

D

BID NUMBER: R-101 (Mkt: 544) GPM-013-07  
 AMENDMENT: \_\_\_\_\_

GOVERNMENT OF GUAM

BIDDERS REGISTER

(Clos.)  
 OPENIN  
 TIME: <

VENDOR (PLEASE PRINT)	FULL NAME (PRINT)	SIGNATURE	DATE	TIME	PHONE NUMBER	FAX NUMBER	DATE
1. RSLI Communications, LLC	Rick Wipingo rickwipingo@telecom.net	[Signature]	4/21/09	11:35	646-8361	646-8364	06/22/09
2. NONMAN CHIA	Tomato Guam	[Signature]	4/21/09	2:20	477-5327	477-5328	06/22/09
3. OTH Energy, SA.	Victor Benayas Clarice Lema	[Signature]	05/20/09		734-912-103-900	734-912-103-901	06/22/09
4. Fluor Enterprise, Inc.	Travis Blount Tom Baker Tony Argente	[Signature]	04/24/09		+1201-203-2544	tony.argente@fluor.com	06/22/09
5. PRUVIENT ENERGY	manager@ute.net Michael Alvarez	[Signature]	04-30-09		047-8266	649-6629	
6. USSI	Diane/ Bruce F. Joseph Santos	[Signature]	05-05-09	03:10	648-6032	646-1682	
7. NAEG	Nanster Khan	[Signature]	05/10/09		425-901-4700	425-901-4949	
8. TACO - TACO	Paul Leong paul.leong@taco.com	[Signature]	05/10/09		425-901-4700	425-901-4949	
9. Korea - East West Power	David Cho	[Signature]	05/10/09		425-901-4700	425-901-4949	
10. WOOD GROUP	Ted Kowalski	[Signature]	05/10/09		425-901-4700	425-901-4949	

Withdrawn  
 05/04/09

MC Company

E



# GUAM POWER AUTHORITY

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

October 26, 2009

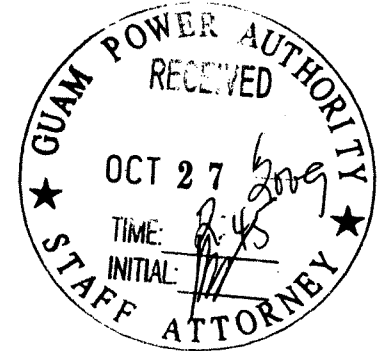
## MEMORANDUM

TO: Graham Botha, Staff Attorney

FROM: General Manager

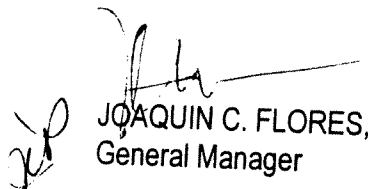
SUBJECT: Protest Letter

RE: **Invitation for Re-Bid Multi-Step Bid No.: GPA-013-07 for Performance Management Contract (PMC) Cabras 1&2 Steam Power Plants**



In compliance with Section 9-101.03.4 of the Guam Procurement Regulations and Public Law 16-124, as amended, we are forwarding a copy of a "Stay of Procurement" and letter of Protest referenced above, and applies only to the following:

- We are currently reviewing the concerns and this transmittal is submitted for information purposes only.
- Please render an opinion for guidance.
- The information provided is as per your request.
- Other: For information purpose only

  
JOAQUIN C. FLORES, P.E.  
General Manager



# GUAM POWER AUTHORITY

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

October 26, 2009

## MEMORANDUM

TO: Office of the Public Auditor

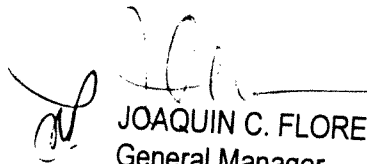
FROM: General Manager

SUBJECT: Protest Letter

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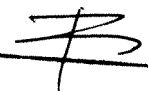
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- Please render an opinion for guidance.
- The information provided is as per your request.
- Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
JOAQUIN C. FLORES, P.E.  
General Manager

**RECEIVED**  
OFFICE OF THE PUBLIC AUDITOR

DATE: 10-27-09

TIME: 1:40 pm

BY: 



# GUAM POWER AUTHORITY

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

October 26, 2009

## MEMORANDUM

TO: Attorney General, Department of Law

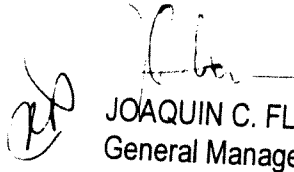
FROM: General Manager


SUBJECT: Protest Letter

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- Please render an opinion for guidance.
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- Other: Information Purposes Only

  
JOAQUIN C. FLORES, P.E.  
General Manager

 14879

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

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

[Copy to Mr. Joaquin C. Flores, General Manager GPA]

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

RECEIVED  
OFFICE OF THE PUBLIC AUDITOR  
PROTEST LETTERS

OCT 23 2009

TIME: 11:40am

FILE NO. GPA-PA -09-008

Dear Ms. Brooks,

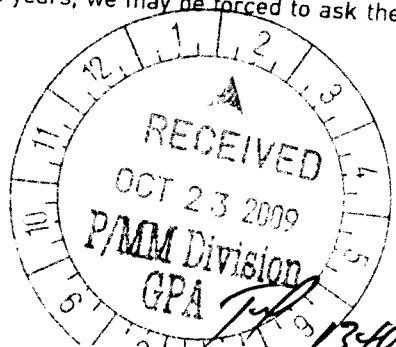
We are submitting herein in a timely manner, a Letter of Protest on behalf of O&M Energy S.A., regarding the above Guam Power Authority (GPA) Invitation For Re-Bid #GPA -013-07 (Performance Management Contract (PMC) Cabras 1&2 Steam Power Plant).

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

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

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

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



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

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

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

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

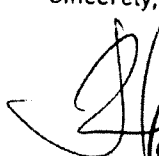
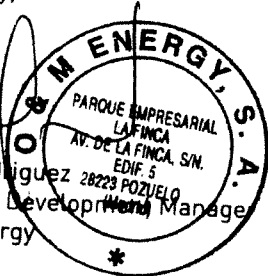
Furthermore under the standards for determination of the lowest responsible bidder we will assert material claims that TEMES Bid did not satisfy all mandatory aspects therein and will present to your Agency a full and creditable argument.

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

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

Thank you.

Sincerely,

  
  
Juan Rodriguez Business Development Manager  
O&M Energy

### ATTACHMENTS:

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



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

O&M ENERGY  
PARQUE EMPRESARIAL LA FINCA  
P.º DEL CLUB DEPORTIVO, 1-EDIFICIO 5  
28223 POZUELO DE ALARCÓN (MADRID)  
ESPAÑA  
TEL 1341 91 210 39 00  
FAX 1341 91 210 39 01

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

September 18<sup>th</sup>, 2009

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

Dear Mr. Flores,

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

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


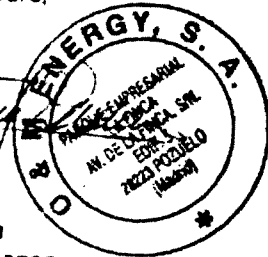
As such, we are kindly requesting for a complete set of copies of this procurement files as afforded by the above procurement policy.

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

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

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

Sincerely yours,

  
  
Luis Zarauza  
General Manager



O&M ENERGY  
PARQUE EMPRESARIAL LA FINCA  
P.º DEL CLUB DEPORTIVO 1-EDIFICIO 5  
28223 POZUELO DE ALARCÓN (MADRID)  
ESPAÑA  
TEL: 3341 91 210 39 00  
FAX: 3341 91 210 39 01

To the attention of:

Mr. Joaquin C. Flores  
General Manager  
Guam Power Authority

Madrid, July 30<sup>th</sup> 2009

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

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

Dear Mr. Flores,

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

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

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

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

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

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

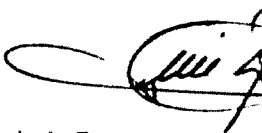


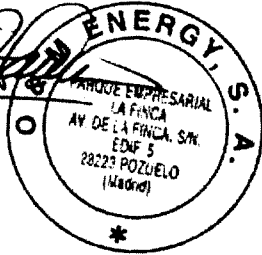
UNION FENOSA

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

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

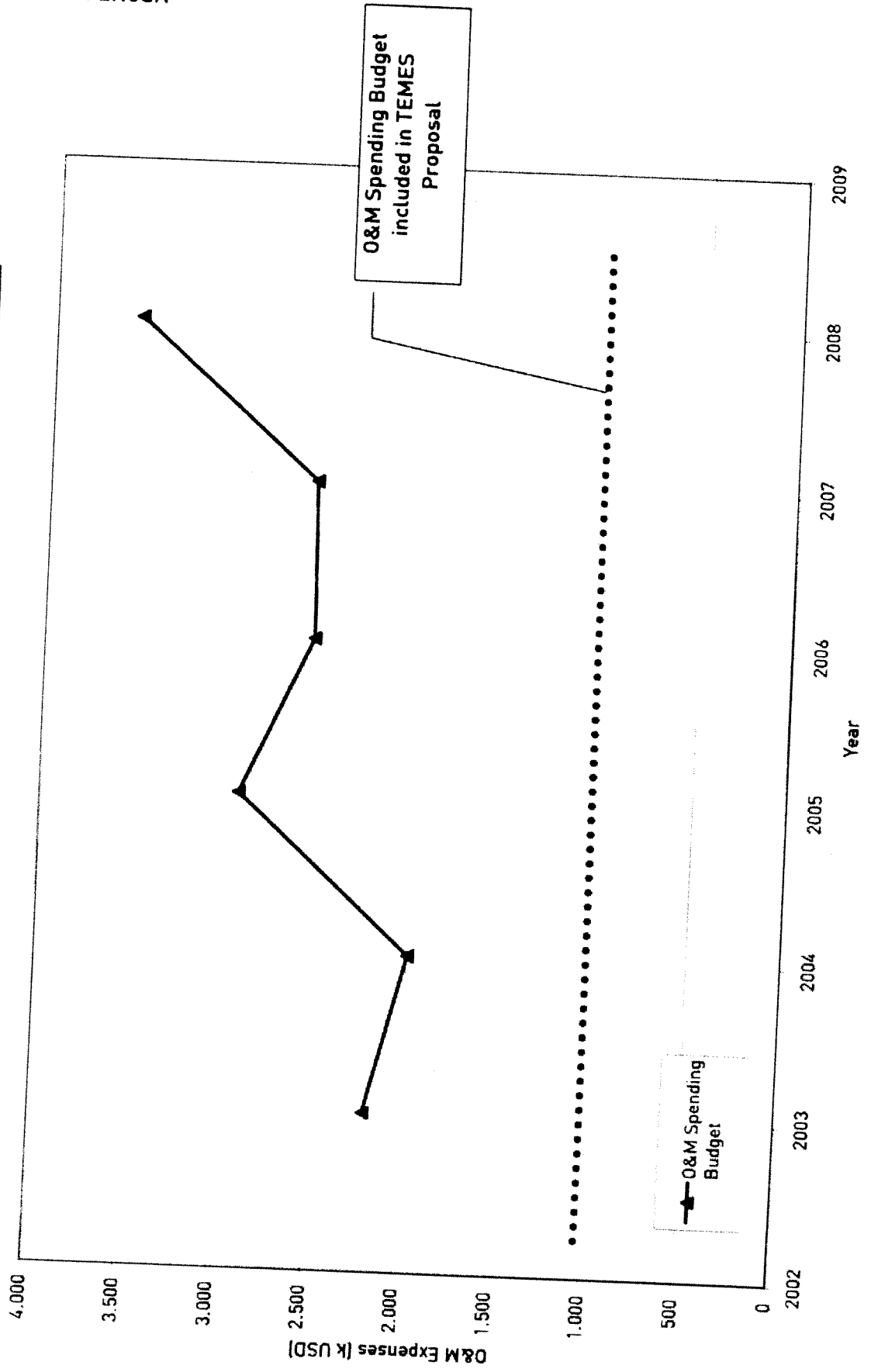
Yours sincerely,

  
Luis Zarauza  
General Manager  
O&M Energy

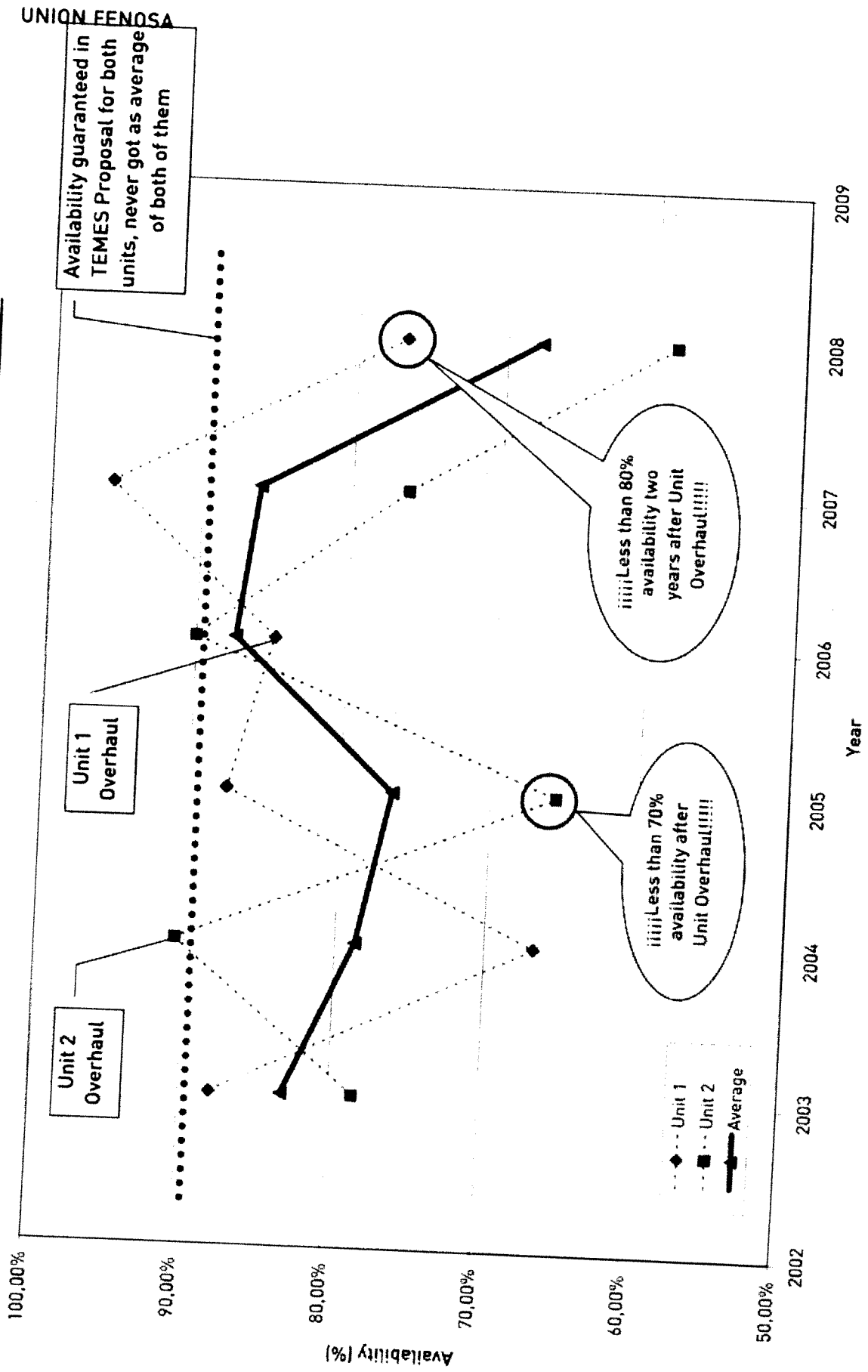


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**Attachment 1: CABRAS 1&2 O&M Expenses under TEMES Operation**



**Attachment 2: CABRAS 1&2 Availability under TEMES Operation**



O&M ENERGY

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

To the attention of:

Mr. Joaquin C. Flores  
General Manager  
Guam Power Authority

Madrid, July 27<sup>th</sup> 2009

Copy to:

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

Dear Mr. Flores,

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

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

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



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

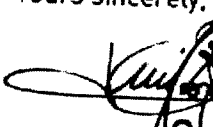
- In summary, Temes value consciously deviates from any logical value. Based on industry standards, this is unreasonable, and fails to meet the good faith required in the process. Usually, such differences between one proposal and the rest show signs of a bid that can be considered incurring in predatory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

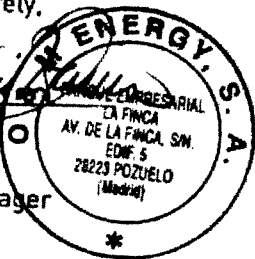
Furthermore, in the General Terms and Conditions Section 17, it is established that the Chief Procurement Office shall be guided by the following (among others): D) the quality of performance of the bidder with regards to awards previously made to him, and G) the ability of the bidder to provide future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

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

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

Yours sincerely,

  
Luis Zarauza  
General Manager  
O&M Energy



UNION FENOSA

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

Object Code	Description	CY 2003 Actual \$	CY 2004 Actual \$	CY 2005 Actual \$	CY 2006 Actual \$	CY 2007 Actual \$	CY 2008 Actual \$
2	Overtime	361,903	585,073	667,970	712,705	466,962	839,566
15	Heavy Equipment Rental	3,690	2,620			2,620	1,684
17	Other Rentals	22,178	27,053	5,820			
25	Technical Services				289	1,722	
26	EPA Services	22,055	53,370	69,545	18,142	5,955	108,456
27	Other Professional Services	181,195	248,852	340,724	112,368	100,370	59,625
29	Grounds Maintenance	512	24,600	65,019	50,291	39,811	64,833
32	Office Equipment Maintenance	751		842	59,891	49,343	49,436
33	Power Plant Accessory Equip. Maint.	52,272	21,482	24,283	100	6,748	
35	Other Maintenance				21,829	47,689	75,400
38	Water				124,365	79,721	54,039
40	Telephone (Overseas)	291,031	183,155	242,590			
43	Other Contractual Services	2,316	6,138	10,017	8,225	8,807	7,514
44	Boiler & Assoc. Equip. Parts (Inventory Issue)	28,790	24,757	207,513	54,133	130,153	348,808
45	Turbine & Assoc. Equip. Parts (Inventory Issue)	316,133	150,231	282,341	269,168	112,150	268,198
46	Accessory Equipment						13,890
48	EPA & Others	57,161	143,609	195,290	298,144	454,439	529,129
49	Conductors, Poles & Line Hardware	2,231	428				15,669
55	Diesel Plant Part					15,138	15,424
56	Chemicals	36,339	179	817	1,365	164,364	143,825
57	Gases	84,482	270,588	347,184	298,148	341,614	385,290
58	Lubrication	24,241	41,524	73,597	91,766	89,979	101,953
62	Other Materials	12,938	22,673	43,427	12,359	76,277	78,691
64	Janitorial Supplies	111,278	94,319	224,906	320,660	123,986	264,201
65	Office Supplies	9,411	5,839				
66	Safety Supplies	8,574	5,601	5,419	2,288	2,072	8,763
67	Printed Forms	9,917	20,363	31,768	27,806	24,119	36,558
68	Xerox Supplies	5,179	5,132	7,782	841	1,559	1,255
69	Uniform/Coveralls	889	1,560	307	3,265	3,158	4,701
70	Tools	6,445	3,816	2,356	3,153	4,289	1,276
72	Other Administrative General Supplies	19,582	22,812	30,026	31,754	41,792	21,490
77	Training & Materials	20,495	25,603	39,883	34,674	34,680	47,939
80	Travel (Local)	10,648	483	840		132,893	432
81	Off-Island Travel			10,829			
82	Others					11,700	
Total Non-Labor (Codes 15-82)		1,378,408	1,408,466	2,268,165	1,845,025	2,107,144	2,708,480





# GUAM POWER AUTHORITY

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

## FACSIMILE TRANSMITTAL COVER LETTER

Date: October 12, 2009

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

From: Melissa C. Uncangco  
Buyer II

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

Hafa Adai!

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

Received By: \_\_\_\_\_ Date: \_\_\_\_\_  
Print Name Signature

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

### THANK YOU

Number of pages: 6

Sent by: Melissa C. Uncangco

Date: 10/12/2009

# ***DENIAL OF PROCUREMENT PROTEST***

October 7, 2009

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

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

Dear Mr. Del los Santos:

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

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

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

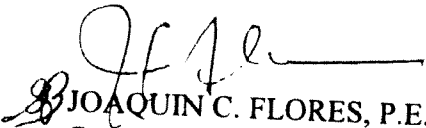
2. GPA-013-07 is a multi-step bid process in which GPA qualified all bidders first on whether the bidders met the technical specifications. In this case, GPA was provided with sealed price proposals from all three bidders which were not opened by GPA until after completion of the technical review. The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

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

TEMES bid is irresponsible and non-responsive.

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

Sincerely,

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

Number of Institutions Issued: 3  
 Number of Bids Received: 3  
 Qualification of Bidders or Services: Performance Mgmt. Contract for the Power Plant Security Cameras 142

BIDDER	Amount and This (Only)	Description	Contract Year 1		Contract Year 2		Contract Year 3		Contract Year 4		Contract Year	
			Fixed Price	Unit Price	Fixed Price	Unit Price	Fixed Price	Unit Price	Fixed Price	Unit Price	Fixed Price	Unit Price
1. TEMES, INC.		Fixed Price	\$1,529,000.00		\$1,529,000.00		\$1,608,341.00		\$1,651,290.41		\$1,687,524.49	
		P.M.S. Budget	\$1,000,000.00		\$1,000,000.00		\$1,054,799.00		\$1,080,573.95		\$1,116,742.42	
		Unit #1 P.S.	90%		90%		90%		90%		90%	
		Unit #2 P.S.	90%		90%		90%		90%		90%	
		N.P.V.	\$9,394,142.33									
2. Korea East West Power		Fixed Price	\$1,201,010.00		\$1,234,015.24		\$1,269,246.20		\$1,304,785.09		\$1,341,341.07	
		P.M.S. Budget	\$2,411,943.00		\$2,474,177.40		\$2,540,902.77		\$2,620,272.05		\$2,703,034.07	
		Unit #1 P.S.	92.3%		90.6%		92.7%		90.8%		92.7%	
		Unit #2 P.S.	95.3%		90.9%		99.3%		91.3%		94.1%	
		N.P.V.	\$4,909,222.46									
3. Union Fensa / OTH Energy		Fixed Price	\$1,493,946.67		\$1,470,683.77		\$1,503,891.05		\$1,529,365.07		\$1,555,364.94	
		P.M.S. Budget	\$1,987,116.94		\$2,026,130.34		\$2,084,914.25		\$2,149,521.08		\$2,214,007.33	
		Unit #1 P.S.	90%		94%		90%		90%		90%	
		Unit #2 P.S.	90%		94%		90%		90%		90%	
		N.P.V.	\$5,353,457.28									

APPROVAL OF AWARD, BIDDING AND BIDDING PROCESS

APPROVED FOR AWARD

Lowest Responsive Bidder  
 The Bid  
 Only Bid  
 Other Than Lowest Responsive Bidder (as indicated on the front sheet) or attached

Number of Awards (Contracting)

07/22/09

John T. Reg

I hereby certify that all bids received in response to this invitation were opened under my personal supervision, and that the number of all bidders were those indicated herein.

Exhibit "A"



**Melissa Uncangco**

**From:** Melissa Uncangco [muncangco@guampowerauthority.com]  
**Sent:** Tuesday, October 27, 2009 11:48 AM  
**To:** "조한규"  
**Cc:** 'sheep980@ewp.co.kr'  
**Subject:** Stay of Procurement- Re-bid Multi-Step Bid No. GPA-013-07, PMC Cabras 1&2  
**Attachments:** Stay of Procurement-Korea East West.pdf

Good Morning Mr. Cho:

Kindly acknowledge receipt of attached Stay of Procurement relative to subject bid invitation.

Regards,

Melissa C. Uncangco  
Buyer II  
Procurement Division

10/27/2009

**Melissa Uncangco**

---

**From:** "전정원" [sheep980@ewp.co.kr]  
**To:** "Melissa Uncangco"  
**Sent:** Tuesday, October 27, 2009 11:44 AM  
**Subject:** Read: Stay of Procurement- Re-bid Multi-Step Bid No. GPA-013-07, PMC Cabras 1&2

This is a receipt for the mail you sent to  
ÀüÁ±¿ø <sheep980@ewp.co.kr> at Tue Oct 27 10:48:28 2009

This receipt verifies that the message has been displayed on the  
recipient's computer at Tue Oct 27 10:48:28 2009





# GUAM POWER AUTHORITY

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

October 26, 2009

Korea East-West Power Co., Ltd  
167, Samseong-Dong, Gangnam-Gu  
Seoul 135-791, Republic of Korea

**ATTENTION:** Mr. Byung Won So  
Deputy G.M. of Business Development Team

**SUBJECT:** Invitation for Multi-Step Bid No.: GPA-013-07 for Performance Management Contract  
(PMC) Cabras 1&2 Steam Power Plants  
Stay of Procurement

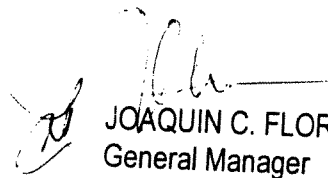
Dear Mr. So:

Please be advised that the department has executed a "Stay of Procurement" on the above subject for Multi-Step Bid as a result of a protest letter submitted by O&M Energy, S.A. received by the Office of the Public Auditor dated October 23, 2009, until such time the concerns are resolved.

We are currently reviewing the Invitation for Bids submitted and will formally advise the outcome.

If you should have any questions, please feel free to contact the undersigned.

Respectfully,

  
JOAQUIN C. FLORES, P.E.  
General Manager

**Melissa Uncangco**

**From:** Melissa Uncangco [muncangco@guampowerauthority.com]  
**Sent:** Tuesday, October 27, 2009 11:44 AM  
**To:** 'clema@unionfenosa.es'  
**Cc:** 'DANNY.GUERRERO@YAHOO.COM'  
**Subject:** Stay of Procurement- Re-Bid GPA-013-07, PMC-Cabras 1&2  
**Importance:** High  
**Attachments:** Stay of Procurement- O&M Energy.pdf

Good Morning Clarice,

Kindly acknowledge receipt of attached Stay of Procurement to Re-Bid GPA-013-07, PMC for Cabras 1&2 Power Plant.

Regards,

Melissa C. Uncangco  
Buyer II  
Procurement Division

10/27/2009



# GUAM POWER AUTHORITY

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

October 26, 2009

Union Fenosa generacion O&M Energy  
Parque Empresarial La Finca  
Paseo del Club Deiportive, 1  
28223 Pozuelo de Alarcon  
Madrid, Spain

**ATTENTION:** Mr. Juan Rodriguez  
Business Manager

**SUBJECT:** Invitation for Multi-Step Bid No.: GPA-013-07 for Performance Management Contract  
(PMC) Cabras 1&2 Steam Power Plants  
Stay of Procurement

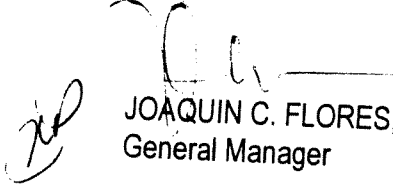
Dear Mr. Rodriguez:

Please be advised that the department has executed a "Stay of Procurement" on the above subject for Multi-Step Bid as a result of a protest letter submitted by your company received by the Office of the Public Auditor dated October 23, 2009, until such time the concerns are resolved.

We are currently reviewing the Invitation for Bids submitted and will formally advise the outcome.

If you should have any questions, please feel free to contact the undersigned.

Respectfully,

  
JOAQUIN C. FLORES, P.E.  
General Manager



# GUAM POWER AUTHORITY

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

October 26, 2009

TEMES, INC.  
178 Cabras Highway  
Piti, Guam 96915

**ATTENTION:** Mr. Tsun-Ren Ho  
Business Manager, Guam

**SUBJECT:** Invitation for Multi-Step Bid No.: GPA-013-07 for Performance Management Contract  
(PMC) Cabras 1&2 Steam Power Plants  
Stay of Procurement

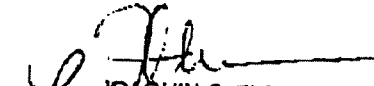
Dear Mr. Ho:

Please be advised that the department has executed a "Stay of Procurement" on the above subject for Multi-Step Bid as a result of a protest letter submitted by O&M Energy, S.A. received by the Office of the Public Auditor dated October 23, 2009, until such time the concerns are resolved.

We are currently reviewing the Invitation for Bids submitted and will formally advise the outcome.

If you should have any questions, please feel free to contact the undersigned.

Respectfully,

  
JOAQUIN C. FLORES, P.E.  
General Manager

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

T.R. Ho 10/27/2009  
NAME (PRINT/SIGN) DATE



# GUAM POWER AUTHORITY

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

October 26, 2009

TEMES, INC.  
178 Cabras Highway  
Piti, Guam 96915

**ATTENTION:** Mr. Tsun-Ren Ho  
Business Manager, Guam

**SUBJECT:** Invitation for Multi-Step Bid No.: GPA-013-07 for Performance Management Contract  
(PMC) Cabras 1&2 Steam Power Plants  
Stay of Procurement

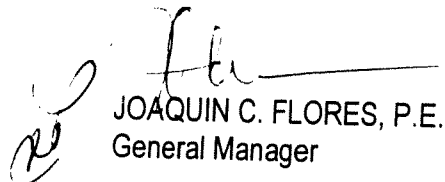
Dear Mr. Ho:

Please be advised that the department has executed a "Stay of Procurement" on the above subject for Multi-Step Bid as a result of a protest letter submitted by O&M Energy, S.A. received by the Office of the Public Auditor dated October 23, 2009, until such time the concerns are resolved.

We are currently reviewing the Invitation for Bids submitted and will formally advise the outcome.

If you should have any questions, please feel free to contact the undersigned.

Respectfully,

  
JOAQUIN C. FLORES, P.E.  
General Manager

**Melissa Uncangco**

**From:** Melissa Uncangco [muncangco@guampowerauthority.com]  
**Sent:** Tuesday, October 27, 2009 11:52 AM  
**To:** 'wizrun@gmail.com'  
**Subject:** Stay of Procurement- Re-Bid Multi-Step Bid GPA-013-07 PMC Cabras 1&2  
**Importance:** High  
**Attachments:** Stay of Procurement-TEMES.pdf

Good Morning Walter,

Kindly acknowledge receipt of attached Stay of Procurement to Re-Bid Multi-Step Bid No.: GPA-013-07, PMC Cabras 1&2 Power Plant.

Regards,

Melissa C. Uncangco  
Buyer II  
Procurement Division

# Fax Confirmation Report

Date/Time : OCT-27-2009 11:34AM TUE  
Fax Number : 671 648 3165  
Fax Name : GPA PROCUREMENT  
Model Name : WorkCentre 4150

Total Pages Scanned:		1					
No.	Remote Station	StartTime	Duration	Page	Mode	Job Type	Result
001	4775328	10-27 11:33AM	00' 22	001/001	EC	HS	CP

## Abbreviations:

HS: Host Send      PL: Polled Local      CP: Completed      TS: Terminated by System  
HR: Host Receive    PR: Polled Remote    FA: Fail            RP: Report            G3: Group3  
WS: Waiting Send    MS: Mailbox Save    TU: Terminated by User    EC: Error Correct      MP: Mailbox Print



## GUAM POWER AUTHORITY

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

October 26, 2009

TEMES, INC.  
178 Cabras Highway  
Piti, Guam 96915

ATTENTION: Mr. Teun-Ren Ho  
Business Manager, Guam

SUBJECT: Invitation for Multi-Step Bid No.: GPA-013-07 for Performance Management Contract  
(PMC) Cabras 1&2 Steam Power Plants  
Stay of Procurement

Dear Mr. Ho:

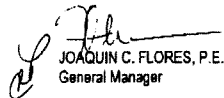
Please be advised that the department has executed a "Stay of Procurement" on the above subject for Multi-Step Bid as a result of a protest letter submitted by O&M Energy, S.A. received by the Office of the Public Auditor dated October 23, 2009, until such time the concerns are resolved.

We are currently reviewing the Invitation for Bids submitted and will formally advise the outcome.

If you should have any questions, please feel free to contact the undersigned.

Respectfully,

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

  
JOAQUIN C. FLORES, P.E.  
General Manager

NAME (PRINT/SIGN) DATE

F



**Melissa Uncangco**

**From:** clema@unionfenosa.es  
**Sent:** Tuesday, October 13, 2009 9:29 PM  
**To:** Melissa Uncangco  
**Cc:** DANNY.GUERRERO@YAHOO.COM  
**Subject:** Re: Stay of Procurement Lift Ltr. Re-Bid GPA-013-07 for PMC Cabras 1&2 Power Plant  
**Importance:** High  
**Attachments:** \_1013093536\_001.pdf

Dear Melissa,

Reception confirmed.

Best regards,

Clarice Lema  
Business Development  
O&M Energy  
Paseo del Club Deportivo 1, Edificio 5, P. E. La Finca  
28223 Pozuelo de Alarcón, Madrid, Spain  
Switchboard: +34 912 103 900; Direct: +34 912 577 263  
Fax: +34 912 103 901  
clema@unionfenosa.es

"Melissa Uncangco"  
<muncangco@guampowerauthority.com>

12/10/2009 09:12

Para <clema@unionfenosa.es>  
cc <DANNY.GUERRERO@YAHOO.COM>  
Asunto Stay of Procurement Lift Ltr. Re-Bid GPA-013-07 for PMC Cabras 1&2 Power Plant

Good Afternoon Clarice/Danny:

Kindly acknowledge receipt of response letter to Protest letter submitted by your company dated September 22, 2009.

Regards,

Melissa C. Uncangco  
Buyer II  
Procurement Division

[anexo O&M Letter October dated Oct. 07.pdf eliminado por Clarice Lema Delphine/Soluziona O&M/GUF]

10/14/2009

Cuide el medio ambiente, no imprima este correo si no es necesario.

\*\*\*\*\* AVISO LEGAL \*\*\*\*\*

Este mensaje y sus documentos anexos son privados y confidenciales y estan dirigidos exclusivamente a sus

destinatarios. Si por error, ha recibido este mensaje y no se encuentra entre los destinatarios, por favor, no use,

informe, distribuya, imprima o copie su contenido por ningun medio. Le rogamos lo comuniquemos al remitente y borre todo su contenido.

La empresa no asume ningun tipo de responsabilidad legal por el contenido de este mensaje. Cualquier opinion manifestada en el pertenece solo al autor y no representa necesariamente la opinion de la compañía salvo que expresamente se especifique lo contrario.

Please do not print this message to preserve environment.

\*\*\*\*\* DISCLAIMER \*\*\*\*\*

This message and its attached files may contain confidential and/or privileged information. If you are not the addressee

or authorized to receive this for the addressee, you must not use, copy, disclose, or take any action based on this message

or any other information herein. If you have received this message in error, please notify the sender immediately by reply

e-mail and delete this message.

The company does not assume any legal responsibility for the contents of this message. Any opinion contained in it belongs

exclusively to its author and does not necessarily represent the company's opinion unless it is specifically expressed on the contrary.

**Melissa Uncangco**

**From:** Melissa Uncangco [muncangco@guampowerauthority.com]  
**Sent:** Monday, October 12, 2009 5:05 PM  
**To:** 'wizrun@gmail.com'  
**Subject:** Stay of Procurement Lift Ltr. Re-Bid GPA-013-07 for PMC Cabras 1&2 Power Plant  
**Importance:** High  
**Attachments:** TEMES.pdf

Good Afternoon Walter,

Kindly acknowledge receipt of attached letter in response to Protest letter submitted by O&M Energy.

Regards,

Melissa C. Uncangco  
Buyer II  
Procurement Division

10/12/2009



# GUAM POWER AUTHORITY

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

October 12, 2009

TEMES, INC.  
178 Cabras Highway  
Piti, Guam 96915

**ATTENTION:** Mr. Tsun-Ren Ho  
Branch Manager, Guam

**SUBJECT:** Invitation for Re-Bid Multi-Step No.: GPA-013-07 for Performance  
Management Contract (PMC) Cabras 1&2 Power Plants

**REFERENCE:** "Stay of Procurement" dated September 22, 2009

Dear Mr. Ho:

Pursuant to the protest letter submitted by O&M Energy, S.A., you are hereby advised that GPA declares that their protest to be without merit.

The referenced "Stay of Procurement" has been lifted and we anticipate making an award relative to the subject Invitation for Bid.

This is my final determination. However, you have the right to seek judicial review within the confines of the law.

Respectfully,

JOAQUIN C. FLORES, P.E.  
General Manager

cc: Attorney General  
Office of the Public Auditor  
Staff Attorney

**Melissa Uncangco**

**From:** Melissa Uncangco [muncangco@guampowerauthority.com]  
**Sent:** Monday, October 12, 2009 5:08 PM  
**To:** "'조한규"; 'sheep980@ewp.co.kr'  
**Subject:** Stay of Procurement Lift Ltr. Re-Bid GPA-013-07 for PMC Cabras 1&2 Power Plant  
**Importance:** High  
**Attachments:** Korea East West Power.pdf

Good Afternoon Mr. Cho:

Kindly acknowledge receipt of attached letter in response to Protest letter submitted by O&M Energy.

Regards,

Melissa C. Uncangco  
Buyer II  
Procurement Division

10/12/2009



# GUAM POWER AUTHORITY

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

October 12, 2009

Korea East-West Power Co., Ltd.  
167, Samseong-Dong, Gangnam-Gu  
Seoul 135-791, Republic of Korea

**ATTENTION:** Mr. Byung Won So  
Deputy G.M. of Business Development Team

**SUBJECT:** Invitation for Re-Bid Multi-Step No.: GPA-013-07 for Performance  
Management Contract (PMC) Cabras 1&2 Power Plants

**REFERENCE:** "Stay of Procurement" dated September 22, 2009


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This is my final determination. However, you have the right to seek judicial review within the confines of the law.

Respectfully,

  
JOAQUIN C. FLORES, P.E.  
General Manager

cc: Attorney General  
Office of the Public Auditor  
Staff Attorney

**Melissa Uncangco**

---

**From:** Melissa Uncangco [muncangco@guampowerauthority.com]  
**Sent:** Monday, October 12, 2009 5:11 PM  
**To:** 'clema@unionfenosa.es'  
**Cc:** 'DANNY.GUERRERO@YAHOO.COM'  
**Subject:** Stay of Procurement Lift Ltr. Re-Bid GPA-013-07 for PMC Cabras 1&2 Power Plant  
**Importance:** High  
**Attachments:** O&M Letter October dated Oct. 07.pdf

Good Afternoon Clarice/Danny:

Kindly acknowledge receipt of response letter to Protest letter submitted by your company dated September 22, 2009.

Regards,

Melissa C. Uncangco  
Buyer II  
Procurement Division

10/12/2009



# GUAM POWER AUTHORITY

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

## FACSIMILE TRANSMITTAL COVER LETTER

Date: October 12, 2009

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

From: Melissa C. Uncangco  
Buyer II

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

Hafa Adai!

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

Received By: \_\_\_\_\_ Date: \_\_\_\_\_  
Print Name Signature

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

**THANK YOU**  
Number of pages: 6  
Sent by: Melissa C. Uncangco  
Date: 10/12/2009





# GUAM POWER AUTHORITY

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

October 12, 2009

## MEMORANDUM

TO: Office of the Public Auditor

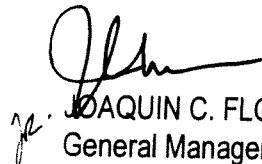
FROM: General Manager

SUBJECT: Protest Letter

RE: **Invitation for Re-Bid Multi-Step Bid No.: GPA-013-07 for Performance Management Contract (PMC) Cabras 1&2 Steam Power Plants**

In compliance with Section 9-101.03.4 of the Guam Procurement Regulations and Public Law 16-124, as amended, we are forwarding a copy of a "Stay of Procurement" lift letter referenced above, and applies only to the following:

- We are currently reviewing the concerns and this transmittal is submitted for information purposes only.
- Please render an opinion for guidance.
- The information provided is as per your request.
- Other: Information Purposes Only  
\_\_\_\_\_  
\_\_\_\_\_

  
JOAQUIN C. FLORES, P.E.  
General Manager

**RECEIVED**  
OFFICE OF THE PUBLIC AUDITOR

DATE: 10/13/09

TIME: 9:25 AM

BY: AC



# GUAM POWER AUTHORITY

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

October 12, 2009

TEMES, INC.  
178 Cabras Highway  
Piti, Guam 96915

**ATTENTION:** Mr. Tsun-Ren Ho  
Branch Manager, Guam

**SUBJECT:** Invitation for Re-Bid Multi-Step No.: GPA-013-07 for Performance  
Management Contract (PMC) Cabras 1&2 Power Plants

**REFERENCE:** "Stay of Procurement" dated September 22, 2009

Dear Mr. Ho:

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This is my final determination. However, you have the right to seek judicial review within the confines of the law.

Respectfully,

JOAQUIN C. FLORES, P.E.  
General Manager

cc: Attorney General  
Office of the Public Auditor  
Staff Attorney



# GUAM POWER AUTHORITY

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

October 12, 2009

Korea East-West Power Co., Ltd.  
167, Samseong-Dong, Gangnam-Gu  
Seoul 135-791, Republic of Korea

**ATTENTION:** Mr. Byung Won So  
Deputy G.M. of Business Development Team

**SUBJECT:** Invitation for Re-Bid Multi-Step No.: GPA-013-07 for Performance  
Management Contract (PMC) Cabras 1&2 Power Plants

**REFERENCE:** "Stay of Procurement" dated September 22, 2009


Dear Mr. So:

Pursuant to the protest letter submitted by O&M Energy, S.A., you are hereby advised that GPA declares that their protest to be without merit.

The referenced "Stay of Procurement" has been lifted and we anticipate making an award relative to the subject Invitation for Bid.

This is my final determination. However, you have the right to seek judicial review within the confines of the law.

Respectfully,

  
JOAQUIN C. FLORES, P.E.  
General Manager

cc: Attorney General  
Office of the Public Auditor  
Staff Attorney

# ***DENIAL OF PROCUREMENT PROTEST***

October 7, 2009

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

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

Dear Mr. Del los Santos:

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

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

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

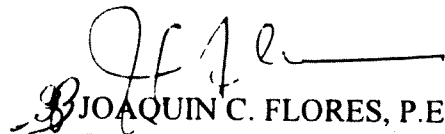
2. GPA-013-07 is a multi-step bid process in which GPA qualified all bidders first on whether the bidders met the technical specifications. In this case, GPA was provided with sealed price proposals from all three bidders which were not opened by GPA until after completion of the technical review. The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

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

TEMES bid is irresponsible and non-responsive.

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

Sincerely,

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

PURCHASES & STORES DIVISION  
 GUAM POWER AUTHORITY  
 ABSTRACT OF BIDS

Number of Invitations Issued: 3  
 Number of Bids Received: 3  
 Description of Supplies or Services: Performance Maint. Contract for the Agaña River (Authority) Cabras 142

BIDDER	ITEM NO.	QTY	UNIT	DE. LIVERY	MFR	Contract Year				
						1	2	3	4	5
D. TEMEG, INC.	Fixed Maint:					\$ 1,520,000.00	\$ 1,502,500.00	\$ 1,406,341.00	\$ 1,451,290.41	\$ 1,647,541.49
	P.M.M.S. Budget:					\$ 1,000,000.00	\$ 1,020,000.00	\$ 1,056,774.00	\$ 1,000,373.45	\$ 1,116,742.42
	Unit #1 P.G.					90%	90%	90%	90%	90%
	Unit #2 P.G.					90%	90%	90%	90%	90%
	NPV:					\$ 9,394,142.33				
Korea East West Power	Fixed Maint:					\$ 1,201,040.00	\$ 1,234,015.24	\$ 1,269,246.20	\$ 1,304,705.09	\$ 1,341,349.07
	P.M.M.S. Budget:					\$ 2,411,943.00	\$ 2,474,477.40	\$ 2,540,402.77	\$ 2,620,272.05	\$ 2,693,034.07
	Unit #1 P.G.					92.3%	90.0%	92.7%	90.0%	92.7%
	Unit #2 P.G.					95.3%	90.0%	94.3%	91.3%	90.1%
	NPV:					\$ 4,593,222.46				
Union Fenosa / OTH Energy	Fixed Maint:					\$ 1,453,946.67	\$ 1,470,003.77	\$ 1,503,001.05	\$ 1,529,305.07	\$ 1,555,364.04
	P.M.M.S. Budget:					\$ 1,927,116.04	\$ 2,026,130.34	\$ 2,000,914.25	\$ 2,149,521.00	\$ 2,214,007.33
	Unit #1 P.G.					90%	94%	90%	90%	90%
	Unit #2 P.G.					90%	94%	90%	90%	90%
	NPV:					\$ 5,353,457.20				

I hereby certify that all bids received in response to this invitation were opened under my personal supervision, and that the names of all bidders have been retained intact.

Witnessed By: *[Signature]* Date: 08/20/09

APPROVAL OF AWARD: [ ]  
 BASIS FOR AWARD: [ ]  
 Lowest Responsive Bidder [ ]  
 To the Bid [ ]  
 Only Bid [ ]  
 Other Than Lowest Responsive Bidder (as indicated on reverse) [ ]  
 Number of Awards (Contracting):

Exhibit "A"

**NAME(S) OF PERSONS PRESENT AT THE BID OPENING AND WHOM THEY REPRESENT**  
 (If it is not necessary to fill in this portion of date is recorded elsewhere)

FRANK R. G. W. ...  
 ...

LESTER ...  
 JAMES ...  
 ...  
 G.P.A. ...  
 G.P.A. ...  
 ...

**ADMINISTRATIVE STATEMENT (When applicable)**





# GUAM POWER AUTHORITY

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

October 12, 2009

## MEMORANDUM

TO: Attorney General, Department of Law

FROM: General Manager

SUBJECT: Protest Letter

RE: **Invitation for Re-Bid Multi-Step Bid No.: GPA-013-07 for Performance Management Contract (PMC) Cabras 1&2 Steam Power Plants**

In compliance with Section 9-101.03.4 of the Guam Procurement Regulations and Public Law 16-124, as amended, we are forwarding a copy of a "Stay of Procurement" lift letter referenced above, and applies only to the following:

- We are currently reviewing the concerns and this transmittal is submitted for information purposes only.
- Please render an opinion for guidance.
- The information provided is as per your request.
- Other: Information Purposes Only

\_\_\_\_\_  
\_\_\_\_\_

JOAQUIN C. FLORES, P.E.  
General Manager

JAN. GARCIA

OCT 13 2009

9:34am



# GUAM POWER AUTHORITY

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

October 12, 2009

TEMES, INC.  
178 Cabras Highway  
Piti, Guam 96915

**ATTENTION:** Mr. Tsun-Ren Ho  
Branch Manager, Guam

**SUBJECT:** Invitation for Re-Bid Multi-Step No.: GPA-013-07 for Performance  
Management Contract (PMC) Cabras 1&2 Power Plants

**REFERENCE:** "Stay of Procurement" dated September 22, 2009

Dear Mr. Ho:

Pursuant to the protest letter submitted by O&M Energy, S.A., you are hereby advised that GPA declares that their protest to be without merit.

The referenced "Stay of Procurement" has been lifted and we anticipate making an award relative to the subject Invitation for Bid.

This is my final determination. However, you have the right to seek judicial review within the confines of the law.

Respectfully,

JOAQUIN C. FLORES, P.E.  
General Manager

cc: Attorney General  
Office of the Public Auditor  
Staff Attorney



# GUAM POWER AUTHORITY

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

October 12, 2009

Korea East-West Power Co., Ltd.  
167, Samseong-Dong, Gangnam-Gu  
Seoul 135-791, Republic of Korea

**ATTENTION:** Mr. Byung Won So  
Deputy G.M. of Business Development Team

**SUBJECT:** Invitation for Re-Bid Multi-Step No.: GPA-013-07 for Performance  
Management Contract (PMC) Cabras 1&2 Power Plants

**REFERENCE:** "Stay of Procurement" dated September 22, 2009

Dear Mr. So:

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The referenced "Stay of Procurement" has been lifted and we anticipate making an award relative to the subject Invitation for Bid.

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Respectfully,

JOAQUIN C. FLORES, P.E.

General Manager

cc: Attorney General  
Office of the Public Auditor  
Staff Attorney

## ***DENIAL OF PROCUREMENT PROTEST***

October 7, 2009

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

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

Dear Mr. Del los Santos:

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

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

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

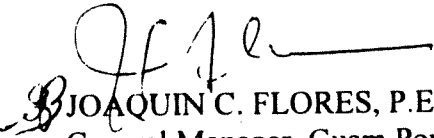
2. GPA-013-07 is a multi-step bid process in which GPA qualified all bidders first on whether the bidders met the technical specifications. In this case, GPA was provided with sealed price proposals from all three bidders which were not opened by GPA until after completion of the technical review. The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

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

TEMES bid is irresponsible and non-responsive.

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

Sincerely,

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

Procurement Number: GPA 113 07  
 Bid Date: 07/23/09  
 Opening Time: 2:00 P.M.

PURCHASES & STORES DIVISION  
 GUAM POWER AUTHORITY  
 ABSTRACT OF BIDS

Number of Bids Received: 3  
 Number of Bids Received: 3  
 Description of Bids or Services: Performance Mgmt. Contract for the Iruan River (Itinerary Cabras 142)

ITEM NO.	QTY	UNIT	OR LIVERY	OR MFG	Contract Year 1	Contract Year 2	Contract Year 3	Contract Year 4	Contract Year 5
<b>BIDDER</b>									
1. <del>TEMES, INC.</del>									
Fixed Mgmt.					\$1,520,000.00	\$1,902,500.00	\$1,600,341.00	\$1,651,200.41	\$1,647,521.49
P.M.S. Budget:					\$1,000,000.00	\$1,000,000.00	\$1,054,794.00	\$1,000,373.95	\$1,107,782.42
Unit #1 P.G.					90%	90%	90%	90%	90%
Unit #2 P.G.					90%	90%	90%	90%	90%
NPV:					\$9,394,142.33				
2. <del>Korea East West Power</del>									
Fixed Mgmt.					\$1,201,040.00	\$1,234,075.24	\$1,204,240.20	\$1,304,705.09	\$1,341,349.07
P.M.S. Budget:					\$2,411,043.00	\$2,474,477.40	\$2,540,402.77	\$2,620,272.05	\$2,693,036.07
Unit #1 P.G.					92.3%	90.0%	92.7%	90.0%	92.7%
Unit #2 P.G.					95.3%	90.0%	92.3%	91.3%	90.1%
NPV:					\$4,505,222.46				
3. <del>MAISON FENOSA / OAH Energy</del>									
Fixed Mgmt.					\$1,493,946.07	\$1,470,003.77	\$1,503,001.05	\$1,524,305.07	\$1,555,304.09
P.M.S. Budget:					\$1,907,116.04	\$2,026,130.34	\$2,004,914.25	\$2,144,521.00	\$2,214,007.33
Unit #1 P.G.					90%	90%	90%	90%	90%
Unit #2 P.G.					80%	90%	90%	90%	90%
NPV:					\$5,353,451.20				

I hereby certify that all bids received in response to this invitation were opened under my personal supervision, and that the names of all bidders have been notified herein.

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

**BASIS FOR AWARD**  
 Lowest Responsive Bidder  
 The Bid  
 Only Bid  
 Other Than Lowest Responsive Bidder (See instructions for award method of alternate)

APPROVAL OF AWARD, AWARD, AND BIDDING CONTRACT

Exhibit "A"

NUMBERS OF PERSONS PRESENT AT THE BID OPENING AND WHOM THEY REPRESENT  
(If it is not necessary to fill in this portion of data is recorded elsewhere)

F.W.P. S.R. B. 4  
 L.A. W. C. B. 4  
 ZEPHER TSON NEST FIC  
 THOMAS PAC - YOUNG CHLD  
 THOMAS W. C. B. 4  
 THOMAS RICK UNEMPLOYED  
 G.P.A. Francis I. Franks  
 G.P.A. Mrs. Tison

ADMINISTRATIVE STATEMENT (When applicable)





# GUAM POWER AUTHORITY

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

October 12, 2009

Korea East-West Power Co., Ltd.  
167, Samseong-Dong, Gangnam-Gu  
Seoul 135-791, Republic of Korea

**ATTENTION:** Mr. Byung Won So  
Deputy G.M. of Business Development Team

**SUBJECT:** Invitation for Re-Bid Multi-Step No.: GPA-013-07 for Performance  
Management Contract (PMC) Cabras 1&2 Power Plants

**REFERENCE:** "Stay of Procurement" dated September 22, 2009


Dear Mr. So:

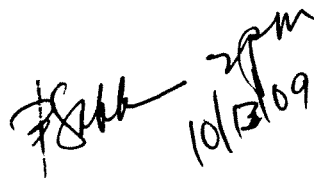
Pursuant to the protest letter submitted by O&M Energy, S.A., you are hereby advised that GPA declares that their protest to be without merit.

The referenced "Stay of Procurement" has been lifted and we anticipate making an award relative to the subject Invitation for Bid.

This is my final determination. However, you have the right to seek judicial review within the confines of the law.

Respectfully,

  
JOAQUIN C. FLORES, P.E.  
General Manager

  
10/13/09

cc: Attorney General  
Office of the Public Auditor  
Staff Attorney



# GUAM POWER AUTHORITY

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

October 12, 2009

TEMES, INC.  
178 Cabras Highway  
Piti, Guam 96915

**ATTENTION:** Mr. Tsun-Ren Ho  
Branch Manager, Guam

**SUBJECT:** Invitation for Re-Bid Multi-Step No.: GPA-013-07 for Performance  
Management Contract (PMC) Cabras 1&2 Power Plants

**REFERENCE:** "Stay of Procurement" dated September 22, 2009

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JOAQUIN C. FLORES, P.E.  
General Manager

cc: Attorney General  
Office of the Public Auditor  
Staff Attorney

# ***DENIAL OF PROCUREMENT PROTEST***

October 7, 2009

Mr. Juan Rodriguez Martin de los Santos  
Business Development Manager  
O&M Energy, S.A.  
Parque Empresarial "La Finca"  
Paseo del Club Deportivo, 1  
28223 Pozuelo de Alarcon  
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RE: Guam Power Authority's Response to O&M Protest dated September 18, 2009, for GPA-013-07 (Re-Bid PMC Cabras 1&2 multi-step bid)

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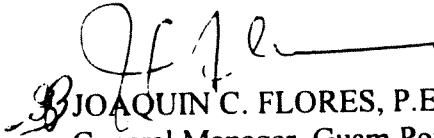
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TEMES bid is irresponsible and non-responsive.

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

Sincerely,

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

PURCHASES & STORES DIVISION  
 GUAM POWER AUTHORITY  
 ABSTRACT OF BIDS

ITEM NO.	Contract Year	Contract Year	Contract Year	Contract Year	Contract Year
QTY	1	2	3	4	5
UNIT OR LIVERY					
DESCRIPTION					
1. TEMES, INC.					
Fixed Mgmt:	\$1,529,000.00	\$1,502,500.00	\$1,601,341.00	\$1,651,290.41	\$1,687,521.49
P.M.H.S. Budget:	\$1,000,000.00	\$1,000,000.00	\$1,056,794.00	\$1,088,373.95	\$1,116,742.42
Unit #1 P.G.	90%	90%	90%	90%	90%
Unit #2 P.G.	90%	90%	90%	90%	90%
NPV:	\$9,394,192.33				
2. Korea East West Power					
Fixed Mgmt:	\$1,201,040.00	\$1,234,675.24	\$1,269,246.20	\$1,304,785.04	\$1,341,347.07
P.M.H.S. Budget:	\$2,411,943.00	\$2,479,477.40	\$2,549,902.77	\$2,620,272.05	\$2,693,634.07
Unit #1 P.G.	92.3%	90.6%	92.7%	90.9%	92.7%
Unit #2 P.G.	95.3%	90.9%	91.3%	91.3%	91.1%
NPV:	\$4,999,222.46				
3. Union Fenosa / O+H Energy					
Fixed Mgmt:	\$1,453,946.67	\$1,470,683.77	\$1,503,881.05	\$1,534,305.07	\$1,565,364.84
P.M.H.S. Budget:	\$1,927,116.84	\$2,026,130.34	\$2,084,914.25	\$2,149,521.08	\$2,214,007.33
Unit #1 P.G.	90%	90%	90%	90%	90%
Unit #2 P.G.	90%	90%	90%	90%	90%
NPV:	\$5,353,497.28				

Number of Bids Received: 3  
 Number of Bids Received: 3  
 Description of Goods or Services: Performance Mgmt. Contract for the Inman River Dam by Calderas 142

Accepted: \_\_\_\_\_  
 Bidder: \_\_\_\_\_  
 Date: 07/22/09

APPROVAL OF AWARD: \_\_\_\_\_  
 BASIS FOR AWARD: \_\_\_\_\_  
 Lowest Responsive Bidder: \_\_\_\_\_  
 Other Bid: \_\_\_\_\_  
 Other Year Lowest Responsive Bidder (See schedule for format number or offering): \_\_\_\_\_  
 Number of Awards (Contractors): \_\_\_\_\_

Exhibit "A"

NAME OF PERSONS PRESENT AT THE BID OPENING AND WHOM THEY REPRESENT  
(If it is not necessary to fill in this portion of data is recorded elsewhere)

FRANK S. B. W. W.

FRANK S. B. W. W.

FRANK S. B. W. W.

FRANK S. B. W. W.

FRANK S. B. W. W.

ADMINISTRATIVE STATEMENT (When applicable)

# ***DENIAL OF PROCUREMENT PROTEST***

October 7, 2009

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

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

Dear Mr. Del los Santos:

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

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



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

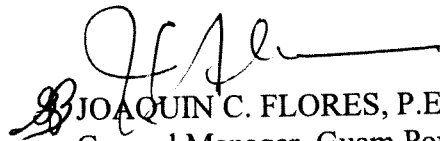
2. GPA-013-07 is a multi-step bid process in which GPA qualified all bidders first on whether the bidders met the technical specifications. In this case, GPA was provided with sealed price proposals from all three bidders which were not opened by GPA until after completion of the technical review. The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

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

TEMES bid is irresponsible and non-responsive.

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

Sincerely,

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

Description of Supplies or Services	Unit	Quantity	Contract Year				
			1	2	3	4	5
Performance Light. Contract for the former Power Authority Cabana 1+2	Fixed Night:	\$1,520,000.00	\$1,520,500.00	\$1,600,311.00	\$1,651,290.41	\$1,647,534.49	
	P.M.S. Budget:	\$1,000,000.00	\$1,020,000.00	\$1,050,704.00	\$1,080,373.05	\$1,110,792.42	
	Unit # 1 P.S.:	\$ 00%	00%	00%	00%	00%	
	Unit # 2 P.S.:	00%	00%	00%	00%	00%	
	NPV:	\$9,394,142.33					
2. Korad East West Power	Fixed Night:	\$1,201,040.00	\$1,234,075.29	\$1,264,240.20	\$1,304,705.09	\$1,341,347.07	
	P.M.S. Budget:	\$2,411,043.00	\$2,479,477.40	\$2,540,902.71	\$2,620,272.05	\$2,693,034.07	
	Unit # 1 P.S.:	02.3%	00.0%	02.7%	00.0%	02.7%	
	Unit # 2 P.S.:	05.3%	00.0%	09.3%	01.3%	07.1%	
	NPV:	\$4,505,222.46					
3. Union Tenosa / OTH Energy	Fixed Night:	\$1,493,040.07	\$1,470,003.71	\$1,503,001.05	\$1,529,305.07	\$1,555,304.09	
	P.M.S. Budget:	\$1,402,110.04	\$2,020,130.34	\$2,000,914.25	\$2,149,531.00	\$2,214,007.33	
	Unit # 1 P.S.:	00%	00%	00%	00%	00%	
	Unit # 2 P.S.:	00%	00%	00%	00%	00%	
	NPV:	\$5,353,457.20					

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

Lowest Responsive Bidder  
 Other Than Lowest Responsive Bidder (See attached for reasons thereof or attached)  
 Number of Awards (Contract(s))

Exhibit "A"