



Jerrick Hernandez <jhernandez@guamopa.com>

Fwd: Procurement Appeal

Vincent Duenas <vduenas@guamopa.com>

Thu, Dec 9, 2021 at 8:47 AM

To: Jerrick Hernandez <jhernandez@guamopa.com>, Benjamin Cruz <bjcruz@guamopa.com>, Thyrza Bagana <tbagana@guamopa.com>

FYI

----- Forwarded message -----

From: **GPE INC** <guampacific@gmail.com>

Date: Wednesday, December 8, 2021

Subject: Procurement Appeal

To: tbagana@guamopa.com, Vince Duenas <vduenas@guamopa.com>

Dear Ms. Bagana and Mr. Duenas:

I am filing a Procurement Appeal relative to UOG IFB 21-17. Please see attachments and confirm receipt of this email.

Very Respectfully,

Sedfrey M. Linsangan
President
Guam Pacific Enterprise, Inc.
Tel: (671) 649-6994/7/8

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Vincent Duenas
Accountability Auditor
Office of Public Accountability - Guam
Tel. (671) 475-0390 ext. 219
Fax (671) 472-7951
<http://www.opaguam.org/>

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NOTICE OF APPEAL.pdf

7556K



**Appendix A: Notice of Appeal Form
PROCUREMENT APPEAL**

PART I- To be completed by OPA

In the Appeal of)
Guam Pacific Ent. Inc.) **NOTICE OF APPEAL**
(Name of Company), APPELLANT)
Docket No. OPA-PA _____

PART II- Appellant Information

Name: Guam Pacific Ent. Inc.
Mailing Address: P.O. Box 23128 Ba.
Krigada Guam 96921
Business Address: Harmon Guam
Email Address: guampacific@gmail.com
Daytime Contact No: 649-6997-8-4
Fax No.: 649-6988

PART III- Appeal Information

- A) Purchasing Agency: University of Guam
B) Identification/Number of Procurement, Solicitation, or Contract: IFB 21-17
C) Decision being appealed was made on Dec. 6 (date) by:
 Chief Procurement Officer Director of Public Works Head of Purchasing Agency

Note: You must serve the Agency checked here with a copy of this Appeal within 24 hours of filing.

D) Appeal is made from:

(Please select one and attach a copy of the Decision to this form)

- Decision on Protest of Method, Solicitation or Award
 Decision on Debarment or Suspension
 Decision on Contract or Breach of Contract Controversy
(Excluding claims of money owed to or by the government)
Determination on Award not Stayed Pending Protest or Appeal

E) Names of Competing Bidders, Offerors, or Contractors known to Appellant:

Tony's Workshop
JWS Guam
All Business Enterprise
Guam Pacific Ent. Inc.

PART IV- Form and Filing

In addition to this form, the Rules of Procedure for Procurement Appeals require the submission together with this form of additional information, including BUT NOT LIMITED TO:

1. A concise, logically arranged, and direct statement of the grounds for appeal;
2. A statement specifying the ruling requested;
3. Supporting exhibits, evidence, or documents to substantiate any claims and the grounds for appeal unless not available within the filing time in which case the expected availability date shall be indicated.

Note: Please refer to 2 GAR § 12104 for the full text of filing requirements.

PART V- Declaration Re Court Action

Pursuant to 5 GCA Chapter 5, unless the court requests, expects, or otherwise expresses interest in a decision by the Public Auditor, the Office of Public Accountability will not take action on any appeal where action concerning the protest or appeal has commenced in any court.

The undersigned party does hereby confirm that to the best of his or her knowledge, no case or action concerning the subject of this Appeal has been commenced in court. All parties are required to and the undersigned party agrees to notify the Office of Public Accountability within 24 hours if court action commences regarding this Appeal or the underlying procurement action.

Submitted this 8 day of Dec 2021

By: Guam Pacific Ent. Inc.
APPELLANT

or

By: [Signature]
Appellant's Duly Authorized Representative
(Address) Hatmon, Guam
(Phone No.) 1046-6997-8-4

Dec. 8, 2021

Statement of the grounds
for appeal

I raised the 15% Bid bond requirement because VOG confirmed that federal financial assistance award will be used to purchase the HVAC equipments. Please see Exh 5, dated Nov. 5, 2021. However I only got a response on Dec. 3, 2021 after 5:00pm which is a Friday and Bid is already on Monday (Dec. 6) Please see Exh. 13. I also followed up with them why my bid bond concern is not being answered. Please see Exh. 15 and 16

I filed a protest on Dec. 6 in the morning. I received a decision on the same day, around 3:05pm. Please see Exh. 8 (Protest) and Exh. 9 (VOG Decision on Protest)

In my Protest, I am requesting a Stay of Procurement but instead was criticised by the Procurement that my Protest has deficiencies. Please see Exh. 10 on my reply to their decision. Their response is a Protest Decision because they are denying my protest even they do not regard it as a protest. They are doing it to go ahead with the scheduled Bid Opening on Dec. 6. There's still sufficient time to issue a Stay of Procurement but they did not adhere to the Procurement Chg. 5 Law on the process of handling the protest.

My other concern is the lowest bidder did not submit the literature or specs for his offer. It is not being evaluated yet but UOG issued already a Notice

of Intent of Award in the same day of the bid. Please see Exh. 17. How could they award it on the same day since it could take a week to examine all the brochures or literature for the 15 units and also if it complies with Buy American Act? Then they have to evaluate too the offer of the 2 bidders that participated before making a determination.

I am requesting a ruling that 15% Bid bond which is a Local Law does not apply to Federal Financial assistance awards. Ghura was not implementing 15% Bid bond for 30 years until the Procurement Officer Mr. Lastimosa retired then the new one changes the policy which is wrong and a rebid.



GPE INC <guampacific@gmail.com>

Bid 21-17

1 message

GPE INC <guampacific@gmail.com>
To: UOG Procurement Bids <uog.bids@triton.uog.edu>

26 October 2021 at 16:43

Dear UOG President,

My concern is Section 5011 of CH.5 Guam Procurement Law (Policy In Favor of Serviced -Disabled Veteran Owned Business) is not included in the Bid Documents.

My second concern is , Is the Bid All or None

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Guam Pacific Enterprise, Inc.
Tel: (671) 649-6994/7/8



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Exh. 1



GPE INC <guampacific@gmail.com>

Bid 21-17

1 message

GPE INC <guampacific@gmail.com>
To: UOG Procurement Bids <uog.bids@triton.uog.edu>

26 October 2021 at 16:49

Dear UOG President,
Here are my concerns.

1) Section 5011 of Chapter 5 is not included in the Bid documents. (Policy In Favor of Serviced - Disabled Veteran Owned Business)

2) Is the Bid All or None Bid ?

3) Is the installation required ?

Very Respectfully,
Sedfrey M. Linsangan

--

Guam Pacific Enterprise, Inc.
Tel: (671) 649-6994/7/8



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Exh 2



GPE INC <guampacific@gmail.com>

Re: Bid 21-17

1 message

UOG Procurement Bids <uog.bids@triton.uog.edu>
 To: GPE INC <guampacific@gmail.com>
 Cc: Procurement Office <procurementoffice@triton.uog.edu>

27 October 2021 at 09:26

Håfa Adai & Good Morning Mr. Lingsangan,

We are in receipt of your questions. We will respond accordingly, as we will issue the answer to your questions in an amendment. Thank you for your patience!

Si Yu'os ma'åse' & Have a nice day!,



Respectfully,

UOG Procurement

Office: 671-735-2925
 Fax: 671-735-3010
 uog.bids@triton.uog.edu

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From: GPE INC <guampacific@gmail.com>
Sent: Tuesday, October 26, 2021 4:52 PM
To: UOG Procurement Bids <uog.bids@triton.uog.edu>
Subject: Re: Bid 21-17

[EXTERNAL EMAIL - Please use caution when opening attachments or clicking links.]

Please confirm receipt of my concerns including Buy American Act.

On Tue, 26 Oct 2021 at 16:49, GPE INC <guampacific@gmail.com> wrote:
 Dear UOG President,
 Here are my concerns.

Exh 3



GPE INC <guampacific@gmail.com>

\$25.00 FILING FEE

1 message

GPE INC <guampacific@gmail.com>

28 October 2021 at 09:53

To: uogbids@triton.uog.edu

Dear UOG President,

I am respectfully requesting that the \$ 25.00 fee for Bid 21- 17 be waived due to inconsistencies with the intention and provisions in the Guam Procurement Law .

Please be advised that only UOG out of all government agencies is charging the fee even we downloaded the pdf file.. All agencies only charge us the fee if we request a hard copy.

We are already incurring Notary fees with \$75.00 and bid bond fees and Cashiers check in the form of bid bond that is 15% of the total bid..The last bid that I participated cost me \$ 12, 250.00 bid bond.

Hoping for your kind consideration and please confirm receipt of this email.

Very Respectfully
Sedfrey M. Linsangan
President
Guam Pacific Enterprises Inc

--

Guam Pacific Enterprise, Inc.
Tel: (671) 649-6994/7/8



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Exh 4



GPE INC <guampacific@gmail.com>

IFB 21-17, Question

1 message

GPE INC <guampacific@gmail.com>

5 November 2021 at 12:33

To: "Gumataotao, Emily" <eggumataotao@triton.uog.edu>, Procurement Office <procurementoffice@triton.uog.edu>, uogbids@triton.uog.edu

Dear Ms. Gumataotao,

Here is my question below.

Did UOG remiss by requiring 15% Bid bond under Guam Law for a project that the funds being used is from financial assistance awards ? (American Rescue Funds Act)

Argument. 15 % bid bond pursuant to Guam law only applies for local funds. 15% BID BOND substantially burdens the small business owners and the manufacturers that they are representing

Therefore , it is non compliant and inconsistent with the Section1 and 3 of Executive Order 14005 of President Biden's American Made Act Law. The bid bond should be waived.

Very Respectfully,
Sedfrey M. Linsangan
President
GPEInc.

--
Guam Pacific Enterprise, Inc.
Tel: (671) 649-6994/7/8



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Exh 5

From: GPE INC [mailto:guampacific@gmail.com]
Sent: Friday, November 5, 2021 12:36 PM
To: Gumataotao, Emily <eggumataotao@triton.uog.edu>; Procurement Office <procurementoffice@triton.uog.edu>; uogbids@triton.uog.edu
Subject: Re: IFB 21-17, Question

[EXTERNAL EMAIL - Please use caution when opening attachments or clicking links.]

Please confirm receipt of this email

On Fri, 5 Nov 2021 at 12:33, GPE INC <guampacific@gmail.com> wrote:

Dear Ms. Gumataotao,

Here is my question below.

Did UOG remiss by requiring 15% Bid bond under Guam Law for a project that the funds being used is from financial assistance awards ? (American Rescue Funds Act)

Argument. 15 % bid bond pursuant to Guam law only applies for local funds. 15% BID BOND substantially burdens the small business owners and the manufacturers that they are representing

Therefore , it is non compliant and inconsistent with the Section1 and 3 of Executive Order 14005 of President Biden's American Made Act Law. The bid bond should be waived.

Very Respectfully,

Sedfrey M. Linsangan

President

GPEInc.

--

Guam Pacific Enterprise, Inc.

Tel: (671) 649-6994/7/8



Exh 6



GPE INC <guampacific@gmail.com>

Re: IFB 21-17, Question

1 message

GPE INC <guampacific@gmail.com>

5 November 2021 at 14:28

To: "Gumataotao, Emily" <eggumataotao@triton.uog.edu>

Cc: Procurement Office <procurementoffice@triton.uog.edu>, UOG Procurement Bids <uog.bids@triton.uog.edu>

Thank you for the clarification.

On Fri, 5 Nov 2021 at 13:54, Gumataotao, Emily <eggumataotao@triton.uog.edu> wrote:

Håfa Adai & Good Afternoon,

Confirming receipt of your email; We will respond accordingly and issue in Amendment.

Also, please correct your email, you have the bids email at uogbids@triton.uog.edu, the corrected email should be uog.bids@triton.uog.edu. That may be the reason we are not receiving your email.

Si Yu'os ma'åse' & Have a nice day!,



Respectfully,

Emily G. Gumataotao

SUPPLY MANAGEMENT ADMINISTRATOR

PROCUREMENT | ADMIN & FINANCE

Office: 671-735-2925

Fax: 671-735-3010

eggumataotao@triton.uog.edu

Procurementoffice@triton.uog.edu

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Exh 7

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GPE INC <guampacific@gmail.com>

Re: Notice of Protest, Bid 21-17

1 message

GPE INC <guampacific@gmail.com>

6 December 2021 at 10:11

To: "Gumataotao, Emily" <eggumataotao@triton.uog.edu>, UOG Procurement Bids <uog.bids@triton.uog.edu>

Please confirm receipt of this email. (Notice of Protest)



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On Mon, 6 Dec 2021 at 10:10, GPE INC <guampacific@gmail.com> wrote:

----- Forwarded message -----

From: **GPE INC** <guampacific@gmail.com>

Date: Mon, 6 Dec 2021 at 10:05

Subject: Notice of Protest, Bid 21-17

To: <uogbids@triton.uog.edu>

Dear Ms. Gumataotao and Procurement Team

I am respectfully filing a protest on the subject Bid due to violations of Buy Americana Act Law and Executive Order of President Biden on Made in America Act.

My protest is due to the imposition of the 15% Bid bond which is a Guam law. The bid bond is inconsistent with the intent and purpose of Section 1 and Section 3 of President Biden's Executive Order. The funds being used is from CARE'S Act which is a federal financial assistance award.

Federal Law supersedes Guam law, therefore Bid bond should not be implemented because it substantially burdens American small business owners, workers and manufacturers. We participated on Military bids here for the last 34 years and the Navy and US Air Force do not require Bid bonds.

Stay of Procurement is warranted due to this Notice of Protest. Please take note that I only received the response last Friday.

Very Respectfully,
 Sedfrey M. Linsangan
 President
 GPEINC

Guam Pacific Enterprise, Inc.

Tel: (671) 649-6994/7/8



Exh 8

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GPE INC <guampacific@gmail.com>

Notice of Protest, Bid 21-17

1 message

UOG Procurement Bids <uog.bids@triton.uog.edu>

6 December 2021 at 15:05

To: GPE INC <guampacific@gmail.com>

Cc: "Gumataotao, Emily" <eggumataotao@triton.uog.edu>, Procurement Office <procurementoffice@triton.uog.edu>

Håfa Adai & Good Afternoon Mr. Linsangan,

Please comply with the requirements of Section 9.2.3.1 and Section 9.2.3.3, UOG Procurement Regulations if you desire to file a protest. Until you GPE does so, UOG will treat this matter as a complaint and not a Protest. Accordingly, and pursuant to Section 9.2.2, UOG Procurement Regulations, on behalf of UOG's President, there is no merit to your complaint. Specifically, it appears that you are assuming that the President's Biden's Executive Order applies to UOG-IFB-21-17. However, you do not cite any specific portions of said Executive Order or other federal law specifically making said Executive Order applicable to UOG-IFB-21-17. Further, Guam Procurement Law specifically requires the 15% Bid Bond. Bid security shall be required for all competitive sealed bidding for the procurement of supplies or services when the total price is estimated to exceed Twenty-Five Thousand Dollars (\$25,000.00). 5 G.C.A. §5212(a). Here, the price of the items being solicited for in UOG-IFB-21-17 will likely exceed the amount of Twenty-Five Thousand Dollars (\$25,000.00). Further, Bid security shall be in an amount equal to fifteen percent (15%) of the total amount bid. 5 G.C.A. §5212(b). There is no exception in the aforementioned Guam Procurement Law for solicitations made by Public Corporations, such as UOG, that are federally funded. Finally, if you are concerned that there is a difference between the manner in which the U.S. Navy and the U.S. Air force and UOG conduct their procurement actions, be advised that Federal Procurement Laws and the Federal Acquisition Regulations apply to the U.S. Navy and U.S. Air Procurement, and Guam Procurement Law and UOG's Procurement Regulations apply to UOG procurements. For UOG-IFB-21-17, UOG must comply with Guam Procurement Law and UOG's Procurement Regulations to include the requirement for the 15% Bid Bond.

Further, you are hereby ON NOTICE that if GPE fails to provide the required Bid Bond for UOG-IFB-21-17, UOG must reject GPE's bid in accordance with 5 G.C.A. §5212(e).

Based on the foregoing, your complaint concerning the 15% Bid Bond required by UOG-IFB-21-17 is hereby DENIED.

Si Yu'os ma'åse' & Have a nice day!,

Respectfully,

UOG Procurement

Office: 671-735-2925

Fax: 671-735-3010

uog.bids@triton.uog.edu

Exh 9



GPE INC <guampacific@gmail.com>

Re: Notice of Protest, Bid 21-17

1 message

GPE INC <guampacific@gmail.com>

6 December 2021 at 15:38

To: UOG Procurement Bids <uog.bids@triton.uog.edu>

Thank you for your reply. Please forward me a copy of Section 9.2.3.1 and Section 9.2.3.3 because it is not provided in the IFB. Whether my protest does not comply with your standard it is still a protest and you were notified. Only OPA or the court will be the right body to make that determination. But I am willing to do it , however, Stay of Procurement is warranted .

Your procurement people did not address my complaint which I emailed to them ever since . Only last Friday ,December 3, I received the response around 5.00 pm plus after working hours. They knew there is a question but they did not extend the bid .

If the bid was not postponed and Stay of Procurement is not issued then I do not need to comply with your regulations. I will just wait for your Protest decision after 14 days.. The Executive Order of President Biden is 14005(Section 1 and 3) which you have a copy from my OPA case.



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On Mon, 6 Dec 2021 at 15:05, UOG Procurement Bids <uog.bids@triton.uog.edu> wrote:

Håfa Adai & Good Afternoon Mr. Linsangan,

Please comply with the requirements of Section 9.2.3.1 and Section 9.2.3.3, UOG Procurement Regulations if you desire to file a protest. Until you GPE does so, UOG will treat this matter as a complaint and not a Protest. Accordingly, and pursuant to Section 9.2.2, UOG Procurement Regulations, on behalf of UOG's President, there is no merit to your complaint. Specifically, it appears that you are assuming that the President's Biden's Executive Order applies to UOG-IFB-21-17. However, you do not cite any specific portions of said Executive Order or other federal law specifically making said Executive Order applicable to UOG-IFB-21-17. Further, Guam Procurement Law specifically requires the 15% Bid Bond. Bid security shall be required for all competitive sealed bidding for the procurement of supplies or services when the total price is estimated to exceed Twenty-Five Thousand Dollars (\$25,000.00). 5 G.C.A. §5212(a). Here, the price of the items being solicited for in UOG-IFB-21-17 will likely exceed the amount of Twenty-Five Thousand Dollars (\$25,000.00). Further, Bid security shall be in an amount equal to fifteen percent (15%) of the total amount bid. 5 G.C.A. §5212(b). There is no exception in the aforementioned Guam Procurement Law for solicitations made by Public Corporations, such as UOG, that are federally funded. Finally, if you are concerned that there is a difference between the manner in which the U.S. Navy and the U.S. Air force and UOG conduct their procurement actions, be advised that Federal Procurement Laws and the Federal Acquisition Regulations apply to the U.S. Navy and U.S. Air Procurement, and Guam Procurement Law and UOG's Procurement Regulations apply to UOG procurements. For UOG-IFB-21-17, UOG must comply with Guam Procurement Law and UOG's Procurement Regulations to include the requirement for the 15% Bid Bond.

Exh 10

Further, you are hereby ON NOTICE that if GPE fails to provide the required Bid Bond for UOG-IFB-21-17, UOG must reject GPE's bid in accordance with 5 G.C.A. §5212(e).

Based on the foregoing, your complaint concerning the 15% Bid Bond required by UOG-IFB-21-17 is hereby DENIED.

Si Yu'os ma'åse' & Have a nice day!,



UNIVERSITY OF
GUAM
UNIBETSEDÁT GUÅHAN

Respectfully,

UOG Procurement

Office: 671-735-2925

Fax: 671-735-3010

uog.bids@triton.uog.edu

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From: GPE INC <guampacific@gmail.com>

Sent: Monday, December 6, 2021 10:11 AM

To: Gumataotao, Emily <eggumataotao@triton.uog.edu>; UOG Procurement Bids <uog.bids@triton.uog.edu>

Subject: Re: Notice of Protest, Bid 21-17

[EXTERNAL EMAIL - Please use caution when opening attachments or clicking links.]

Please confirm receipt of this email. (Notice of Protest)



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On Mon, 6 Dec 2021 at 10:10, GPE INC <guampacific@gmail.com> wrote:

----- Forwarded message -----

From: **GPE INC** <guampacific@gmail.com>

Date: Mon, 6 Dec 2021 at 10:05

Exh 11



GPE INC <guampacific@gmail.com>

IFB B 21-17, HVAC equipment

1 message

GPE INC <guampacific@gmail.com>

7 December 2021 at 10:16

To: "Gumataotao, Emily" <eggumataotao@triton.uog.edu>, UOG Procurement Bids <uog.bids@triton.uog.edu>

Dear UOG TEAM,

Please be advised that an Appeal to the OPA on the subject bid will be filed to the OPA today or tomorrow. Your response to my bid bond requirements shall be construed as a Protest Decision.

Very Respectfully,
Sedfrey M. Linsangan
President

--

Guam Pacific Enterprise, Inc.
Tel: (671) 649-6994/7/8



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Exh 12

UOG INVITATION FOR BIDS NO. B21-17:
PURCHASING OF HVAC EQUIPMENT

QUESTION & ANSWER SHEET NO. 3
December 3, 2021

In response to the written "Questions" and/or "Request for Clarifications" UOG received as of 11/05/2021 @ 2:28pm from vendor: Guam Pacific Enterprise, Inc.

Question 1: Did UOG remiss by requiring 15% Bid bond under Guam Law for a project that the funds being used is from financial assistance awards ? (American Rescue Funds Act)

Argument. 15 % bid bond pursuant to Guam law only applies for local funds. 15% BID BOND substantially burdens the small business owners and the manufacturers that they are representing

Therefore , it is non compliant and inconsistent with the Section1 and 3 of Executive Order 14005 of President Biden's American Made Act Law. The bid bond should be waived.

Answer: UOG confirms Bid security shall be required for all competitive sealed bidding for the procurement of supplies or services when the total price is estimated to exceed Twenty-Five Thousand Dollars (\$25,000.00). 5 G.C.A. §5212(a). Further, Bid security shall be in an amount equal to fifteen percent (15%) of the total amount bid. 5 G.C.A. §5212(b). There is no exception in the aforementioned Guam Procurement Law for solicitations made by Public Corporations, such as UOG, that are federally funded. When Invitation for Bids requires bid security, noncompliance requires that the bid be rejected. 5 G.C.A. §5212(e).

Exh 13



ADMINISTRATION & FINANCE
Consolidated Procurement Office

AMENDMENT 5

**Invitation for Bid (IFB)
UOG IFB No. B21-17**

Date Issued: November 24, 2021

“PURCHASING HVAC EQUIPMENT”

This is to notify all prospective offerors of the following amendment set forth below:

- 1.1 Deadline for submission should read as follows: Monday, December 06, 2021 at 2:00 p.m. (your bid submission must be submitted electronically to the Bid Share folder provided by UOG Procurement Office on or before 2:00 p.m.) Bid opening will take place at 3:15 p.m. via ZOOM link provided by procurement office to all registered offerors.**

All other terms and conditions remain the same.

Emily G. Gumataotao
Supply Management Administrator

Please acknowledge receipt and email: uog.bids@triton.uog.edu:

Name of company: _____

Print Name/Signature/date

Exh 14



Re: UOG IFB B21-17 : Purchasing of HVAC Equipment - AMENDMENT 4
1 message

GPE INC <guampacific@gmail.com>
To: UOG Procurement Bids <uog.bids@triton.uog.edu>

I am also requesting for an extension up to December 14 due to my question that is still being discussed. Please advise

On Wed, 24 Nov 2021 at 09:11, GPE INC <guampacific@gmail.com> wrote:

Noted with thanks. Looking forward to your reply because our supplier is the distributor of US made Daikin and other brands.
Happy Thanksgiving to all of you.

VR,
Sed

On Wed, 24 Nov 2021 at 09:05, UOG Procurement Bids <uog.bids@triton.uog.edu> wrote:

Håfa Adai & Good Morning,

Will address your concern and respond accordingly.

Si Yu'os ma'åse' & Have a nice day!,

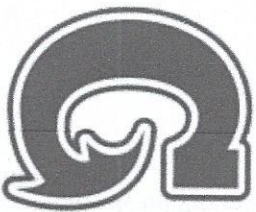
Respectfully,

UOG Procurement

Office: 671-735-2925

Fax: 671-735-3010

uog.bids@triton.uog.edu



UNIVERSITY OF
GUAM
UNIBETSEDAT GUAHAN

EXH 15

The University of Guam is an equal opportunity provider and employer.

CONFIDENTIALITY STATEMENT: This message is from the University of Guam and contains information which is privileged and confidential and is solely for the use of the intended recipient. If you a disclosure, copying, distribution, or use of the contents of this message is strictly prohibited. If you have received this transmission in error, please destroy immediately.

From: GPE INC <guampacific@gmail.com>
Sent: Tuesday, November 23, 2021 12:36 PM
To: UOG Procurement Bids <uog.bids@triton.uog.edu>
Subject: Re: UOG IFB B21-17 : Purchasing of HVAC Equipment - AMENDMENT 4

[EXTERNAL EMAIL - Please use caution when opening attachments or clicking links.]

Please take note that UOG had not addressed my concern on the elimination of bid bond since the funds to be used is not local funds but federal funds.

On Tue, 23 Nov 2021 at 11:25, GPE INC <guampacific@gmail.com> wrote:
Appreciate your Amendment 4 however my question regarding 15% Bid bond should not be required since it only applies to local funds not federal funds. Gov. Gl is inconsistent with the intentions and purpose of Buy American Act or Made in American Act. because Federal law supersedes Guam law.

The purpose of the Buy American Act is to help manufacturers, small business owners and American workers without imposing local laws that are unduly restrictiv
On Mon, 22 Nov 2021 at 17:00, UOG Procurement Bids <uog.bids@triton.uog.edu> wrote:

Håfa Adai & Good Afternoon,

Please see attached notice for the above referenced UOG IFB B21-17 - **AMENDMENT 4.**

Please acknowledge receipt.

Thank you & Stay safe!

Note: All Amendments are updated and uploaded on our UOG Procurement Site to be downloaded for your reference.

Si Yu'os ma'åse' & Have a nice day!,

Respectfully,

Exh 1b



ADMINISTRATION & FINANCE
Consolidated Procurement Office

December 6, 2021

Michael SJ. Ecalnea
P.O. Box 23066 GMF
Barrigada, Guam 96921
Main: 671-637-3060
Email: mike@tonysworkshop.com / tonyworkshop@teleguam.net

RE: **NOTICE OF INTENT TO AWARD- B21-17: PURCHASING OF HVAC EQUIPMENT**

Dear Sir/Madam:

As a result of our analysis on the above-referenced IFB, your bid submission for **PURCHASING OF HVAC EQUIPMENT**, is being considered for possible award, pending submission of requirements below:

- 1) *Copy of Guam Business License*
- 2) *Data Brochure of equipment being offered*

Please submit the above to the procurement office via email NLT Tuesday, December 7, 2021 by noon. Please be advised that this notice should not be construed as an award.

You can contact me at 735-2925 or email: uog.bids@triton.uog.edu if you have any questions regarding this notice.

Sincerely,

Emily G. Gumataotao
Supply Management Administrator

Please acknowledge receipt and return by email to uog.bids@triton.uog.edu

(Print/Sign)
cc: Procurement Files

Date

Exh 17



ADMINISTRATION & FINANCE
Consolidated Procurement Office

December 7, 2021

TONY's WORKSHOP
P.O. Box 23066 GMF
Barrigada, Guam 96921
Main: 671-637-3060
Email: mike@tonysworkshop.com / tonyworkshop@teleguam.net

RE: NOTICE OF AWARD- UOG IFB B21-17: "PURCHASING OF HVAC EQUIPMENT"

Dear Sir/Madam:

This letter is to certify that **TONY's WORKSHOP** is being awarded the University of Guam IFB **BID B21-17**.

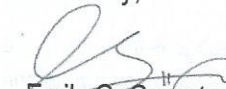
As a result of our evaluation on the above referenced IFB, a purchase order or contract will be forthcoming.

A representative from the respective unit will be in contact with you upon issuance of the purchase order and/or contract.

If you have any questions, please feel free to contact me at 735-2925 or email at uog.bids@triton.uog.edu.

Thank you and Congratulations!

Sincerely,


Emily G. Gumataotao
Supply Management Administrator

Please acknowledge receipt and return via email to uog.bids@triton.uog.edu.

(Please print name and sign)

(DATE)

cc: FMS
PROCUREMENT FILES

Exh 18



ADMINISTRATION & FINANCE
Consolidated Procurement Office

**ABSTRACT ANALYSIS
UOG IFB BID NO. B21-17**

Title: PURCHASING OF HVAC EQUIPMENT

Date Issued: 10/22/2021 Date/Time Opened: 12/06/2021/ 3:15 p.m.

Amendments Issued: Amendment 1 10/29/2021, Amendment 2 10/29/2021, Amendment 3 11/19/2021, Amendment 4 11/22/2021, Amendment 5 11/24/2021, & Amendment 6 12/03/2021

This Bid is requested for: Lowest Responsive and Responsible Bidder

	VENDORS/BIDDERS		
	ALL BUSINESS ENTERPRISE	JWS	TONY'S WORKSHOP
Date Bid Submitted	12/06/2021	12/06/2021	12/06/2021
Time Bid Submitted	11:31	11:33	1:21 PM
Business License	X	NOT INCLUDED	NOT INCLUDED
Contact for Contract Administration (B)	X	X	X
Bidder's Qualifications (C)	X	X	X
BID SECURITY (D)	CC - \$218,410.00	CC - \$98,785.80	BB
Major Shareholder Affidavit (E)	X	X	X
Non-Collusion Affidavit (F)	X	X	X
Gratuities, Kickbacks Favors (G)	X	X	X
Ethical Standards (H)	X	X	X
DOL Wage Determination (I)	X	X	X
Contingent Fees (J)	X	X	X
Amendment 1	X	X	X
Amendment 2	X	X	X
Amendment 3	X	X	X
Amendment 4	X	X	X
Amendment 5	X	X	X
Amendment 6	X	X	X

Table 1.0

RFK BUILDING SECOND FLOOR	\$120,002.50	\$74,837.72	\$55,372.32
RFK BUILDING FIRST FLOOR	\$107,574.60	\$59,870.18	\$52,856.01
RFK BUILDING FIRST FLOOR MAIN ENTRANCE	\$67,372.50	\$22,451.32	\$17,711.51
RFK BUILDING FIRST FLOOR AV ROOM	\$67,372.50	\$22,451.32	\$17,711.51
RFK BUILDING FIRST FLOOR OFFICES	\$80,461.60	\$29,935.09	\$24,262.45
PIP SECOND FLOOR	\$80,461.60	\$29,935.09	\$24,262.45
SCIENCE BUILDING FIRST FLOOR	\$107,574.60	\$59,870.18	\$52,856.01
SCIENCE BUILDING SECOND FLOOR	\$107,574.60	\$59,870.18	\$52,856.01
SCIENCE BUILDING THIRD FLOOR	\$80,461.60	\$29,935.09	\$24,262.45
ENGLISH COMMUNICATION BUILDING CLASSROOM	\$983,59.60	\$44,902.64	\$36,503.19
COMPUTER CENTER OIT BUILDING FIRST FLOOR	\$120,002.50	\$74,837.73	\$55,372.32
LECTURE HALL AUDITORIUM	\$80,461.60	\$29,935.09	\$24,262.45
HSS BUILDING	\$240,005.00	\$74,837.73	\$110,134.64
HSS BUILDING	\$98,359.60	\$44,902.64	\$36,503.19

Exh 19



ADMINISTRATION & FINANCE
Consolidated Procurement Office

DELIVERY	18-20 WEEKS	9-12 WEEKS	24 WEEKS
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TABLE 2.0

Service for Maintenance and upkeep	\$51,000.00	\$1,275.00 QUARTER \$5,100.00 ANNUAL	\$26,000.00 QUARTER
Services for disposal	\$11,250.00	INCLUSIVE	\$54,148.63
Replacement/trade in program	TO BE DISCUSSED UPON AWARD.	1 YEAR WARRANTY	\$196,766.42

Attendees: (Print name & sign opposite the firm you represent)

Company/Firm Name	Representative (Print Name)	Signature
All Business Enterprises Corporation	Nelia Bangayan	ONLINE ZOOM
Tony's Workshop	Michael Ecalnea	ONLINE ZOOM
All Business Enterprises Corporation	Gene Bangayan	ONLINE ZOOM
JWS	Anthony Scragg	ONLINE ZOOM

Tabulators:

Emily G. Gumataotao	SMA	ONLINE ZOOM
Kaimana K. Terlaje	Property Control Officer	ONLINE ZOOM

Exh 20