SECOND) REGULAR SESSION**

Bill No. _____

Introduced By: _____

**AN ACT TO AMEND § 1216OF ARTICLE 2, CHAPTER 1, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE ISSUANCE OF REVENUE BONDS OF THE A.B. WON PAT INTERNATIONAL AIRPORT AUTHORITY, GUAM, TO REFUND ALL OR A PORTION OF ITS OUSTANDING GENERAL REVENUE BONDS, 2013 SERIES B, AND 2013 SERIES C.**

**BE IT ENACTED BY THE PEOPLE OF GUAM:**

**Section 1. Legislative Findings and Intent.***I Liheslaturan Guahan* that 12 GCA §1216 provides that Antonio B. Won Pat International Airport Authority, Guam (the "Authority"), is authorized to incur indebtedness by the issuance of general revenue bonds for the purpose of refunding any general revenue bonds of the Authority then outstanding.

12 GCA § 1208 provides that no general revenue bonds of the Authority shall be issued unless authorized by the Board of the Authority in a bond resolution adopted by it and approved by *I Maga'hagan Guahan* and unless *I Liheslaturan Guahan* approves the terms and conditions of the bonds.

12 GCA §50103 of Title 12 of the Guam Code Annotated provides that public corporations of the government of Guam, including the Authority, shall issue bonds and other obligations only by means of, and through the agency of the Guam Economic Development Authority ("GEDA"), and that GEDA shall not sell any bond

without the approval by *I Liheslaturan Guahan* of the terms and conditions of the bonds.

Based on low interest rates and current market conditions, the Authority expects to be able to refundall or a portion of its outstanding General Revenue Bonds, 2013 Series A, General Revenue Bonds, 2013 Series B (the "2013 Series B Bonds"),and/or its General Revenue Bonds, 2013 Series C (the "2013 C Bonds" and, together with the 2013 Series B Bonds, the "2013 Bonds") for debt service savings.

Therefore, in order to benefit the airport and the tourism industry that depends on the airport, *I Liheslaturan Guahan*intends to approve the issuance of revenue bonds by the Authority to refund all or a portion of its 2013 Bonds, all subject to approval by *I Maga'hagan Guahan* and the Board of Directorsof GEDA in accordance with law.

**Section 2. A new subsection (d) to § 1216 to Chapter 1, Title 12, Guam Code Annotated is hereby added as follows:**

"(d) *I Liheslaturan Guahan*, pursuant to §1208(a) and §50103(k) of Title 12 of the Guam Code Annotated, hereby approves the terms and conditions of the issuance of general revenue bonds by the Authority for the purpose of refunding all or a portion of the Authority's outstanding General Revenue Bonds, 2013 Series B and/or its General Revenue Bonds, 2013 Series B (hereinthe "2013 Bonds"),in accordance with the following requirements, limitations, terms and conditions:

(1) All obligation of the Authority to pay debt service on, and the redemption price of, the 2013 Bondsrefundedshall be discharged concurrently with the issuance of the refunding bonds. Thereafter, such2013 Bonds shall be payable solely from and secured solely by an escrow established for such purpose in accordance with the Authority's existing bond indenture or otherwise shall be redeemed on the closing date of the refunding bonds.

(2) Such bonds shall be issued and sold in compliance with the provisions of Article 2 of Chapter 1 of Title 12 of the Guam Code Annotated, including approval of the bond resolution by the Board of Directors of the Authority and by *I Maga'hagan Guahan* as provided therein.

(3) The sale of the bonds shall be approved by the Board of Directors of GEDA as provided by Chapter 50 of Title 12 of the Guam Code Annotated.

(4) The debt service savings resulting from the issuance of the refunding bonds shall be not less than an amount equal to two percent (2%) of the principal amount of the 2013 Bondsrefunded. Debt service savings is defined for this purpose to be the amount by which the present value of debt service on the 2013 Bonds exceeds the present value of debt service on the refunding bonds, using the yield on the refunding bonds as the discount rate for purposes of calculating present value.

(5) Such refunding bonds shall have a principal amount or principal amounts sufficient to provide funds for the payment of all or a portion of the 2013 Bondsrefunded, and in addition, for the payment of all expenses incident to the calling, retiring or paying of such 2013 Bonds and the issuance of such refunding bonds, including:

(A) the difference in amount between the par value of the refunding bonds and any amount less than par for which the refunding bonds are sold;

(B) any amount necessary to be made available for the payment of interest upon such refunding bonds from the date of sale thereof to the date of payment of the 2013 Bonds or to the date upon which the 2013 Bonds will be paid pursuant to the call thereof or agreement with the holders thereof;

(C) the premium, if any, necessary to be paid in order to call or retire the 2013 Bonds and the interest accruing thereon to the date of the call or retirement; and

(D) any additional amount needed to provide for a deposit to the debt service reserve in connection with the issuance of the refunding bonds.

[(6) The provisions of §1216(c) of Article 2, Chapter 1, Title 12, Guam Code Annotated,and Section 3 of Public Law 35-33 shall apply to the refunding bonds authorized by this Act.]

**Section 3. Severability**. The provisions outlined in this Act are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this statute, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this statute or the validity of its application to other persons or circumstances.

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Fax (671) 646-8823
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May 29, 2020

**MEMORANDUM**

**To:** Mr. Brian Bamba
Chairman
GIAA Board of Directors

**From:** John A. Rios
Comptroller

**Subject:** **Operating Results – Revenues and Expenses as of April 30, 2020**

Attached herewith is GIAA's Operating Results Report for the month ending April 30, 2020. This report summarizes the Budgeted versus Actual Revenues and Expenses for the month and year-to-date results ended April 30, 2020.

The key operating results for 7 month(s) of FY2020 ending April 30, 2020 – (in $000's) are

| CATEGORY | Actual FY20 Current Month | Budget FY20 Y-T-D | Actual FY20 Y-T-D | % Variance Budget vs. Actual Y-T-D Current Month |
|---|---|---|---|---|
| Total Signatory Revenues | $ 347.5 | $ 20,180.4 | $ 16,034.0 | -20.5% |
| Total Concession Revenues | $ 1,197.2 | $ 10,348.2 | $ 10,215.6 | -1.3% |
| Total PFC's | $ (116.2) | $ 4,585.7 | $ 3,166.0 | -31.0% |
| Total Other Revenues | $ 707.5 | $ 9,049.9 | $ 8,684.6 | -4.0% |
| Total Operating Revenues | $ 2,136.0 | $ 44,164.2 | $ 38,100.1 | -13.7% |
| Total Operating Expenses | $ 2,982.7 | $ 31,320.0 | $ 26,037.1 | -16.9% |
| Net Revenues from Operations | $ (846.7) | $ 12,844.2 | $ 12,063.0 | -6.1% |
| Non-Operating Expenses | $ 161.7 | $ 800.0 | $ 701.2 | -12.4% |
| Other Available Moneys/Other sources of funds | $ 529.9 | $ 3,942.6 | $ 3,883.1 | -1.5% |
| **Net Debt Service Coverage** | **(0.18)** | **1.13** | **1.10** | **-2.2%** |

AMERICAN ASSOCIATION OF AIRPORT EXECUTIVES
AIRPORTS COUNCIL INTERNATIONAL
NASAO National Association of State Aviation Officials
TIACA THE INTERNATIONAL AIR CARGO ASSOCIATION

Year-to-date Total Signatory Revenues for the month ending April 30, 2020 are **below** budgeted revenues by **-20.5%.** Signatory revenue estimates are based on projections submitted by Signatory airlines and adopted in the annual budget.

Year-to-date Total Concession Revenues are **-1.3% below** budget while Passenger Facility Charges are **below** the budget estimate by **-31.0%.**

Year-to-date Total Other Revenues, inclusive of non-signatory and non-airlines revenues, are **below** the budget estimate by **4.0%.**

Year-to-date Total Operating Revenues actual of **$38.1M** is **-13.7% below** the budget estimate of **$44.2M**.

Year-to-date Total Operating Expenses are **below** budget by **-16.9%.** Components of this line item include a **-2.7%** decrease in Personnel Service, a **-19.7%** decrease in Contractual Services, a **-75.0%** decrease in Materials & Supplies and a **-100.0%** decrease in Equipment/Furnishings from budgeted amounts for these respective categories.

The actual year-to-date Net Revenues from Operations of **$12.1M** represents a **-6.1%** decrease over the year-to-date budgeted amount of **$12.8M**.

Finally, our year-to-date results for Debt Service Coverage is at **1.10** versus the requirement of **1.25.**

Should you have any questions, please contact me at your convenience.

Attachments

Cc: Board of Directors
Executive Manager
Deputy Executive Manager
Airport Services Manager

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P.O. Box 8770
Tamuning, GU 96931
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# MINUTES OF THE SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE A.B. WON PAT INTERNATIONAL AIRPORT AUTHORITY, GUAM
## Monday, June 15, 2020, 4:00 p.m.
## GIAA TERMINAL CONFERENCE ROOM #3

### 1. CALL TO ORDER AND ATTENDANCE

The June 15, 2020 special meeting of the Board of Directors of the A.B. Won Pat International Airport Authority, Guam ("GIAA" or the "Authority") was called to order by Chairman Bamba at 4:04 p.m. at the GIAA Terminal Conference Room #3, 355 Chalan Pasaheru, Tamuning, Guam, 96913.

| **Directors Present:** | **Offices or positions:** |
|---|---|
| Brian J. Bamba (Via VTC) | Chairman |
| Gurvinder Sobti (Via VTC) | Vice Chairman |
| Donald I. Weakley | Board Secretary |
| Lucy M. Alcorn (Via VTC) | |
| Zenon E. Belanger | |
| Doyon A. Morato (Via VTC) | |
| Rosie R. Tainatongo | |

**Directors Absent:**
None

| **GIAA Officials:** | |
|---|---|
| Thomas C. Ada | Executive Manager |
| John M. Quinata | Deputy Executive Manager |
| Jean M. Arriola | Airport Services Manager |
| Edward Muna | Air Terminal Manager, Acting |
| Raymond Mantanona | Chief, ARFF |
| Victor Cruz | Engineering Supervisor |
| Antoniette Bautista | Accounting Supervisor |
| Joseph Javellana | Program Coordinator IV |
| Henry Cruz | Supply Management Administrator |
| | |
| Phillip Torres, Esq. | GIAA Conflicts Counsel |
| Frank R. Santos | GIAA Consultant |

Chairman Bamba welcomed Airport tenants, stakeholders, and members of the public who are noted in a sign-in sheet attached to these minutes.

Chairman Bamba announced that he would like to recuse himself from the remainder of the meeting due to a previously declared conflict of interest with the firm to be discussed, and

asked that Vice Chairman Sobti preside over the meeting. The Chairman excused himself from the meeting.

Vice Chairman Sobti announced that he would also like to recuse himself from the remainder of the meeting due to a conflict of interest with the firm to be discussed and asked that Board Secretary, Donald Weakley preside over the meeting. The Vice Chairman excused himself from the meeting.

Acting Chairman, Donald Weakley now presides over the meeting.

## 2. APPROVAL OF AGENDA

Motion to approve the agenda as presented duly made by Director Belanger, seconded by Director Tainatongo; motion unanimously passed.

## 3. OLD BUSINESS

**A.** Approval of Award for Legal Services - RFP No. RFP-003-FY20

At this time Executive Manager Ada recommended that in order for the Board to have a better understanding of the referenced matter, the Board should table the Approval of Award for Legal Services - RFP No. RFP-003-FY20, recess the Special Board meeting, and reconvene on Thursday, June 18, 2020 at 4:00 p.m. The Executive Manager added that Management will make themselves available should the Board have any questions on the matter. The Board had no objections.

After further discussion, on motion duly made by Director Belanger, seconded by Director Tainatongo, the following resolution was unanimously approved:

**Resolution No. 20-47**

The June 15, 2020 Special Meeting of the Board of Directors of A.B. Won Pat International Airport Authority, Guam is hereby adjourned until Thursday, June 18, 2020 at 4:00 p.m., to reconvene at the GIAA conference room, 355 Chalan Pasaheru, Tamuning, Guam 96913.

The meeting recessed at 4:24 p.m.

Dated this 29th, day of June, 2020.

Brian J. Bamba
Chairman

Attest:

Donald I. Weakley
Board Secretary

Prepared and Submitted By:

_____

Amanda O'Brien-Rios
Corresponding Secretary

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ATURIDAT PUETTON BATKON AIREN GUAHAN ENTENASIONAT

P.O. Box 8770
Tamuning, GU 96931
Tel (671) 646-0300
Fax (671) 646-8823
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# BOARD OF DIRECTORS SPECIAL MEETING
## 4:00 p.m., Monday, June 15, 2020
## GIAA TERMINAL CONFERENCE ROOM #3

Public Notice
First Notice:
The Daily Post – June 8, 2020
Notice to Media – June 8, 2020

Second Notice:
The Daily Post – June 11, 2020
Notice to Media – June 11, 2020

## AGENDA

1. Call to Order and Attendance
2. Approval of Agenda
3. Old Business
   - **A.** Approval of Award for Legal Services - RFP No. RFP-003-FY20
4. Adjournment

AMERICAN ASSOCIATION OF AIRPORT EXECUTIVES
AIRPORTS COUNCIL INTERNATIONAL
NASAO National Association of State Aviation Officials
IACA THE INTERNATIONAL AIR CARGO ASSOCIATION

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# A.B. WON PAT INTERNATIONAL AIRPORT AUTHORITY, GUAM
## Board of Directors Special Meeting
## 4:00 p.m., Monday, June 15, 2020
## GIAA Terminal Conference Room #3

### SIGN-IN SHEET

| | PRINT NAME | | COMPANY/AGENCY |
|---|---|---|---|
| 1. | Phillip TORRES | Phil Torres | TLG |
| 2. | Henry Crm | | GIAA |
| 3. | JEAN ARMOLA | | GIAA |
| 4. | ANTONIETTE BAUTISTA | | GIAA |
| 5. | J.B. Javellana | | |
| 6. | VICTOR J. CRUZ | | GIAA |
| 7. | Raymond Montemayor | | ARFF |
| 8. | Kevin Kerrigan (Via telephone) | | Pacific News Center |
| 9. | | | |
| 10. | | | |
| 11. | | | |
| 12. | | | |
| 13. | | | |
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| 17. | | | |
| 18. | | | |
| 19. | | | |
| 20. | | | |

CURRENCY EXCHANGE RATES
**On Jun. 5, $1 was worth:**

Keep posted and get more data and details online. Log on to see real time market data with our stock market tool at postguam.com/stock_market.

| 47.747 PHP₱ | 117.35 JPY¥ | 1,210.91 KRW₩ | 33.569 TWD NT$ | 33.569 CNY¥ | 1.4556 AUD A$ | 0.9188 EUR € |
|---|---|---|---|---|---|---|

# Pandemic aid assists reopenings at mall

**By Lannie Walker**
lannie@postguam.com

Tenants at local shopping centers are struggling as the island makes a shaky attempt at reopening stores and restaurants during the COVID-19 pandemic.

At the Micronesia Mall, Phil Schrage, senior vice president of group operations and leasing at Goodwind Development Corp., the mall's parent company, said 120 tenants have received benefits under the mall's COVID-19 Assistance Program.

Tenants that were not in default were not charged rent during the time the mall was closed by government order from March 20 through May 10. Rent discounts were extended to tenants not in default for the months of May, June and July.

"I can say that we are glad to have been able to extend meaningful assistance to our tenants during these challenging times," Schrage told The Guam Daily Post on Friday.

Of the 120 mall tenants who have received the assistance, all but three have reopened, according to Schrage.

"Even though the mall has reopened, the discounted rent and fees will continue to help our valued stores and restaurants," said Schrage.




**MICRONESIA MALL:** *Shoppers wait in line to shop at the ROSS store at Micronesia Mall in Dededo on Sunday, May 24. David Castro/The Guam Daily Post*

# Fewer hours, less pay, more anxiety greet returning workers

**By Tony Romm and Jacob Bogage**
The Washington Post

The local library near McHenry, Ill., is slashing Helaine Oleksy's hours.

At a country club near Latrobe, Pennsylvania, Claudia Martin is worried whether she'll earn enough in tips to make ends meet.

And at a luxury hotel in Miami, Iracema Arrieta is cleaning more rooms than usual – without much of a boost to her pay.

As millions of Americans return to work amid the worst economic crisis in a generation, they're unexpectedly discovering their old positions are far more burdensome than they used to be. Their hours have been cut, their pay has been slashed and their responsibilities are now magnitudes greater. And their job security – despite President Donald Trump's recent proclamations about an economy on the mend – remains anything but guaranteed.

New economic data released Friday has fueled the White House's fresh optimism, as the official U.S. jobless rate unexpectedly declined, with the official rate at 13.3% in May from 14.7% in April. Over the same period, the country also added more than 2.5 million jobs, the Labor Department said, shocking experts who had expected a worsening in the market as a result of the deadly coronavirus pandemic.

But economists contend the federal indicators mask a far grimmer reality at a time when millions of Americans still face the prospect of prolonged unemployment. For those who did maintain their old jobs, newly unfavorable conditions have left many workers trading one set of anxieties for another, now fearful for their financial and physical safety.

"People are coming back to work in jobs that are very different than they were three months ago," said Robert Scott, a senior economist at the left-leaning Economic Policy Institute. "They're very risky and there's a lot of uncertainty about what's to come. There's a rocky road ahead, and a lot of work on the economy left to be done."

While roughly 30 million Americans are receiving unemployment benefits, some are retaking their old jobs as their states start to reopen. Their return to the workplace coincides with improving employment figures in hard-hit sectors such as retail and hospitality, said Nick Bunker, the economic research director for the job-listing site Indeed, who described the numbers as a sign of a "partial bounce back." The data offers early, encouraging news, suggesting federal programs had helped in preventing even more widespread, lasting unemployment, experts said.

At the same time, though, Bunker [illegible] was a higher-than-expected spike in part-time employment, one of a few indicators that "suggests there has not been a full return to work" for some people. Indeed also found that the highest rate of job growth has occurred within the lowest-wage industries, including some food and beverage stores, raising questions about the extent to which some Americans may be falling behind financially.

Still, top Trump administration officials heartily celebrated Friday's jobs numbers. "Millions of Americans are still out of work, and the department remains focused on bringing Americans safely back to work and helping states deliver unemployment benefits to those who need them," Labor Secretary Eugene Scalia said in a statement Friday. "However, it appears the worst of the coronavirus' impact on the nation's job markets is behind us."

### 'It's not working for many'

For workers in some of those jobs, their headaches actually are just beginning.

When the weather turns warm, and the golfers hit the courses in Pennsylvania, Claudia Martin typically gets back to work at her local country club in the southwestern corner of the state. The 66-year-old Latrobe resident puts in roughly 30 hours a week each season, bartending and helping out with administrative office tasks, supplementing her monthly Social Security check.

But the coronavirus greatly threatened the club's operations, and Martin's hours have been halved since she returned to work just this week. "It's significantly less," she said of her resulting pay, threatening her ability to save for the offseason when the club is closed and she is out of work.

"The money I earned in tips, I would put away to help me get through the winter," Martin said, later adding: "The economy is working for some people. But it's not working for many lower-wage workers."

The Honorable
Lourdes A. Leon Guerrero
Governor

The Honorable
Joshua F. Tenorio
Lt. Governor

**PUBLIC NOTICE**

The Board of Directors of the A.B. Won Pat International Airport Authority, Guam (GIAA) will convene a Special Board meeting on Monday, June 15, 2020 at 4:00 p.m. in Terminal Conference Room No. 3 to discuss Approval of Award for Legal Services - RFP No. RFP-003-FY20. In light of COVID19 public health emergency, GIAA will adhere to social distancing orders. For those who wish to participate telephonically, please call 642-4717 or email arios@guamairport.net for further information. Parking is available in the Public Parking Lot.

For special accommodations or agenda items, please call the Board Office at 642-4717/18.

(This ad paid for by GIAA)

**SENATOR THERESE M. TERLAJE**
*I Mina'trentai Singko na Liheslaturan Guåhan*
35th Guam Legislature

**Committee on Health, Tourism, Historic Preservation, Land and Justice**

**VIRTUAL PUBLIC HEARINGS • Monday, June 15, 2020 • Beginning at 9:00AM**

~9:00 a.m. AGENDA~

- Informational Forum on the *Right to Self-Defense on Guam*
- Bill 47-35 (COR)- Joe S. San Agustin- AN ACT TO AMEND §§ 7.111 AND 7.112 OF ARTICLE 5; AND § 7.86(b)(2)(A) OF ARTICLE 4, ALL OF CHAPTER 7, TITLE 9, GUAM CODE ANNOTATED; RELATIVE TO EXPANDING THE "CASTLE DOCTRINE" JUSTIFICATION FOR ACTS OF SELF DEFENSE AND ELIMINATING THE REQUIREMENT OF RETREATING BEFORE THE USE OF FORCE IN THE FACE OF IMMINENT DANGER.
- Bill No. 137-35 (COR) - James. C. Moylan- AN ACT TO AMEND ARTICLE 7 OF CHAPTER 80, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE HORMONE OR ANTI-ANDROGEN TREATMENT PROGRAM, ALSO KNOWN AS "CHEMICAL CASTRATION" FOR CONVICTED SEX OFFENDERS.

If you would like to provide testimony during virtual hearings, and if you require special accommodations, please register with the Office of Senator Therese M. Terlaje via email at senatorterlajeguam@gmail.com or 472-3586 no later than June 11, 2020. Further guidance to be provided.

The hearing will broadcast on GTA Ch. 21, Docomo Channel 117/60.4 and streamed live at http://www.guamlegislature.com/live_feed.htm and on the Guam Legislatures YouTube Channel https://www.youtube.com/channel/UCWGC3ELFeriK7HtSuf70tyg

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~2:00 p.m. AGENDA~

- Bill No. 277-35 (COR) - Committee on Rules / By request of I Maga'hågan Guåhan, the Governor of Guam, in accordance with the Organic Act of Guam. AN ACT TO ADD A NEW ARTICLE 5 TO CHAPTER 4, TITLE 19 OF THE GUAM CODE ANNOTATED AND TO RECODIFY 18 GCA §90113 AS A NEW §4502 THEREOF, RELATIVE TO ESTABLISHING CRIMINAL LIABILITY FOR FAILURE OF A PARENT OR LEGAL GUARDIAN TO EXERCISE REASONABLE CARE, SUPERVISION, PROTECTION, AND CONTROL OVER THEIR MINOR CHILD WHEN SUCH ACT OR OMISSION PERMITS OR ENCOURAGES THE MINOR CHILD TO COMMIT A FELONY OR MISDEMEANOR CRIME.
- Bill No. 310-35 (COR) – Telena C. Nelson – AN ACT TO ADD A NEW CHAPTER 93 TO TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO HOLDING PARENTS ACCOUNTABLE FOR THE HARMFUL ACTIONS OF THEIR CHILDREN SHALL BE CITED AS THE "PARENT ACCOUNTABILITY ACT OF 2020."
- Bill No. 275-35 (COR) - Committee on Rules / By request of I Maga'hågan Guåhan, the Governor of Guam, in accordance with the Organic Act of Guam. AN ACT TO AMEND SUBSECTION (a) OF §80.70, CHAPTER 80, TITLE 9 OF THE GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING PAROLE FOR VIOLENT AND SEXUAL OFFENSES.
- Bill No. 278-35 (COR) - Committee on Rules / By request of I Maga'hågan Guåhan, the Governor of Guam, in accordance with the Organic Act of Guam. AN ACT TO AMEND SUBSECTION (b) OF §60.80, CHAPTER 60, TITLE 8 OF THE GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING PLEA DEALS WITHOUT REASONABLE PROOF OF VICTIM NOTIFICATION.

Doc. No. 35GL-20-2508.

# Senators to vote on giving family violence victims a way out of rent agreements

By John O'Connor
john@postguam.com

Sen. Mary Torres is calling on her colleagues to support the Guam Safe Housing Act of 2020 following criticism that the legislation interferes with contracts between landlords and tenants.

In addition to calling for support, the senator characterized certain concerns expressed about the measure as an "anti-victim rhetoric."

Bill 214-35, or the Safe Housing Act, creates several safeguards for renters or tenants who become victims of domestic abuse. In part, the measure would allow victims to terminate lease agreements early without suffering legal or financial consequences. Other protections include nondisclosure requirements, lock-changing requirements and protections against eviction and liability. As some lawmakers noted during the debate on the bill last week, the legislation is necessary to expand protections to victims of domestic violence on island.

Leonard P. Campos, director of operations for RE/MAX Diamond Realty, argues in his written testimony the bill would mandate lease conditions that are not mutually acceptable and infringe on parties' rights to enter into contracts free of government interference.

"I believe this is a violation of the Contract Clause within the U.S. Constitution," Campos said.

But as Torres stated, 30 states and the District of Columbia have already enacted early termination laws.

"I'm merely proposing to add Guam to that list. In the meantime, landlords remain free to hold abusers accountable for damages on their property," Torres stated.

Campos was speaking on behalf of his clients – property owners. As director of operations at RE/MAX Diamond Realty, Campos said he is responsible for overseeing more than 500 property management accounts.

Most property owners depend on the rental income to pay mortgages and property expenses, according to Campos. While Bill 214 does require payment within 90 days of vacating a rental in case of early lease termination, Campos argues that many owners cannot wait 90 days to receive their rent and don't have the resources to cover damages made by tenants.

"However, companies with a broad portfolio of rental units will chalk this up as additional expenses and adjust their rental rates to account for the extra cost. The bill, if passed, ultimately leads to increased rental rates and further hardship for already struggling property owners," Campos stated.

Torres said the 90-day period was determined after reviewing a summary of state and local laws providing housing rights to victims of violence. The public was invited to comment on this provision since October 2019, she added.

"No bill is perfect, but after multiple public notices, a public hearing, and full deliberation on the floor, I can't help that some are just discovering this bill now," Torres said. "In the meantime, let's not lose focus of this measure's intent - to protect our victims of violence."

Campos also raises due process concerns in relation to the bill's requirements. According to Campos, Bill 214 removes due process for the accused by allowing the alleged victim to place financial lease burdens on the accused, while only requiring a police report or statements from a medical or mental health professional to trigger the conditions of the bill. The substitute version of the bill also specifies a restraining order as one of the documents tenants can provide landlords as evidence of abuse.

# $132K in attorney fees awarded in plebiscite challenge

Attorneys for Arnold "Dave" Davis were awarded $132,480 in attorneys fees and another $11,554 in non-taxable costs for the government of Guam's petition to the U.S. Supreme Court over Guam's plebiscite law.

District Court Chief Judge Frances Tydingco-Gatewood approved the proposed payments as the government of Guam filed no opposition to the fees.



Arnold Davis

The U.S. Supreme Court, in May, denied the government of Guam's writ request after an appeal to the 9th Circuit Court decision that overturned the island's plebiscite law and found it to be a race-based voting restriction.

Guam law permits only those who meet the definition of "native inhabitants of Guam" to vote in the plebiscite. It was this definition that Davis and the Center for Individual Rights alleged excluded Davis and other individuals who live on Guam and are otherwise registered to vote in Guam elections.

Davis' lawyers have asked to recover fees and costs associated with the Supreme Court matter.

The government of Guam was supposed to file an opposition by June 1 to the motion for attorneys' fees but it did not respond.

*(Daily Post Staff)*

GUAHAN ACADEMY CHARTER SCHOOL

Notice of Regular Board Meeting of
the Board of Trustees
of
GUAHAN ACADEMY CHARTER SCHOOL

Notice is hereby given that the Regular Board Meeting of the Board of Trustees is scheduled for:

**Date:** **Tuesday, June 16, 2020**
**Time:** **1:30 P.M.**
**Place:** **Bldg. E - Tiyan Main Campus**

Individuals requiring special accommodations or services should submit their request to the Executive Director/Board Liaison at 734-1066 or email at info.gacsbot@gmail.com.

/s/
Fe Valencia-Ovalles
Chairwoman, Board of Trustees

The Honorable Lourdes A. Leon Guerrero
Governor

The Honorable Joshua F. Tenorio
Lt. Governor

PUBLIC NOTICE

The Board of Directors of the A.B. Won Pat International Airport Authority, Guam (GIAA) will convene a Special Board meeting on Monday, June 15, 2020 at 4:00 p.m. in Terminal Conference Room No. 3 to discuss Approval of Award for Legal Services - RFP No. RFP-003-FY20. In light of COVID19 public health emergency, GIAA will adhere to social distancing orders. For those who wish to participate telephonically, please call 642-4717 or email arios@guamairport.net for further information. Parking is available in the Public Parking Lot.

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(This ad paid for by GIAA)

JUDICIAL COUNCIL OF GUAM
Suite 300 Guam Judicial Center
120 West O'Brien Drive
Hagåtña, Guam 96910-5174
Tel: (671) 475-3589 Fax: (671) 475-3140
www.guamcourts.org

NOTICE OF PUBLIC MEETING

The Judicial Council will conduct its monthly meeting on **Thursday, June 18, 2020, at 12 Noon in the Guam Judicial Center, 120 West O'Brien Drive in Hagåtña by video-conference**. A monitor will be set up for any members of the public who would like to observe and offer comments. The meeting will also be streamed live on YouTube at https://www.youtube.com/channel/UCfnFCWwIlp99fAeh9zi4Q4g/featured The agenda will be made available prior to the meeting.

Any person(s) needing special accommodations, auxiliary aids, or services, please contact the Administrator of the Courts at 475-3544, or Shelterihna T. Alokoa at 475-3589.

/s/ CHIEF JUSTICE F. PHILIP CARBULLIDO
Chairman

Doc No. 35GL-20-2508.*

**ANTONIO B. WON PAT INTERNATIONAL AIRPORT AUTHORITY, GUAM**
**BOARD OF DIRECTORS**

**EXECUTIVE SUMMARY**

**REQUEST FOR PROPOSALS NO. RFP-003-FY20**
**LEGAL SERVICES (RE-SOLICITATION)**

June 15, 2020

## Purpose

Board action is requested to approve the award for Request for Proposasl No. RFP-003-FY20 for Legal Services (Re-Solicitation) ("RFP") to the second highest ranked Offeror.

## Background

The referenced RFP solicits proposals from professional firms and/or individuals to provide professional expertise in all legal activities and representations such as, but not limited to, litigations, provide professional opinions, legal interpretations, research, for and on behalf of GIAA Management and its Board of Directors.

At the June 2, 2020 regularly scheduled Board of Directors meeting, the Board approved the ranking results and award to Offeror A, the highest ranked offeror.

Pursuant to Section 8: Selection of Best Qualified Offeror and Proposal of Basic Information of the RFP documents, "GIAA reserves the right to award the **Legal Services** Agreement to one (1) or more firm(s) and/or individual(s) based on the Offerors' qualification ranking, subject to negotiations and mutual agreement of reasonable rates."

## Proposal Analysis and Evaluation

The Evaluation Committee appointed by me, completed their evaluations of the two (2) proposals based on the evaluation criteria set forth in the RFP. The score sheets were gathered and tabulated by the Procurement Office and the evaluation results in the order of ranking are as follows:

1. Offeror A
2. Offeror B

## Legal Review

Upon Board approval, a contract will be forwarded to Legal Counsel for review and approval as to form. The term of the contract is for a period of two (2) years with additional three (3) one (1) year option years to be exercised at the sole discretion of GIAA, not to exceed a total contract period of five (5) years and subject to the availability of funding.

## Financial Review

The **Legal Services** contract will be funded under the Administration Division's O&M Budget.

## Recommendation

All offerors have been deemed to have met the standards of responsibility outlined in the Guam Procurement Law & Regulations.

On June 9, 2020, GIAA sent a letter notifying Offeror B that its proposal was determined to be responsive and responsible in accordance to the requirements as set forth in the RFP and subsequently requesting a fee proposal.

On June 11, 2020, GIAA received requested fee proposal from Offeror B. On June 12, 2020, a negotiations meeting was held with Offeror B and the GIAA Negotiations Committee via telephone conference where it was determined that the fees presented by the offeror were consistent with the scope of work presented in the RFP and that they were fair and reasonable.

Therefore, I recommend the Board approve the contract award to **Offeror B** for the **Legal Services** contract, subject to approval of the contract by the Office of the Attorney General of Guam.

A.B. WON PAT INTERNATIONAL AIRPORT GUAM
ATURIDAT PUETTON BATKON AIREN GUAHAN ENTENASIONAT
P.O. Box 8770
Tamuning, GU 96931
Tel (671) 646-0300
Fax (671) 646-8823
www.guamairport.com
WE'RE ON IT 24/7

June 12, 2020

**MEMORANDUM**

TO: **THOMAS C. ADA**
EXECUTIVE MANAGER

FROM: **SUPPLY MANAGEMENT ADMINISTRATOR**

**SUBJECT:** **EVALUATION AND RECOMMENDATION - REQUEST FOR PROPOSAL (RFP) (SUPPLEMENTAL)**
LEGAL SERVICES (RE-SOLICITATION), RFP NO. RFP-003-FY20

This memorandum is to supplement to the Evaluation and Recommendation memorandum dated May 29, 2020. On the June 2, 2020 regularly scheduled Board of Directors meeting, the GIAA Board of Directors approved the ranking results and the contract award to Offeror A, the highest ranked proposer. Pursuant to Section 8: Selection of Best Qualified Offeror and Proposal of Basic Information of the RFP documents, "GIAA reserves the right to award the **Legal Services** Agreement to one (1) or more firm(s) and/or individual(s) based on the Offerors' qualification ranking, subject to negotiations and mutual agreement of reasonable rates."

**Proposal Review for Responsiveness**

The two (2) proposals were reviewed to determine responsiveness, that is, whether or not the offerors submitted all the documents required by the RFP. Both offerors' proposals were deemed responsive.

**Evaluation and Selection**

Attached for your reference is the summary of the evaluation committee's scores based on the evaluation criteria set forth in the RFP.

The committee completed their evaluations of the two (2) proposals based on the evaluation criteria set forth in the RFP. The scores were tabulated as reflected on the attached summary worksheet. As a result of our tabulation, the firms ranked in the order as follows:

1. Offeror A
2. Offeror B

**Recommendation**

As a result of our review of the submitted required documents, all offerors have been deemed to have met the standards of responsibility outlined in the Guam Procurement Law & Regulations.

Therefore, management may approve the contract award to the second highest ranked offeror, **Offeror B** for **Legal Services**, subject to negotiation of fair and reasonable fees and approval by the GIAA Board of Directors. The term of the contract to be awarded is for a period of two (2) years with additional three (3) one (1) year option years to be exercised at the sole discretion of GIAA, not to exceed a total contract term of five (5) years and subject to the availability of funding and approval by the Office of the Attorney General of Guam.

Should you have any questions, I am available at your request.

**HENRY M. CRUZ**

**APPROVED:**

**THOMAS C. ADA**
EXECUTIVE MANAGER

**Attachments**

cc: Evaluation Committee / Procurement File

Antonio B. Won Pat International Airport Authority, Guam

# Evaluation Score Tally Sheet

## RFP No. RFP-003-FY20

## LEGAL SERVICES (RE-SOLICITATION)

| OFFEROR DESIGNATION | Evaluator 1 | | Evaluator 2 | | Evaluator 3 | | Final Ranking |
|---|---|---|---|---|---|---|---|
| | Score | Rank | Score | Rank | Score | Rank | |
| OFFEROR A | 98 | 1 | 88 | 2 | 99 | 1 | 1 |
| OFFEROR B | 96 | 2 | 95 | 1 | 96 | 2 | 2 |

| Evaluators: |
|---|
| No. 1: John M. Quinata, Deputy Executive Manager |
| No. 2: Victor J. Cruz, Engineering Supervisor |
| No. 3: Ken McDonald, Properties & Facilities Superintendent |

A.B. WON PAT INTERNATIONAL AIRPORT GUAM
ATURIDAT PUETTON BATKON AIREN GUAHAN ENTENASIONAT
P.O. Box 8770
Tamuning, GU 96931
Tel (671) 646-0300
Fax (671) 646-8823
www.guamairport.com
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# ORDER OF ADJOURNMENT

By Resolution of the Board of Directors of the A.B. Won Pat International Airport Authority, Guam ("GIAA"), the June 15, 2020 Special Meeting of the Board of Directors of GIAA is hereby adjourned until Thursday, June 18, 2020 at 4:00 p.m., to reconvene at the GIAA Conference Room 355 Chalan Pasaheru, Tamuning, Guam, 96913.

Dated this 15th day of June, 2020.

Donald I. Weakley
Chairman of the Board, Acting

AMERICAN ASSOCIATION OF AIRPORT EXECUTIVES
AIRPORTS COUNCIL INTERNATIONAL
NASAO National Association of State Aviation Officials
IACA THE INTERNATIONAL AIR CARGO ASSOCIATION