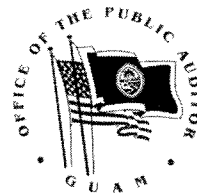


Suite 401 Pacific News Building
238 Archbishop Flores St.
Hagåtña, Guam 96910

Phone: (671) 475-0390
FAX: (671) 472-7951



OFFICE OF THE PUBLIC AUDITOR

Fax

To: Mr. Joaquin C. Flores, General Manager,
Guam Power Authority

From: Doris Flores Brooks, Public Auditor

Appellant Mr. Luis Zarauza, General
Manager, Union Fenosa – O & M Energy

Agency:

Pages ⁵ 2 (Including cover)

CC:

Date: Wednesday, October 28, 2009

Fax: GPA: 648-3290; O&M (34)(91)210 39 01

Phone: (671) 475-0390 x 219

Re: OPA-PA-09-008: Notice of Appeal

Urgent For Review Please Comment Please Reply Please Recycle

● **Comments:**

See attached letter and enclosures. Please acknowledge receipt of this fax by re-sending this cover page stamped with your agency name, date, and initials.

Thank you.

Rodalyn Marquez x. 203 rmarquez@guamopa.org

This facsimile transmission and accompanying documents may contain confidential or privileged information. If you are not the intended recipient of this fax transmission, please call our office and notify us immediately. Do not distribute or disclose the contents to anyone. Thank you.



OFFICE OF THE PUBLIC AUDITOR
Doris Flores Brooks, CPA, CGFM
Public Auditor

October 28, 2009

Mr. Joaquin C. Flores
General Manager
Guam Power Authority
P. O. Box 2977
Hagatna, Guam 96910

VIA FACSIMILE 648-3290

Re: Receipt of Notice of Appeal Regarding Invitation For Re-Bid Multi-Step Bid # GPA-013-07 for Performance Management Contract (PMC) of the Guam Power Authority Cabras # 1 & # 2 Steam Power Plant.

Dear Mr. Flores,

Please be advised that the Union Fenosa O & M Energy has filed an appeal with the Office of Public Accountability on October 23, 2009, of your protest decision on the above-stated procurement action. The appeal has been assigned Master File No. **OPA-PA-09-008**.

Immediate action is required of your office pursuant to the Rules of Procedure for Procurement Appeals, found in Chapter 12 of the Guam Administrative Regulations. Copies of the rules, the appeal, and all filing deadlines are available at our office and on our website at www.guamopa.org. The transmittal letter and the first page of the notice of appeal files are enclosed for your reference.

Please provide the required notice of this appeal to the required parties with instruction that they should communicate directly with OPA regarding the appeal. You are also responsible for giving notice to the Attorney General or other counsel for your agency. Promptly provide OPA with the identities and addresses of interested parties and a formal entry of appearance by your counsel.

Please submit one complete copy of the procurement record to OPA by Friday, October 30, 2009, five working days following receipt of this notice of appeal. When filing required documents with our office please provide an original and two copies for OPA and serve a copy to the Appellant (protesting vendor).

Thank you for your prompt attention to this matter. Please contact Rodalyn Marquez at ext. 204 if you have any questions regarding this notice.

Sincerely,

Doris Flores Brooks, CPA, CGFM
Public Auditor

Enclosure: First Page of Notice of Appeal- OPA-PA-09-009

Cc: Mr. Luis Zarauza, General Manager, Union Fenosa – O & M Energy (Via Facsimile 34-91-210-39-01)

Ms. Doris Flores Brooks
 Public Auditor
 Office of the Public Auditor
 128 Archbishop Flores Street
 Suite 401, Pacific News Building
 Hagatna, Guam 96910

O&M ENERGY
 PARQUE EMPRESARIAL LA FINCA
 P.º DEL CLUB DEPORTIVO, 1-EDIFICIO 5
 28223 POZUELO DE ALARCÓN (MADRID)
 ESPAÑA
 TEL. (34) 91 210 39 00
 FAX. (34) 91 210 39 01

(Copy to Mr. Joaquin C. Flores, General Manager GPA)

RE: PROTEST LETTER FOR DENIAL OF PROCUREMENT PROTEST UNDER INVITATION
 FOR RE-BID MULTI-STEP BID # GPA- 013-07 FOR PERFORMANCE MANAGEMENT
 CONTRACT; CABRAS # 1 AND # 2 STEAM POWER PLANTS.

RECEIVED
 OFFICE OF THE PUBLIC AUDITOR
 PROCUREMENT & CONTRACTS

OCT 23 2009

TIME: 11:40am

BY: *[Signature]*

FILE No. OPA-PA - 09-008

Dear Ms. Brooks,

We are submitting herein in a timely manner, a Letter of Protest on behalf of O&M Energy S.A., regarding the above Guam Power Authority (GPA) Invitation For Re-Bid #GPA -013-07 (Performance Management Contract (PMC) Cabras 1&2 Steam Power Plant).

We received the letter of Denial of Protest (Annex 2) from Mr. Joaquin C. Flores, General Manager of GPA, denying our original Protest to GPA dated September 18th, 2009 (Annex 1), in which we protested GPA decision to propose the award to TEMES.

Our protest to GPA (annexed to this letter) was based on a series of grounds to consider TEMES proposal not to be the lowest responsible and responsive bidder. In summary, during the performance of TEMES as PMC contractor during the last 8 years, the O&M expenditures reflected in the Annual Budgets have averaged 3 million USD, and has obtained plant sub-par performances of 84-86% availability. In the new proposal TEMES commits to achieve 90% availability with a diminished Annual Budget of only 1 million USD.

Especially under normal industry standards governing a plant 37 years old, the question raised herein is how TEMES will be able to run this facility for the next five additional years with a proposed efficiency rate of 90%. This argument mandates the imposition of the GPA General Terms and Conditions standards for determination of the lowest bidder found under Section #17, subsections a) to h), as well as the requirements for "all parties involved in the preparation, negotiation, performance (past & present) or administration of contracts to act in good faith".

We, from a perspective of international operation and maintenance standards, believe that such a proposal must be considered irresponsible (according to Article 17 of General Terms and Conditions among others), since a) o&m costs can differentiate on a certain range depending on the quality of the contractor, but never to become one third of the average historical and the proposals of the rest of bidders (this may point out to a dumping of price), and b) if TEMES was able to perform the same services with better performance for one third of the costs incurred during the last eight years, we may be forced to ask the reasons why the cost has not been in that range earlier.



These arguments, included and explained in detail in our Letter of Protest to GPA, have not found response in the Letter of Denial of Protest sent to us by Mr. Joaquin C. Flores.

We want to remark as well that, although only minor changes were made by GPA in this re-bidding documentation as compared with the original bidding documents, a relevant modification is the deletion in the evaluation formula of any reference to Guaranteed Heat Rate. Looking at the results of the previous bidding process which was questioned and ordered to be re-bid by your Good Office, this was exactly a scoring chapter in which our proposal made a very high score compared with TEMES.

Consequently, we are filing the above aforementioned Bid Protest pursuant to the Guam Procurement Rules and Regulations found under 5 GCA, Chapter 5 and other pertinent Procurement Policies affording us these rights as the Lowest Responsible Bidder.

We assert the plausible claim that TEMES is not the lowest responsible and responsive bidder and did not submit a Bid which conforms in all material aspects to this Multi-Step Bid as defined in the General Terms and Conditions found under Section #17 pertaining to sections (D) and (G) as well as other material deviations which we will further reserve the right to present forthwith after we are afforded a fair opportunity to review the complete Procurement Files of TEMES as well as GPA Bid Review Committee findings and analysis.


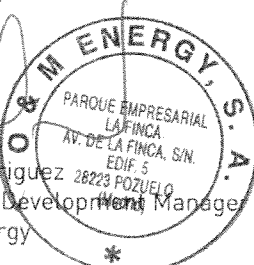
Furthermore under the standards for determination of the lowest responsible bidder we will assert material claims that TEMES Bid did not satisfy all mandatory aspects therein and will present to your Agency a full and creditable argument.

We therefore respectfully request your Good Office to hear our claims and permit us the opportunity to present our substantive issues of Laws and Facts as we will prepare a full and comprehensive protest after receipt of all pertinent procurement records from GPA.

We look forward to hearing from you and your Good Office in advancing the best interest of the Government of Guam.

Thank you.

Sincerely,



Juan Rodriguez
Business Development Manager
O&M Energy

ATTACHMENTS:

- Letter of Denial of Protest from Mr. Joaquin Flores (General Manager GPA), Oct 7th, 2009
- Letter of Protest from O&M Energy to GPA, Sep 18th, 2009

Att.: Mr. Joaquin C. Flores
General Manager
GUAM POWER AUTHORITY
P.O. Box 2977
Hagatna, Guam 96932

O&M ENERGY
PARQUE EMPRESARIAL LA FINCA
P.º DEL CLUB DEPORTIVO, 1-EDIFICIO 3
28223 POZUELO DE ALARCÓN (MADRID)
ESPAÑA
TEL. (34) 91 210 39 00
FAX (34) 91 210 39 01

Cc/ Office of the Public Auditor, Ms. DORIS FLORES BROOKS

September 18th, 2009

Subject: Letter of Protest regarding INVITATION FOR RE-BID MULTI-STEP BID #GPA-013-07
for Performance Management Contract (PMC) of the Guam Power Authority Cabras
#1 & #2 Steam Power Plant

Dear Mr. Flores,

After reception of your communication on the 9th of September 2009, in which you inform to us about the rejection of our bid for the abovementioned project due to "low positive net present value" and the recommendation for award to TEMES Inc. we are now exercising our rights under the Guam Procurement Rules and Regulations found under 5 GCA, Chapter 5 to protest your decision, and it is hereby filed within a timely manner.

As stated in our previous communications to you, dated on July 27th and 30th, 2009, a copy of which we are attaching, TEMES Inc. proposal should be considered irresponsible and non-responsive under the General Terms and Conditions, section 1, which requires all parties involved to act in good faith. A number of facts supporting this petition are clearly stated in these communications.

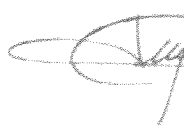
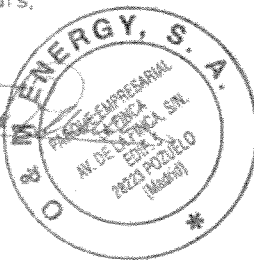
As such, we are kindly requesting for a complete set of copies of this procurement files as afforded by the above procurement policy.

We look forward to hopefully resolving this matter consistent with the standards set forth in determining the lowest responsible bidder which we firmly believe that we have satisfied with this procurement requirements hereunder.

Thank you for your time and support in providing us these essential documents required in order to further advance in this Notice of Protest.

Please do not hesitate to contact us with respect to any questions or queries herein.

Sincerely yours,

Luis Zarauza
General Manager

O&M ENERGY
PARQUE EMPRESARIAL LA FINCA
P.º DEL CLUB DEPORTIVO, 1-EDIFICIO 5
28223 POZUELO DE ALARCÓN (MADRID)
ESPAÑA
TEL. (34) 91 210 39 00
FAX (34) 91 210 39 01

To the attention of:

Madrid, July 30th 2009

Mr. Joaquin C. Flores
General Manager
Guam Power Authority

Copy to:
Ms. Jamie L.C. Pangilinan
Supply Management Administrator
Guam Power Authority

Subject: Re-Bid for Multiple-step Bid No. GPA-013-07 Performance Management Contract for Cabras #1 and #2 Steam Power Plants

Dear Mr. Flores,

Following our previous communication regarding this issue, for your review and financial/technical analysis we are conducting a full scale cost benefit analysis of "the quality of performance of the bidder with regards to awards previously made to him".

These cost comparison and close examination of Temes previous PMC performances pursuant to the above general Terms and Conditions under section #17, subsection g):

"The ability of the bidder to provide future maintenance and services for the subject of the award"

This issue inevitably becomes significant whereas our financial model and performance charts (please see attached charts 1 and 2) indicates that Temes did not satisfy the above threshold and in lieu of their past history, with an O&M Annual Budgets for 2008 at \$ 3.6 million as well as other previous years in excess of over \$ 2.5 million, in spite of previously overhauled engines. This must be viewed by GPA as non-responsive and not the lowest responsible bidder pursuant to the above mandates.

If Temes was not able to perform its PMC duties with substantial O&M Annual Budgets of \$ 2.4 to \$ 3.6 million, the question becomes significant as to their "ability to provide future maintenance and services for the subject award" with their current Priced Proposal for an Annual Budget of \$ 1 million at 90% availability, versus their past history of sub-par performances at 84-86% availability, and clearly any award to Temes will be a serious indictment on GPA / CUC / PUC failures to permit Temes to engage in overcharging and fleecing the 46,000 Guam rate payers.


We submit our review of Temes past performance history as evidence of the irresponsibility incurred in presenting a Priced Proposal completely inconsistent with past performances and



industry standards, thus clearly not comporting to all of the Procurement Requirements found under the Procurement Documentation.

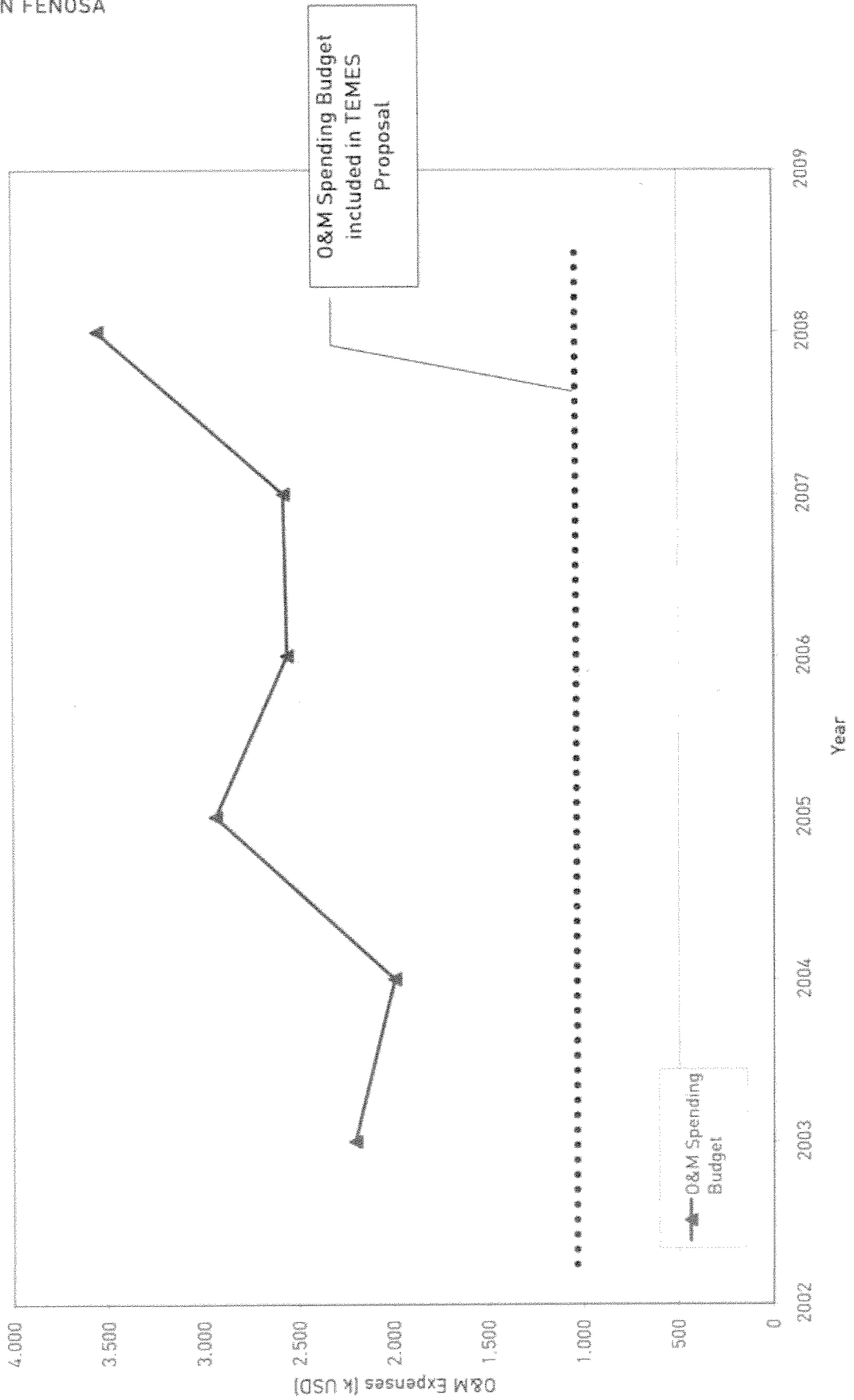
We look forward to your final review and await your decisions as to upholding the core values of accountability, impartiality, competence, openness and value as embraced by your competent leadership and management team.

Yours sincerely,


Luis Zarauza
General Manager
O&M Energy

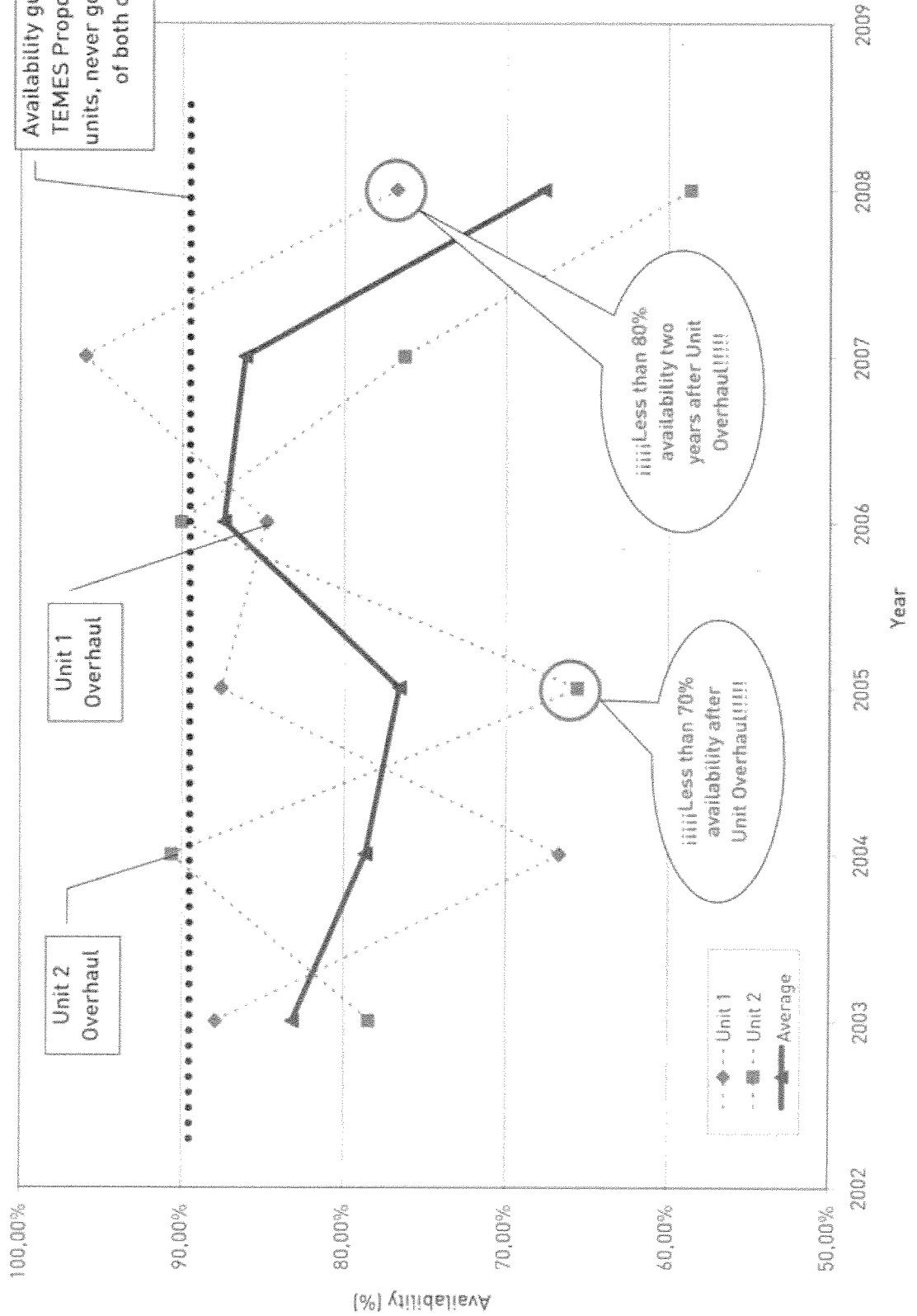


Attachment 1: CABRAS 1&2 O&M Expenses under TEMES Operation



Attachment 2: CABRAS 1&2 Availability under TEMES Operation

UNION FENOSA



O&M ENERGY

PARQUE EMPRESARIAL LA FINCA
P.º DEL CLUB DEPORTIVO 1-EDIFICIO 5
28223 POZUELO DE ALARCÓN (MADRID)
ESPAÑA
TEL (34) 91 210 39 00
FAX (34) 91 210 39 01

To the attention of:

Mr. Joaquín C. Flores
General Manager
Guam Power Authority

Madrid, July 27th 2009

Copy to:

Ms. Jamie L.C. Pangilinan
Supply Management Administrator
Guam Power Authority

Dear Mr. Flores,

After the public opening of Price Bids for the Cabras 1&2 Performance Management Contract carried out by your Office on August 22nd, 2009, we have noticed certain irregularities in the contents of Temes bid that we want to bring up to your consideration.

Temes proposal should be considered irresponsible and non-responsive as required under the General Terms & Conditions, section 1, which "requires all parties involved in the preparation, negotiation, performance, or administration to act in good faith", and we base this on the following grounds:

- Temes bid shows a NPV (Net Present Value) of \$ 9.4 million, versus the other two proposals with NPVs of \$ 5.3 million, and \$ 4.5 million. This means NPV of Temes is extremely higher (77% and 108%) than the NPVs of the other two bids received.
- "Proposed O&M Spending Budget" value of \$ 1 million is presented by Temes for Year 1. The other two bidders include values of \$1.9 and \$2.4 million. Again, the comparison shows that Temes "Proposed O&M Spending Budget" for year 1 is extremely and unreasonably lower. Similar ratios are found for subsequent years in which a escalation factor is applied by bidders.
- A technical analysis of the O&M Spending Budget with the information that has been provided to all bidders, show that there is no way in which the facility can be operated and maintained with such a low budget without seriously compromising the plant personnel safety, prudent industry standards, and condition of the facility.
- More than that, this low value can not be considered a mistake and it must be deemed as intentional, since Temes has been performing the PMC for the last multiple years, thus being extremely knowledgeable of the actual historical financial data. Actual available values of "O&M Spending" for the previous 6 years show values in the range of the \$ 2-3 million [see attached document extracted from the bid documentation provided by GPA].



www.unionfenosa.es 

For year 2008, O&M Spending Budget under Temes was \$ 3.4 million. Even previous Temes bid had values within that range (USD 2,130,000).


- In summary, Temes value consciously deviates from any logical value. Based on industry standards, this is unreasonable, and fails to meet the good faith required in the process. Usually, such differences between one proposal and the rest show signs of a bid that can be considered incurring in predatory pricing, and/or in the category of "less than fair value". In this case, considering Temes knowledge of the plant historical performance and expenditures, it can be sustained that there has been an intentionality to artificially alter the normal result of the bidding process.

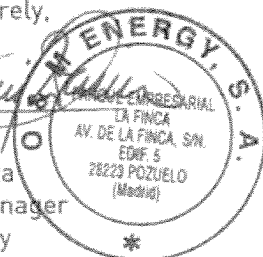
Furthermore, in the General Terms and Conditions Section 17, it is established that the Chief Procurement Office shall be guided by the following (among others): D) the quality of performance of the bidder with regards to awards previously made to him, and G) the ability of the bidder to provide future maintenance and services for the subject of the award. Considering that for the last years Temes has not been able to reach the availability presented in this Bid, and incurring at a much higher cost, it is necessary to consider this historical performance at the time of evaluating this current proposal from Temes.

All these arguments bring us to the conclusion that Temes has intentionally presented a Bid with a less than fair value, and that obviously lacks bona fide (good faith).

Considering all the above, and in the certainty that GPA gives capital relevance to the transparency and fairness of its procurement processes, we request the disqualification of Temes bid, and we remain waiting for your favourable action reserving our right to further proceed and/or support you in this argument in higher instances of the relevant Guam Government Offices if it becomes necessary.

Yours sincerely,


Luis Zarauza
General Manager
O&M Energy



Attachment: Actual O&M Spending, 2003-2008. Source: Bidding documents.

Object Code	Description	CY 2003 Actual \$	CY 2004 Actual \$	CY 2005 Actual \$	CY 2006 Actual \$	CY 2007 Actual \$	CY 2008 Actual \$
2	Overtime	\$61,903	\$85,073	667,970	712,705	466,962	839,566
15	Heavy Equipment Rental	3,690	2,620			2,620	1,684
17	Other Rentals	22,178	27,053	5,820	289	1,732	
25	Technical Services				18,142	5,955	108,456
26	EPA Services	22,055	53,370	69,545	112,368	100,370	59,625
27	Other Professional Services	181,195	248,852	340,724	50,291	39,811	64,833
29	Grounds Maintenance	512	24,600	65,019	59,891	49,343	49,436
32	Office Equipment Maintenance	751		842	100	6,748	
33	Power Plant Accessory Equip. Maint.	52,272	21,482	24,283	21,829	47,689	75,400
35	Other Maintenance				124,365	79,721	54,039
38	Water	291,031	183,155	242,590			
40	Telephone (Overseas)	2,316	6,138	10,017	8,225	8,807	7,514
43	Other Contractual Services	28,790	24,757	207,513	54,133	130,153	348,808
44	Boiler & Assoc. Equip. Parts (Inventory Issue)	316,133	150,231	282,341	269,168	112,150	268,198
45	Turbine & Assoc. Equip. Parts (Inventory Issue)						13,890
46	Accessory Equipment	57,161	143,609	195,290	298,144	454,439	529,129
48	EPA & Others						15,669
49	Conductors, Poles & Line Hardware	2,231	428			15,138	15,424
55	Diesel Plant Part	36,339	179	817	1,365	164,364	143,825
56	Chemicals	84,482	270,588	347,184	298,148	341,614	385,290
57	Gases	24,241	41,524	73,597	91,766	89,979	101,953
58	Lubrication	12,938	22,673	43,427	12,359	76,277	78,691
62	Other Materials	111,278	94,319	224,906	320,660	123,986	264,201
64	Janitorial Supplies	9,411	5,839				
65	Office Supplies	8,574	5,601	5,419	2,288	2,072	8,763
66	Safety Supplies	9,917	20,363	31,768	27,806	24,119	36,558
67	Printed Forms	5,179	5,132	7,782	841	1,559	1,255
68	Xerox Supplies	889	1,560	307	3,265	3,158	4,701
69	Uniform/Coveralls	6,445	3,816	2,356	3,153	4,289	1,276
70	Tools	19,582	22,812	30,026	31,754	41,792	21,490
72	Other Administrative/General Supplies	20,495	25,603	39,883	34,674	34,680	47,939
77	Training & Materials	10,648	483	840		132,893	432
80	Travel (Local)			10,829			
81	Off-Island Travel					11,700	
82	Others	429	1,680	5,040			
Total Non-Labor (Codes 15-82)		1,378,408	1,408,466	2,268,165	1,845,025	2,107,144	2,708,480



GUAM POWER AUTHORITY

ATURIDÁT ILEKTRESEDÁT GUAHAN
P.O. BOX 2977 • AGANA, GUAM U.S.A. 96932-2977

FACSIMILE TRANSMITTAL COVER LETTER

Date: October 12, 2009

Please deliver the following to: O&M Energy, S.A.
Attn: Clarice Lema/
Juan Rodriguez Martin de los Santos

From: Melissa C. Uncangco
Buyer II

Subject: GPA's Response to O&M Protest dated 09/18/2009, for GPA-013-07,
Re-bid PMC Cabras 1&2 Multi-Step bid

Hafa Adai!

Kindly acknowledge receipt of the following by signing below and return fax to (671) 648-3165.

Received By: _____ Date: _____
Print Name Signature

Confidentiality Notice: The information in this facsimile is intended for the named recipients **ONLY**. It may contain instructions requiring the immediate attention of the addressee. If you receive this facsimile in error, or if there is a transmission error, please notify us immediately.

THANK YOU

Number of pages: 6

Sent by: Melissa C. Uncangco

Date: 10/12/2009

DENIAL OF PROCUREMENT PROTEST

October 7, 2009

Mr. Juan Rodriguez Martin de los Santos
Business Development Manager
O&M Energy, S.A.
Parque Empresarial "La Finca"
Paseo del Club Deportivo, 1
28223 Pozuelo de Alarcon
Madrid Spain

RE: Guam Power Authority's Response to O&M Protest dated September 18, 2009, for GPA-013-07 (Re-Bid PMC Cabras 1&2 multi-step bid)

Dear Mr. Del los Santos:

I have reviewed your protest letter dated September 18, 2009, protesting Guam Power Authority's (GPA) Award of GPA-013-07 (Re-Bid PMC Cabras 1&2 multi-step bid) to Taiwan Electrical and Mechanical Engineering Services, Inc, and the rejection of our [O&M] bid for the abovementioned project due to low positive net present value.

1. There is no merit to your claim that the TEMES price proposal was "irresponsible and non responsive", based on O&M's perception that TEMES was not acting in good faith under the General Terms and Conditions. The bid evaluation committee reviewed all three bids submitted and determined that all bidders were technically qualified. When the sealed bid proposals were reviewed, the bid evaluation committee determined that the TEMES price proposal was responsive and complied with all the requirements requested by Guam Power Authority in the bid package. GPA reviewed the bid packages and provided a notice of intent to award to the lowest responsible and **responsive** bidder. A responsive bidder is a person who has submitted a bid which conforms in all material respects to the Invitation for Bids. 5 GCA

§5201(g) and 2 GAR, Div. 4, Chap. 3, §3109(n)(2). Further, any bidder's offering which does not meet the acceptability requirements shall be rejected as non-responsive. 2 GAR, Div. 4, Chap. 3, §3109(n)(3)(c).

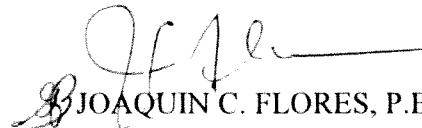
2. GPA-013-07 is a multi-step bid process in which GPA qualified all bidders first on whether the bidders met the technical specifications. In this case, GPA was provided with sealed price proposals from all three bidders which were not opened by GPA until after completion of the technical review. The technical review committee qualified all three bidders, TEMES, Korea East West Power, and O&M Energy as technically qualified under the multi-step process. On July 22, 2009, at 2:00 p.m., the sealed bid proposals of the three qualified bidders were opened in the presence of company representatives. The representatives were provided a copy of the Abstract of Bids which lists the Net Present Value (NPV) of the three bidders, a copy of which is attached hereto as Exhibit "A". TEMES had the highest 5 year NPV (\$9,394,142.33) followed by O&M (\$5,353,457.28), and then Korea East (\$4,939,222.46).

.Here the intent to award was made to TEMES, as it was deemed to be the lowest, responsive and responsible bidder for these items. Their bid was responsive to the multi-step bid and complied with the specifications set forth in the multi-step bid. TEMES provided a responsive bid as required by GPA in its multi-step bid, and had the lowest price for the five year contract, as reflected in the highest net present value. The five year net present value for TEMES was calculated at \$9,394,142.33 and the net present value for the next highest bidder, O&M, was calculated at \$5,393,497.28, which represents a savings to GPA of approximately \$4 million dollars over five years. GPA can not speculate as to the differences in the bids submitted by the different bidders. Therefore, GPA hereby finds that there is no merit to O&M's claim that the

TEMES bid is irresponsible and non-responsive.

O&M Energy Union Fenosa is hereby ON NOTICE that this is the Guam Power Authority's final decision concerning O&M Energy Union Fenosa's September 18, 2009 bid protest for the above described multi-step bid. You are hereby advised that O&M Energy Union Fenosa has the right to seek judicial review.

Sincerely,


B. JOAQUIN C. FLORES, P.E.
General Manager, Guam Power Authority

Invitation Number: GPM-013-07
 Opening Date: 07/22/09 2:00 P.M.

PURCHASES & STORES DIVISION
 GUAM POWER AUTHORITY
ABSTRACT OF BIDS

ITEM NO.	QTY	Contract Year 1	Contract Year 2	Contract Year 3	Contract Year 4	Contract Year 5
Description of Supplies or Services						
Performance Maint. Contract for the Guam Power Authority Cabras 142						
BIDDER						
1.	TEMEQ, INC.	Fixed Maint. \$1,520,000.00	\$1,602,500.00	\$1,606,311.00	\$1,651,200.41	\$1,647,524.40
		P.O.H.M.S. Budget: \$1,000,000.00	\$1,020,000.00	\$1,056,704.00	\$1,096,373.49	\$1,110,742.42
		Unit #1 P&A: 90%	90%	90%	90%	90%
		Unit #2 P&A: 90%	90%	90%	90%	90%
		NPV: \$9,394,142.33				
2.	Green East West Power	Fixed Maint. \$1,201,048.00	\$1,234,075.24	\$1,204,240.20	\$1,304,705.04	\$1,341,344.07
		P.O.H.M.S. Budget: \$2,411,943.00	\$2,479,477.40	\$2,549,912.71	\$2,626,272.09	\$2,693,634.07
		Unit #1 P&A: 92.3%	90.6%	92.7%	90.0%	92.7%
		Unit #2 P&A: 95.3%	90.9%	99.3%	91.3%	90.1%
		NPV: \$4,903,222.46				
3.	THAN TONSA / OMI Energy	Fixed Maint. \$1,493,446.07	\$1,470,003.77	\$1,503,001.05	\$1,524,305.07	\$1,505,304.04
		P.O.H.M.S. Budget: \$1,907,116.04	\$2,026,130.34	\$2,006,914.25	\$2,149,521.00	\$2,214,007.33
		Unit #1 P&A: 90%	94%	90%	90%	90%
		Unit #2 P&A: 90%	94%	90%	90%	90%
		NPV: \$5,353,457.20				

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 returned hereto.

Authorized By: *[Signature]*
 Date: 07/22/09

APPROVAL OF AWARD

Basis for Award:

Lowest Responsive Bidder
 To Bid
 Only Bid
 Other Than Lowest Responsive Bidder (See explanation on reverse hereof or attached)

Number of Awards (Contractors):

Exhibit "A"

