

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: Ms. Sylvia Flores, President, Department
of Chamorro Affairs
Mr. Douglas Moylan, Esq., Attorney for
Appellant Guam Cleaning Masters
From: Doris Flores Brooks, Public Auditor

Agency: _____
Pages: 2 (Including cover)

CC: _____
Date: Wednesday, Oct. 28, 2009

Fax: 475-0376 (DCA); 475-9293 (D. Moylan) **Phone:** _____

Re: OPA-PA-09-009: 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

Ms. Sylvia Flores
President
Department of Chamorro Affairs
P. O. Box 2950
Hagatna, Guam 96932

VIA FACSIMILE 475-0376

Re: Receipt of Notice of Appeal Regarding DCA RFP CV10-002 Janitorial and Maintenance Service.

Dear Ms. Flores,

Please be advised that the Guam Cleaning Masters has filed an appeal with the Office of Public Accountability on October 27, 2009, of your protest decision on the above-stated procurement action. The appeal has been assigned Master File No. **OPA-PA-09-009**.

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 Tuesday, November 3, 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. Douglas Moylan, Attorney for Appellant Guam Cleaning Masters (Via Facsimile 475-9293)



OFFICE OF THE PUBLIC AUDITOR

Appendix A: Notice of Appeal Form
PROCUREMENT APPEAL

RECEIVED
OFFICE OF THE PUBLIC AUDITOR
PROCUREMENT APPEALS

OCT 27 2009

TIME: 4:17 pm
BY: JH
FILE No. OPA-PA 09-009

PART I- To be completed by OPA

In the Appeal of _____)
Guam Cleaning Masters _____)
(Name of Company), APPELLANT _____)
_____)

NOTICE OF APPEAL

Docket No. OPA-PA 09-009

PART II- Appellant Information

Name: Guam Cleaning Masters
Mailing Address: P.O. Box 9500
Dededo, Guam 96929
Business Address: _____
Daytime Contact No: 475-9292 (Law Offices of Douglas B. Moylan)

PART III- Appeal Information

- A) Purchasing Agency: Department of Chamorro Affairs
- B) Identification/Number of Procurement, Solicitation, or Contract: DCA RFP CV10-002
9/29/09&10/12/09
- C) Decision being appealed was made on _____ (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 see attachments for specific grounds.

(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
(Agency decision that award pending protest or appeal was necessary to protect the substantial interests of the government of Guam)

COPY

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

Trusted Janitorial & Lawn Care
4-E Janitorial Service
LuckyKidsLawnCare&JanitorialService
Top Quality Maintenance Service
Guam Cleaning Masters

JJ Global Service
Maids to Order Maintenance

PART IV- Form and Filing Please find attachment.

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.

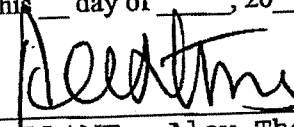
PART V- Declaration Re Court Action

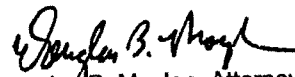
Pursuant to 5 GCA Chapter 5, unless the court requests, expects, or otherwise expresses interest in a decision by the Public Auditor, the Office of the Public Auditor will not take action on any appeal where action concerning the protest or appeal has commenced in any court.

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 the Public Auditor within 24 hours if court action commences regarding this Appeal or the underlying procurement action.

27th

Submitted this ___ day of Oct., 20⁰⁹.

By: 
APPELLANT, Alex Thomas, President, Guam Cleaning Masters

or 
By: Douglas B. Moylan, Attorney for Appellant

Appellant's Duly Authorized Representative
(Address) Law Offices of Douglas B. Moylan, P.O. Box 7822, Tamuning, GU 96931
(Phone No.) 475-9292 / fax 475-9293 / dbmoylan@gmail.com

APPENDIX A

COPY

Procurement Appeal Grounds Part IV

1. Appellant Guam Cleaning Masters (“GCM”) submits its Procurement Appeal of the Department of Chamorro Affairs (“DCA”) decision awarding Request for Proposal Number DCA RFP CV10-002 for “*Janitorial and Maintenance Service*” to Lucky Kids Lawn Care & Janitorial Service (“Awardee”) based upon the following grounds:

- (a) GCM was the lowest and most qualified bidder;
- (b) The Request for Proposal was not lawful solicitation method, as opposed to what should have been used, a Bid procurement method (*Fleet Services v. DOA & Kloppenburg Enterprises, Inc.*, 2006 Guam 6);
- (c) The Awardee submitted an unlawful RFP as their price structure cannot comply with wage and hour laws in light of RFP’s personnel requirements, including required under 26-111 (**Exhibit A**), and may have done so by inadvertence or by fraud to obtain the award;
- (d) DCA illegally solicited price quotes from GCM in violation of the procurement law (**Exhibits B & C**);
- (e) DCA engaged in collusive activity by soliciting price quotes from GCM before the RFP due date, and did not award (**Exhibits B & C**);
- (f) DCA permitted Awardee to continue to provide services after filing of GCM’s September 30, 2009 protest (**Exhibit D**);

- (g) Response to GCM's September 30, 2009 protest inadequate under Procurement Law (note 5 G.C.A. § 5425(c) and content of response) **Exhibit E**;
- (h) Notice published & other procedures followed by DCA if soliciting under the auspices of a "Bid" are defective;
- (i) Procedures implemented and nomenclature utilized by DCA of either a bid or a RFP format are intermingled & hence defective, thereby tainting procurement process and award (**Exhibits F, G, H, I, J, K & L**, bid proposal vs. Request for Proposal, **Exhibits M, N & O**); and
- (j) Appellant reserves the right to supplement these grounds and supporting documentation as the procurement record is produced on this appeal.

Exhibit P is the subject request for proposal (or bid). **Exhibit Q** is the notice of non-award issued to GCM. **Exhibit R** is the initial protest letter sent. **Exhibit S** is DCA's October 12, 2009 response (received 10/16/09). **Exhibit T** is GCM's response to DCA's October 12, 2009 letter.

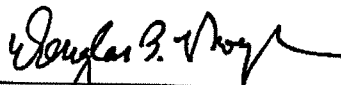
2. GCM has been substantially prejudiced based upon the above appeal grounds, and seek either the award or cancellation of the RFP depending upon the grounds decided by the OPA. Further that its costs and attorneys fees be reimbursed.

3. GCM believes that any 1 of the foregoing reasons alone or jointly support the relief requested herein.

GCM requests a hearing on this matter and is concurrently filing a Hearing Request Form (Form Appendix D). There are no court cases currently before the judiciary.

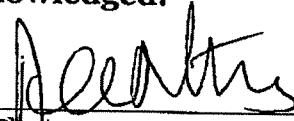
Respectfully submitted this 27th day of October, 2009.

Douglas B. Moylan
Attorney at Law



Douglas B. Moylan

Acknowledged:



Alex Thomas
President
Guam Cleaning Masters

Exhibit A



GUAM CLEANING MASTERS



Tel: (671) 646-2002 Fax: (671) 646-4707
 PO Box 9500 Dededo, Guam 96929
 guamcleaningmasters@yahoo.com
 www.guamcleaningmasters.com

C. Schedule

- a. 1 maintenance worker daily 8 hours x7 days a week = 56 HRS a week x 52 weeks a year = 2,912 man hours a year
- b. 6 maintenance workers once a week 6HRS x 5 pax = 36 HRS a week x 52 weeks a year = 1,872 hours a year
- c. 2 Maintenance workers every THU 4HRS x 52 weeks = 208 HRS a year
- d. 2 additional workers bi-weekly 16 HRS x 2 times a month=32 HRS x 12 months = 384 HRS.

3. Maintenance company shall provide a full maintenance cleaning (stripping, waxing, buffing) twice a month all public restroom, dining and dressing room.

Total Man Hours a year = 5,376 hrs. x \$ 11.47 = \$ 61,662.72 salary only

FICA and SS \$ 61,662.72 x .0762 = \$ 4,698.70

GRT \$ 61,662.72 x 4% = \$ 2,466.48

Sub total \$ 68,827.90 a year, again this amount not included the maintenance on twice a month at Main Pavillion to all the restrooms buffing and waxing or major cleaning if G.C.M to include the man hours on that month 32 hrs x 12 = 384 man hours a year X \$11.47 = \$ 4,404.48 x .0762= \$ 335.62 Fica and SS, GRT 4% \$ 176.17

Grand total \$ 61,662.72 a year salary without striping and waxing
 \$4,698.48 FICA/ SS
 \$2,466.48 GRT

\$68,827.68

\$4,404.48 a year labor for the strip and waxing
 \$335.62 FICA and SS

\$176.17 GRT

\$4,916.27

Grand total with everything a year expenses \$73,743.95

Exhibit B

DEPARTMENT OF CHAMORRO AFFAIRS
THE CHAMORRO VILLAGE

P.O. BOX 2950, HAGATNA, GUAM 96932

TEL: 475-0377 FAX: 475-8376

FACSIMILE TRANSMITTAL SHEET

TO: Alex Thomas	FROM: Michael Cura
COMPANY: GUAM CLEANING MASTER	DATE: 9/11/2009
FAX NUMBER: 646-4707	TOTAL NO. OF PAGES INCLUDING COVER: 1
PHONE NUMBER: 646-2002	SENDER'S REFERENCE NUMBER:
RIS: Request for Quotation	YOUR REFERENCE NUMBER:

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Hafa Adai,

I would like to request a quotation for maintenance service for our upcoming Ocean Night Market event.

Scope of Work as follows:

OCEAN NIGHT MARKET, every Friday's starting October 2, 2009

1. The Maintenance Company to provide six (6) maintenance workers once a week for six (6) hours from 5:00 p.m. to 11:00 p.m. to maintain the dining areas, walkways, grounds and office during the Ocean Night Market.
2. All maintenance workers must be in uniform when on duty.
3. The Maintenance Company must either provide a two-way radio or cellular phone to supervisor on duty to communicate with our office during the event.

Please fax your response to 475-0376, no later than 12:00pm, Wednesday, September 16, 2009. Should you need additional information, please feel free to contact me at Tel: 475-0377.

Thank you for your attention this is matter.

Michael Cura
Chamorro Village Manager

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.

Exhibit C



GUAM CLEANING MASTERS



Tel: (671) 646-2002 Fax: (671) 646-4707
 PO Box 9500 Dededo, Guam 96929
 guamcleaningmasters@yahoo.com
 www.guamcleaningmasters.com

FACSIMILE TRANSMITTAL SHEET

TO:	Mr. Michael Cura	FROM:	Alex Thomas
COMPANY:	Department Of Chamorro Affairs	DATE:	09-16-2009
FAX NUMBER:	475-0376	TOTAL NO. OF PAGES INCLUDING COVER:	4
PHONE NUMBER:	475-0377	SENDER'S REFERENCE NUMBER:	646-2002
RE:	Hafa Adai, attached is the price quotation for the Ocean Night Market event. Thank you & God Bless!		YOUR REFERENCE NUMBER:
			646-2002

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE



GUAM CLEANING MASTERS

Tel: (871) 848-2002 Fax: (871) 848-4707
PO Box 9500 Dededo, Guam 96929
guamcleaningmasters@yahoo.com
www.guamcleaningmasters.com



Estimate

Date	Estimate #
9/14/2009	410

Name / Address
Department of Chamorro Affairs Mr. Michael . Cura

Ship To

Description	Qty	Cost	Total
<p>Thank you for allowing Guam Cleaning Masters the opportunity to submit a quotation for your cleaning needs. Our services are as follows:</p> <p>Scope of work for night market on Friday's.</p> <p>1. G.C.M will provide 6 personal on Friday's from 1700 HRS to 2300 HRS to maintain the dining areas, walkways, grounds and restroom's during the night market.</p> <p>2. All G.C.M employees must be on uniform and badge on it.</p> <p>3. G.C.M supervisor have a radio and cell phone.</p> <p>Once week services with six personal price for every month and year here follows</p>	12	2,184.00	26,208.00

Approved By: _____

Total



GUAM CLEANING MASTERS

Tel: (671) 446-2002 Fax: (671) 646-4707
PO Box 9500 Dededo, Guam 96829
guamcleaningmasters@yahoo.com
www.guamcleaningmasters.com



Estimate

Date	Estimate #
9/14/2009	410

Name / Address
Department of Chamorro Affairs Mr. Michael. Cura

Ship To

Description	Qty	Cost	Total
<p>Again, thank you for giving us this opportunity to provide our services with you. Our staff is qualified and trained to provide and uphold the professional services that Guam Cleaning Masters is known for. GCM is bonded and insured, will be responsible and assume liability related to its employees should injury occur. In the event of an after hours operation, a supervisor is always assigned to ensure the safety of your establishment.</p> <p>If there are any additional questions, comments, or suggestions that you may have, please feel free to contact me at the numbers listed above.</p> <p>Sincerely, <i>Alex Thomas</i> Alex Thomas General Manager</p>			

Approved By: _____

Total	\$26,208.00
--------------	--------------------



DEPARTMENT OF REVENUE AND TAXATION

GOVERNMENT OF GUAM
P.O. Box 23607
San Pedro, Guam 96921

BUSINESS LICENSE

SZL NO: 10

EXPIRES: JUNE 30, 2010

ACCOUNT NO: 13-000092118-003

ISSUED TO: THOMAS, ALEX	FEE	50
DOING BUSINESS AS: GUAM CLEANING MASTERS	PENALTY	
	TOTAL FEE	50

TYPE OF LICENSE: FAMILIAR CAREER CLEANING & LAWN CARE SERVICE ON CALL

BUSINESS LOCATION: 140 MARINE DRIVE CROWN PINEA UNIT 5
TUMINGT GUAM

PAID
JUN 02 2009
DEPT OF REV & TAX
COLLECTION BRANCH - 03

MAILING ADDRESS: PO BOX 9500
DEDDO GUAM

TELEPHONE: HOME 649-6207

BUSINESS ZIP: 96929
645-2002

5/02/09

KEEP POSTED IN A CONSPICUOUS PLACE
LICENSE MUST BE PRODUCED UPON
DEMAND TO ANY AUTHORIZED GOVT
OFFICIAL

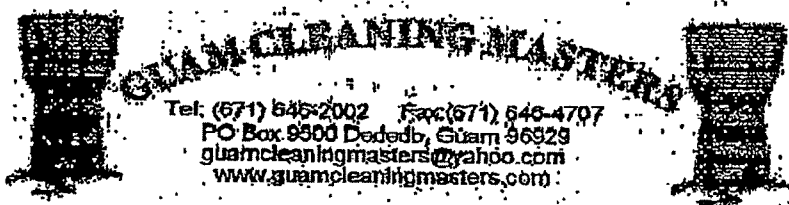
Antonio B. Ilagan
DIRECTOR OF REVENUE AND TAXATION

DIRECTOR OF REVENUE AND TAXATION

TRANSMISSION VERIFICATION REPORT

TIME : 09/16/2009 18:04
NAME :
FAX :
TEL :
SER.# : 68J712464

DATE, TIME : 09/16 18:03
FAX NO./NAME : 4750376
DURATION : 00:00:35
PAGE(S) : 04
RESULT : OK
MODE : STANDARD
ECM



FACSIMILE TRANSMITTAL SHEET

TO: Mr. Michael Cuta	FROM: Alex Thomas
COMPANY: Department Of Chamorro Affairs	DATE: 09-16-2009
FAX NUMBER: 475-0376	TOTAL NO. OF PAGES INCLUDING COVER: 4
PHONE NUMBER: 475-0377	SENDER'S REFERENCE NUMBER: 646-2002
RE: Hafa Adai, attached is the price quotation for the Ocean Night Market event. Thank you & God Bless!	YOUR REFERENCE NUMBER: 646-2002

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

Call & confirm fax.

Exhibit D



Law Offices of Douglas B. Moylan
 Suite 201 Skinner Plaza Building
 138 West Seaton Boulevard • Hagåtña
 P.O. Box 7822 • Tamuning, Guam 96931
 USA
 (671) 475-9292 • (671) 483-9292 (cellular)
 (671) 475-9293 (fax)
 dbmoylan@gmail.com

Counsel for Guam Cleaning Masters

PROCUREMENT APPEAL

In the Appeal of

Docket No. OPA-PA _____

GUAM CLEANING MASTERS,

 APPELLANT.

Declaration

I, **Alex Thomas**, declare

1. I make this declaration based upon my personal knowledge and would so testify if asked.

2. I am the President of Guam Cleaning Masters.

3. On September 30, 2009 I submitted a protest pertaining to Department of Chamorro Affairs request for proposal number DCA RFP CV10-002.

4. After the protest was submitted I personally witnessed employees of Lucky Lawn Care and Janitorial Service working at the Chamorro Village facility.

5. I witnessed the employees working on approximately three separate occasions (separate days) in the week following September 30, 2009.

Exhibit E



DIPATTAMENTON I KAORHAO GUINAHAN CHAMORRO
DEPARTMENT OF CHAMORRO AFFAIRS



Honorable Felix P. Camacho
Governor of Guam

Sylvia M. Flores
Acting President

Honorable Michael W. Cruz
Lt. Governor of Guam

October 12, 2009

Alex Thomas
President, Guam Cleaning Masters
P.O. Box 9500
Dededo, Guam 96929

Dear Mr. Thomas:

Håfa Adai! Thank you for your letter dated September 30, 2009. Please be reminded that, by mandate, all Government of Guam agencies, departments and instrumentalities are required to adhere to the prescribed regulatory guidelines in the furtherance of all BID processes.

You've made numerous references [public laws and Guam Code Annotated] on how the Department of Chamorro Affairs had not adhered to the mandates governing BIDs. Your allegations are unfounded and your company's continued posturing in bad light concerns me tremendously.

It is unfortunate, although, that your fine company was unable to be awarded the BID in question. The [Department] looks forward to your company's continued interest of our agency's needs. Thank you in advance.

Senseramente,

Joseph A. Comerio (for)
Sylvia M. Flores
Acting President



cc: GSA, Chief Procurement Officer

"Department of Chamorro Affairs is an Equal Opportunity Provider and Employer"

238 Archbishop F.C. Flores St. • DNA Building, Ste. 408 Hagatña, Guam 96910 • P.O. Box 2950 Hagatña, Guam 96932 • Phone: (671)475-4276/9 • Fax: (671)475-4227

DIBISION FINO'YAN KOTTURAN CHAMORRO
Chamorro Language and Culture Division

I SENGSONG CHAMORRO
Chamorro Village

DIBISION INALIGAO, TINIGE, YAN FINA'NAGUE
Research, Publications and Training Division

DIBISION FANIMADAHEN KOSAS GUAHAN YAN SAGAN RIKUETDON
Guam Museum & Archives Division

Exhibit F

DEPARTMENT OF CHAMORRO AFFAIRS
CHAMORRO VILLAGE

FY 2010
PRE-BID CONFERENCE
SCA CONFERENCE ROOM
SEPTEMBER 11, 2009
10:00AM
SIGN-IN SHEET

	FULL NAME (REPRESENTATIVE)	TITLE	NAME OF COMPANY	TEL/NOX	SIGNATURE
1	RUOY LASHANGE Corbett	OPS Manager	Pacific Island Security Agency	OFF 649-8084 CELL 8887459	
2	Lucky chutaro	GM	Lucky Kids	734-2474 678-1788	
3	DAN BERNARDO	OPERATIONS SUPV.	TRUSTED MONITORIAL	987-1897	
4	ESTHER CADAG	Ops. Chief SECURITY	Security	647-8877	
5	Jackie S. Castro	Office/Sales Manager	Laps Sanitation	649-5081/82	
6	JOHN ROSARIO	Gen. MGR	JT Global	632-7570 FAX 632-1179	
7	TOMAS IRIARTE	OPERATION MANAGER	JT GLOBAL	632-3556 632-479	
8	IGNACIO MEGONIA	OPERATIONS MGR	MANAGE SECURITY	637-9811 797-1030	
9	ALEX THOMAS	President	Guam Cleaning Masters	483-1111	
10	Angel Rosalin	Admin. Ass.	"	646-2002	
11	PAUL ROMIAS	V.P.	NO KA OI	7341773	
12	Jessica Sachuo	Admin Ass.	Top Quality Maintenance	688-0859	
13	Annette Pabunan	Bus. Dev.	GHS Security	646-8341 423	
14	Frank Crisostomo-Koashiwo	Bus. Dev.	GHS Security	488-5432	

**DEPARTMENT OF CHAMORRO AFFAIRS
CHAMORRO VILLAGE**

FY 2010
PRE-BID CONFERENCE
DCA, CONFERENCE ROOM
SEPTEMBER 11, 2009
10:00AM
SIGN-IN SHEET

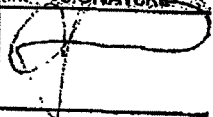
	FULL NAME (REPRESENTATIVE)	TITLE	NAME OF COMPANY	TEL. NO.	SIGNATURE
15	Justo "J.D." Castro	Operations Mng.	Denanche Security	688-7456	
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					
26					
27					
28					

Exhibit G



DIPATTAMENTON I KAHAO GUINAHAN CHAMORRO
DEPARTMENT OF CHAMORRO AFFAIRS

Honorable Felix P. Camacho
 Governor of Guam

Sylvia M. Flores
 Acting President

Honorable Michael W. Cruz
 Lt. Governor of Guam




CHAMORRO VILLAGE
PRE-BID CONFERENCE AGENDA
DCA, CONFERENCE ROOM
SEPTEMBER 11, 2009
10:00AM

- I. Introduction
- II. Sign-in Sheet
- III. Services
 - a. DCA RFP CV10-001 – PEST CONTROL SERVICE
 - b. DCA RFP CV10-002 – JANITORIAL AND MAINTENANCE SERVICE
 - c. DCA RFP CV10-003 – UNARMED SECURITY SERVICE
 - d. DCA RFP CV10-004 – TRASH COLLECTION SERVICE
- IV. Proposal Requirements
- V. Contract Period
- VI. **Bid Submission Requirement**
 - One (1) original proposal
 - Five (5) copies of proposal
 - Sealed in an envelope
- VII. **Bid Submission Deadline**
 - Attention the President, Department of Chamorro Affairs
 - 12:00P.M., FRIDAY, SEPTEMBER 18, 2009 at the DCA issuing office.
- VIII. **Bid Opening**
 - 10:00A.M., TUESDAY, SEPTEMBER 22, 2009 at the DCA issuing office.
- IX. **Bid Review & Selection**
 - Committee to review and recommend selection for the approval by the President, Department of Chamorro Affairs
- X. **Issuance of current U.S. Minimum & Prevailing Wage Determinations for Guam in accordance with Guam Public Law No. 26-111**
 - This law requires the contractor of the Government of Guam agency whose employs a person whose purpose, in whole or in part, is the direct delivery of service contracted by the government of Guam agency to pay such employee(s) in accordance with the Wage Determination for Guam issued and promulgated by the U.S. Department of Labor.
 - Most recent U.S. DOL WAGE DETERMINATION, revised on 7/22/2009 (WD 05-2147 rev. 9)
- XI. Invitation for Site Visit to Chamorro Village
- XII. Q&A

Exhibit H

DEPARTMENT OF CHAMORRO AFFAIRS
CHAMORRO VILLAGE


 FY 2010
BID OPENING
 September 22, 2009 - 10am

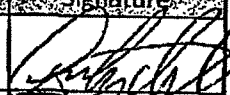

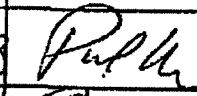


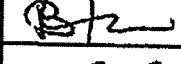
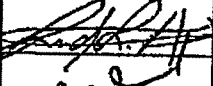

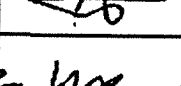
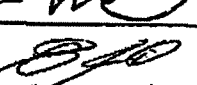
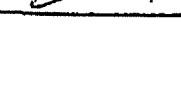
FULL NAME	TITLE	NAME OF COMPANY	TEL. No.	Signature
Lucky Chutoro	Manager	Lucky Kids	734-2474	
BASILIO Vega	Manager	TRUSTED	8987472	
DAW BERNARD		PLUS		
PAUL Romins	V.P.	NO KA OI	7341773	
Jackie S. Casfu	Office Sales Manager	Lign Sanitation	649-5081/2	
Angel Rosalin	Admin./OCN	Quom Cleaning Makers	646-2002	
Berni D. Uesa	Admin.	PWS	646-2267	
RUDY Corbett	Manager	Pisa	649-8084	
ANNETTE ABUON	BD COORDINATOR	QAS	646-8341	
JOHN ROSARIO	C.E.	JS Global	632-1179	
Frank Casaromo	BD	G4S	488-5432	
ERIC Orot	mgr	4E Corp	688-9711	

Exhibit I

September 22, 2009

**Janitorial & Maintenance Service
DCA RFP CV10-002**



Trusted Janitorial & Lawn Care Control #CV02-008	Bid: <u>8850.00</u> 106200.00
4-E Janitorial Service Control#CV02-010	Bid: <u>10,500.00</u> 126,000.00
Lucky Kids Lawn Care & Janitorial Service Control #CV02-003	Bid: <u>5702.70</u> 69152.40
Top Quality Maintenance Service Control #CV02-005	Bid: <u>4200.00</u> 50400.00
Guam Cleaning Masters Control #CV02-002	Bid: <u>6614.02</u> 79,368.24
JJ Global Service Control #CV02-006	Bid: <u>5249.50</u> 62994.00
Maids to Order Maintenance Control #CV02-009	Bid: <u>7850.00</u> 94200.00

REMARKS: _____

Exhibit J

DEPARTMENT OF CHAMORRO AFFAIRS
CHAMORRO VILLAGE

PROPOSAL PACKAGE
LOG-SHEET

THE PROPOSALS SHALL
BE SUBMITTED NO LATER THAN
12:00PM, SEPTEMBER 18, 2009

USE THIS COLUMN FOR SUBMISSION OF BID APPLICATION

DATE	TIME	PRINT NAME	SIGNATURE
9/16/09 10:15am			
9/18/09 10:45am			
9/18/09 10:59am			
9/18/09 11:05am			
9/18/09 11:23am			
9/18/09 12:42pm			
9/18/09 2:10pm			
9/18/09 2:24pm			
9/19/09 4:30pm			
9/19/09 2:18pm			
9/19/09 2:50pm			
9/19/09 1:04pm			
9/19/09 1:10pm			
9-11-09 10:40pm			
9/14/09 3:28pm			
RAYMOND CRUZ	RAYMOND CRUZ	02-001	
securitech	ESTER CODOG	03-001	
Edam Cleaning Master	TIM MARTINEZ	02-002	
LUCKY KIDS	LUCKY	02-003	
POL'S JANITORIAL	Peter Santiago	02-004	
Top Quality Security	JESSICA SACHUO	02-005	
CAS SECURITY	Anne Bakunan	03-002	
Pacific Island Security	BOBY KALLINGAL	03-003	
JT Global	JOSE ROSARIO	02-006	
Z4 Corporation	PAME UHLIANG	02-007	
TRUSTED CLEAN CARE	BRANDY JESUA	02-008	
LAGU SANITATION	JACKIE CRISTO	04-001	
Denareto Security	J. Castro	05-009	
NO KA O'POST CONTRA	SANDRA MANUSUKA	01-001	
MTO MAINT.	J.R. PEREZ	02-009	

Exhibit K



DIPATTAMENTON I KAOLAO GUINAHAN CHAMORRO
DEPARTMENT OF CHAMORRO AFFAIRS

Honorable Felix P. Camacho
Governor of Guam

Sylvia M. Flores
Acting President

Honorable Michael W. Cruz
Lt. Governor of Guam



October 21, 2009

Alex Thomas
President
GUAM CLEANING MASTER
P.O. Box 9500
Dededo, Guam 96929

Re: RFP DCA CV10-002, JANITORIAL AND MAINTENANCE SERVICES

Dear Mr. Thomas:

This letter is in response to your request received on October 5, 2009, regarding the above reference matter. Provided below is an abstract list of contractors that submitted bids for fiscal year 2009-2010, Janitorial and Maintenance services at the Chamorro Village:

NAME OF COMPANY	MONTHLY BID AMOUNT	BID STATUS
1. Trusted Janitorial & Lawn Care	\$ 8,850.00	Company less than one (1) year. Personnel has worked in janitorial service for almost 5 years. Bid meet wage & hour requirements but not the lowest bid
2. 4-E Janitorial Service	\$ 10,500.00	Bid meet all requirements but not the lowest bid.
3. Lucky Kids Lawn Care & Janitorial Service	\$ 5,762.70	Contractor bid included a no cost on Thursday maintenance cleaning. Bid meet all requirements and was the lowest bid submitted. Contractor awarded FY10 Janitorial & Maintenance service.
4. Top Quality Maintenance Service	\$ 6,200.00	Bid disqualified for not meeting wage & hour requirements.
5. Guam Cleaning Masters	\$ 6,210.00	Bid meet all requirements but not the lowest bid
6. JJ Global Service	\$ 5,249.50	Bid disqualified for not meeting holiday wage & hour requirements.
7. Maids To Order Maintenance	\$ 7,850.00	Bid meet all requirements but not the lowest bid

238 Archbishop Felixberto C. Flores Street • Pacific News Building, Suite 408 Hagatña, Guam 96910 • P.O. Box 2950 Hagatña, Guam 96932

DIBISION FINO'YAN KOTTURAN CHAMORRO
Chamorro Language and Culture Division

I SENGSONG CHAMORRO
Chamorro Village

DIBISION INALIGAO, TINIGE'YAN FINA'WAGUE
Research, Publications and Training Division

DIBISION FANINADAHEN KOSAS GUAHAN YAN SAGAN RIKUETDON
Guam Museum & Archives Division

Exhibit L

J. BID OPENING

A bid opening will be schedule at 10:00A.M., Tuesday, September 22, 2009 at the issuing office to gather and rate each bid proposal for recommendation to the President of the Department of Chamorro Affairs. A representative must be present during the bid opening in case further information is needed.

For additional information, please contact the Chamorro Village office at Tel: 475-0377 or Department of Chamorro Affairs at Tel: 475-4278/9.

K. COMPANY INFORMATION & BID AMOUNT

COMPANY NAME: TRUSTED JANITORIAL LAWN SERVICE
PHYSICAL ADDRESS: Lot 5357-4-2 ADACAO, MANGILAO
MAILING ADDRESS: P.O. Box 6771 TAMUNING, GU 96931
CONTACT NUMBER (S): 987-1898 OFFICE 633-3474 FAX
OTHER NUMBER (S): 898-7472
CONTACT PERSON: DAN BERNARDO
TITLE: ADMINISTRATION MANAGER

I am hereby submitting the following bid amount and acknowledge that I have read and understand all the work requirements, schedule, terms and conditions, deadlines, bid fee and miscellaneous provisions mentioned above.

MONTHLY COST: \$ 8,850.00

TOTAL AMOUNT: \$ 106,200.00

SIGNATURE: Dan M. Bernardo

PRINT NAME: DAN M. BERNARDO

DATE: 09/17/09

NOTE: COMPANY IS LESS THAN A YEAR OLD. BUT PERSONNEL HAS WORKED JANITORIAL AND LAWN CARE SERVICE FOR ALMOST FIVE YEARS. MR. BASIANO JOYSA WORKED FOR FOUR YEARS AS JANITORIAL SUPERVISOR FOR GOODWIND (MICRONESIA MALL) IS NOW OPERATION MGR. FOR TRUSTED JANITORIAL CONTROL NO#: 02-008

Exhibit M

Exhibit N

SEALED BIDS ACCEPTED UNTIL SEPTEMBER 18, 2009
 PAYMENT TERMS: CASH OR CASHIERS CHECK
 DZSP 21 LLC has the right to refuse any and all bids.

NOTICE OF JOB OPPORTUNITIES
 WITH TWO YEARS EXPERIENCE

05 - CARPENTERS \$13.56/HR.
 Construct, erect, install and repair structure and fixtures of wood, plywood and wallboard using carpenter handtools and power tools, conforming to local building codes. Studies blueprints, sketches or building plans for information pertaining to the type of material required such as lumber or fiberglass, and disposition of structure of fixtures to be fabricated. Select specific type of lumber or materials. Prepare layout using ruler, framing squares or squares. Mark cut or assembly lines on materials using pencil, chalk and marking gage. Shapes materials to prescribed measurements using saws, chisels and planes.

10 - CEMENT MASONS \$12.87/HR.
 Smooth/finish surfaces of poured concrete floors, walls, sidewalks, curbs to specified finishes, using hand or power tools, including floats, trowels and screeds. Spread concrete to specified depth and workable consistency using float to bring water to surface and produce roll trowel, finish, straighten, and shape surfaces of freshly poured concrete, using straightedge and float or power screed. Finish concrete surfaces using power trowel, and rub concrete with abrasive stone to impart finish. Lay concrete blocks and masonry cement-sanding stone, hand-tools or mixing machines.

03 - REINFORCING IRONWORKERS \$12.56/HR.
 Position & secure steel bars in concrete forms to reinforce concrete. Determine number, size, shape & locations of reinforcing rods from blueprints, sketches, or oral instructions. Select & place rods in forms, spacing & fastening them together using wire & spacers. Cut bars to required lengths using hacksaw, bar cutter, or oxyacetylene torch; may bend steel rods with handtools, or rod bending machine. May reinforce concrete with wire mesh, may weld reinforcing bars together using arc-weld equipment.

06 - HEAVY EQUIPMENT OPERATORS \$13.77/HR.
 Operates several types of power construction equipment, such as compressors, pumps, hot, dry-fills, cranes, tractors, scrapers, or motor graders, to excavate, bury and grade earth, erect structural & reinforcing steel & pour concrete or other hard surface paving materials; may adjust air & water output of compressors & pumps. Adjust hand wheels & depressors pedals to drive machines and control attachments, such as blades, buckets, scrapers, & swing booms. Repairs and maintains equipment. May operate machinery on site lot of customer's property to demonstrate suitable features of construction equipment and be designed demonstrator, construction equipment.

BENEFITS: Housing with three (3) meals per day @ \$320.00 per month is provided. Free quarterly airfare for off-shore (overseas) employees from original point of hire in Guam, and return upon successful completion of employment contract, free local transportation to and from jobsites.

Interested applicants should apply at Guam Employment Service of the One Stop Career Center located at GGC Building, 1st floor 214 West Soledad Ave., Hagåtña, Guam. This job offer is open to all qualified United States workers without regard to race, color, national origin, age, sex, citizenship and to United States workers with disabilities who are qualified, willing, able and available to perform the job. (Ref. No. 2009-248)

Let us know if you are interested in this position. For more information, please call Tel: 475-427899 or Chamorro Village office at Tel: 475-0377.

JOE SYLVAN FLORES
 DCA, ACTING PRESIDENT

This advertisement is paid by revenues generated from the Chamorro Village Non-Appropriated Funds. "The Department of Chamorro Affairs is an Equal Opportunity Provider and Employer"

PUBLIC ANNOUNCEMENT

This Advertisement is paid with Government Funds By:
 Guam Preservation Trust

REQUEST FOR PROPOSAL No. 09-006

Independent Auditing Services

The Guam Preservation Trust (GPT) is soliciting proposals from a U.S. Certified Public Accounting Firm for financial statement and compliance audit services for FY 2008, 2010 and 2011, subject to the availability of funds and certification from fiscal year to fiscal year. The required audit services will include an audit of the GPT financial statements in accordance with generally accepted auditing standards and Government Auditing Standards; and, if applicable based on the amount of federal awards expended, a compliance audit over federal award programs in accordance with generally accepted auditing standards, Government Auditing Standards, and OMB Circular A-133.

Request for Proposal (RFP) packages may be obtained at the Guam Preservation Trust Office, in Agaña, Guam, anytime from Monday through Friday, excluding holidays between 8:00 a.m. and 5:00 p.m. The RFP may also be downloaded at the Office of Public Accountability's website at www.opa.guam.gov. Deadline for submission of all proposals is 4:00 p.m. Chamorro Standard Time (Guam Time), September 28, 2008. All proposals must be submitted to the attention of Mr. MICHAEL MAKIO, Chairman of Guam Preservation Trust. Any proposals submitted after the above deadline will not be accepted.

GPT, with the written approval of Public Accountability (OPA), reserves the right to reject any or all proposals, solicit new proposals, waive minor formalities or irregularities or award the Independent Auditor in whole or in part.

All questions regarding the proposals should be in writing directed to Mr. JOE QUINATA, Chief Program Officer at (871) 472-9430/40. Except to the above persons named, direct or indirect contact with GPT Management or Staff, Board members, or any person participating in the selection process is prohibited.

JOE QUINATA
 Chief Program Officer

FILIPINO & CHAMORRO LADIES
 24 HOURS
 Tel: 653-8858 • 777-8858

Home & General Construction • Repair
 Warehouse • Iron Frame
 • All Repair Construction • Demolition
 • Interior Maintenance

Sally's Therapeutic
 NEW GIRLS for every 1 hr massage!
 15 more min.
 OPEN DAILY 10AM to 2AM
 653-6168
 Hotel Services 653-6168

S.T. MASSAGE
 New Owners
 New Girls
 HOTEL SERVICE AVAILABLE
 ROOM 4-1004H Tel: 653-2288/653-5588

Enjoy an Excellent Massage with Great Service
Tranquil Therapeutic Massage
 11am - 3am
 Hand Service Available
 632-7838

NEW MASSAGE
 BACK DOOR - HOTEL SERVICE
 24 HRS OPEN
 643-6669
 HOTEL SERVICE DAILY 11:00am-2:00am
 Tel: 643-6573

LUCKY BAMBOO
 Therapeutic Massage
 NEWLY OPENED • NEW LADIES
 Open Then to 2am
 649-5123 / 777-8922

Apple Therapy Massage
 Special New Girls
 Hotel Service Daily 24 Hrs.
 477-6096 / Back Door

Pacific Daily News, Monday, September 7, 2009, guampda.com

Exhibit 0

Exhibit P

**I Sengsong Chamorro
The Chamorro Village
Depattamenton I Kaohao Guinahan Chamorro
Department of Chamorro Affairs
GOVERNMENT OF GUAM**

**JANITORIAL AND MAINTENANCE SERVICE
Proposal Package
DCA RFP CV10-002**

A. GENERAL

The Department of Chamorro Affairs and Chamorro Village management are seeking proposals for janitorial and maintenance service for the Chamorro Village facility located in Hagatna, Guam.

B. WORK REQUIRMENTS OF COMPANY

1. Maintain and clean the Chamorro Village facility which includes but not limited to public restrooms, dining areas, walkways, grounds, parking lots and office.
2. Maintenance to include but not limited to brush cutting, raking, sweeping, mopping, waxing floors, window cleaning, disposal of trash, cleaning of all fixtures and fittings, restocking of soap, paper towel and toilet tissue, deodorizing restroom, control of water spills, removal or over-painting of graffiti, trimming of weeds and plants and policing of walkways, grounds and parking lots.
3. Maintenance worker must report defective fixtures, lights, water leaks to Chamorro Village Office.
4. Maintenance worker must report security issues to Chamorro Village Office.
5. Maintenance worker must check in and out with the Chamorro Village Office and fill out Attendance Log Sheet.
6. Maintenance worker must fill out Maintenance Log Sheets for all public restrooms and all other areas. Supplies used must be logged in the Maintenance Log Sheet.
7. Maintenance worker must perform other related duties/tasks as required by the Chamorro Village management.

C. SCHEDULE

1. The work shall be performed seven days a week during the contract period. Including Holidays.
2. The Maintenance Company shall provide:
 - a. One (1) maintenance worker daily for eight (8) hours from 8:00 a.m. to 5:00 p.m.
 - b. Six (6) maintenance workers once a week for six (6) hours from 5:00 p.m. to 11:00 p.m. to maintain the dinning areas, walkways, grounds and office during the Wednesday Night Market.
 - c. Two (2) maintenance workers every Thursday for a follow-up cleaning of the grounds for two (2) hours from 8:00 a.m. to 10:00 a.m.
 - d. Two (2) additional maintenance workers bi-weekly for (8) hours from 7:00 a.m. to 4:00 p.m. for ground maintenance which shall include brush cutting, trimming of trees, removal and disposal of debris and the cleaning of all walkways, public parking and tenant parking lots.

3. Maintenance Company shall provide a full maintenance cleaning (*i.e. stripping, waxing, buffing, cleaning all fixtures etc.*) to be done twice a month every first and third Sunday for all public restroom, dining areas, dressing room and office.
4. Maintenance workers must check all restrooms every hour and as needed, and will keep an hourly log of the Restroom Maintenance.

D. MISCELLANEOUS PROVISIONS

1. The Maintenance Company shall provide the Chamorro Village management with information as to where their office or base of operation is located and phone numbers at which they may be reached during business hours and after hours.
2. The Maintenance Company shall provide in advance to the Chamorro Village Management the names of their employees and a copy of a picture ID who will perform these services at the Chamorro Village.
3. The Maintenance Company expressly agrees to indemnify and save the Government harmless from and against any and all claims, loss damage, injury and liability caused, resulting from and arising out of, or in any way connected with work to be performed under this contract. Maintenance Company shall submit a copy of general liability insurance policy to the Chamorro Village Management.
4. The Maintenance Company must be a registered company on Guam and have been in business for at least one (1) year. Maintenance Company shall submit a copy of their current business license to the Chamorro Village Management.
5. The Maintenance Company will be available to meet with the Chamorro Village Manager and/or the President of Chamorro Affairs.
6. The Chamorro Village management will be responsible for providing the following supplies and equipment: *All cleaning chemicals, trash bags, toilet tissue, paper towel, soap, deodorizer, broom, mop, mop bucket and hose.*
7. The Maintenance Company shall be responsible of providing all other supplies and equipment not provided by the Chamorro Village.
8. The Maintenance Company shall be responsible to provide their employees the proper safety gears and ensure that each of them understand the proper use of maintenance equipment and chemicals when performing duties at the Chamorro Village.
9. The Maintenance Company agrees that each maintenance worker must check out supplies provided by the Chamorro Village Management and would be held accountable for the loss of property.
10. The Maintenance Company will be responsible to remove yard debris and handle the disposal to the proper facility.
11. The Chamorro Village management reserves the right to adjust the maintenance schedule time that best accommodates the operation of the Chamorro Village.
12. The Maintenance Company must ensure that their employees must be in uniform and mandatory wear of an I.D. badge during working hours at the Chamorro Village.
13. The Maintenance Company shall provide each worker with a working two-way radio or wireless cellular phone while on duty at the Chamorro Village.

14. The Maintenance Company shall continue to provide maintenance service during Condition of Readiness (COR) 2 to assist in securing the Chamorro Village facility for the impending storm. THERE SHALL BE NO MAINTENANCE WORKERS WORKING DURING CONDITION OF READINESS (COR) 1. The Maintenance Company understands that it must have all maintenance workers report back to work immediately as soon as **ALL CLEARED** has been announced by the Governor of Guam or the Civil of Defense Office.
15. Pursuant to Public Law 26-111, minimum and prevailing wage determinations and benefits requirements are mandated for all contractors of the Government of Guam.
16. The Department of Chamorro Affairs reserves the right to reject any or all proposals, solicit new proposals, waive minor informalities or irregularities or award service in whole or in part.

E. TERM OF CONTRACT

The contract shall be for a period of Twelve (12) months beginning October 1, 2009 to September 30, 2010, including weekends and holidays.

F. BILLING AND PAYMENT

The Company shall bill the Chamorro Village on a monthly basis and submit an invoice to the Department of Chamorro Affairs office. Payment shall be made no later than 30 days after date of receipt of invoice. If there is a dispute on payment, Government representative in charge of facility may request a meeting with the Company prior to payment if services for previous month have been deemed inadequate. This meeting to determine that deductions should be made so that the Chamorro Village does not pay for services not received.

G. BID SUBMISSION DEADLINE

All proposals must to be considered must include one (1) original and five (5) copies which shall be marked for each proposal and must be received to the Department of Chamorro Affairs, DNA Building, 4TH Floor, Suite 408, Hagatna, Guam 96910 no later than 12:00P.M., Friday, September 18, 2009. All proposals must be properly sealed and attention to the President, Department of Chamorro Affairs. *Late proposals will not be considered.*

H. FEE

A "non-refundable" fee of \$50.00 per bid package will be required upon pickup. Certified Check, Cash will be accepted. No personal or company Check.

I. PRE-BID CONFERENCE

A pre-bid conference will be scheduled at 10:00A.M., Friday, September 11, 2009 at the issuing office to review requirements for submission of each bid proposals.

J. BID OPENING

A bid opening will be schedule at **10:00A.M., Tuesday, September 22, 2009** at the issuing office to gather and rate each bid proposal for recommendation to the President of the Department of Chamorro Affairs. A representative must be present during the bid opening in case further information is needed.

For additional information, please contact the Chamorro Village office at Tel: 475-0377 or Department of Chamorro Affairs at Tel: 475-4278/9.

K. COMPANY INFORMATION & BID AMOUNT

COMPANY NAME: _____
PHYSICAL ADDRESS: _____
MAILING ADDRESS: _____
CONTACT NUMBER (S): _____ OFFICE _____ FAX
OTHER NUMBER (S) : _____
CONTACT PERSON: _____
TITLE: _____

I am hereby submitting the following bid amount and acknowledge that I have read and understand all the work requirements, schedule, terms and conditions, deadlines, bid fee and miscellaneous provisions mentioned above.

MONTHLY COST: \$ _____

TOTAL AMOUNT: \$ _____

SIGNATURE: _____

PRINT NAME: _____

DATE: _____

CONTROL NO#: 02-010

Exhibit Q



DEPARTMENT OF CHAMORRO AFFAIRS
I SENGSONG CHAMORRO
Chamorro Village
Government of Guam

153 West Marine Corps Dr., Suite 201, Hagatna, Guam 96910
Tel. No. (671) 475-0377 Fax No. (671) 475-0376
Email: chamorroville@yahoo.com



Sylvia Flores
Acting President

Honorable Felicit P. Camacho
Governor of Guam

Honorable Michael W. Cruz
Lieutenant Governor of Guam

September 29, 2009

VIA FACSIMILE
646-4707

Mr. Alex Thomas
General Manager
GUAM CLEANING MASTERS
P.O. Box 9500
Dededo, Guam 96929

RE: STATUS OF BID PROPOSAL
Janitorial and Maintenance Service
DCA RFP CV10-002

Dear Mr. Thomas:

We would like to thank you for submitting your proposal for Janitorial and Maintenance Service.

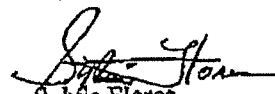
Unfortunately, we have selected another company to handle the above service at the Chamorro Village for the next twelve (12) months. The bidding was very competitive however our selection was based on the lowest bid submitted for this contract.

Once again, thank you for taking the time to submit your proposal. We wish you the best of luck and encourage you to submit for this service again during our next bid opening.

Please don't hesitate to contact us if you have any questions.

Si Yu'os Ma'ase'.


Michael A. Cruz
Chamorro Village Manager


Sylvia Flores
President, Department of Chamorro Affairs

cc: file

Exhibit R

FILE COPY



GUAM CLEANING MASTERS

Tel: (671) 646-2002 Fax: (671) 646-4707
PO Box 9500 Dededo, Guam 96929
guamcleaningmasters@yahoo.com
www.guamcleaningmasters.com



September 30, 2009

Sylvia Flores
President
Department of Chamorro Affairs
Government of Guam
152 W Marine Corps Drive
Hagatna, Guam 96910

RECEIVED

P. H. B. Portado-Hernandez
SEP 30 2009 3:37 PM
Department of
Chamorro Affairs

**Subject: Bid Protest re: Janitorial & Maintenance Service; No.
DCA RFP CV10-002**

Dear President Flores:

We are in receipt of your September 29, 2009 letter pertaining to the above bid number for Janitorial & Maintenance Services. Your letter does not specify who won the bid, or the grounds for disqualification of the other bidders. It simply states that Guam Cleaning Masters ("GCM") was not selected. Based upon my call to Mr. Jeff San Nicolas, an employee of your Department, on Friday, September 25, 2009 at approximately 4:30 p.m. Lucky Kids Lawn Care & Janitorial Services was or will be awarded the bid.

Guam Cleaning Masters ("GCM") hereby submits this bid protest pursuant to the Guam Procurement Law (5 G.C.A. § 5425(a)) for the award of the above bid.

The bases for this bid protest include, but are not limited to:

1. the three lowest bidders below GCM (Lucky Kids, Top Quality & JJ Global), could not possibly comply with the bid requirements for their bid amounts since under Bid Section "C. SCHEDULE" given the labor force required and the pay schedule required under Guam Public Law 26-111 (all applicable taxes) the minimum bid amount would have to be *at least* \$72,000.00 based upon the labor required & payment calculations to those workers;

2. the Department has violated procurement law by authorizing work before proper notices issued to bidders;
3. Lucky Kids was not the lowest bidder, there being 2 other lower bidders;
4. GCM is the lowest and most qualified bidder under the terms and conditions as contained within the bid number DCA RFP CV10-002.

We request that your Department resolve this matter under your authority to resolve disputes by awarding this bid to GCM. (5 G.C.A. § 5425(b)).

GCM further requests its costs be reimbursed herein pursuant to 5 G.C.A. § 5425(h)(1).

We understand that Lucky Kids Lawn Care & Janitorial Services may have already begun work under the above-cited bid. Pursuant to 5 G.C.A. § 5425(g) we request that all work stop until our bid protest has been officially responded to.

Please do not hesitate to call upon us if it might assist in resolving this bid protest. Thank you.

Sincerely,



Alex Thomas
President

cc: Ms. Claudia Acfalle, Chief Procurement Officer
General Services Agency
Ms. Maria Connelley, Director,
Department of Labor
Patrick Candoleta, Wage & Hour Division,
U.S. Department of Labor
Douglas B. Moylan, Esq.
Counsel, Guam Cleaning Masters

Exhibit S



DIPATTAMENTON I KAORHAO GUINAHAN CHAMORRO
DEPARTMENT OF CHAMORRO AFFAIRS

Honorable Felix P. Camacho
Governor of Guam

Sylvia M. Flores
Acting President

Honorable Michael W. Cruz
Lt. Governor of Guam



October 12, 2009

Alex Thomas
President, Guam Cleaning Masters
P.O. Box 9500
Dededo, Guam 96929

Dear Mr. Thomas:

Håfa Adai! Thank you for your letter dated September 30, 2009. Please be reminded that, by mandate, all Government of Guam agencies, departments and instrumentalities are required to adhere to the prescribed regulatory guidelines in the furtherance of all BID processes.

You've made numerous references [public laws and Guam Code Annotated] on how the Department of Chamorro Affairs had not adhered to the mandates governing BIDs. Your allegations are unfounded and your company's continued posturing in bad light concerns me tremendously.

It is unfortunate, although, that your fine company was unable to be awarded the BID in question. The [Department] looks forward to your company's continued interest of our agency's needs. Thank you in advance.

Senseramente,

Joseph A. Comerio (for)
Sylvia M. Flores
Acting President



cc: GSA, Chief Procurement Officer

"Department of Chamorro Affairs is an Equal Opportunity Provider and Employer"

238 Archbishop F.C. Flores St. • DNA Building, Ste. 408 Hagatña, Guam 96910 • P.O. Box 2950 Hagatña, Guam 96932 • Phone: (671)475-4278/9 • Fax: (671)475-4227

DIBISION FINO'YAN KOTTURAN CHAMORRO
Chamorro Language and Culture Division

I SENGSONG CHAMORRO
Chamorro Village

DIBISION INALIGAO, TINGE'YAN FINA'NA'GUE
Research, Publications and Training Division

DIBISION FANINADAHEN KOSAS GUAHAN YAN SAGAN RIKUETDON
Guam Museum & Archives Division

Exhibit T



GUAM CLEANING MASTERS

Tel: (671) 646-2002 Fax: (671) 646-4707
PO Box 9500 Dededo, Guam 96929
guamcleaningmasters@yahoo.com
www.guamcleaningmasters.com



October 26th 2009

Sylvia Flores
President
Department of Chamorro Affairs
Government of Guam
152 W Marine Corps Drive
Hagatna, Guam 96910

RECEIVED

2009 OCT 27 7:00 AM
Department of
Chamorro Affairs

Subject: Bid Protest re: Janitorial & Maintenance Service; No. DCA RFP CV10-002

Dear President Flores:

In regards to the above Request for Proposal, we received your Department's October 12, 2009 letter on October 16, 2009.

Before filing an appeal, please also consider the following in response to your letter:

1. apparent collusion in the award of the bid since our prices were solicited in advance of the RFP solicitation & award;
2. your Department's failure to have its awarded contractor (Lucky Kids Lawn Care & Janitorial Services) for the above RFP stop work when our protest was filed pursuant to 5 G.C.A. § 5425(g);
and
3. the request for proposal was an improper method to solicit janitorial & maintenance services.


It is apparent that the award should be rescinded and the solicitation redone.

We request that your Department resolve this matter under your authority to resolve disputes by awarding this bid to GCM. (5 G.C.A. § 5425(b)).

GCM further requests its costs be reimbursed herein pursuant to 5 G.C.A. § 5425(h)(1).

Please do not hesitate to call upon us if it might assist in resolving this protest. We request your written response by noon tomorrow. Thank you.

Sincerely,


Alex Thomas
President

cc: Ms. Claudia Acfalle, Chief Procurement Officer
General Services Agency
Ms. Maria Connelley, Director,
Department of Labor
Patrick Candoleta, Wage & Hour Division,
U.S. Department of Labor
Douglas B. Moylan, Esq.
Counsel, Guam Cleaning Masters



OFFICE OF THE PUBLIC AUDITOR

Appendix D: Hearing Request/Waiver Form
PROCUREMENT APPEAL

RECEIVED
OFFICE OF THE PUBLIC AUDITOR
PROCUREMENT APPEALS

OCT 27 2009

TIME: 4:17pm
BY: FH
FILE No. OPA-PA 09009

In the Appeal of)
)
)
)
)
(Name of Company), APPELLANT)
Guam Cleaning Masters)
_____)

HEARING
REQUEST/WAIVER

Docket No. OPA-PA _____

Please select one:

- Pursuant to 2 GAR § 12108(a), the undersigned party does hereby request a hearing on the appeal stated above.
- Pursuant to 2 GAR § 12108(a), the undersigned party does hereby waive his/her right to a hearing and is submitting the appeal stated above on record without a hearing.

Submitted this 27th day of October, 2009.

By: (Please select one)

- APPELLANT
- ___ Chief Procurement Officer
- ___ Director of Public Works
- ___ Head of Purchasing Agency

Douglas B. Moylan
Signature

Douglas B. Moylan, Counsel for Guam Cleaning Masters

Print Name

COPY



OFFICE OF THE PUBLIC AUDITOR

Appendix D: Hearing Request/Waiver Form
PROCUREMENT APPEAL

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OFFICE OF THE PUBLIC AUDITOR
PROCUREMENT APPEALS

OCT 27 2009

TIME: 4:17pm
BY: JH
FILE No. OPA-PA 09-009

In the Appeal of)
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(Name of Company), APPELLANT)
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Guam Cleaning Masters)
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HEARING
REQUEST/WAIVER

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- APPELLANT
 - Chief Procurement Officer
 - Director of Public Works
 - Head of Purchasing Agency

Douglas B. Moylan
Signature

Douglas B. Moylan, Counsel for Guam Cleaning Masters

Print Name

COPY

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