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Attorney for Appellant,
Guahan Academy Charter School

RECEIVED
OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEALS

DATE: August 14, 2019

TIME: 4:17 AM PM BY: AR

FILE NO OPA-PA: 19-009

OFFICE OF PUBLIC ACCOUNTABILITY

IN THE MATTER OF THE APPEAL)

DOCKET NO. OPA-PA-19-_____)

OF)

NOTICE OF APPEAL

GUAHAN ACADEMY CHARTER)
SCHOOL,)

Appellant.)

GUAHAN ACADEMY CHARTER SCHOOL ("Appellant") in the above-captioned proceedings, hereby appeals the denial of protest issued by the Guam Behavioral Health and Wellness Center dated July 30, 2019 in GBHWC RFP03-2019 Prevention Education and Community Empowerment - Partnerships for Success (PEACE PFS), pursuant to § 5425 of Title 5, Guam Code Annotated.

I. APPELLANT INFORMATION

Name: GUAHAN ACADEMY CHARTER SCHOOL
Mailing Address: P.O. Box CS, Hagatna, Guam 96932
Email: info.gacsbot@gmail.com
Office: (671) 734-1066
Business Address: Guahan Academy Charter School
Buildings C and D, Tiyan Campus

ORIGINAL

1 All correspondence or communications related to this appeal should be directed to counsel of record,
2 LAW OFFICE OF JACQUELINE TAITANO TERLAJE, P.C., 284 W. Chalan Santo Papa, Hagatna,
3 Guam 96910; Telephone (671) 648-9001; Facsimile: (671) 648-9002; Email: info@terlajelaw.com
4

5 II. APPEAL INFORMATION

6 This appeal arises from the denial of protest dated July 30, 2019, Guam Behavioral Health and
7 Wellness Center in Request for Proposal No. GBHWC RFP03-2019 Prevention Education and
8 Community Empowerment – Partnerships for Success (hereinafter “GBHWC RFP03-2019”).
9

10 The names of Competing Bidders, Offerors, or Contractors are unknown to Appellant, as
11 GBHWC notwithstanding the provisions of Guam Procurement Law requiring a stay of the procurement
12 pending the finality of the outcome of a timely protest proceeded with the submission of bids contrary to
13 5 GCA § 5425(g).
14

15 III. RELEVANT PROCEDURAL HISTORY

16 On July 12, 2019, Appellant submitted a timely protest to the discriminatory and arbitrary
17 disqualification of charter school students from the GBHWC RFP03-2019. Appellant raised concerns of
18 GBHWC’s failure to afford Guam Charter School students, who are also public school system students,
19 fair and equal treatment in the availability of funding opportunities. A true and correct copy of the
20 Appellant’s Protest received on July 12, 2019 is attached hereto.
21

22 On July 30, 2019, GBHWC by its Director denied the protest asserting that it has the absolute
23 discretion to discriminate against public school system students to the exclusion of the charter school
24 students; notwithstanding that Appellant has successfully obtained similar grants in prior years. A true
25 and correct copy of GBHWC’s denial received on July 30, 2019 is attached hereto.
26

1 On July 31, 2019, GBHWC issued Amendment No. 1 to GBHWC RFP03-2019 proceeding with
2 the solicitation without complete finality of the timely protest submitted by Appellant. A true and correct
3 copy of Amendment No. 1 dated July 31, 2019 is attached hereto.

4 Upon information and belief, GBHWC received bids to GBHWC RFP03-2019 on August 2, 2019.

5 GACS now submits its timely appeal to the Office of Public Accountability within fifteen (15)
6 days, as required by 5 GCA § 5425, and requests a determination that the discriminatory and arbitrary
7 exclusion of charter school students from federal funding availability violates the fair and equal
8 opportunity afforded to all public school system students under both federal and local laws.
9

10
11 **IV. DECLARATION REGARDING COURT ACTION**

12 Upon information and belief, and to the best of knowledge of the undersigned, no case or action
13 concerning the subject matter of this Appeal has been commenced in the Superior Court of Guam.

14 RESPECTFULLY SUBMITTED this 14th day of August, 2019.

15
16
17 **LAW OFFICE OF
JACQUELINE TAITANO TERLAJE, PC**

18
19 By:



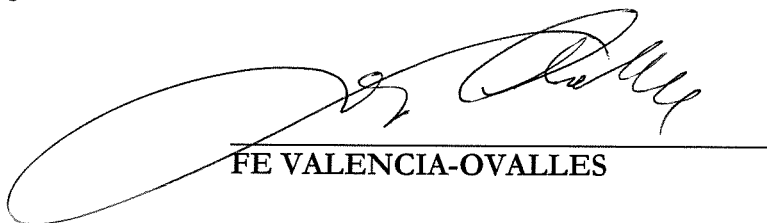
20 JACQUELINE TAITANO TERLAJE
21 Attorney for Appellant, *Guahan Academy Charter School*

VERIFICATION

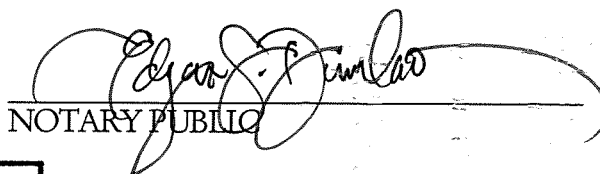
1
2 TERRITORY OF GUAM)
3 CITY OF HAGÁTÑA) (ss.:)

4 I, FE VALENCIA-OVALLES, being duly sworn, depose and state that I am the Chairwoman of
5 the Board of Trustees and duly authorized representative of Guahan Academy Charter School in the
6 above-entitled action, and that I have read the foregoing **Notice of Appeal** and know the contents thereof.
7 The same is true of my own knowledge except as to those matters which are therein alleged upon
8 information and belief, and, as to those matters, I believe them to be true.

9
10 Dated on this 14th day of August, 2019.

11 
12
13 FE VALENCIA-OVALLES

14 SUBSCRIBED AND SWORN to before me this 14th day of August, 2019 by FE VALENCIA-
15 OVALLES.

16 
17 NOTARY PUBLIC

18 **EDGAR S. DUMLAO**
19 **NOTARY PUBLIC**
20 **In and for Guam, USA**
21 **My Comm. Expires March 25, 2023**
22 **284 W. Chalan Santo Papa Hagåtña, Guam 96910**



GUAHAN ACADEMY CHARTER SCHOOL
The Office of the Executive Director

July 11, 2019

Mrs. Theresa C. Arriola
Director
Guam Behavioral Health & Wellness Center
790 Gov. Carlos G. Camacho Road
Tamuning, Guam 96913

Re: Protest Regarding GBHWC RFP 03-2019 – Prevention Education and Community Empowerment – Partnerships for Success (PEACE PFS)

Dear Director Arriola:

On behalf of Guahan Academy Charter School (GACS), I hereby submit this formal protest, pursuant to 5 GCA §5425(a), Guam Procurement Law, as a prospective and aggrieved bidder in connection with the solicitation of GBHWC RFP-3-2019 (hereinafter "RFP").

GACS is a 501(c)(3) nonprofit corporation authorized to operate Guam's first charter school for Grades Kindergarten to 12th within the public school system. GACS has been a subrecipient of the PEACE PFS Grant funding for the last 5 years (FY2014 through FY2018). However, by letter and response to questions related to the RFP, dated July 5, 2019, GACS was informed by the Guam State Agency of the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (HHS SAMHSA) that "GACS student population is outside the target group for this grant". See GBHWC's Response, dated July 5, 2019, to GACS' Inquiries, dated June 26, 2019, as Exhibit "A".

The intentional exclusion of GACS charter school students, who are students within the public school system, who are of Chamorro or other Micronesia descent, and are of lower income and educational levels, is not only inconsistent with the purpose of the HHS SAMHSA grant, but is prohibited discriminatory conduct based on race. The unwarranted and unjustified exclusivity of available funding to Guam Department of Education, as one entity within the public school system, is further discrimination against all students enrolled under the charter school systems; such discrimination without basis is a violation of local and federal law prohibiting such discrimination.

rec'd 07/12 @ 846am
GBHWC PD 885
L. Solang

Name and Address of Protestor

Guahan Academy Charter School
Buildings C and D, Tiyan Campus
P.O. Box CS, Hagatna, Guam 96932
Email: info.gacsbot@gmail.com
Office: (671) 734-1066

Detailed Statement Describing Grounds for the Protest and Supporting Exhibits:

The Guam State Agency of the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (HHS SAMHSA) eliminated charter schools as part of the Guam public school system in such a manner resulting in the discrimination of both Chamorro and other Micronesia descent students electing to attend charter schools, as permitted by Guam law.

GBHWC REFP-03-2019 (Section II-- General Information, pages 6-7) provides:

➤ **Description of Need for an Enhanced Prevention Infrastructure**

Substance use is a major social and health problem in Guam. The current magnitude of the problem of underage alcohol offenses and tobacco/nicotine exceeds the infrastructure and services available to address the issues both within the public school system and in the community-at-large. . . " [Emphasis added.]

➤ **Population of Focus**

. . . Examination of data disaggregated for ethnicity, age, and sex revealed that Chamorro and other Micronesian youth and young adults are at highest risk for increased vulnerability (high prevalence of risk factors), actual consumption and health and social consequences. Increased use and lower perception of harm were correlated with lower income and education levels. Given these findings, they determined that the recipient populations with the greatest need could be found in the public school system. Compared to private schools, Guam's public schools have a larger percentage of Chamorro and other Micronesian enrollees from households with lower income and lower education levels.

The SPF-PFS grant is designed to ensure that prevention strategies and messages cater to the needs, and reach the populations disproportionately impacted by substance use. In Guam, the identified high-need, high-risk population segment in which the grant must focus on are youth who identify as Pacific Islanders, currently enrolled in the local public school system, belonging to low-income families, and/or are slated for disciplinary actions for reported problematic behaviors.

Therefore, the identified population of focus for this grant will be (1) youth ages 9 to 20 in the Guam Department of Education (GDOE), (2) their families who are the natural supports and (3) school personnel who foster a safe learning environment and are key resources to effectively refer and link these individuals to appropriate services.

. . . [Emphasis added.]

One of the fastest growing areas of public school reform is the charter schools movement; Guam charter schools are public schools under an approved charter – between a nonprofit entity and groups of parents, teachers, community leaders, or others who want to create alternatives and choice within the public school system. Title 17 Guam Code Annotated § 12101 et.seq., Guam Academy Charter Schools Act of 2009 (P.L. 29-140). Charter schools create choice for parents and students within the public school system, while providing a system of accountability for student achievement. Charter schools also encourage innovation and provide opportunities for parents to play powerful roles in shaping and supporting the education of their children.

Charter schools are publicly funded; both GDOE and charter schools constitute the make-up of the Guam public school system, and are funded through local appropriations by the Guam Legislature. See Figure 1 below for Guahan Academy Charter School.

Guahan Academy Charter School
Summary of Legislative Appropriations
 Updated: 4/18/2019 by Executive Director & Board Liaison
 for Board of Trustees

Fiscal Year	GACS Budget Request and *Council recommended approval	Funding Capped By Budget Law At Number of Specified Students	Authorized APPROPRIATION	Budget Law
FY 2019	\$4,810,000.00 Council approved	Funding capped at 740	\$4,505,120.00 Per Pupil Authorization *Reduced to @ \$6,088	P.L. 34-116 Lapsed into law 8/24/2018 (Bill 323-34)
FY 2018 Submitted: 1/25/17 from Council to Speaker	\$6,597,500.00 *Charter Approved Enrollment of 1,015 Approved by Council and DOE Included in budget	Funding capped at 740	\$4,810,000.00 Per Pupil Authorization @ \$6,500	P.L. 34-42 9/16/17: Override of Bill 22-34 Designated into law-9/19/17
FY 2017	\$4,810,000.00 *Approved Enrollment of 740	Funding Capped at 740 Per Pupil Funding Raised by Sen. BJ Cruz	\$4,810,000.00 Per Pupil Authorization Increased to \$6,500	P.L. 33-185 Lapsed into law 9/10/16 (Bill 250-33)
FY 2016	\$3,520,000.00 *Approved Enrollment of 640	Funding Capped at 600	\$3,300,000.00 Per Pupil Authorization @ \$5,500	P.L. 33-66 Lapsed into law 9/15/15 (Bill 17-33)
FY 2015 Amendment	\$3,300,000.00	Budget Law Amended and lifted funding cap to 600	\$3,300,000.00 Per Pupil Authorization @ \$5,500	P.L. 32-219 Signed 12/29/14 (Bill 419-32)
FY 2015	\$3,300,000.00 *Approved enrollment of 600	Funding Capped at 520	\$2,860,000.00 Per Pupil Authorization @ \$5,500	P.L. 32-181 Signed 9/5/14 (Bill 269-32)
FY 2014	\$2,832,500.00 *Approved enrollment of 515	No Funding Cap	\$2,832,500.00 Per Pupil Authorization @ \$5,500	P.L. 31-068 Signed 9/11/13 (Bill 144-57)
FY 2013	\$687,500.00	No funding cap Start-Up Funding	\$687,000.00 Per Pupil Authorization @ \$5,500	P.L. 31-233 Signed 9/7/12 (Bill 426-31)

By granting exclusivity to the availability of grant funding to GDOE, HHS SAMHSA intentionally excludes a significant population of Chamorro and Micronesia descent students, who would otherwise be eligible beneficiaries of the public school system. Such exclusion provides no justification, and has no basis in fact. **Chamorro and other Micronesia descent student constitute 85% of the total GACS charter student enrollment.** See Figure 3 below. Consequently, All Students (inclusive of Chamorros and Micronesians) enrolled at Guahan Academy Charter School are denied equal access to the "Funding Opportunity," which would otherwise continue the Evidence-Based Program Curriculum, *Positive Action*, to be implemented at Guahan Academy Charter School. Therefore, the exclusion of charter students from the public school system target population is an arbitrary exclusion contrary to policy and law prohibiting discrimination.

In keeping with its role in shaping healthy behaviors in its young pupils, GACS since its first academic year (SY2013-2014) adopted a *Zero Tolerance Policy for Students and Adults on Alcohol, Tobacco and Drug Use*, which states that:

Students and adults at Guahan Academy Charter School while on school property or at a school-sponsored activity shall not possess, use, transmit, buy, sell, supply or attempt to do so with a mood-altering chemical of any kind prior to or during the school day, at any school-sponsored activity or event or any time while on school premises.

GACS is proud of its reputation that it was the first school that participated in the SPF-PFS Grant as a subrecipient since 2014, when the Program was first launched. GACS student population grew from 515 in SY2013-2014 to a student population of 713 as of September 30, 2018, from a cap of 740 this last SY2018-2019. Figure 2 – Student Population Chart

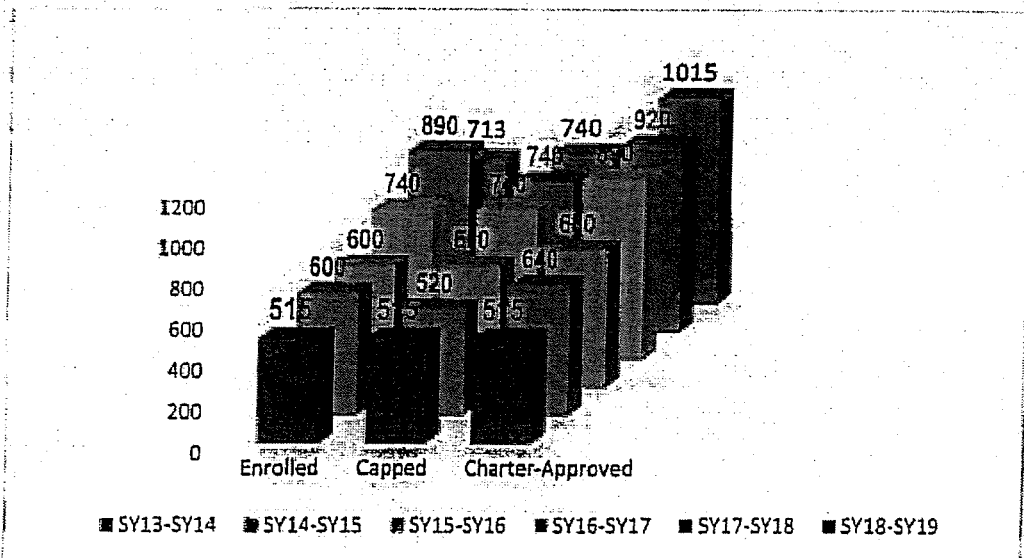
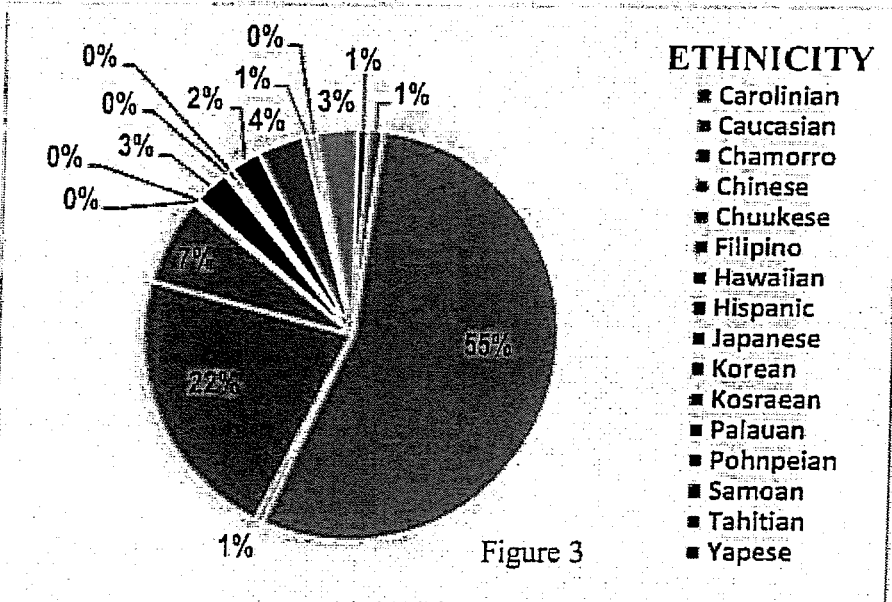


Figure 3 below illustrates that the total Chamorro-enrolled students for this last school year of 390 makes up 55% of the student population, with 156 Chuukese (22%), the second largest.



It is critical to outline GACS participation in the SPF-PFS Grant to evidence GACS fidelity in the implementation of the goals and objectives designed by this Grant.

- ❖ Phase I
 On March 3, 2014, GACS submitted its application to become an active prevention partner with Guam Behavioral Health and Wellness Center (GBHWC) to implement Guam's 5-year PEACE Plan. On April 28, 2014, the GBHWC then Director, Rey Vega, approved the Application. (Exhibit B).

Exhibit C: FY14 Grant Program Budget Approved: \$10,000

- ❖ Phase II
 On March 10, 2015, upon the successful completion of a Needs Assessment Report, GACS applied for Phase II of the Grant to continue strengthening GACS' foundation of prevention knowledge, skills and competence as well as build prevention capacity and readiness among GACS students, administrators, faculty and staff and community partners through training and technical assistance.

It is also in this Phase that GACS developed a Community Action Plan. (Exhibit D).

Exhibit E: FY15 Grant Program Budget Approved: \$14,950.00

❖ Phase III – 3 Year Grant Period

On August 21, 2015, GACS submitted its FY2016-FY2018 "Partnership for Success Prevention Program with GBHC in response to GBHWC RFP 05-2015, for a total Proposed budget of \$79,920.00. (Exhibit F).

A Notice of Ranking and Invitation to Negotiate Cost Proposal, dated January 14, 2016, Ranked GACS as Number 3, and qualified GACS' offer with an average score of 88.75%. (Exhibit G)

Exhibit H: Contract between GACS and GBHWC signed on March 23, 2016, certifying the availability of funds for that particular FY15 grant period in the amount of \$24,800.00.

	<u>Proposed</u>	<u>Approved</u>
FY15 Grant Program Budget	\$ 24,800.00	\$24,800.00
FY16 Grant Program Budget	\$ 27,560.00	\$30,000.00 /revised
FY17 Grant Program Budget	\$ 27,560.00	\$30,000.00 /revised

It was during the FY16 grant period when *Positive Action* was purchased by the PEACE Grant funds. The *Positive Action* as an evidence-based program replaced the life skills curriculum project and was found to be a more effective prevention strategy and more meaningful for charter school pupils. *Positive Action* is a cohesive and wide-ranging curriculum-based program that is designed to decrease problems among the youth that are associated with low academic achievement, serious school attendance; and problem behaviors, like substance use, violence, suspensions, and disruptive behaviors.

An Evaluation Report was filed by GACS with GBHWC PEACE Office that encapsulated the outcomes data that resulted from the implementation of *Positive Action* on the GACS Campus. See attached Exhibit I for the Full Report.

Results and Discussion

Participants in the school-based *Positive Action* program completed a pretest before the program implementation, as well as a post-test at the end of the program.

Recommendation

GACS survey findings reflected what *Positive Action* intended to do: make students feel good about themselves when taking positive actions. The positive changes in student perceptions were evident from pretest to post-test. This is seen primarily in the twelve dimensions of behavior and feelings that were measured to categorize those changes, such as outlook, physical, intellectual, self-management, control, kindness, morals, achievement, altruism, substance abuse, sexual behavior and violence. Of particular note is the awareness gained of the dangers of tobacco that made the change much more significant.

SUMMARY AND CONCLUSION

Based upon the information submitted in this letter, along with the accompanying exhibits, GACS respectfully submits its formal protest under 5 GCA § 5425(a) on the following:

1. GHBWC RFP 03-2019 discriminates against charter schools and grants an unwarranted and unjustified exclusivity to other public school system participants, namely, GDOE;
2. GHBWC RFP 03-2019 discriminated against students enrolled at Guahan Academy Charter School and did not accord fair and equal treatment to said students by excluding them from continuing to be part of the target population in Guam's public school system eligible to be serviced by the Grant.
3. GHBWC RFP 03-2019 denied access for students enrolled at Guahan Academy Charter School to the funding opportunity that will enable GACS to sustain the required evidence-based program, *Positive Action* curriculum, which **NOW MUST BE INTEGRATED** into the GACS curriculum and embedded in course content so that continuity of lessons is ensured. If implemented properly, *Positive Action* has the potential to shape students' behavior in the school-based setting.

GACS requests the following in reference to GHBWC RFP 03-2019:


1. GHBWC RFP 03-2019 be amended to extend the deadline for submission of proposals, which are currently due on July 12, 2019 at 4:00 p.m. to a date after resolution of this protest, consistent with 5 GCA § 5425(g);
2. A timely decision and notice of such decision be issued in accordance with Guam Procurement law;
3. GHBWC RFP 03-2019 specifications be amended to include charter schools as part of the public school system when referencing Guam's public school system; and
4. GHBWC RFP 03-2019 specifications be amended to incorporate as an integral part of the identified population of focus for this Grant youth ages 9 to 20 in all charter schools as well as in the Guam Department of Education (GDOE)

For protest resolution, we respectfully refer you to Title 5 Guam Code Annotated, Chapter 5 and §9101 of Chapter 9, Legal and Contractual Remedies, 2 GAR Administration, Division 4, Procurement Regulations.

We appreciate the opportunity to submit this Protest letter and look forward to your response.

Please do not hesitate to contact me at: info.gacsbot@gmail.com or GACS Procurement Officer, Mr. Wilfred Aflague at his email address: wafalague@guahanacademy.org should you have any questions.

Respectfully submitted,


Marilyn Manibusan
Executive Director

Director Theresa Arriola

July 11, 2019

Re: Protest of GBHWC RFP 03-2019

Page 8 of 8

cc: Substance Abuse and Mental Health Services Administration
Division of Grants Management
5600 Fishers Lane
Rockville, Maryland 20857
Phone: 1-877-726-4727

Law Office of Jacqueline Taitano Terlaje, P.C.
284 W. Chalan Santo Papa
Hagatna, Guam 96910
legal.gacs@gmail.com

GACS Board of Trustees
GACS Chief Academic Officer, Dr. Judith Won Pat
GACS Procurement Officer, Mr. Wilfred Aflague



GUAM BEHAVIORAL
HEALTH & WELLNESS

CENTER

790 Gov. Carlos G. Camacho Rd.

Tamuning, Guam 96913

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LOURDES A. LEON GUERRERO

Governor

JOSHUA F. TENORIO

Lieutenant Governor

THERESA C. ARRIOLA

Director

CARISSA E. PANGELINAN

Deputy Director

July 30, 2019

Ms. Marilyn Manibusan
Executive Director
Guahan Academy Charter School
Business and Finance Office
Bldgs. C and D, Tiyan Campus
P.O. Box CS, Hagaina, Guam 96932

Dear Ms. Manibusan:

Guam Behavioral Health and Wellness Center (GBHWC) received Guahan Academy Charter School's (GACS) letter dated July 12, 2019, and we were unable to mutually resolve the issues with you.

The issues raised in protest to the solicitation by GBHWC in GBHWC RFP 03-2019 are summarized in your July 12, 2019 letter as follows:

1. *GBHWC RFP 03-2019 discriminates against charter schools and grants an unwarranted and unjustified exclusivity to other public-school system participants, namely, GDOE.*
2. *GBHWC RFP 03-2019 discriminated against students enrolled at Guahan Academy Charter School and did not accord fair and equal treatment to said students by excluding them from continuing to be part of the target population in Guam's public-school system eligible to be serviced by the Grant.*
3. *GBHWC RFP 03-2019 denied access for students enrolled at Guahan Academy Charter School to the funding opportunity that will enable GACS to sustain the required evidence-based program, Positive Action curriculum, which NOW MUST BE INTEGRATED into the GACS curriculum and embedded in course content so that continuity of lessons is ensured. If implemented properly, Positive Action has the potential to shape students' behavior in the school-based setting.*



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JOSHUA F. TENORIO
Lieutenant Governor

THERESA C. ARRIOLA
Director
CARISSA E. PANGELINAN
Deputy Director

The formal title to GBHWC RFP 03-2019 per the Public Announcement on June 21, 2019 and the Title Page of the RFP is as follows:

Request for Proposal for GBHWC RFP 03-2019, Guam Behavioral Health and Wellness Center- Prevention Education and Community Empowerment- Partnerships for Success (PEACE PFS) US Department of HHS SAMHSA Federal Grant, PEACE PFS Sub-Grants.

The federal grant is authorized under Section 516 of the Public Health Service Act. The federal grant is made by US Department of HHS SAMHSA per SAMHSA's Strategic Prevention Framework- Partnership for Success (SPF-PFS) Funding Opportunity Announcement (FOA) No. SP 18-008. CFDA No. 93.243. Grant No. 6H79SP081005-01, and as amended in MOO1 and M002; Project Title: PEACE Partnerships for Success, discretionary, multi-year grant. Project Period 09/30/2018 through 09/29/2023. Budget Period: 09/30/2018-09/29/2020, with incremental funding (restricted) period(s) from 09 /30/2018- 09/29/2019 and 9/30/2019- 09/29/2020.

Under the Notice of Grant Award(s) and the Uniform Guidance on the Administration of Grants, 2 CFR Part 200, and HHS Uniform Guidance on the Administration of Grant 45 Part 75, the grantee, GBHWC **must follow the terms and conditions of the specific federal grant, and pass-through the requirements to its sub-grantee(s).** And under Guam Procurement Laws and Regulations, where a procurement involves the expenditure of federal assistance, GBHWC is required to comply with such federal law and regulations, Guam law uses "shall", and requires compliance which may be in conflict with or may not be reflected in 5 GCA Chapter 5. (See 5 GCA Chapter 5 §5004(b) and §5501.

In the June 21, 2019 public notice and GBHWC RFP 03-2019, GBHWC invited qualified Guam based non-profit organizations to submit proposals to provide sub-recipient/pass-through federally funded Community Partnership SAMHSA evidence based program services for youth ages 9 to 20, in the Guam Department of Education's (GDOE) selected elementary schools (Grades 4-5), middle schools (Grades 6-8) and high schools (Grades 9-12) who have the high rates of offences related to alcohol, tobacco/nicotine and marijuana possession or consumption to establish and implement sustainable prevention and early intervention policies, programs and practices, that are responsive to the people of Guam, and that are proven to effect positive behavioral health changes. (Emphasis added).



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It is GACS contention the Federal Grant's use of a data-driven target population, based on data that was developed and available to GBHWC in conjunction with the SEOW and community partners, at the time of HHS SAMHSA's SFP-PFS FOA No: SP 18-008 – Application, which were due, July 6, 2018, is in violation "of non-discrimination requirements" as between GDOE and GAC schools. This is incorrect, and not based upon any portion of the applicable federal laws and regulations, or SAMHSA's Discretionary Grant to GBHWC.

Yes, prior SAMHSA SFP-PFS FOA, and Grants Discretionary Grants to GBHWC, provided different requirements as to who would be a qualified Guam non-profit (inclusive of Charter Schools, Sports, Teams, etc.). However, nothing in the prior opportunities sub-grant(s) (now -closed out); in any way committed future funds, or limited SAMHSA's ability to "shift" as to future FOA(s). In this opportunity, SAMHSA also lowered the age populations, and no longer considers Guam "a state" for purpose of funding levels, and so the total grant opportunity awarded is 50% less, under SAMHSA's new policy. And, in future opportunities, SAMHSA may continue to shift away from GBHWC pass-through sub-grants, to having a direct FOA that qualified non-profits need to seek to compete for award on direct.

However, no matter what else may be so as to prior grants, and GDOE and GACS, as well as other Guam schools public and private, and community partners; the current "pass-through" subgrant opportunity in this SFP-PFS No. SP 18-008, is as is set for the Grant Award, and GBHWC RFP 03-2019; and they are federal grant requirements. Enclosed are grant-related references.

For the reasons above, your protest is denied in its entirety. Pursuant to 5 GCA §5425, you have the right to appeal this decision to the Office of Public Accountability within fifteen days.

Very truly yours,


THERESA C. ARRIOLA
Director

Enclosures



**GUAM BEHAVIORAL
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Director
CARISSA E. PANGELINAN
Deputy Director

GBHWC RFP 03-2019

PEACE PFS SUBGRANTS

List of Enclosures

1	Initial Announcement, Funding Opportunity Announcement (FOA) No. SP-18-008, Application Deadline 7/6/2018
2	GBHWC Application for Federal Assistance (SF-424)
3	Appendix J – Budget and Justification
4	Notice of Award, Issued 9/13/2018, CFDA No. 93.243
5	Notice of Award, Issued 9/24/2018, CFDA No. 93.243
6	SPF-PFS 18-008 Health Disparities Impact Statement, GBHWC, 11/30/2018
7	SPF-PFS 2018 Project Narrative, GBHWC Revision 3/12/2019
8	SPF-PFS 2018 Budget Narrative, GBHWC Revision 3/12/2019
9	Notice of Award, Issued 4/4/2019, CFDA No. 93.243



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Lieutenant Governor

THERESA C. ARRIOLA
Director
CARISSA E. PANGELINAN
Deputy Director

REQUEST FOR PROPOSAL

Guam Behavioral Health and Wellness Center- Prevention Education and Community
Empowerment- Partnerships for Success (PEACE PFS) US Department of HHS
SAMHSA Federal Grant, PEACE PFS Sub-Grants

GBHWC RFP 03-2019

AMENDMENT NO. 1

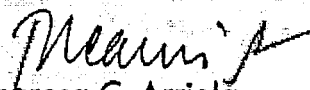
To: All Prospective Offerors

The above numbered and described solicitation is amended as set forth below:

Page 27 of 165: General Procedures, Section V, A.1: Receipt and Registration of
Proposal, last sentence of first paragraph shall now read:

**The deadline for receipt of proposals by the GBHWC is no later than 4:30 P.M.,
Friday, August 2, 2019.**

Except as provided herein, all terms and conditions of the document referenced in
the solicitation number above remain unchanged and in full force and effect.


Theresa C. Arriola
Director
July 31, 2019

(This amendment must be included with the proposal.)