

EXHIBIT JBC – 3

ATTACHMENT P
 BID OPENING ABSTRACT FORM

1.5%

Pursuant to the Bid Attachment "B" No. 7 - we have provided this form for your use while recording the bid opening information being read out loud.

UOG Bid No. P13-11 Opening Date _____ & Opening Time _____

Witnesses: _____

Bid Set No.	Bidder's Company Name	Sealed Bid Receive Date & Time	Original Signed & 4 ea. Copy Sets Provided?	Required Submittal (Attachment B-9)	Bid Price for Option A	Bid Price for Option B
01	WESTERN ROOFING CHI CONST.	3/7/11 (3:7:11)	Yes or No	Yes or No	\$ 2,054,116 \$ 1,860 -	\$ 1,979,911 = 5% \$ 1,860 -
02	LOYAL PACIFIC GIZUM CONST.	3/7/11 (3:7:11)	Yes or No	Yes or No	\$ 1,091,190 \$ 1,008,558	\$ 1,091,190 - 998,548.77
03	CONSTRUCT BUILDERS RASCON CORP.	3/7/11 (3:7:11)	Yes or No	Yes or No	\$ 799,345 \$ 847,644	799-345 - ✓ 839,187.50
04	GNK ENTERPRISES ALLIED PACIFIC BLD.	3/7/11 (3:7:11)	Yes or No	Yes or No	\$ 388,168 \$ 1,153,704	NO OPTION \$ 1,080,989.81
05	MEGA PACIFIC ASIA PACIFIC	3/7/11 (3:7:11)	Yes or No	Yes or No	\$ 1,376,568 \$ 576,718	\$ 1,376,568 \$ 576,718
06	GA CORP. DANTE CONST.	3/7/11 (3:7:11)	Yes or No	Yes or No	\$ 767,949 \$ 388,288	\$ 769,109.82 ✓ NO OPTION
07	ABANOMA CORP.	3/7/11 (: :)	Yes or No	Yes or No	\$ NO BID	\$ 5,000 - ✓
08	MODERN CONSTRUCT	3/7/11 (: :)	Yes or No	Yes or No	\$ 885,750	NO OPTION
09	J&E	3/7/11 (: :)	Yes or No	Yes or No	\$ 486,779	NO OPTION
10	J&E Modern Tech	3/7/11 (: :)	Yes or No	Yes or No	\$ 719,911	\$ 709,112

NOTES:

EXHIBIT JBC – 4



UNIVERSITY OF GUAM
UNIBETSEDAT GUAHAN

Administration and Finance
Consolidated Procurement Office

REQUEST FOR CLARIFICATION

INVITATION FOR BID
UOG BID No. P13-11
Date Issued: March 14, 2011

This is notifying all prospective bidders of the following clarification:

1.1 We are requesting that all prospective bidders submit a copy of the approval and certification from the manufacture, as per Exhibit B, paragraph 1.5.3 of the bid specification for the product. This request is due by March 18, 2011.

Regards,

A handwritten signature in black ink, appearing to read "Carlos L.G. Iriarte".

Carlos L.G. Iriarte
Buyer II

Please acknowledge receipt and fax to 734 -3118:

Name of company: J&B MODERN TECH

ALEXANDER SALAZAR 3/14/11

Print Name/Signature/Date

EXHIBIT JBC – 5



UNIVERSITY OF GUAM
UNIBETSEDAT GUAHAN

Administration and Finance
Consolidated Procurement Office

RE-ISSUE
REQUEST FOR CLARIFICATION OF QUALIFICATIONS
AND
NEW SUBMISSION DATE
UOG BID NO. PI3-II
RECOVERY CIP: ROOF REPAIR & NEW ROOF AT VARIOUS FACILITIES
Date Issued: March 16, 2011

This is notifying all prospective bidders of the following clarification and submission:
Exhibit B Project Specification or Equivalent Equal, Section 1.5 Qualifications Page 89:
1.5.1 Fluid-Applied Roofing Material Manufacturer Company document of experience.
1.5.2 Applicator Company approved as an authorized applicator in writing by manufacturer
(Note: The Company, not an individual working for the Company)
1.5.3 Applicator approved and certified by manufacturer (Note: The approval and certification
has to be current, signed and dated by manufacturers authorized representative). This will apply
for all applicators the company intends to use for this project.

A complete and up to date set of Manufacturer Roofing System Specifications for the proposed
Roofing System the bidding company is approved and certified to install.

1.1 Deadline for submission of the above information will on Tuesday, March 22, 2011.

All other terms and conditions remain the same.

Regards,

Carlos L.G. Iriarte
Buyer II

Please acknowledge receipt and fax to 734 -3118:

Name of company: J & B MODERN TECH

ALEXANDER SALAZAR 3/16/11
Print Name/Signature/Date

EXHIBIT JBC – 6

Seth Forman
DOOLEY ROBERTS & FOWLER LLP
Suite 201, Orlean Pacific Plaza
865 South Marine Corps Drive
Tamuning, Guam 96913
Telephone No. (671) 646-1222
Facsimile No. (671) 646-1223
E-mail: Forman@guamlawoffice.com

Attorneys for Appellant
Phil-Gets (Guam) International Trading Corp.
dba J&B Modern Tech

OFFICE OF PUBLIC ACCOUNTABILITY
PROCUREMENT APPEAL

In the Appeal of)	DECLARATION OF
)	NOEL LOPEZ
Phil-Gets (Guam) International Trading Corp.)	
dba J&B Modern Tech,)	Docket No. OPA-PA-11-013
)	
Appellant.)	
_____)	

I, **Noel Lopez**, declare as follows:

1. I am employed by Phil-Gets (Guam) International Trading Corp. dba J&B Modern Tech (hereinafter "J&B") as a project engineer/architect.

2. After the bid opening for UOG Bid No. P13-11, Mr. Labadnoy from Isla Paint visited J&B's office and informed me that J&B would have to pay \$10,000 to Isla Paint to be trained and certified to apply Roof Mate. The training was to be conducted in the manner of an actual application of 10,000 square feet of coating.

3. I informed Alexander Salazar of Isla Paint's requirement for a \$10,000 payment.

I declare under the penalty of perjury, under the laws of Guam, that the foregoing is true and correct.

Dated: 8.03.11

By: _____


NOEL LOPEZ

EXHIBIT JBC – 7



J&B MODERN TECH
HVAC&R EQUIPMENTS AND SUPPLIES

P.O. BOX 9788 TAMUNING, GUAM, U.S.A. 96931
 TELEPHONE: (671) 646-0588 / 646-3346 / 646-4435
 FAX: (671) 646-0589

March 22, 2011

Consolidated Procurement Office
 Administrative and Finance
 University of Guam
 Mangilao, Guam 96923

Attention: Carlos L.G. Iriarte

Subject: **UOG Bid NO. P13-11**
Recovery CIP: Roof Repair & New Roof at Various Facilities
Request for Clarification of Qualification
SUBMITTAL

Dear Sir,

In reference to request for clarification of qualification issued dated March 14, 2011 and re-issued March 16, 2011, J&B Modern Tech hereby submit three (3) products that meets technical specifications, intend to be used for UOG selection for the above mentioned project as follows:

SYSTEM A:

Product Name : Roof Mate
 Manufacturer : United Coatings, 19011 E. Cataldo Ave., Greenacres, WA 99016
 Supplier : Isla Paint & Roofing Supply, 250 Guerrero Drive, Tamuning, Guam 96931
 Applicator : URW Roofing, Dededo, Guam 96929

Roof Mate of United coatings was been in use in Guam for more than ten (10) years on Federal, Government of Guam, Commercial, Industrial and Residential facilities, proven the product itself resist Guam weather conditions.

Should UOG select and approve to use Roof Mate on this project, J&B Modern Tech will hire the services of URW Roofing as sub-contractor in application of elastomeric roof system. URW Roofing is a certified applicator of United Coatings in Guam with reputable extensive experience and was in roofing system business since 2000.

SYSTEM B:

Product Name : ALDOCOAT
 Manufacturer : ALDO Products Company Inc., 1604 N. Main St. Kannapolis, NC 28081
 Supplier : Checkpoint International, Tamuning, Guam 96913
 Applicator : J&B Modern Tech, Harmon, Guam

ALDOCOAT of ALDO Products Company Inc. was been in use in Guam for over five (5) years on Federal, Government of Guam, Commercial and residential facilities, proven the product itself resist Guam weather conditions.

Should UOG select and approve to use ALDOCOAT on this project, J&B Modern Tech will utilize own personnel in application of elastomeric roof system. J&B Modern Tech is a certified applicator of ALDOCOAT in Guam with more than five (5) years experience in roofing system in Guam

SYSTEM C:

Product Name : Polyurethane Coatings
Manufacturer : Urethane Polymers International, Inc, 10880 Poplar Ave. Fontana, CA 92337
Supplier : AMC Painting & Construction, Tamuning, Guam 96913
Applicator : AMC Painting & Construction, Tamuning, Guam 96913

Polycoat of Urethane Polymers International, Inc. was been in use in Guam for over five (5) years on Government of Guam, Commercial, Industrial and Residential facilities, proven the product itself resist Guam weather conditions.

Should UOG select and approve to use UPI on this project, J&B Modern Tech will hire the services of AMC Painting and Construction Company as sub-contractor in application of elastomeric roof system. AMC Construction Company Inc. is a certified applicator of Urethane Polymers International, Inc. in Guam with more than five (10) years experience in roofing system in Guam

Should you have concerns, comments or questions regarding this matter, please contact the undersign at: phone: (671) 646-0588/3346/4435; fax: (671) 646-0589; mobile: (671) 898-5336 and e-mail: asalazar@jbmoderntech.com

Sincerely,

Alexander Salazar
Project Manager
J&B modern Tech

EXHIBIT JBC – 8

URW ROOFING COMPANY

P.O. BOX 9381

DEDEDO GUAM 96912

Phone: (671)637-6563

Fax: (671)632-6564

Cell: (671)888-4720

e-mail: inas1962@gmail.com

21 March 2011

SUBJECT: LETTER OF INTENT

To Whom it may concern: It is our intention to work for J&B Tech Contractor as their United Coating certified applicator on the Recovery CIP: ROOF REAIR & NEW ROOF AT VARIOUS FACILITIES project up at UOG.

Should you need any clarifications, please feel free to contact me at 671-888-4720

Sincerely,



George C. Ignacio
Owner

EXHIBIT JBC – 9

UNITED
COATINGS
LONGEVITY BY DESIGN
A Subsidiary of Quest Specialty Chemicals™

It is Herby Declared That

URPV Roofing

P.O. Box 9381 • Dededo, Guam 96912

Has Earned The Distinction Of

CERTIFIED APPLICATOR

for application of

UNITED'S PROTECTIVE COATINGS SYSTEMS

thereby qualifying for the appropriate

Warranty Programs

Expiry Date: September 08, 2009

Bob Mason

Bill Mason, VP International Sales

Expiration Date: January 15, 2011

Charles Little

Paul VP Business Dev Mgr

EXHIBIT JBC – 10



ALDO Products Company, Inc.

Stop the LEAKS! Reflect the HEAT!
Lower energy BILLS! SAVE MONEY!



Technical Data Sheet

ALDOCOAT 400

PREMIUM ACRYLIC

PRODUCT DESCRIPTION:

ALDOCOAT 400 is a high solids, technologically advanced, fire retardant, thixotropic, 100% acrylic elastomer uniquely formulated for the protection of spray polyurethane foam, metal, and a wide variety of other substrates. This product has passed **ASTM D6083**, has **Miami Dade and Florida Building Code approval**. The proprietary formulation incorporates premium elastomeric acrylic resins, reinforcing laminar pigments and non-migrating fire retardants to produce a seamless, flexible, durable membrane having exceptional weatherability, ultraviolet and fire resistance. ALDOCOAT 400 acts as a "breathing" membrane allowing trapped moisture vapor to pass through the film while remaining impervious to exterior mass water penetration. The resultant tough, cured film provides good resistance to mechanical damage and chemical attack.

RECOMMENDED USES:

ALDOCOAT 400 is the ideal choice for metal roofs, BUR and single ply restoration. This product is ideal for use over spray polyurethane foam and metal decks. The thixotropic nature of ALDOCOAT 400 permits high build coverage, even on rough, textured or vertical surfaces without pinholing or sagging. It also has excellent adhesion to a variety of other substrates, such as asphalt, primed wood, primed metal, concrete and masonry. Ponding water conditions are to be avoided. Please contact our Technical Service Department for primer recommendations for application over rusted surfaces.

COLORS:

ALDOCOAT 400 is available in standard white and medium gray. Custom color matching is available upon request where a specific color is required.

GENERAL APPLICATION INSTRUCTIONS OVER SPRAY POLYURETHANE FOAM:

ALDOCOAT 400 may be applied by airless spray equipment. Airless spray is the most efficient application method for larger projects. Brushes and rollers may be used for detail work such as edge termination, filling of voids, pinholes and small cracks. Apply ALDOCOAT 400 only to clean and dry sound substrates free of loose particles or other foreign matter. ALDOPRIME 708 Acrylic or 720 Neoprene may be used to enhance adhesion over aged spray polyurethane foam roofs.

Contact our Technical Service Personnel for project specific primer recommendations and substrate preparation.

TYPICAL PHYSICAL PROPERTIES:

TOTAL SOLID:
65% by weight ASTM D1644
Over 50% by volume ASTM 2697

WEIGHT PER GALLON:
11.2 ± .2 lbs. per gallon

FLASH POINT:
None

CLEAN UP:
Soap and Water

SHELF LIFE:
12 months @ 45° 80° F

COLOR:
White, Gray or as specified

VISCOSITY:
12,600 ASTM 2196

ELONGATION:
239% ASTM D2370

LOW TEMP FLEX:
PASS ASTM D522

IMPACT RESISTANCE:
exceeds 160b in/lb. ASTM D-2294

HARDNESS:
45 Shore A ASTM D-2240

TENSILE STRENGTH:
400 psi ASTM D2370

PERMEANCE:
6.5 perms ASTM D1653

ALGAE RESISTANCE
No growth supported ASTM G21

FUNGI RESISTANCE
No growth supported ASTM G29-96

SALT SPRAY
No effect (3000 hours) ASTM B-117

WEATHERABILITY
No effect (3800 hours) ASTM G-26

SERVICE TEMPERATURE:
-40° TO 200° F

CURE TIMES:
DRY TO TOUCH: 4 Hours @ 75° F
TACK FREE: 12 Hours
RECOAT: 12-24 Hours

APPROVALS:
Miami Dade/Florida Building Code



ALDO Products Company, Inc.

SOME SEPARATION MAY OCCUR DURING SHIPMENT AND STORAGE. THEREFORE, THE CONTENTS OF EACH CONTAINER SHOULD BE THOROUGHLY POWER MIXED FOR THREE (3) TO FIVE (5) MINUTES. DO NOT THIN PRODUCT!

It is recommended that **ALDOCOAT 400** be sprayed in multiple coats applied in multi-directional passes (north-south/east-west) to insure uniform film build and to avoid pinholing. Final dry film thickness (DFT) is to be a minimum of 25 dry mils and free of voids, pinholes, holidays, cracks or blisters. COATING APPLICATION SHOULD BE SUSPENDED IMMEDIATELY AND OUR TECHNICAL SERVICE PERSONNEL CONTACTED IF THE RESULTS BEING OBTAINED ARE LESS THAN DESIRABLE.

Apply two (2) or more coats of **ALDOCOAT 400** at the rate of 1-2 gallons per 100 square feet. As a visual aid in the application of the product, the base coat may be gray or light gray. Darker colors are available and may accelerate the curing process in cooler ambient temperatures. Accentuated surface profiles that increase total surface area will require a proportionate increase in the amount of **ALDOCOAT 400** to satisfy the minimum dry mil thickness specification requirements. If specification calls for roofing granules, these may be broadcast into intermediate coat or within 10 minutes of final coat application at the rate of 35-40 pounds per 100 square feet. No foot traffic should be permitted on the coated surface for 72 hours after application.

GENERAL APPLICATION INSTRUCTIONS OVER METAL:

ALDOCOAT 400 may be applied to all types of metal substrates, including surfaces previously coated with aluminized asphalt or other similar acrylic coatings. Apply **ALDOCOAT 400** only to clean, dry, sound surfaces free of loose particles or other foreign matter. Surface should be thoroughly inspected for oxidation. Conditions of all seams, fasteners and flashing areas should be checked for gaps, pinholes or cracks.

Pressure washing is required as the initial step in the preparation of the substrate. All seams are to be sealed, fastener heads addressed and all roof penetrations inspected as well for possible water penetration. Roof deck is to be water tight prior to coating application. Strict adherence to the published ALDO Metal Roof Restoration Specification or consultant/architect specification is required.

ALDO Products Company, Inc., is not responsible for building engineering or structural design issues, internal or external. Please consult a building professional if such issues are suspected of having an affect on any roof restoration process.

LIMITATIONS AND PRECAUTIONS:

ALDOCOAT 400 is a water-based elastomeric acrylic coating that will freeze and become unusable at temperatures below 32° F. PROTECT FROM FREEZING DURING SHIPMENT AND STORAGE. Do not store material at temperatures below 45° F. Do not apply when ambient air and substrate temperatures fall below 50° F or when there is a possibility of temperatures dropping below 32° F within a 24 hour period after application.

Do not apply over wet substrates or in inclement weather. Total cure of **ALDOCOAT 400** requires complete evaporation of water. Cool temperatures and high humidity retard cure. Coatings can cause a premature artificial dew zone during the cure process under certain climatic conditions. This is generated as the water in the coating evaporated, cooling the surface and attracting moisture in the form of dew. Therefore, it is imperative not to apply the product if climatic conditions prevent complete cure before rain, dew or freezing temperatures.

ALDOCOAT 400 is not a vapor barrier coating and is not recommended for use over cold storage installations. Where a vapor barrier is required, contact our Technical Service Personnel for proper selection and installation procedures.



Stop the leaks! Reflect the heat!
Lower energy bills! Save money!



TECHNICAL DATA SHEET

ALDOCOAT 400 PREMIUM ACRYLIC

PRODUCT DESCRIPTION:

ALDOCOAT 400 is a high solids, technologically advanced, fire retardant, thixotropic, 100% acrylic elastomer uniquely formulated for the protection of spray polyurethane foam, metal, and a wide variety of other substrates. The proprietary formulation incorporates premium elastomeric acrylic resins, reinforcing laminar pigments and non-migrating fire retardants to produce a seamless, flexible, durable membrane having exceptional weatherability, ultraviolet and fire resistance. ALDOCOAT 400 acts as a "breathing" membrane allowing trapped moisture vapor to pass through the film while remaining impervious to exterior mass water penetration. The resultant tough, cured film provides good resistance to mechanical damage and chemical attack.

RECOMMENDED USES:

ALDOCOAT 400 is the ideal choice for metal roofs, BUR and single ply restoration. This product is ideal for use over spray polyurethane foam and metal decks. ALDOCOAT 400 has Miami Dade approval (ASTM 6083) over foam and metal decks and is Cool Roof Rating Council (CRRC) and CA Title 24 Approved. The thixotropic nature of ALDOCOAT 400 permits high build coverage, even on rough, textured or vertical surfaces without pinholing or sagging. It also has excellent adhesion to a variety of other substrates, such as asphalt, primed wood, primed metal, concrete and masonry. Ponding water conditions are to be avoided. Please contact our Technical Service Department for primer recommendations for application over rusted surfaces

GENERAL APPLICATION INSTRUCTIONS:

ALDOCOAT 400 may be applied by airless spray equipment at a rate of 1-2 gallons per square per coat. Airless spray is the most efficient application method for larger projects. Brushes and rollers may be used for detail work such as edge termination, filling of voids, pinholes and small cracks. Apply ALDOCOAT 400 only to clean and dry sound substrates free of loose particles or other foreign matter. ALDOPRIME 708 Acrylic or 710 Rust Inhibitor may be used to enhance adhesion over aged spray polyurethane foam roofs. Do apply product when ambient temperature falls below 50 F.

Contact our Technical Service Personnel for project specific primer recommendations and substrate preparation.

TYPICAL PHYSICAL PROPERTIES

TOTAL SOLIDS:

65% by weight ASTM D1644
60% by volume AST. 2697

WEIGHT PER GALLON: 12.1 lb per gallon \pm 0.2

FLASH POINT: None

CLEAN UP: Soap and Water

SHELF LIFE: 12 months @ 45° - 80° F

COLOR: White

VISCOSITY: 10,000 \pm 3,000 cP

ELONGATION: 239% ASTM D2370

IMPACT RESISTANCE: exceeds 160b in/lb. ASTM D-2294

HARDNESS: 45 Shore A ASTM D-2240

TENSILE STRENGTH: 400 psi ASTM D2370

PERMEANCE: 6.5 perms ASTM D1653

SALT SPRAY: No effect (3800 hours) ASTM G-117

WEATHERABILITY: No effect (3800 hours) ASTM G-26

SERVICE TEMPERATURE: -40° TO 200° F

SOLAR REFLECTANCE: 86%

THERMAL EMITTANCE: 86%

CURE TIMES: DRY TO TOUCH: 4 Hours @ 75° F

TACK FREE: 12 Hours

RECOAT: 12-24 Hours

MIAMI-DADE APPROVED: NOA #08-0417.02

CRRC and CA Title 24 Approved



Material Safety Data Sheet

Chemical Name: ALDOCOAT 400 Premium Acrylic
Date of Preparation: February 8, 2011
Date Printed: February 8, 2011
Revision #: 1

Section 1 – Chemical Product and Company Identification

Product / Chemical Name: ALDOCOAT 400 Premium Acrylic
Product Composition: Acrylic Elastomeric Roof Coating
CAS Number: Mixture

Manufacturer's Name: Aldo Products Company, Inc.
Manufacturer's Address: 1604 N Main Street
Kannapolis, NC 28081
704-932-3054
www.aldoproducts.com

Emergency Telephone Number: 800-535-5053

Section 2 – Composition / Information on Ingredients

Component	CAS Number	Amount by Weight
Water	7732-18-5	35% Min
Polymer Dispersion	Nonhazardous	35% Max
Titanium Dioxide	13463-67-7	20% Max
Zinc Oxide	1314-13-2	5% Max
Inorganic Fillers	Mixture	40% Max
Ammonia	1336-21-6	1% Max
Preservative	Mixture	1% Max

Section 3 – Hazards Identification

Effects of overexposure:

- Inhalation: Spray mist in poorly ventilated areas can cause headache, nausea and irritation of the nose, throat, & lungs.
- Eyes: Direct contact may cause irritation.
- Skin: May cause moderate skin irritation with repeated contact.

ALDOCOAT 400 Premium Acrylic Material Safety Data Sheet

Section 4 – First Aid Measures

Inhalation:	Move subject to fresh air.
Eye Contact:	Flush eyes with water for 15 minutes. Consult a physician if irritation persists.
Skin Contact:	Wash affected area with large amounts of soap and water.
Ingestion:	If swallowed give two glasses of water to drink. Consult a physician. Never give anything by mouth to an unconscious person.

Section 5 – Fire-Fighting Measures

Flash Point:	Non-combustible
Autoignition Temperature:	Not applicable
LEL:	Not applicable
UEL:	Not applicable
Flammable Limits:	Not applicable
Extinguishing Media:	Water, carbon dioxide, foam or dry powder
Fire-Fighting Instructions:	No known unusual hazards in a fire situation.
Fire-Fighting Equipment:	Wear SCBA and full protective gear when entering a confined or enclosed space to protect from normal combustion products and/or oxygen deficiency.
Unusual Fire or Explosion Hazards:	None

Section 6 – Accidental Release Measures

Spill / Leak Procedures:	Keep spectators away as the floor may be slippery. Use care to avoid falling. Keep spills out of municipal sewers and open bodies of water. Dike and contain spill with inert material such as dry sand or earth. Transfer liquid material to a suitable container for recovery or disposal. Scoop or shovel solid material into a suitable container for disposal.
Disposal:	Disposal should be in accordance with local, state, and federal regulations.

Section 7 – Handling and Storage

Handling Precautions:	Keep from Freezing
Storage Requirements:	Recommended storage range is 45–90°F. Keep container tightly closed.

ALDOCOAT 400 Premium Acrylic Material Safety Data Sheet

Section 8 – Exposure Controls / Personal Protection

Ventilation:	Mechanical local exhaust ventilation at point of contaminant release.
Respiratory Protection:	Wear suitable respirator (MSHA/NIOSH approved or equivalent) where exposure limits are exceeded.
Protective Equipment:	Impervious Gloves
Eye Protection:	Chemical splash goggles (ANSI Z-87.1 or approved equivalent).

Section 9 – Physical and Chemical Properties

Physical State:	Liquid
Appearance and Odor:	Milky white or various colors with slight odor
Vapor Pressure:	Greater than 1
Density (pounds per gallon):	12.0-12.4
Water Solubility:	Dispersible
Boiling Point:	100°C (212°F)
Freezing Point:	0°C (32°F)
Viscosity (cps):	9,000-13,000
% Volatile by Volume:	48-52%
Evaporation Rate (n-BuAc=1):	Less than 1
Volatile Organic Compounds:	Less than 50 g/Liter

Section 10 – Stability and Reactivity

Stability:	Stable
Incompatibility:	No known incompatible materials are known for this product
Hazardous Polymerization:	Will not polymerize
Hazardous Decomposition Products:	Acrylic monomers

Section 11 – Toxicological Information

No information available

Section 12 – Ecological Information

No information available

Section 13 – Disposal Considerations

Disposal:	Treat or dispose of waste material in accordance with all local, state, and federal requirements.
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ALDOCOAT 400 Premium Acrylic Material Safety Data Sheet

Section 14 – Transport Information

Product Name:	ALDOCOAT 400 Premium Acrylic
Shipping Name:	N/A
Hazard Class:	Non-hazardous

Section 15 – Regulatory Information

EPA Regulations:	All components of this product are believed to be in compliance with the inventory listing requirements of the US Toxic Substances Control Act (TSCA) Chemical Substances Inventory.
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Canadian Disclosure List:	Zinc Oxide (1314-13-2)
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Section 16 – Other Information

Prepared by:	Chuck Johnson
Approved by:	Chuck Johnson
Approval Date:	February 8, 2011

Disclaimer: Judgments as to the suitability of information herein for the purchaser's purposes are necessarily the purchaser's responsibility. Although reasonable care has been taken in the preparation of such information, Aldo Products Company, extends no warranties, makes no representations, and assumes no responsibility as to the accuracy or suitability of such information for application to the purchaser's intended purpose or for consequences of its use.



Stop the leaks! Reflect the heat!
Lower energy bills! Save money!



TECHNICAL DATA SHEET

ALDOBOND 767

ROOFING BONDING AGENT

PRODUCT DESCRIPTION:

ALDOBOND 767 is a specially formulated emulsion adhesive which provides a means of adhering **ALDOFABRIC 272 Roofing Fabric** to various roofing substrates, including concrete and smooth BUR, prior to application of acrylic coating.

RECOMMENDED USES:

ALDOBOND 767 is required as a component of the **ALDOCOAT FM 4470 System** as an adhesive for **ALDOFABRIC 272 Roofing Fabric** to roof substrates such as BUR, torch cap sheeting and concrete.

APPLICATION INSTRUCTIONS:

ALDOBOND 767 may be applied by medium nap rollers, soft brushes or conventional airless spray equipment. Apply **ALDOBOND 767** only to clean, dry, sound surfaces free of loose particles or other foreign matter. Preparation of substrate may require cleaning, grinding or sand blasting (concrete only) to achieve the proper surface condition before application.

Apply **ALDOBOND 767** at a minimum rate of 1 gallon per 100 sq. ft. per coat depending surface and /or condition. Refer to project specifications prior to application. APPLICATION SHOULD BE SUSPENDED IMMEDIATELY AND OUR TECHNICAL SERVICE PERSONNEL CONTACTED IF THE RESULTS BEING OBTAINED ARE LESS THAN DESIRABLE.

LIMITATIONS AND PRECAUTIONS:

ALDOBOND 767 is a water based bonding primer which will freeze and become unusable at temperatures below 32° F. PROTECT FROM FREEZING DURING SHIPMENT AND STORAGE. Do not store material at temperatures below 45° F. Do not apply **ALDOBOND 767** when ambient air and substrate temperatures fall below 45° F or when inclement weather is imminent. Do not leave **ALDOBOND 767** exposed to elements beyond 48 hours as weathering and dirt pick up will compromise adhesive performance properties.

TYPICAL PHYSICAL PROPERTIES

TOTAL SOLIDS: 48 ± 2% by weight ASTM D1644

WEIGHT PER GALLON: 8.4 ± 0.2 lb per gallon

FLASH POINT: none

CLEAN UP: Water

SHELF LIFE: 12 months @ 45°- 90° F

VISCOSITY: 700 ± 200 cP

COLOR: Blue



ALDO PRODUCTS COMPANY INC.

YOUR CUSTOM ADHESIVE & COATINGS SUPPLIER

1604 N. MAIN STREET
KANNAPOLIS, NC 28081
(704) 932-3054 / (800) 474-6019
(704) 932-3041 FAX
www.aldoproducts.com

ALDOBOND 767

FabricBond Roofing Adhesive

TECHNICAL DATA SHEET

PRODUCT DESCRIPTION:

ALDOBOND 767 is a specially formulated emulsion adhesive designed to provide exceptional adhesion of re-enforcing fabric to various roofing substrates prior to receiving elastomeric finish coats.

RECOMMENDED USES:

ALDOBOND 767 is recommended as an adhesive for roofing fabric to substrates such as concrete, torch cap sheeting, aged smooth BUR, EPDM single ply membrane, PIB membrane, TPO and direct to metal applications.

APPLICATION INSTRUCTIONS:

ALDOBOND 767 may be applied by medium nap rollers, soft brushes or conventional airless spray equipment. Apply ALDOBOND 767 only to clean, dry, sound surfaces free of loose particles or other foreign matter. Preparation of substrate may require cleaning, grinding or sand blasting to achieve the proper condition before application.

Apply ALDOBOND 767 at a total rate of 1 to 2 gallons per 100 sq. ft. depending surface and / or condition. Apply a foundation coat of .5 to 1 gallon per 100 square feet, imbed roofing fabric of desired width and apply a saturation coat at same rate as foundation coat. Allow ALDOBOND 767 a minimum of six hours to set up prior to application of the elastomeric coating. APPLICATION SHOULD BE SUSPENDED IMMEDIATELY AND OUR TECHNICAL SERVICE PERSONNEL CONTACTED IF THE RESULTS BEING OBTAINED ARE LESS THAN DESIRABLE.

LIMITATIONS AND PRECAUTIONS:

ALDOBOND 767 is a water-based acrylic bonding primer which will freeze and become unusable at temperatures below 32° F. PROTECT FROM FREEZING DURING SHIPMENT AND STORAGE. Do not store material at temperatures below 45° F. Do not apply ALDOBOND 767 when ambient air and substrate temperatures fall below 45° F or when inclement weather is imminent.

TYPICAL PHYSICAL PROPERTIES:

COLOR:	Blue
VISCOSITY:	4,000 cps Brookfield #4 @ 20 rpm
TOTAL SOLIDS:	57-59% ±3%
WEIGHT PER GALLON:	8.3 lbs. per gallon
FLASH POINT:	None
CLEAN UP:	Water
SHELF LIFE:	12 months @ 40° - 90° F
ELONGATION:	300%
HARDNESS:	60 Shore A
TENSILE STRENGTH:	1400 psi

EXHIBIT JBC – 11



March 14, 2011

To Whom It May Concern,

This letter is to confirm that J & B Modern Technology of Tamuning, Guam is an Approved Applicator for ALDOCOAT Roof Coating Systems. This designation allows the firm to install our products and offer building owners a full system warranty provided by our company.

Please feel free to contact me directly if you have any questions or require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert P. Brenk". The signature is written in a cursive style with a long, sweeping underline.

Robert P. Brenk

President

Aldo Products Company, Inc.

EXHIBIT JBC – 12

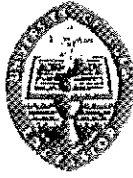
6717343118

BUSINESS OFFICE

UOG BUSINESS OFFICE

03: , p.m. 06-10-2011

1/2



UNIVERSITY OF GUAM
PROCUREMENT OFFICE
UOG STATION,
MANGILAO, GUAM 96923

TRANSMITTAL SHEET

TO: PHIL GETS (GUAM) INTL. TRADING CORP.
DBA: MODERN TECH., - MR. GENEROSO M. BANGAYAN

DATE: JUNE 10, 2011

RE: UOG BID NO. P13-11 ROOF REPAIRS & NEW ROOF COATING
AT VARIOUS FACILITIES (BID STATUS)

FAX: NUMBER 646-0589

FROM: CARLOS IRIARTE, BUYER ID: 735-2925

TOTAL PAGES, (2)

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

*****ACKNOWLEDGEMENT WITH PROTEST*****

ACKNOWLEDGE RECEIPT

DATE/TIME: 6-10-11 : 10:00PM

PRINT NAME: GENEROSO M. BANGAYAN

SIGNATURE:

FAX BACK TO 734-3118

This facsimile message and any attachments may contain information which is confidential and privileged. Unless you are the intended recipient (or authorized to receive for the intended recipient), any unauthorized review, use, disclosure or distribution of information in this message is strictly prohibited. If you have received this message in error, please contact the sender at 735-2900 and destroy all copies of the message. Thank you.



UNIVERSITY OF GUAM
UNIBETSÉDÁT GUAHAN

Administration and Finance
Consolidated Procurement Office

BID STATUS

June 7, 2011

Mr. Generoso M. Bangayan
President
P.O. Box 9788
Tamuning, GU. 96931
Telephone: 646-4435
Fax No: 646-0589

Subject: INVITATION FOR BID NO. P13-11, Roof Repairs and New Roof Coating at Various Facilities

Opened: March 7, 2011

The following is the result of the above mentioned bid. Refer to the items checked below.

- Canceled (in its entirety), or partially cancelled due to:
 - Insufficient funds; (Moving group 6 through 12 is hereby cancelled)
 - Change of specifications; or
 - Insufficient number of bidders
- Rejected due to:
 - Late submission of bid;
 - No bid security or insufficient bid security amount submitted; as required by General Terms and Conditions;
 - Not meeting the delivery requirement as stated in the IFB
 - Non-conformance with the specifications;
 - Inability to provide future maintenance and services to the equipment;
 - High price; or
 - Others: _____

Bid is recommended for award to: Modern Konstrak .

V. T. BORJA
Supply Management Administrator

Please Acknowledged Receipt and fax back to 734-3118.

ACKNOWLEDGED WITH PROTEST.

Generoso M. Bangayan

Phil-Gets (Guam) Intl. Trading Corp. dba: Modern Tech.

EXHIBIT JBC – 13



J&B MODERN TECH
ACR EQUIPMENT AND SUPPLIES

P.O. BOX 9788 TAMUNING, GUAM, U.S.A. 96931
TELEPHONE : (671) 646-0588 / 646-3346 / 646-4435
FAX: (671) 646-0589

June 10, 2011

University of Guam
Procurement Office
Mangilao, Guam

Attn: Mr. Vicente T. Borja – Supply Management Administrator

Subject: IFB No. P13-11, Roof Repair and New Roof Coating at Various Facilities.

Dear Mr. Borja:

This is in reference to the Bid Status Notice dated June 07, 2011 which we received via fax to our office today June 10, 2011 at 3:47PM.

The Notice indicates that Phil-Gets(Guam) Int'l Trading DBA: J&B Modern Tech's bid was rejected due to High Price, and recommended for award to Modern Konstrak.

We oppose the recommendation to award to Modern Konstrak in view of the following:

1. J&B Modern Tech's bid amount was \$719,911.00 with Option "B" for discount to bring down the amount to \$709,112.00
2. Modern Konstrak bided for \$885,730.00 and did not offer discount on Bid Option B.

Based on the Bid Results, J&B Modern Tech is \$165,819.00 lower on Bid Option A as against Modern Konstrak. For this reason, we protest against the recommendation to award to Modern Konstrak. We believe that J&B Modern Tech is the lowest responsive and responsible bidder and should own the awarding of the above subject bided job.

We respectfully request proper review and correction of the action taken in the Bid Status Notice.

Thank you.

Sincerely,

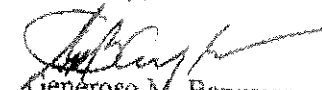

Generoso M. Bangayan
President

EXHIBIT JBC – 14

WorkCentre /120 Transmission Report

G3-ID 671-646-0589
Local Name J & B MODERN TECH
Company Logo

Date & Time : 20/06/2011 6:43 PM
Page : 1(Last Page)

The job has been sent.
Original Size: 8.5 x 11"



J&B MODERN TECH
ACR EQUIPMENT AND SUPPLIES
P.O. BOX 8768 TAMUNING, GUAM, U.S.A. 96881
TELEPHONE : (671) 646-0588 / 646-3346 / 646-4435
FAX: (671) 646-0588

June 20, 2011

UNIVERSITY OF GUAM
Procurement Office
Mangilan, Guam

Attn: Robert McIntosh

Subject: IFB No. P13-11, Roof repair and roof coating at various facilities.

This is in reference to the notice sent to us dated June 7, 2011 titled Bid Status. J&B Modern Tech responded to the notice in writing dated June 10, 2011 and as of this date we have not received any words from UOG the status of our request for proper review and correction of action taken.

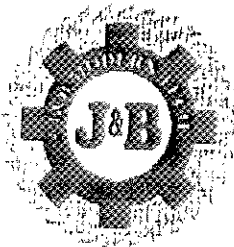
We request detailing on Wednesday, June 22, 2011 at 10:00 am to clarify more on the issued notice.

Please advise us if the time and date requested is conducive to your schedule.

Respectfully,

Gene Hanyuan
President
J&B Modern Tech
Tel# (671) 646-0588
Fax# (671) 646-0588

#	Job	Remote Station	Start Date & Time	Duration	Pages	Protocol	Contents	Status
1	8946	6717343118	6-20; 6:41 PM	51 Secs	1/1	ECM		Completed



J&B MODERN TECH
ACR EQUIPMENT AND SUPPLIES

P.O. BOX 9788 TAMUNING, GUAM, U.S.A. 96931
TELEPHONE : (671) 646-0588 / 646-3346 / 646-4435
FAX: (671) 646-0589

June 20, 2011

UNIVERSITY OF GUAM
Procurement Office
Mangilao, Guam

Attn: Robert McIntosh

Subject: IFB No. P13-11, Roof repair and roof coating at various facilities.

This is in reference to the notice sent to us dated June 7, 2011 titled Bid Status. J&B Modern Tech responded to the notice in writing dated June 10, 2011 and as of this date we have not received any words from UOG the status of our request for proper review and correction of action taken.

We request debriefing on Wednesday, June 22, 2011 at 10:00 am to clarify more on the issued notice.

Please advice us if the time and date requested is conducive to your schedule.

Respectfully,

A handwritten signature in black ink, appearing to read 'Gene Bangayan', written over a horizontal line.

Gene Bangayan
President

J&B Modern Tech
Tel# (671) 646-0588
Fax# (671) 646-0589

EXHIBIT JBC – 15

4-06-11;01:09PM;
JUN-22-2011 WED 04:33 PM

7571-646-0589

5/ 14
P. 01



UNIVERSITY OF GUAM
UNIBETSÉDÁT GUAHAN

Administration and Finance

June 22, 2011

Mr. Gene Bangayan, President
c/o J&B Modern Tech
PO Box 9788
Tamuning, Guam 96931

Subject: Debricing Request for IFB No. P13-11

Dear Mr. Bangayan:

This is to confirm receipt of subject request. We are finalizing our response to your bid status inquiry as will be sent to your attention in a few days.

If you have any questions, please call me at (671) 483 - 5237 or email at sonnvpz@uogam.uog.edu.

Regards,



Sonny J. Perez, PE
Chief Plant and Facilities Officer

EXHIBIT JBC – 16



UNIVERSITY OF GUAM
PROCUREMENT OFFICE
UOG STATION.
MANGILAO, GUAM 96923

TRANSMITTAL SHEET

TO: MR. GENEROSO M. BANGAYAN, PRESIDENT
J&B MODERN TECH

DATE: JUNE 24, 2011

RE: UOG BID NO. P13-11 PROTEST DETERMINATION TO ARRA
CIP PROJECT ROOF REPAIRS & NEW ROOF COATING SYSTEMS
AT VARIOUS FACILITIES

FAX NUMBER: 646-0589

FROM: BEN BORJA, SUPPLY MANAGEMENT ADMISTRATOR:
735-2925

TOTAL PAGES, INCLUDING
THIS PAGE
4 pages

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

ACKNOWLEDGE RECEIPT

DATE/TIME: JUNE 24, 2011 / 3:41 PM

PRINT NAME: ALEXANDER SALAZAR

SIGNATURE: [Signature]

FAX BACK TO 734-3118

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UNIVERSITY OF GUAM
UNIBETSEDAT GUANAR

Administration and Finance
Consolidated Procurement Office

BID STATUS (Corrected)

June 24, 2011

Mr. Generoso M. Bangayan
President
J & B Modern Tech
P.O. Box 9788
Tamuning, GU 96913
Fax: 646-0589

Subject: Invitation for UOG Bid No. P13-11, Roof Repairs & New Roof Coating System at various facilities

Date/Time Opened: March 7, 2011 2:00 p.m.

The following is the result of the above mentioned bid. Refer to the items checked below.

/ / Cancelled (in its entirety), or partially cancelled due to:

- Insufficient funds;
- Change of specifications; or
- Insufficient number of bidders

/X/ Rejected due to:

- Late submission of bid;
- No bid security or insufficient bid security amount submitted; as required by General Terms and Conditions;
- Not meeting the delivery requirement as stated in the IFB
- Non-conformance with the specifications
- Inability to provide future maintenance and services to the equipment;
- High price; or
- Others:

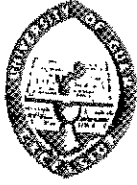
/X/ Bid is recommended for award to: Modern Konstrak


V. T. BORJA
Supply Management Administrator

Please Acknowledge Receipt and fax back to (671) 734-3118.

ALEXANDER SALAZAR
J & B Modern Tech (print name & signature)

EXHIBIT JBC – 17



UNIVERSITY OF GUAM
PROCUREMENT OFFICE
UOG STATION.
MANGILAO, GUAM 96923

TRANSMITTAL SHEET

TO: MR. GENEROSO M. BANGAYAN, PRESIDENT
J&B MODERN TECH

DATE: JUNE 24, 2011

RE: UOG BID NO. P13-11 PROTEST DETERMINATION TO ARRA
CIP PROJECT ROOF REPAIRS & NEW ROOF COATING SYSTEMS
AT VARIOUS FACILITIES

FAX NUMBER: 646-0589

FROM: BEN BORJA, SUPPLY MANAGEMENT ADMINISTRATOR:
735-2925

TOTAL PAGES, INCLUDING
THIS PAGE
4 pages

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

ACKNOWLEDGE RECEIPT

DATE/TIME: _____

PRINT NAME: _____

SIGNATURE: _____

FAX BACK TO 734-3118

ATTN: ATTY. SETH FOREMAN

FROM: ALEXANDER SARAZAN

This facsimile message and any attachments may contain information which is confidential and privileged. Unless you are the intended recipient (or authorized to receive for the intended recipient), any unauthorized review, use, disclosure or distribution of information in this message is strictly prohibited. If you have received this message in error, please contact the sender at 735-2900 and destroy all copies of the message. Thank you.



UNIVERSITY OF GUAM
UNIBETSEDÁT GUAHAN
OFFICE OF THE PRESIDENT

UOG Station, Mangilao, Guam 96923
Telephone: (671) 735-2990 * Fax: (671) 734-2296

ATTN:

June 20, 2011

Generoso M. Bangayan, President
J&B Modern Tech
P.O. Box 9788
Tamuning, Guam 96931

**SUBJECT: Protest Determination to ARRA CIP Project UOG Bid P13-11
Roof Repairs & New Roof Coating System at Various Facilities**

Hafa Adai Mr. Bangayan,

This acknowledges receipt of your Protest letter dated June 10, 2011. After review of the procurement files and discussion with the relevant parties, my determination to your Protest is as follows:

On March 7, 2011 at 2:00pm, the University of Guam received bid packages from sixteen (16) contractors in response to the subject bid. The bidder providing the lowest price was J&B Modern Tech (J&B). Due to an inadvertent administrative error on the University's part, the Bid Status notice dated June 7, 2011 to J&B indicated that the J&B bid was rejected due to "High price". An Amended Bid Status is included with this letter to accurately reflect the reason for the bid rejection.

The bid analysis and determination is shown below to determine the bidder's responsiveness and responsibility to UOG's subject bid:

1. J&B is certified to apply ALDOCOAT of ALDO Products Company (Ref: Letter to UOG Consolidated Procurement office dated March 22, 2011; SYSTEM B)
 - a. ALDOCOAT is not included in any of the acceptable specified materials as found in the bid specification P13-11: (Exhibit B; Project Specification or Equivalent Equal, Part 2 Products, p91)
 - i. Global Shield, Inc., Rubbershield AC Roofing System
 - ii. United Coatings, Inc., Roof Mate Concrete Roofing System
 - iii. Hydro Stop, Inc., Hydro Stop Premium Coat Roofing System
 - b. ALDOCOAT does not meet the material performance standard as found in the bid specification P13-11: (Exhibit B; Project Specification or Equivalent Equal, Part 2 Products, p91)

ALDOCOAT Roof Systems: This is a fluid-applied Waterproofing that has been used on concrete roofs in Guam with substandard performance. The observations were made recently at numerous new school buildings that were coated using this product. The ALDOCOAT product did not perform under the extreme high humidity, heat and wet conditions that exist here in Guam. ALDOCOAT does have a product (FM4470 System) that does have a ten year standard warranty. The Product Specifications

indicate that high humidity may retard cure time for the product. Application should be suspended if climactic conditions prevent complete cure before rain or dew. This is a common climactic condition on Guam and product requirements may be difficult to achieve. The ALDOCOAT 400 Premium Acrylic topcoat is recommended as the ideal choice for metal roofs and single ply roof restorations. It is also ideal for use over spray polyurethane foam roofs. As a side, it also states that this product has excellent adhesion to a variety of other substrates including concrete. The viscosity of this Top Coat Product (10000 +/- 3000 cps) does not satisfy the performance requirement minimum of 12000 cps, as established by UOG. However, the tensile strength of 400psi and the elongation property of 239% does satisfy the UOG performance requirements. This product does not satisfy the comparable product requirements due to deficiencies in performance. (Ref: Report from AM Orient Engineering, Dated 26, April 2011; Subject Roof Material Review for UOG Bid P13-11)

2. J&B presented an alternate arrangement to subcontract a certified applicator for the subject bid. (Ref: Letter to UOG Consolidated Procurement office dated March 22, 2011; SYSTEM A and SYSTEM C):
 - a. You are directed to the UOG document P13-11, as found in Attachment A: General Terms and Conditions of the Invitation for Bids, Section 13 Independent Contractor, states: (in response to SYSTEM A and SYSTEM C), which states:

"Contractor shall operate its business as an independent contractor and shall discharge all of its duties as such. No act performed or representation made, whether oral or written by Contractor with respect to third parties shall be binding to UOG."

This section requires you to "discharge all of its duties" as a certified roof applicator to perform all of the work. You introduced this third party subcontractor arrangement after the fact; what appears to be after bid closing. In your letter to UOG, you explicitly state "Should UOG select and approve to use Roof Mate on this project, J&B will hire the services of URW Roofing or other company on Isla Paint list..." This statement implies your inability to discharge your duties under their existing business organization and resources. The practice of third party subcontracting anticipates awarding only a small portion or percentage of the work, not a majority or all of 100%. UOG would consider it acceptable if you were a roof repair company, currently certified to the products or to its equivalents, as specified in P13-11, and sought additional certified resources, which are also currently certified to the products or to its equivalents to augment your labor force to satisfy customer schedule requirements. In addition, UOG did **NOT** request in its clarification how you would satisfy the bid requirements (as shown in your proposed multiple SYSTEMS A, B, or, C) but clarifications and document requests for company certifications, product submittals, and specifications.

Secondly, UOG can only enter into contractual agreements with the prime or main contractor. In this case, the third party subcontractor becomes the warrantor, whose name does not appear in any of the required Government of Guam, UOG, and ARRA affidavits. This will be a potential obstacle during warranty issues since it does not explicitly demonstrate responsibility from the third party to cover warranty matters.

- b. UOG contends you understood the certified applicator requirement where the bidder and certified applicator are one in the same company, because you had approached Isla Paint and Supply seeking certification. Isla Paints determined that you failed to meet certification prerequisites. (Letter from Isla Paint and Supply dated June 14, 2011.) UOG restates its position that the aforementioned section requires you to "discharge all of its

duties" as a certified roof applicator to perform all of the work and not to subcontract to a certified roofing company because you failed to obtain the necessary certifications at the time of bid closing.

- c. In response to SYSTEM C: you are directed to UOG's response as found in part 2(a) above and the engineering report results as stated in the following:

MC Thane, 456-48 of Urethane Polymers International, Inc., (UPI) does not meet the material performance standard as found in the bid specification P13-11: (Exhibit B; Project Specification or Equivalent Equal, Part 2 Products, p91) Urethane Polymer International – This product is a liquid applied aliphatic urethane roofing system suitable for sloped or unusual shaped concrete roofs. Most aliphatic compounds are flammable and are sometimes used as fuels. The performance requirement for UOG indicates that the Roofing System shall have a Class A fire rating, as tested and certified by UL790 and Factory Mutual FM4470. The UPI product specifications do not indicate the use of Reinforcement (stitch bonded polyester fabric) material in the total roofing system. This is a UOG product requirement that will be required to be used to reinforce large roof areas and reinforcement in detail areas. The UPI/Guarantee/Warranty does not indicate a 10-year warranty period which will be required by the Manufacturer. The UPI product does not satisfy the comparable product requirements used to justify its use as an equivalent product. (Ref: Report from AM Orient Engineering, Dated 26, April 2011; Subject Roof Material Review for UOG Bid P13-11)

Notwithstanding that J&B Modern Tech is the lowest bidder; it is not the most responsive and most responsible bidder because J&B is not in full compliance with all the terms and conditions as stipulated in UOG Bid P13-11. Therefore, based on all the factual evidence, your Protest is denied. Pursuant to Guam law, you have a right to administrative and judicial review.

The University complies with the Guam Procurement Law and the University of Guam Procurement Manual, and is committed to the fair and equitable treatment of all qualified bidders. The University encourages J&B to participate in any future University bids for which it is qualified.

Should you have any further inquiries or concerns, please direct them to Vicente (Ben) Borja, Supply Management Administrator, UOG Procurement Office.

Thank you for your attention to this matter.

Sincerely,



Robert A. Underwood, Ed.D.
President

Copy: Legal Counsel
SMA Ben Borja

EXHIBIT JBC – 18

EXHIBIT D

SECTION ELEVEN TIME OF THE ESSENCE; EXTENSION OF TIME

All times stated herein or in the Agreement documents are of the essence. The Agreement may be extended by a Change Order from the Project Manager for such reasonable time as he or she may determine, when in his or her opinion the Contractor is delayed in work progress by "change orders", labor disputes, fire, prolonged transportation delays, injuries, bad weather, or other causes beyond the Contractor's control which justify the delay. Any request by the Contractor for an extension of time must be submitted to the Project Manager contemporaneous with any Change Order request, or in the case of delays caused by factors beyond the Contractor's control, contemporaneous with the time when the Contractor learns of said factors, which would lead to the delay. Failure to submit a timely request constitutes a waiver of any right by the Contractor to such extension.

The Contractor shall complete the work hereunder within _____ (_____) calendar days of the date herein or within such terms as may be extended by the University of Guam and should the Contractor fail to complete the work hereunder as specified, then the Contractor agrees to pay to the University of Guam, for each and every day of such delay beyond the time of completion of work, the sum of _____ Dollars (\$_____), which the sum is hereby, in view of the difficulty of estimating such damages, agreed upon, fixed, and determined by the parties (1% of the negotiated price per day of delay as described on UOG's Bid forms) hereto as liquidated damages that Owner will suffer by such default and not by way of penalty and shall be deducted as such from the balance due the Contractor. Should damages exceed the sum due or to become due the Contractor, then and in that event, the Contractor shall be liable to Owner for such difference.

SECTION TWELVE SUBCONTRACTORS

The Contractor agrees to furnish the Project Manager, prior to the execution of this Agreement, a list of names of subcontractors in addition to the list provided in the Contractor's proposal, if any, to whom it proposes to, award the principal portions of the work to be subcontracted by it. A Subcontractor, for the purposes of this Agreement, shall be a person with whom the Contractor has a direct Agreement for work at the project site. The Contractor agrees not to employ a Subcontractor to which the Owner reasonably objects. All contracts between the Contractor and subcontractors shall conform to the provisions of the Agreement documents, and shall incorporate in them relevant provisions of this Agreement.

SECTION THIRTEEN DISPUTES

In accordance with UOG Procurement Regulations 9.4 et seq., all controversies between the University and the Contractor which arise under, or are by virtue of, this contract and which are not resolved by mutual agreement, shall be decided by the Procurement Officer in writing, within sixty (60) working days after written request by the Contractor for a final decision concerning the controversy; provided however, that if the Procurement Officer does not issue a written decision within sixty (60) working days after written request for a final decision, or within such longer period as may be agreed upon by the parties, then the Contractor may proceed as if an adverse decision had been received.

SECTION FOURTEEN CONTRACTOR PROVIDED INSURANCE

The Contractor and subcontractors of all tiers shall procure and maintain the following types and amounts of insurance during the entire term of this Agreement.

- Liability Insurance:** Commercial General Liability insurance including coverage for bodily injury and property damage, contractual liability, products and completed operations. Coverage shall be extended for one year following issuance of Notice of Completion. The limits of liability shall be not less than \$1,000,000 combined single limit of liability per accident and \$2,000,000 annual aggregate. Deductibles, if any, shall be approved by the Owner. The University of Guam, its Directors, Officers, agents, and employees shall be named as additional insured with respect to any claims arising out of the Project.
- Automobile Liability:** Commercial Auto Liability insurance for all owned and non-owned vehicles used in connection with the Project in an amount not less than \$1,000,000 combined single limit of liability. Deductibles, if any, shall be approved by the Owner. The University of Guam, its Directors, Officers, agents, and employees shall be named as additional insured with respect to any claims arising out of the Project.
- Workers Compensation:** Statutory Workers' Compensation and Employers Liability insurance.
- Cancellation:** All policies shall contain an endorsement requiring insurers to provide the Owner with sixty (60) days prior written notice of cancellation, non-renewal, or reduction of coverage or limits.
- Certificates:** The Contractor shall provide evidence of the required insurance on standard Accord forms or equivalent.