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**AGENCY REPORT**



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**BEFORE THE OFFICE OF PUBLIC AUDITOR  
PROCUREMENT APPEAL**

In the Appeal of: ) Docket No.: OPA-PA-08-007  
)  
)  
)  
Guam Publication, Inc., ) **AGENCY REPORT**  
)  
Appellant. )  
)  
)

**INTRODUCTION**

Pursuant to 2 GAR, Div. 4, Chapter 12 §§ 12104-12105, General Services Agency ("GSA") hereby submits its Agency Report answering all allegations set forth in the appeal filed by Guam Publications, Inc., ("PDN"). All documents required under 2 GAR, Div. 4, Chapter 12, § 12105 are being submitted to the Office of the Public Auditor as part of the official procurement record and filed and served concurrently with this agency report.

1 GSA seeks a determination by the Office of the Public Auditor that PDN made  
2 an untimely and/or improper appeal<sup>1</sup>, and thus moves the Public Auditor to dismiss PDN's  
3 appeal for lack of jurisdiction under 5 GCA 5425, after reviewing all the supporting  
4 documents. It is believed that the mere fact that PDN bid on the IFB No. GSA-012-08, on  
5 March 12, 2008, after they issued a written protest on March 7, 2008, forecloses its right to  
6 appeal this protest and assert that the IFB was unlawful in any manner.<sup>2</sup>

7  
8 If the Public Auditor does not dismiss PDN's appeal and subsequent motions, then it is  
9 alternatively requested that GSA be allowed to proceed to a hearing on the merits and that  
10 Appellant's motion for Default Judgment and its request for attorney's fees be denied, as no  
11 legal authority has been cited for this relief, and such relief would not be in the best interests of  
12 the government. Moreover, such relief would be inapposite to the purposes of Guam  
13 Procurement Law, as stated herein.

14 The Office of the Public Auditor has ordered that the procurement record, the agency  
15 report and all other documents be filed and served on all parties by the purchasing agency on  
16 or before June 26, 2008. GSA has complied with this request. It should also be noted that PDN  
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18 <sup>1</sup>PDN filed its protest with GSA on March 7, 2008. Under 5 G.C.A., Ch. 5, § 5425 (a), PDN had the right to protest  
19 within fourteen (14) days after it knew or *should have known of the facts giving rise to the protest*. Despite its  
20 untimely protest on March 7, 2008, regarding the unlawfulness of the IFB, *PDN bid on all items after the protest*. It  
21 included an original and alternate bid based on differing circulations. The current Appeal also raises issues not  
22 timely raised by PDN in its initial protest, such as the definition of a daily newspaper of general circulation. PDN  
23 knew or should have known of any issues on February 5, 2008, when the IFB was published in the Marianas Variety  
24 newspaper indicating that the IFB would involve election notices. Exs. 14-15. Since the protest was untimely and  
25 because PDN actually made a bid, the appeal has no merit in this case and should be dismissed.

<sup>2</sup> See L.P. Ganacias Enterprises dba Radiocom v. Guam International Airport Authority and Guam Cell  
Communications, Civil Case No. CV 1787-00, Decision and Order (11/3/00), p. 19 (Superior Court of Guam).  
*A person who believes an actual Invitation to Bid was itself improper or illegal should seek to enjoin the bid  
process. A protestor who submits a bid pursuant to an IFB cannot claim after the bid is submitted and the deadline  
for submission has past, that the IFB was contrary to law. See also 5 GCA 5480 (c).*

1 did not make a request under 5 G.C.A. § 5251 to GSA prior to or since the filing of the appeal  
2 to view or inspect the procurement file.<sup>3</sup> Since PDN's time to review and comment on the  
3 agency report and procurement record has not yet started to run, it cannot be prejudiced.

4           Regarding PDN's motion for a Default Judgment in the current matter, GSA and its  
5 counsel are unaware of any statutes and regulations allowing a default judgment to be taken  
6 against GSA, nor has there been any authority cited by Appellant for an award of attorney's  
7 fees. *It is believed there is no such authority for any of the affirmative relief requested by*  
8 *PDN. This is an administrative action, and not an action in the Superior Court. PDN has not*  
9 *sought to avail itself of any remedies in the Superior Court.*

10           GSA agrees in substance with the opposition papers filed by Marianas Variety  
11 regarding PDN's motion for Default Judgment and incorporates that response into this report  
12 as if fully set forth herein.

13           Under the procurement laws relating to protests, even if a protest was deemed to be  
14 sustained, there is no provision for attorney's fees, but rather, only bid preparation costs.<sup>4</sup> Such  
15 determinations, if made, would not be in the best interests of the government, would be  
16 detrimental to budget constraints, and would not be fulfilling the general purposes of the  
17 procurement law as stated in 5 GCA § 5001 (b), of which the pertinent provisions are as  
18 follows:

- 19           (4) to ensure the *fair and equitable treatment of all persons* who deal with the  
20 procurement system of this Territory;

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22           <sup>3</sup> No request was made by PDN to GSA under 5 GCA 5251, which states that the procurement record is a public  
23 record and that any person may inspect and copy, subject to rules promulgated by the Public Auditor.

24           <sup>4</sup> See 5 GCA 5425(h).

1 (5) to provide increased economy in territorial activities and *to maximize to the*  
2 *fullest extent practicable the purchasing value of public funds in the Territory;*  
3 and

4 (6) *to foster effective broad-based competition* within the free enterprise system.

5 GSA requests that its determination of the award to Marianas Variety thus be upheld,  
6 and requests that the Public Auditor deem PDN to have been an untimely protest and meritless  
7 appeal.

### 8 **BACKGROUND**

9 On January 25, 2008, GSA received a request from the Guam Election Commission  
10 (GEC) for newspaper advertisement services, together with the specifications. On February 5,  
11 2008, the GSA issued an advertisement, for Invitation for Bid No. GSA-012-08, with a bid  
12 opening date of February 19, 2008. Ex.15. Two (2) bidders showed interest by obtaining  
13 copies of the bid package, namely: PDN and Marianas Variety.

14 On February 28, 2008, GSA received a letter from PDN with questions: (1) What is the  
15 distribution/circulation amount requested? & (2) Is a 5 x 14 ad size acceptable? Ex. 12(b).  
16 That same day, February 28, 2008, GSA responded to the questions submitted by PDN. Ex.  
17 12(b). GSA responded to question (1), by indicating "general circulation<sup>5</sup>," and it responded to  
18 question No. (2), by indicating that the ad size 5 x 15 was not a requirement by statute and that  
19 a 5 x 14 ad would be acceptable.  
20

21 \_\_\_\_\_  
22 <sup>5</sup> PDN and Marianas Variety are both newspapers of general circulation according to the Office of the Attorney  
23 General. Judicial notice is requested of the OAG's legal opinions May 12, 2003, and February 6, 2006, attached  
24 as Exhibits \_\_\_ and \_\_\_ respectively to this agency report specifically indicating that Marianas Variety is a  
25 newspaper of general circulation.

1           *Moreover, on February 28, 2008, GSA issued amendment No. 2 to include item number*  
2 *8.1 on the specification "ad size 5 x 14," as it related to the ad for precinct officials only. Ex.*  
3 *11(c). The amendment to the bid was authorized and approved by GEC. Contrary to PDN's*  
4 *assertion, the bid was not unfairly skewed in favor of the Marianas Variety. To ensure*  
5 *neutrality, the additional ad size was allowed.*

6           On March 03, 2008, *after GSA issued amendment No. 2*, GSA received another letter  
7 from PDN, dated March 3, 2008, with questions: (1) what is the distribution requirement for  
8 the advertising notices? & (2) what are the justifications for the advertising notice spec sizes?  
9 GSA responded: (1) The distribution is "general circulation" and (2) the ad size specified on  
10 the solicitation is required. Ex. 12(a). In addition, on March 3, 2008, Ms. Anita, Buyer II,  
11 spoke with Ms. Jae Medina, and informed Ms. Medina that in the past GSA requested  
12 quotations from PDN, and was informed that PDN based quotes on "general circulation."  
13 Ex. 12 (a). The actual distribution and breadth of circulation was never discussed or even  
14 requested by PDN prior to the request on February 28, 2008. Prior to the instant bid, this had  
15 **never** been an issue.

16           On March 7, 2008, PDN submitted its protest to GSA. Ex. 5. In its protest, PDN states  
17 that "GSA has not properly disclosed the specifications of distribution of the procured notices;  
18 and second, the formats of the notices have appeared to be geared towards formats utilized by  
19 the Marianas Variety, inferring that the Invitation for Bids if unfairly skewed in favor of the  
20 Marianas Variety." GSA responded by indicating that the requirement was for "general  
21 circulation," because that is the requirement under the election statutes, and it is the term with  
22 which both of the Guam newspapers were familiar. It has already been determined that both  
23 Marianas Variety and PDN are newspapers of general circulation. Fn. 5.

1           There was no requirement for GSA to further specify the distribution and circulation,  
2 and if this was done, it may have perhaps caused problems with the requisite circulation for the  
3 election notices.<sup>6</sup> GSA contends that if any amount of limited distribution is stated, then the  
4 circulation arguably would not be in fact 'general' circulation.

5           PDN's appeal references the term "general circulation" in many places, especially on  
6 pages 3-4. Additionally, PDN references the election statutes' requirement of notices to be  
7 published in a newspaper of general circulation. PDN even goes so far as to indicate that it  
8 believes the definition of "general circulation" is rather fundamental. (PDN appeal, p. 3).

9           On March 12, 2008, only two (2) bidders submitted their bids, PDN and Marianas  
10 Variety. Marianas Variety submitted the lowest price on item numbers 1.1 through 1.7 (even  
11 with the two bids presented by PDN based on differing circulations). PDN submitted the  
12 lowest price for item number 8.1. Both bidders were found to have made omissions at the time  
13 of the bid submission, but the omissions were deemed minor and thus not material to the bid.  
14 Neither bidder was found to be a non-responsive or non-responsible bidder by GSA.

15           Since both bidders made omissions, GSA, determined it was only fair to provide both  
16 the opportunity and continue with the award. Moreover, it was in the best interest of the  
17 Government of Guam not to delay the bidding, since the matter involved election notices.  
18 Finally, budget constraints contributed to the ultimate recommendation that Marianas Variety  
19 be awarded the bid for Nos. 1.1 – 7.1, since it was the lowest responsive and responsible bidder  
20 under 2 GAR, Div. 4, § 3109 (n)(1)-(5), 5 GCA § 5201 (g) and 5211(g).

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21  
22  
23 <sup>6</sup> See PDN's appeal referencing 3 GCA §§ 4108 (names of precinct board members), 7104 (sample ballots),  
24 to be published in daily newspapers of general circulation. See also 3 GCA 5105 and 17105 (notices published  
25 only in a newspaper of general circulation)



1 PDN appealed to the Office of the Public Auditor on May 14, 2008. After receiving  
2 PDN's appeal, GEC proposed a cancellation of the bid on May 15, 2008, to avoid further delay  
3 in advertising the election notices. Ex. 3. PDN, through its counsel, was notified of this request  
4 by GSA, orally, and later in writing, on June 2, 2008, when no response was received. Rather  
5 than responding to the request to cancel, orally or in writing, PDN filed a motion for Default  
6 Judgment and has attempted to characterize GSA's actions as dilatory. This position is  
7 disingenuous. GSA did not file the procurement record or agency report, because it believed  
8 that PDN might agree to the cancellation. GSA has now interpreted PDN's response to be  
9 opposed to cancellation in this case. GSA requests that the award to Marianas Variety be  
10 upheld.

#### 11 RESPONSE TO STATED GROUNDS FOR APPEAL

- 12 a) **As Marianas Variety is not a daily newspaper of general circulation, it**  
13 **cannot be awarded the bid.**

14 According to the Invitation for Bids which was issued on February 5, 2008, election  
15 notices were to be published pursuant to Title 3, including sample ballots and the listing of  
16 precinct officials. Ex. 14. Under Title 3, PDN claims such notices are to be published in a  
17 *daily newspaper of general circulation*. 3 G.C.A. §§ 4108, 7104.<sup>7</sup> PDN does not reference  
18 other sections of the election code that merely require being published in a newspaper of  
19 general circulation. See 3 GCA §§ 5105, 17105.

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24 <sup>7</sup> PDN improperly raises this claim for the first time post-protest. Its protest is claimed to be untimely as well.

1 PDN's first ground of appeal should be denied for two reasons:

2 *1) This reason or ground for appeal was not stated as one of the two*  
3 *grounds for protest in PDN's initial protest on March 7, 2008.*

4 The current appeal must be dismissed for lack of standing and jurisdiction, since the  
5 appeal is based on an untimely protest and requests a determination of issues not raised in the  
6 protest. As such, both are improperly before the Public Auditor.

7 PDN knew or should have known about the potential bases for a protest on or before its  
8 protest on March 7, 2008. This issue was not raised as one of the two objections in its protest  
9 dated March 7, 2008. The protest itself was also untimely, since PDN either knew or should  
10 have known at least 14 days prior to that date (and shortly after the February 5, 2008  
11 publishing date of the IFB) of its current position that Marianas Variety was not a *daily*  
12 newspaper of general circulation. The advertisement on February 5, 2008, referred to the  
13 publication of election notices under Title 3. PDN's protest on March 7, 2008, indicated only  
14 that GSA did not indicate the breadth of circulation and that somehow the Invitation for Bids  
15 was unfairly skewed in favor of Marianas Variety.<sup>8</sup>

16  
17 Additionally, per 5 GCA § 5703, the jurisdiction of the Public Auditor to review and  
18 decide matters is limited to the matters properly submitted to her. In the present case, PDN did  
19 not properly and timely submit this appeal based on a valid protest. See also L.P. Ganacias  
20 Enterprises dba Radiocom v. Guam International Airport Authority and Guam Cell

21  
22  
23 <sup>8</sup> PDN was aware that Marianas Variety was or would be a prospective bidder. After the advertisement, PDN was  
24 aware that its inquiries and amendments were also being served on Marianas Variety. The actual bid opening date  
25 was delayed several times as a result of PDN's continued inquiries, to which GSA promptly responded.

1 Communications, Civil Case No. CV 1787-00, Decision and Order (11/3/00), p. 19 (Superior  
2 Court of Guam).<sup>9</sup>

3           2) *Marianas Variety is a daily newspaper of general circulation.*

4           According to American Jurisprudence, Second Edition, § 3:

5           The term “daily newspaper,” when used in the context of statutes requiring legal  
6           notice to be given, is used in contradistinction to such terms as “weekly newspaper”  
7           or “semiweekly newspaper.” It can refer to a paper published six days a week; *to a*  
8           *paper that is published every day except Saturdays, Sundays, and legal holidays; or*  
9           *to a paper that is published five days a week.*<sup>10</sup> [emphasis added]

10           PDN asserts that since Marianas Variety is only published five days a week, it is not a  
11           daily newspaper of general circulation. No legal authority is cited for its position. *PDN then*  
12           *goes on to state that if the sample ballots or listing of precinct officials is published in the*  
13           *Marianas Variety, the notices would be published in violation of Guam law.* Again, no legal  
14           authority is cited for this position, because there is no supporting authority. On the other hand,  
15           there is legal authority, as cited herein, for the interpretation that Marianas Variety is actually a  
16           daily newspaper of general circulation, since it is a paper published at least five (5) days a  
17           week. PDN admits in its appeal that Marianas Variety is published five (5) days a week.

18           Under the relevant portions of the Open Government Law, 5 GCA, Ch. 8, § 8104  
19           (5)(i), it is stated that the term ‘public notice’ as used in that chapter “means a publication by  
20

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21           <sup>9</sup> *A person who believes an actual Invitation to Bid was itself improper or illegal should seek to enjoin the bid*  
22           *process. A protestor who submits a bid pursuant to an IFB cannot claim after the bid is submitted and the deadline*  
23           *for submission has past, that the IFB was contrary to law. See also 5 GCA 5480 (c).*

24           <sup>10</sup> American Jurisprudence, Second Edition, § 3, Daily Newspapers. See also Beaufort v. Warwick Credit Union,  
25           473 A.2d 1375 (R.I. 1981); State ex rel. Winn v. city of San Antonio, 259 S.W.2d 248 (Tex. Civ. App. San Antonio  
          1953), writ refused n.r.e.; Scott Pub. Co. v. Columbia Basin Publishers, Inc., 180 F. Supp. 754 (W.D. Wash. 1959),  
          judgment aff’d, 293 F.2d 15 (9<sup>th</sup> Cir. 1961); State ex rel. Swan v. Jones, 47 Wash. 2d 718, 289 P.2d 982 (1955).

1 newspaper of general circulation . . . which is reasonably calculated to provide notice of the  
2 facts it announces to the public at large.”

3 5 GCA, Ch. 8, § 8104 (5)(ii) states in pertinent part as follows:

4 As used in this item, *newspaper of general circulation* means a newspaper  
5 which is printed and distributed not less than once a week, at regular  
6 intervals, throughout the territory of Guam, which has a paid circulation and  
7 holds a valid second class mailing permit from the United States Post Office,  
and which contain news, articles of opinion, features, and other matters of  
current interest for public dissemination.<sup>11</sup>

8 Moreover, according to 66 C.J.S. Newspapers § 4:

9 A newspaper of general circulation is one that circulates among all classes and  
10 is not confined to a particular class or calling in the community . . . and is a  
11 term generally applied to a newspaper to which the general public will resort in order  
12 to be informed of the news and intelligence of the day, editorial opinion,  
and advertisements, and thereby to render it probable that the notices or  
13 official advertising will be brought to the attention of the general public. The  
question of whether a newspaper is of general circulation is manifestly a  
14 matter of substance, and not merely of size. . . *Whether a newspaper is one  
of general circulation must depend largely on the diversity of its subscribers rather  
than on mere numbers.*<sup>12</sup> [emphasis added].

15 58 Am. Jur. 2d Newspapers, etc. § 39, states the following in pertinent part:

16 Whether a newspaper is one of general circulation is a matter of substance and not of  
17 size. The term ‘general circulation’ refers not so much to the numerical or geographic  
18 distribution of the newspaper as it does to the contents of the newspaper itself, and the  
19 primary consideration is whether the newspaper contains information of general interest,  
*although the newspaper must enjoy more than a miniscule of readers in the area. . .*<sup>13</sup>

20  
21 <sup>11</sup> See also AG opinions referenced herein dated 5/12/03 and 2/6/06 attached hereto.

22 <sup>12</sup> See Application of Herman, 183 Cal. 153, 191 P. 934 (1920); Burak v. Ditson, 209 Iowa 926, 229 N.W. 227  
23 (1930); Eisenberg v. Wabash, 355 Ill. 495, 189 N.E. 301 (1934); Board of Com’rs of Decatur County v.  
Greensburg Times, 215 Ind. 471, 19 N.E.2d 459 (1939); State ex rel. Bowler v. Board of Com’rs of Daniels  
County, 106 Mont. 251, 76 P.2d 648 (1938); N.H. Ranch Co. v. Gann, 42 N.M. 530, 82 P.2d 632 (1938).

24  
25 <sup>13</sup> See Great Southern Media, Inc. v. McDowell County, 304 N.C. 427, 284 S.E.2d 457 (1981). It is not essential that the

1 It is not necessary to determine the actual readership or circulation to determine  
2 “general circulation” in the present case, because Marianas Variety is a daily newspaper of  
3 general circulation according to the definitions above and has been deemed to be a newspaper  
4 of general circulation according to two Attorney General Opinions. Finally, Marianas Variety  
5 met the qualifications of a responsive and responsive bidder according to the specifications  
6 given in the IFB.

7 Marianas Variety is in fact a daily newspaper of general circulation according to the  
8 legal authority herein and under the popular definition of the words. Additionally, to GSA’s  
9 knowledge, PDN has never challenged Marianas Variety’s status as a daily newspaper of  
10 general circulation in any court or administrative proceeding as of the date it appealed the  
11 current award.

12 **b) The bid process, and resulting bid award, is defective because GSA did not**  
13 **properly disclose the specifications for distribution of the procured notices.**

14 The Invitation for Bids in this case was clear and non-ambiguous, including all  
15 amendments thereto. No clarification is or was needed, since the specifications were not vague  
16 or ambiguous. PDN’s two written requests, dated February 28, 2008, and March 5, 2008,  
17 although stated to be clarifications, were answered immediately and appropriately by GSA, on  
18 the same dates the requests were made. Exs. 12(a) and 12(b). GSA responded to PDN’s pre-  
19 protest inquiries by indicating general circulation was required, because that was the term  
20 defined in the election statutes, that is the term PDN has frequently demanded when quotes  
21 were requested, and because this a term generally known. Anything less than a full distribution  
22

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23 newspaper be read by all the people of the county, township, or other community in which it circulates. *Id.*, at 427. The statute  
24 does not impose any obligation to ascertain any actual degree of circulation of a newspaper. See Washington V. City of  
Birmingham, 364 So. 2d 1151 (Ala. 1978).

1 is arguably a limited distribution and would not qualify under the election statutes. There was  
2 no specification for a specific amount of distribution, thus no clarification was needed.

3 As a result of PDN's continued inquiries, however, the bid opening date continued  
4 to be amended and further delayed. GSA and GEC accommodated PDN at every turn to  
5 ensure that there was neutrality and a fair opportunity to bid.

6 Despite its contentions in its appeal, PDN was not prejudiced in this case. PDN  
7 decided to offer two bid prices, based on two different distributions (10,000 v. 26,000).  
8 Moreover, PDN decided to bid on the 5 x 15 format, despite asserting that this was the format  
9 unfairly skewed in favor of Marianas Variety. Both bids by PDN on each item were higher  
10 than the one bid by Marianas Variety.

11 PDN argues that the definition of "General Circulation" is rather fundamental (see 4(b)  
12 on p. 3 of its appeal). Thereafter, PDN states that it is able to circulate advertisements to its  
13 entire readership, or a fraction thereof, and it offers different price structures for different  
14 distributions. PDN wanted GEC to specifically state whether or not it wanted PDN to  
15 distribute the notices to a more limited number of readers than its full readership for 26,000.

16 PDN impliedly admits in its appeal that it knew or should have known of any problems  
17 with the term "general circulation," yet it still submitted its bid, with an original and alternate  
18 bid. As stated previously, this knowledge supports the fact that PDN failed to timely protest  
19 and appeal to the Public Auditor, at least as it relates to the issue of "general circulation." As  
20 such, this appeal should be dismissed and/or alternatively, denied forthwith. Please also see the  
21 relevant discussion under the response to (a) above.

22 **(c) The bid process, and resulting bid award, is defective because the formats of**  
23 **the notices have appeared to be geared toward formats utilized by the Variety,**  
24 **inferring that the Invitation for Bids is unfairly skewed in favor of the Variety.**  
25

1 PDN asserts under this ground for appeal that it is well-known that PDN is Guam's  
2 only daily newspaper. This statement is contrary to legal authority and facts as set forth herein  
3 and is contrary to common knowledge and interpretation of those terms.

4 PDN then asserts that the 5 x 15 format for the List of Precinct Officials is a format  
5 solely used by the Variety, whereas the 5 x 14 format is more regularly used by PDN. PDN  
6 does not assert that it has never used the 5 x 15 format, nor that it cannot use this format, and in  
7 fact, PDN actually bid on the 5 x 15 format in this case, even after the bid was amended to  
8 allow a 5 x 14 ad.

9 The invitation for bids did not favor one bidder over another. The opposite is true. Due  
10 to PDN's request, the process was delayed, the bid was amended, and PDN was allowed to bid  
11 on a 5x15 ad, as well as a 5 x 14 ad, which it did. The specification was not made originally to  
12 fit the specification of the Variety paper, despite PDN's contentions.

13 Even after GSA amended the bid to allow the 5 x 14 ad size, PDN continued to ask  
14 about the justification for the ad size. The second response by GSA was to indicate that the size  
15 of the specification is the size required. A timely response was submitted by GSA, although  
16 unnecessary and not required, since no there was no ambiguity or mistake to clarify in the  
17 specifications and/or amendments to such.

18 PDN asserts it was prejudiced by this non-responsiveness, as it was required to bid on a  
19 format used only by the Variety. Again, PDN was not prejudiced, because it submitted two  
20 bids on each of the two (2) ad sizes for the list of Precinct Officials (5 x 14 and 5 x 15).<sup>14</sup>

21 **(d) The bid award is defective because the Variety failed to be a responsive and**  
22 **responsible bidder as it did not fulfill the bid requirements by submitting a**  
23 **statement of qualification.**

24 <sup>14</sup> See Procurement Record.

1  
2 Based on GSA's review, PDN failed to submit the bid cover sheet that actually holds  
3 the bidders accountable for the irrevocable period, wherein, the prices are firm for a period of  
4 sixty (60) days. The bid document that PDN failed to submit is the document that both the  
5 bidder and GSA sign prior to an award. Exs. 10(a) and 10(b). On the other hand, Marianas  
6 Variety failed to submit the statement of qualifications with their bid package. Neither  
7 omission was deemed material by GSA in this case, so the bidding remained open. Both  
8 bidders were deemed to be responsive and responsible bidders as those terms are defined in 5  
9 GCA § 5201(f)-(g).<sup>15</sup>

10 This argument is appropriately at the bottom of PDN's grounds for appeal, because the  
11 failure of Marianas Variety to submit a Statement of Qualifications was deemed by GSA to be  
12 minor. An omission or mistake can be deemed minor in the discretion of the purchasing  
13 agency if it is not material to the bid. In this case, it was not material to the bid, because there  
14 was a history of doing business between GSA and Marianas Variety (as well as with PDN).  
15 Additionally, in light of budget constraints, to close the bid would have been a waste of  
16 government resources. The best interests of the government were served by continuing the bid.  
17 Ultimately, the competition allowed the government to obtain the lowest price available.  
18 Marianas Variety was in fact the lowest responsible and responsive bidder, despite PDN's two  
19 bids on each ad, relating to different circulations.

20 PDN incorrectly asserts that it "precisely complied with all requirements." To the  
21 contrary, PDN did not submit a bid document that actually authorized that the bid remain  
22

---

23  
24 <sup>15</sup> 5 GCA § 5201 (f) defines a responsible bidder as a person who has the capability in all respects to perform fully  
25 the contract requirements, and the integrity and reliability which will assure good faith performance. 5 GCA § 5201  
(g) defines a responsive bidder as a person who submitted a bid which conforms in all material respects to the IFB.



1 irrevocable for the stated time period. Failure to submit this signed document authorizing the  
2 bid was grounds to reject PDN's bid. However, GSA allowed the bid to remain open and  
3 deemed this defect minor in order to promote the government's best interests. Otherwise, had it  
4 not done so, PDN would not have qualified as a responsive and responsible bidder.

5 PDN then refers to a opinion by the Office of the Public Auditor relating to a bidder's  
6 qualifications. PDN correctly asserts that in the opinion, OPA-PA-07-007, at 12, that the  
7 bidder's qualifications in that case were material and omission thereof cannot be waived as a  
8 minor informality. However, that case can be distinguished from the present case at hand.

9 The opinion cited by PDN, *In the Appeal of Dick Pacific Construction Company, Ltd.*,  
10 OPA-PA-07-007, involved a multi-bid construction contract with technical trade and licensing  
11 regulations, contrary to the present case involving simple advertising services. In the cited  
12 case, the contractor or sub-contractor was required to submit proof of a C41 license (relating to  
13 reinforcing steel), and to submit the resumes of key personnel. It was later discovered that  
14 neither the subcontractor or the contractor had the required technical contractor's license to do  
15 the work, and it was material to the job at hand. Additionally, in that case, there were several  
16 pre-bid conferences, wherein it was specifically detailed and brought to the bidder's attention  
17 that these licenses and resumes had to be submitted with the bid, and the failure to do so would  
18 be cause to reject the bid.  
19

20 In the present case, as is implied by GSA in its response to PDN's protest, both of these  
21 bidders were in essence pre-qualified, as they continue to do business with the government and  
22 GSA. Pre-qualification is allowed in the procurement statutes. Under the IFB, both PDN and  
23 Marianas Variety were qualified. There is no reasonable basis to dispute the qualifications of  
24

1 Marianas Variety, and thus, the statement was deemed to be minor. Additionally, in this case,  
2 no pre-bid conference was held, because there was no ambiguity in the IFB. The specifications  
3 were clearly stated and were objectively measurable. This case did not involve a construction  
4 contract requiring trade certifications and licenses.

5 PDN is also well aware that Marianas Variety is used by GSA to advertise legal notices  
6 and did not challenge Marianas Variety's qualifications in its pre-bid protest or prior to its  
7 protest when it was making inquiries to GSA. The statement of qualifications was a minor  
8 informality and was not material to the bid specifications requiring advertising notices of  
9 various sizes to be published in the newspaper. Marianas Variety is well qualified to publish  
10 advertisements and legal notices in newspapers. PDN has not pointed to any facts showing that  
11 Marianas Variety is not qualified, other than to assert in its untimely protest and appeal on this  
12 issue that Marianas Variety is not a *daily* paper of general circulation. This argument is of no  
13 merit. The fact that this argument is made last is also noted.

#### 14 **CONCLUSION**

15  
16 GSA hereby requests that the Office of the Public Auditor thoroughly review the  
17 justifications provided and to also thoroughly review the response issued by GSA to the  
18 appellant and in this appeal, in addition to the response by the Interested Party, Marianas  
19 Variety. GSA hereby incorporates by reference all documents submitted in the attached  
20 procurement record, this agency report, all documents filed by interested parties, and all  
21 documents filed by PDN.

22 GSA requests that the award to Marianas Variety be upheld and that PDN's appeal be  
23 dismissed forthwith, as GSA complied materially with all rules and regulations relating to the  
24

1 IFB. If the IFB is re-issued per PDN's request, it will only continue to delay the advertisement  
2 of these notices and cost the government of Guam more money and time.

3 PDN failed to submit an appropriate and timely protest and a proper appeal based on its  
4 original protest.

5 It is requested at any further hearing that the Office of the Public Auditor take judicial  
6 notice of the fact that both newspapers are newspapers of general circulation, in addition to  
7 taking judicial notice of the relevant Attorney General opinions, statutes, regulations, cases  
8 and the treatises/publications cited.

9

10 Submitted this 25 th day of June 2008.

11

12 OFFICE OF THE ATTORNEY GENERAL  
13 Alicia G. Limtiaco, Attorney General

14

By: 

Donna E. Lawrence,  
Assistant Attorney General

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25

Douglas B. Moylan  
Attorney General



Joseph A. Guthrie  
Deputy  
Solicitors Division

## Office of the Attorney General

May 12, 2003

### MEMORANDUM

TO: GOVERNMENT OF GUAM DEPARTMENTS AND AGENCIES

FROM: Joseph A. Guthrie, Deputy Attorney General, Solicitors Division

SUBJECT: NOTICE REQUIREMENTS AND "NEWSPAPER OF GENERAL CIRCULATION"

This memorandum is issued to correct and update the memorandum issued by the Office of the Attorney General on April 23, 2003 regarding the same subject.

The footnote on page 2 therein indicated that the Open Government Law requires a "newspaper of general circulation" to be printed on Guam. However, the memorandum we issued as GOV 98-1632 dated December 31, 1998 and attached to our April 23, 2003 memorandum, implied that the Open Government Law does not require printing on Guam. We wish to clarify the conflict.

The pertinent code section of the Open Government Law defines "a newspaper of general circulation" as "a newspaper which is printed and distributed not less than once a week, at regular intervals, throughout the territory of Guam . . . ." [Emphasis added.] 5 GCA §8104(a)(5)(ii). It does appear that the words "throughout the territory of Guam" relate only to the word "distributed" and not to the word "printed" because, generally if not always, a newspaper is printed at one physical location and not "throughout" a region. Therefore, we conclude that the Open Government Law does not require that a newspaper be printed on Guam, only that it be distributed throughout Guam.

Moreover, we wish to set the record straight concerning the *Marianas Variety's* status. In the afore-mentioned footnote, we indicated that we were unable to gather sufficient information to reach any conclusion with regard to the *Variety's* status at that time. We assumed the *Variety* was no longer distributed through Guam retail stores and vending machines, but only through a number of paid subscriptions. In fact, the *Variety*, while it is still printed off-island, does indeed



Page 2

All Government of Guam Departments and Agencies

Subj: Notice Requirements and "newspaper of General Circulation"

May 12, 2003

have a Guam office which has continuously remained open now for a number of years, and the paper is still distributed locally on a regular basis. Furthermore, the *Variety* does indeed have a current and valid second class mailing permit. Hence, the conclusion we reached in the memorandum issued December 31, 1998, that the *Variety* satisfies the definition of "a newspaper of general circulation" of the Open Government Law, still holds.

A handwritten signature in cursive script that reads "Joseph A. Guthrie".

Joseph A. Guthrie

AGuisex109



## Office of the Attorney General

Douglas B. Moylan

Attorney General of Guam

Guam Judicial Center, Suite 2-200E

120 West O'Brien Drive

Hagåtña, Guam 96910 • USA

(671) 475-3324 • (671) 472-2493 (Fax)

[www.guamattorneygeneral.com](http://www.guamattorneygeneral.com) • [law@mail.justice.gov.gu](mailto:law@mail.justice.gov.gu)

February 6, 2006

### MEMORANDUM

**To:** All Government of Guam Departments and Agencies

**From:** Deputy Attorney General, Solicitors Division

**Subject:** Notice Requirements and "Newspaper of General Circulation"

This memorandum supplements the memorandum issued by the Office of the Attorney General on May 12, 2003 regarding the same subject matter referenced above. Although we concluded therein that the *Marianas Variety* is a "newspaper of general circulation" as such term is defined in the Open Government Law, we understand that government agencies may have lingering questions about the status of the *Marianas Variety*.

According to the Open Government Law, a "newspaper of general circulation" must meet the following criteria:

1. The newspaper must be printed, but not necessarily on Guam;
2. The newspaper must be printed at least once per week;
3. The newspaper must be printed at regular intervals, meaning the same days each week;
4. The newspaper must be distributed at least once per week;
5. The newspaper must be distributed throughout Guam, meaning all over Guam from north to south and east to west, regardless of the manner, which may include without limitation, retail stores, newsstands, vending machines, or subscriptions, and any other methods of distribution;
6. The newspaper must have a paid circulation, meaning at least one person or company must subscribe and receive the newspaper by delivery or mail or some other manner;

Page 2

February 6, 2006

7. The newspaper must have a valid second class mailing permit from the United States Post Office;
8. The newspaper must contain all of the following: (a) news; (b) articles of opinion, news features; and (d) other matters of current interest;
9. The newspaper must be published for public dissemination, meaning not a publication directed to a private interest group on topics only the private interest group would be interested in, but to the public in general.

The *Marianas Variety* continues to meet all of the nine criteria listed above.<sup>1</sup> Thus, notices which must be published pursuant to the Open Government Law may be published in the *Marianas Variety*.



JOSEPH A. GUTHRIE  
Deputy Attorney General  
Solicitors Division

---

<sup>1</sup> The *Marianas Variety* met all criteria for the Open Government Law when we wrote our previous memorandum dated May 12, 2003. The only factual difference was that in May 12, 2003, the *Marianas Variety* was not printed on Guam. Today, however, the *Marianas Variety* is printed on Guam.

**DECLARATION RE COURT**  
**ACTION**






1 24 hours if court action commences regarding this Appeal of the underlying procurement action.  
2

3 Submitted this 25th day of June 2008.  
4

5 OFFICE OF THE ATTORNEY GENERAL  
6 **Alicia G. Limtiaco, Attorney General**

7 By:

  
8 \_\_\_\_\_  
9 Donna E. Lawrence,  
10 Assistant Attorney General  
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1 24 hours if court action commences regarding this Appeal of the underlying procurement action.  
2  
3

4 Submitted this 24 th day of June 2008.  
5  
6

7 **GENERAL SERVICES AGENCY**

8  
9 **BY:**

  
\_\_\_\_\_  
10 **CLAUDIA S. ACFALLE**  
11 **Chief Procurement Officer, GSA**  
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**REQUEST FOR**  
**CANCELLATION OF BID**

# GUAM ELECTION COMMISSION

## Kumision Eleksion Guahan

P.O. Box BG • Hagåtña, Guam 96932

Tel: (671) 477-9791/2 • Fax: (671) 477-1895

E-Mail: [gec@ite.net](mailto:gec@ite.net) Website: [www.guamelection.org](http://www.guamelection.org)



*Attn:  
Anita-GSA  
475-1727*

### MEMORANDUM

Date: May 15, 2008

To: Ms. Claudia S. Acfalle, Chief Procurement Officer, GSA  
From: Stephanie Chargualaf, Acting Executive Director

Subj: Cancellation of Bid Invitation No. GSA-012-08

The Guam Election Commission would like to cancel Bid Invitation No. GSA-012-08 in its entirety since time is of the essence right now, the appeal process will delay the continuance of the required services. A request will be resubmitted at a later date.

Your expeditious attention to this matter will be most greatly appreciated.

Please call me at 477-9791/2/3, should you have any questions or comments.

*Stephanie N. Chargualaf*  
Stephanie N. Chargualaf

Felix P. Camacho  
Governor



**GENERAL SERVICES AGENCY**

(Aheasian Setbision Hinaian)  
Department of Administration  
Government of Guam

Michael W. Cruz, M  
Lt. Governor

JOSEPH C. MANTONIAN  
Deputy Director, DCA

LORENZO H. PEREZ  
Director, Dept of Administration

148 Route 1 Marine Drive, Piti, Guam 96915

Tel: (671) 475-1707 thru 1729 • Fax Nos: (671) 472-4217/475-1818

FAX RECEIVED

**FACSIMILE TRANSMITTAL COVER LETTER**

JUN 02 2008

DATE:

6/2/08

TIME:

\_\_\_\_\_

TIME: 8:02 AM

**PLEASE DELIVER THE FOLLOWING TO:**

NAME:

Elyze J. McDonald

FIRM:

CarlSmith Ball LLP

FACSIMILE NO.:

477-4375

**FROM:**

NAME:

Anita Cruz

TITLE/SECTION:

Buy II, GSA

**ATTACHMENTS / REFERENCE and / or COMMENTS:**

Attached Letter from Guam Election Commission  
RE: Cancellation of Bid GSA-012-08

**CONFIDENTIALITY NOTICE:**

The information on this Facsimile is intended for the named recipients ONLY. It may contain instructions requiring the immediate attention of the addressee. If you received this Facsimile in error, or if there is a transmission error, please notify us immediately.  
**THANK - YOU.**

Number of pages (including this cover letter):

(2)

Sent by:

[Signature]

Date:

6/2/08

Time:

\_\_\_\_\_

**COMMITTED TO EXCELLENCE**

# Transmission Report

Date/Time  
Local ID 1  
Local ID 2

06-02-2008  
671 4751727

07:37:23 a.m.

Transmit Header Text  
Local Name 1 GSA SUPPLY  
Local Name 2

This document : Confirmed  
(reduced sample and details below)  
Document size : 8.5"x11"

Felix P. Camacho  
Governor  
LORRIS H. FISHER  
Director, Dept of Administration



## GENERAL SERVICES AGENCY

(Agency Sebastian Hinest)  
Department of Administration  
Government of Guam

148 Route 1 Marine Drive, P.O. Box 96915

Tel: (671) 475-1707 thru 1729 • Fax No.: (671) 472-8217/875-1716

Michael W. Cruz, M  
Lt. Governor  
JOSEPH C. HERRING  
Deputy Director, GSA

### FACSIMILE TRANSMITTAL COVER LETTER

DATE: 6/2/08 TIME: \_\_\_\_\_

#### PLEASE DELIVER THE FOLLOWING TO:

NAME: Elyse J. McDonald  
FIRM: Carl Smith Bell LP  
FACSIMILE NO.: 477-4375

#### FROM:

NAME: Anita Cruz  
TITLE/SECTION: Buy II, GSA

#### ATTACHMENTS / REFERENCE and / or COMMENTS:

Attached Letter from Guam Election Commission  
RE: Cancellation of Bid GSA-012-08

#### CONFIDENTIALITY NOTICE:

The information on this Facsimile is intended for the named recipients ONLY. It may contain instructions requiring the immediate attention of the addressee. If you received this Facsimile in error, or if there is a transmission error, please notify us immediately. THANK - YOU.

Number of pages (including this cover letter): (2)

Sent by: [Signature] Date: 6/2/08 Time: \_\_\_\_\_

COMMITTED TO EXCELLENCE

Total Pages Scanned : 2

Total Pages Confirmed : 2

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
1	121	4774375	07:36:13 a.m. 06-02-2008	00:00:45	2/2	1	EC	HS	CP14400

#### Abbreviations:

HS: Host send  
HR: Host receive  
WS: Waiting send

PL: Polled local  
PR: Polled remote  
MS: Mailbox save

MP: Mailbox print  
CP: Completed  
FA: Fail

TU: Terminated by user  
TS: Terminated by system  
RP: Report

G3: Group 3  
EC: Error Correct



# Transmission Report

Date/Time  
Local ID 1  
Local ID 2

05-27-2008  
01:35:39 p.m.  
671 4751727

01:35:39 p.m.

Transmit Header Text  
Local Name 1 GSA SUPPLY  
Local Name 2

This document : Confirmed  
(reduced sample and details below)  
Document size : 8.5"x14"

Felix F. Camacho Governor  Leonardo M. Flores Minister, Dept. of Administration	<b>GENERAL SERVICES AGENCY</b> (Administrative Services Division) Department of Administration Government of Costa Rica 148 Route 1 Marco Drive, P.O. Box 96915 San Jose, Costa Rica Tel: (507) 475-8797 Fax: (507) 475-1726	Michael W. Cruz, III LI Governor  James C. Cunningham Deputy Minister, DOR
---	---	--

**FACSIMILE TRANSMITTAL COVER LETTER**

DATE: May 27, 2008 TIME: \_\_\_\_\_

PLEASE DELIVER THE FOLLOWING TO:

NAME: Theresa Quintana

FIRM: Office of the Public Auditor

FACSIMILE NO.: 472-7951

FROM:

NAME: Anita T. Cruz

TITLE/SECTION: Buyer II, General Service Agency

ATTACHMENTS / REFERENCE and / or COMMENTS:

Per our telephone conversation, attached are the specification for a 7 (seven) passenger van, and also copy of requisition w/est. amount.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**CONFIDENTIALITY NOTICE:**

The information on this Facsimile is intended for the named recipient ONLY. It may contain instructions regarding the immediate attention of the addressee. If you received this Facsimile in error, or if there is a transmission error, please notify us immediately. THANK - YOU.

Number of pages (including this cover letter): 5 pages

Sent by: Anita Cruz Date: 5/27/08 Time: 1:01 pm

COMMITTED TO EXCELLENCE

Total Pages Scanned : 5			Total Pages Confirmed : 5							
No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results	
1	752	472-7951	01:30:54 p.m. 05-27-2008	00:04:13	5/5	1	EC	HS	CP12000	

Abbreviations:

HS: Host send	PL: Polled local	MP: Mailbox print	TU: Terminated by user
HR: Host receive	PR: Polled remote	CP: Completed	TS: Terminated by system
WS: Waiting send	MS: Mailbox save	FA: Fail	RP: Report
			G3: Group 3
			EC: Error Correct

# **PROTEST RESPONSE**

Felix P Camacho  
Governor



**GENERAL SERVICES AGENCY**

(Ahensian Setbision Hinirat)  
Department of Administration  
Government of Guam

148 Route 1 Marine Drive, Piti, Guam 96915  
Tel: (671)475-1707 thru 1729/Fax Nos. (671)472-4217/475-1716

Michael W. Cruz,  
Lt. Governor

Lourdes M. Perez  
Director  
Department of Administration

Joseph C. Manibusan  
Deputy Director  
Department of Administration

**ACKNOWLEDGEMENT COPY**

**RECEIVED BY** Jesusa Quenga

**DATE** 5/2/08 2:11 pm

May 01, 2008

Elyze J. McDonald  
A Limited Liability Law Partnership  
Carlsmith Ball LLP  
Bank of Hawaii Bldg., Suite 401, 134  
West Soledad Avenue,  
P.O. Box BF  
Hagatna, Guam 96932-5027

Re: **Protest of Award – Invitation for Bid No. GSA-012-08  
(Advertisement Notices)**

Dear Mr. McDonald:

Buenas Yan Hafa Adai! This is in response to your protest letter dated April 7, 2008, on the above referenced bid number.

Based on my factual evaluation your protest is without merit based on the following:

**Issue No. 1**

PDN asked GSA (General Services Agency) whether it was mandatory that the advertisement be 5 x 15, or whether a 5 x 14 ad would be acceptable. GSA amended the Invitation for Bid to include in addition to the 5 x 15 ad a 5 x 14. PDN later inquired the justification for the specification sizes, and received the response that "The size of the advertisement is the specification that is required."

**Response:**

Based on the request from PDN, the GSA contacted the Guam Election Commission (GEC) to inquire if a 15 x 14 would be acceptable. GSA inquired if the 15 x 15 advertisement was based on statute or was it just a size requested by the GEC. The response from the GEC was that it was not based on statute but is what the commission is requiring. However, the GEC decided to include the request made by PDN, to ensure the bid solicitation is of neutral grounds.

## **Issue No. 2**

In order to determine a unit cost for the solicited advertising space, PDN needed to know the breadth of the intended distribution. In order for a unit cost to be determined, what is the distribution/circulation amount requested? "(Number of newspapers your wanting your ad to be in)." What is the distribution requirement for the advertising notices? To price advertising notices fairly the distribution amount is needed."

### **Response:**

Based on previous working relationship with PDN, the GSA issues request for quotation to PDN for bid advertisements and other requirements needed by the various departments and does not raise the concern of what is the distribution requirement for the advertisement, or that they needed the distribution requirement to render a fair pricing to the GSA. Therefore, the response issued by GSA was of general circulation. In other words as long as the company meets the general circulation requirement that the bid will be acceptable.

## **Issue No. 3**

On March 12, 2008, PDN submitted its bid. GSA also received a bid from the Variety. GSA noted that Variety's bid did not submit a Statement of Qualification. However, GSA awarded the bid to the Variety and deemed the non-submittal of the statement of qualification as a minor.

### **Response:**

Please be advised that PDN also failed to submit the cover sheet of the bid document wherein they were required to submit it signed by an authorized person indicating that the "undersigned agrees that the bid remain firm and irrevocable within a number of days from the date of opening". However, GSA indicated on the bid status for Marianas Variety that PDN failed to submit the bid cover sheet but that GSA waived it as a minor informality, due to budget constraints because PDN did submit the lowest bid for item No. 8.1. Therefore, GSA did act fairly to both PDN and Variety during the evaluation and award of Bid No. GSA-012-08.

## **Issue No. 4**

PDN is Guam's only daily newspaper and that the Variety, which runs only on weekdays, is another community newspaper. The 5 x 15 format for the List of Precinct Officials is a format that is specifically and solely used by the Variety, whereas the 5 x 14 format is more regularly used by the PDN. PDN protests the specification of the 5 x 15 format as it appears that it is specifically intended to fit the format of the Variety newspaper.

**Response:**

On 28 February 2008 GSA received a letter from PDN inquiring if a 5 x 14 ad size be acceptable. On the same day 28 February 2008 GSA issued amendment No. 2 indicating that we included the ad size as requested by PDN. The amendment was to include item number 8.1 ad size 5 x 14. GSA used fair judgment based on the request of PDN.

We amended the bid to include the 5 x 14 after confirming with the GEC that the size required was not based on statutory requirements. Therefore, GSA explained to the GEC that we wanted to ensure that this is a fair bid and that GSA will amend to include the 5 x 14 ad which we did on Bid No. GSA-012-08.

Although PDN claimed that the 5 x 15 ad size was solely used by Variety, PDN **submitted** a bid for item number 7.1 which was for 5 x 15 ad size, but was rejected due to high price and Variety did not bid on item 8.1, 5 x 14 ad size which was the size requested by PDN. Therefore, if GSA had deleted item number 7.1 which is the 5 x 15 ad size who would be singled out on the 5 x 14 ad size? It would have been Variety. But instead of singling out any prospective bidder GSA did due diligence in ensuring whether the ad size requirement were based on statutory requirements and included the request of PDN.

**Issue No. 5**

It is curious why GSA or GEC would award a bidder without even knowing if they are qualified.

**Response:**

Please be advised that Variety has been doing business with the government of Guam just as PDN. Therefore, based on previous publication it is known that both PDN and Variety are qualified in doing this type of business for the government. GSA did evaluate this bid with all fairness to both PDN and Variety. The rejection was based on "high price" or "no bid" for both companies on each particular item.

I would like to highlight that based on other request for quotations issued to PDN I have inquired from the GSA buyers if PDN ever raise concerns regarding the number of circulation or distribution, and the response was: No. The response issued by GSA to the question of PDN regarding the number of circulation or distribution was answered in general, "General Circulation".

Therefore, upon receipt of this letter it is our determination that your protest is without merit. You are therefore, notified of our determination and that you have a right to seek administrative.

Sincerely,

  
CLAUDIA S. ACFALLE  
Chief Procurement Officer

cc: Attorney General, Office of the Attorney General

# Transmission Report

Date/Time  
Local ID 1  
Local ID 2

05-02-2008  
671 4751727

02:18:43 p.m.

Transmit Header Text  
Local Name 1      GSA SUPPLY  
Local Name 2

This document : Confirmed  
(reduced sample and details below)  
Document size : 8.5"x11"

**Felix P. Camacho**  
Governor  
  
**Leander M. Perez**  
Director  
Department of Administration



**GENERAL SERVICES AGENCY**  
(Añenian Sebbision Hinira)  
Department of Administration  
Government of Guam  
148 Route 1 Marine Drive, P.O. Box 96915  
Tel: (671)475-1787 thru 1729/Fax No.: (671)472-4217/475-1716

**Michael W. Cruz**  
Lt. Governor  
  
**Joseph C. Manibusan**  
Deputy Director  
Department of Administration

**ACKNOWLEDGEMENT COPY**

**RECEIVED BY** \_\_\_\_\_

**DATE** \_\_\_\_\_

May 01, 2008

Elyze J. McDonald  
A Limited Liability Law Partnership  
Carlsmith Ball LLP  
Bank of Hawaii Bldg., Suite 401, 134  
West Soledad Avenue,  
P.O. Box BF  
Hagatna, Guam 96932-5027

**Re: Protest of Award – Invitation for Bid No. GSA-012-08  
(Advertisement Notices)**

Dear Mr. McDonald:

Buenas Tardes Hafa Adai! This is in response to your protest letter dated April 7, 2008, on the above referenced bid number.

Based on my factual evaluation your protest is without merit based on the following:

**Issue No. 1**

PDN asked GSA (General Services Agency) whether it was mandatory that the advertisement be 5 x 15, or whether a 5 x 14 ad would be acceptable. GSA amended the Invitation for Bid to include in addition to the 5 x 15 ad a 5 x 14. PDN later inquired the justification for the specification sizes, and received the response that "The size of the advertisement is the specification that is required."

**Response:**

Based on the request from PDN, the GSA contacted the Guam Election Commission (GEC) to inquire if a 15 x 14 would be acceptable. GSA inquired if the 15 x 15 advertisement was based on statute or was it just a size requested by the GEC. The response from the GEC was that it was not based on statute but is what the commission is requiring. However, the GEC decided to include the request made by PDN, to ensure the bid solicitation is of neutral grounds.

COMMITTED TO EXCELLENCE

Total Pages Scanned : 4

Total Pages Confirmed : 4

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
01	816	4774375	02:15:52 p.m. 05-02-2008	00:02:23	4/4	1	EC	HS	CP14400

**Abbreviations:**

HS: Host send  
HR: Host receive  
WS: Waiting send

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MS: Mailbox save

MP: Mailbox print  
CP: Completed  
FA: Fail

TU: Terminated by user  
TS: Terminated by system  
RP: Report

G3: Group 3  
EC: Error Correct

Felix P. Camacho  
Governor



**GENERAL SERVICES AGENCY**

(Ahensian Setbision Hinirat)  
Department of Administration  
Government of Guam

148 Route 1 Marine Drive, Piti, Guam 96915

Tel: (671) 475-1707 thru 1729 • Fax Nos.: (671) 472-4217/475-1716

Michael W. Cruz, Lt. Governor

JOSEPH C. MANIBOSAN  
Deputy Director, DOA

LOURDES M. PEREZ  
Director, Dept of Administration

**FACSIMILE TRANSMITTAL COVER LETTER**

DATE: 5/9/08

TIME: \_\_\_\_\_

**PLEASE DELIVER THE FOLLOWING TO:**

NAME: Alicia Limtiaco, AG

FIRM: ATTORNEY GENERAL

FACSIMILE NO.: 472-2439

**FROM:**

NAME: Claudia Acfalle

TITLE/SECTION: Chief Procurement Officer, GSA

**ATTACHMENTS / REFERENCE and / or COMMENTS:**

Response TO Protest From: CAP/Smith BALL LLP

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

**CONFIDENTIALITY NOTICE:**

The information on this Facsimile is intended for the named recipients **ONLY**. It may contain instructions requiring the immediate attention of the addressee. If you received this Facsimile in error, or if there is a transmission error, please notify us immediately.  
**THANK - YOU.**

Number of pages (including this cover letter): 5

Sent by: Anta Cruz Date: 5/9/08 Time: \_\_\_\_\_



**PROTEST FILED**

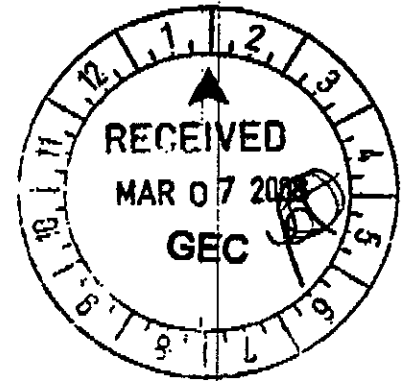
**CARLSMITH BALL LLP**

A LIMITED LIABILITY LAW PARTNERSHIP

BANK OF HAWAII BLDG., SUITE 401  
 134 WEST SOLEDAD AVENUE, P.O. BOX BF  
 HAGÁTÑA, GUAM 96932-5027  
 TELEPHONE 671.472.6813 FAX 671.477.4375  
 WWW.CARLSMITH.COM

EMCDONALD@CARLSMITH.COM

March 7, 2008

**VIA HAND DELIVERY & VIA CERTIFIED MAIL**

Claudia S. Acfalle  
 Chief Procurement Officer  
 General Services Agency  
 Government of Guam  
 P.O. Box FG  
 Agana, Guam 96910

Re: Protest of Invitation for Bid GSA-012-08

Dear Ms. Acfalle:

This letter serves as a protest of Invitation for Bid GSA-012-08. I submit this bid on behalf of the Pacific Daily News, a newspaper of general circulation in the Territory of Guam and a prospective bidder. The address of the Pacific Daily News is P.O. Box DN, Hagatña, Guam 96932, however, for the purposes of this Protest, please direct correspondence to my attention at Bank of Hawaii Bldg., Suite 401, 134 West Soledad Avenue, P.O. Box BF, Hagatña, Guam 96932-5027. As the revised deadline for bids is March 7, 2008, at 2:00 p.m., an award has not yet been made.

1. **Background**

That Invitation for Bid pertains to advertisement notices for "Election Notices Pursuant to Title 3 GCA & Publication of Board Meeting Pursuant to the Open Government Law." The Invitation for Bids specifies the following notices and advertisements: 2 x 4 Notices of Board Meetings and Other Election Information; 2 x 5 Election Notices regarding Early Voting/Absentee & other election information; 3 x 6 Election Notices regarding polling sites; 4 x 5 Election Notices regarding Candidates; 4 x 13 Sample Ballots; 5 x 7 Precinct Official Seminar Schedules; and 5 x 15 List of Precinct Officials. With regard to the 5 x 15 List of Precinct Officials, PDN asked GSA whether it was mandatory that the advertisement be 5 x 15, or whether a 5 x 14 ad would be acceptable. GSA amended the Invitation for Bids to include, in addition to the 5 x 15 ad, a 5 x 14 List of Precinct Officials. PDN later inquired as to the

**COPY**

Claudia S. Acfalle  
March 7, 2008  
Page 2

justification for the specification sizes, and received the response that "The size of the advertisement is the specification that is required."

In addition, in order to determine a unit cost for the solicited advertising space, PDN needed to know the breadth of the intended distribution. PDN therefore submitted the following question: "In order for a unit cost to be determined, what is the distribution/circulation amount requested? (Number of newspapers your wanting your ad to be in)." GSA responded "General Circulation." As this response did not address the question posed, PDN again posed the following question: "What is the distribution requirement for the advertising notices? To price the advertising notices fairly the distribution amount is needed." GSA again responded "General Circulation."

Enclosed with this Protest is the Invitation for Bids and all relevant correspondence.

## 2. Discussion.

There are two grounds sustaining this protest: first, GSA has not properly disclosed the specifications for distribution of the procured notices; and, second, the formats of the notices have appeared to be geared towards formats utilized by the Marianas Variety, inferring that the Invitation for Bids is unfairly skewed in favor of the Marianas Variety. This protest is timely as it is being submitted within fourteen days after PDN discovered that GSA was unwilling to define "General Circulation" and within fourteen days after PDN received an unsatisfactory response pertaining to how GSA arrived at its specification sizes.

On the first point, GSA fails to disclose what it defines as "General Circulation." The point of PDN's inquiry is rather fundamental for the preparation of the bids. PDN is able to circulate advertisements to its entire readership, or a fraction thereof, and it offers differing price structures for, for example, distribution to 1,000 subscribers versus a distribution to 10,000 subscribers. This has been the point of the twice-posed question of how many newspapers it wants its advertisements to run. Does the Guam Election Commission wish to distribute to PDN's full readership of 26,000, and should PDN submit a bid based on that figure? Or does it want the notices to be distributed to a more limited number of readers, a service PDN also offers and can submit a bid for?

Because PDN's bid, and indeed any offeror's bid, will be based on the breadth of the intended readership, without an answer from GSA as to how many newspapers in which it wants its notices to run, PDN is at risk of not being able to provide a bid that conforms to GSA's or GEC's intended breath of readership. Because GSA refuses to clarify this point, the Invitation for Bids is defective.

On the second point, it is well-known that PDN is Guam's only daily newspaper and that the Marianas Variety, which runs only on weekdays, is another community newspaper. The 5 x 15 format for the List of Precinct Officials is a format that is specifically and solely used by Marianas Variety, whereas the 5 x 14 format is more regularly used by the PDN. PDN protests the specification of the 5 x 15 format as it appears that it is specifically intended to fit the format

Claudia S. Acfalle  
March 7, 2008  
Page 3

of the Marianas Variety newspaper. It is unlawful for the Invitation for Bids and the bid selection process to favor one bidder over another. Rather, in all fairness, the Invitation for Bids should be rectified to specify a full page ad, whether in a 5 x 14 format or a 5 x 15 format.

3. Request for Relief

PDN asks that the bid not be awarded until this protest is resolved. 5 G.C.A. § 5425(g). PDN asks that the Invitation for Bids be modified to include a disclosure of the extent of the intended circulation of the advertisements. PDN also asks that the Invitation for Bids be modified in order to permit a fair bid to be placed for a full-page ad, rather than to use specifications that favor and fit one prospective bidder's formats.

Finally, PDN asks for reimbursement of costs incurred in preparing this Protest. 5 G.C.A. § 5425(h).

I look forward to your response.

Sincerely,

  
Elyze J. McDonald

cc: Rindraty Limtiaco, Pacific Daily News  
John Terlaje, Guam Election Commission

Accountability • Impartiality • Competence • Openness • Value

## BID STATUS

Date: March 26, 2008

Guam Publications Inc.  
P.O. Box DN  
Hagatna, Guam 96932  
Tel: 479-0219 / Fax: 479-0200

BID INVITATION NO.: GSA-012-08

OPENED: March 12, 2008

DESCRIPTION: "Advertisement Notices"

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

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

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

Rejected due to:

- Late submission of bid;
- No bid security or insufficient bid security amount submitted; as required by section 11 of the General Terms and Conditions;
- Not meeting the delivery requirement as stated in the IFB;
- Non-conformance with the specifications
- Inability to provide future maintenance and services to the equipment;
- High price; or
- Others:

Item nos: 1.1 thru 7.1

Bid is recommended for award to:

Marianas Variety in the total amount of \$22,939.20  
The non submittal of the Statement of Qualifications by Marianas Variety was deemed a minor informality and was in the best interest of the government due to budget constraints.

### REMARKS:

Thank you for participating in this bid. Please send your authorized representative to pickup your original bid status and bid bond/cashier check.

*Claudia S. Acfalle* 3/26/08  
CLAUDIA S. ACFALLE  
Chief Procurement Officer

**COPY OF**  
**PURCHASE ORDERS**

**MARIANAS VARIETY**



# PURCHASE ORDER

GENERAL SERVICES AGENCY  
DEPARTMENT OF ADMINISTRATION  
GOVERNMENT OF GUAM

148 Route 1  
Marine Drive  
Piti, Guam 96925

TRAN CODE **4396**

THIS PURCHASE ORDER NUMBER

No. F086A04395

MUST APPEAR ON ALL INVOICES,  
PACKING SLIPS, PACKAGES, B/L,  
CORRESPONDENCE ETC.

F.O.B.	* AIR FREIGHT TEL CONTACT	SHIP VIA:	DATE	JOB ORDER NO.	OR CL
			5/09/2008	070008006730	230
PREPAID-SHOW SHIPPING CHARGES AS SEPARATE ITEM ON INVOICE					

<b>VENDOR</b>	<b>TO:</b>	<b>VENDOR</b>	<b>CONSIGNEE, DESTINATION &amp; MARKING</b>
	MARIANAS VARIETY 215 ROJAS STREET SUITE 204 TAMUNING, GU 96913-0215 Telephone: 671-649-1924 Fax: 671-648-2007	M0097073	GUAM-ELECTION COMMISSION GCIC BUILDING SUITE 200 P.O. BOX 80 MAGATNA, GU 96932-0000 GEO-ELECTION 2008-A

AUTHORITY 3109	** INVITATION NO. GSA-012-08	** CONTRACT NO.	TIME FOR DELIVERY SEE BELOW	EXPIRING 9/30/08	DISCOUNT TERMS:
-------------------	---------------------------------	-----------------	--------------------------------	---------------------	-----------------

M	<p>ISSUED TO COVER THE COST OF ELECTION NOTICES PURSUANT TO TITLE 3 GCA AND PUBLICATION OF BOARD MEETINGS PURSUANT TO THE OPEN GOVT. TO BE DRAWN ON AN AS NEEDED BASIS COMMENCING UPON RECEIPT OF PURCHASE ORDER AND EXPIRING ON 9/30/08 OR UPON EXHAUSTION OF FUNDS WHICHEVER OCCURS FIRST.</p> <p>AUTHORIZED PERSONNEL: STEPHANIE CHARGUALAR/470-9791</p> <p>REF: GSA-012-08 ADVERTISEMENT NOTICES (SEE ATTACHED LISTING)</p> <p>NOTE: THE GOVERNMENT OF GUAM WILL NOT BE RESPONSIBLE FOR UNAUTHORIZED LAYOUT MUST BE APPROVED BY DEPARTMENT BEFORE FINAL PRINTING. Note: Amounts due this Purchase Order may be offset for monies due the Govt. of Guam inclusive of but not limited to taxes, fees, and returned checks plus interest or other damages, penalties, and attorney's fees, after failure to pay according to law. *TO BE COORDINATED BETWEEN REQUESTING AGENCY AND VENDOR</p> <p><del>ALL DATE DELIVERIES AND ACCEPTANCES ARE SUBJECT TO THE ATTACHED TERMS AND CONDITIONS OF THE GSA</del></p>				
---	--	--	--	--	--

<p><b>SPECIAL INSTRUCTIONS TO VENDOR:</b></p> <p>B. SEND CERTIFIED ORIGINAL AND THREE (3) COPIES OF INVOICE TO DIVISION OF ACCOUNTS, DEPARTMENT OF ADMINISTRATION, GOVERNMENT OF GUAM, P.O. BOX 884, AGANA, GUAM 96910. PAYMENT UPON RECEIPT OF MERCHANDISE IN GUAM IN GOOD CONDITION. THIS ORDER SUBJECT TO CONDITIONS ON REVERSE SIDE **THIS ORDER IS SUBJECT TO THE SPECIAL PROVISIONS, AND BID GENERAL TERMS AND CONDITIONS SPECIFIED ON THIS BID. ON ALL AIR SHIPMENTS HAVE AIR FREIGHT COMPANY CALL THIS NUMBER UPON ARRIVAL OF GOODS GUAM.</p>	17568.00	<p><b>↑ TOTAL ↑</b></p> <p>← INSERT CHANGES AND RETURN THIS ORDER FOR AMENDMENT.</p>
---	----------	--

<p>ADVANCE PAYMENT AUTHORIZATION</p> <p>PAYMENT ENCLOSED <input type="checkbox"/></p>	<p>SIGNATURE: <i>C. Acfalle</i> 5/9/08</p> <p>Claudia S. Acfalle Chief Procurement Officer</p> <p>NAME TITLE</p>
---	--

**AWAR**

MASTER-RECEIPT COPY



I CERTIFY THAT THE FOREGOING STATEMENT OF INFORMAL QUOTATION IS TRUE AND CORRECT AND PRICES CHARGED ARE JUST, FAIR AND REASONABLE, AND THE BEST OBTAINABLE FOR THE DESCRIBED BELOW.

DOCUMENT NO.: Q080700006 APPROPRIATION NO.: 5100A080700GA006230

*FW*  
 Pama, Alma - GSA BUYER 5/09/2008 DATE  
 REMARKS:  
 3109 (GSA-012-08) INVITATION FOR BID "ADVERTISEMENT NOTICES" TO BE COORDINATED WITH REQUESTING AGENCY & VENDOR

<b>Vendor No:</b> M0097073 <b>Vendor Name:</b> WILLIAMS VARIETY 215 ROJAS STREET SUITE 204 TAMUNING, GU 96913-0215	<b>Vendor No:</b> P0066601 <b>Vendor Name:</b> PACIFIC DAILY NEWS P.O. BOX DN AGANA, GU 96932	<b>Vendor No:</b> <b>Vendor Name:</b>   
<b>Point of Contact:</b> AMIER <b>Date:</b> 5/09/2008 <b>Phone:</b> 671 649-1924 <b>Fax #:</b> 671 648-2007 <b>Delivery:</b>	<b>Point of Contact:</b> MARCY AGUIGUI <b>Date:</b> 5/09/2008 <b>Phone:</b> 671 477-9711 <b>Fax #:</b> 671 472-4641 <b>Delivery:</b>	<b>Point of Contact:</b>  <b>Date:</b> <b>Phone:</b> <b>Fax #:</b> <b>Delivery:</b>

DESCRIPTION	QTY	UNIT	QTY	UNIT PRICE	EXTENSION	QTY	UNIT PRICE	EXTENSION	QTY	UNIT PRICE	EXTENSION
ISSUED TO COVER THE COST OF ELECTION NOTICES PURSUANT TO TITLE 3 GCA AND PUBLICATION OF BOARD MEETINGS PURSUANT TO THE OPEN GOVT. TO BE DRAWN ON AN AS NEEDED BASIS COMMENCING UPON RECEIPT OF PURCHASE ORDER AND EXPIRING ON 9/30/08 OR UPON EXHAUSTION OF FUNDS WHICHEVER OCCURS FIRST.  AUTHORIZED PERSONNEL: STEPHANIE CHARGUALAF/477-9791  REF: GSA-012-08 ADVERTISEMENT NOTICES (SEE ATTACHED LISTING)	1	LOT	1	17568.00	17568.00 Selected	1	12432.00	12432.00 Selected			
		Mat. Costs			17568.00			12432.00			
		Amt. Disc.									
		Loc.Pref.10									
		Loc.Pref.15									
		Net Total			17568.00			12432.00			

\*\*\* NO QUOTE \*\*\*



FAX: 475-1727

215 Rojas Street Suite 204, Hamon, Guam 96913 Tel: (671) 649-1924 Fax: (671) 648-2007 Email: admin@mvguam.com

March 12, 2008

Claudia Acfalle  
Chief Procurement Officer  
General Services Agency  
Government of Guam

Dear Mrs. Acfalle,

First and foremost, thank you for allowing Marianas Variety to participate in the GEC bid for advertisements. Your agency's wise decision to keep the quantity requested as "general circulation" provides a level playing field in which we can now submit bids and allow GSA to make informative decisions.

Allowing us to compete is a win-win for the Government of Guam—once the PDN knows that we are competing for such bids it will be in their best interest to provide competitive prices.

In regards to the GEC bid for advertisements, please allow me to point out a few inconsistencies with PDN's bid submission. Item 7.1, 5x15" are our image dimensions for a full page advertisement. PDN's image dimensions for a full page advertisement are 5x14". This is the reason why they requested to add on Item 8.1 5x14".

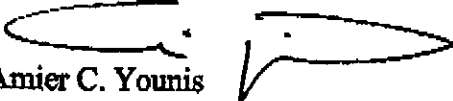
Because I assumed that the intent of this item was for a full page advertisement, I did not submit a quote for Item 8.1; even though a 5x14" can easily fit in our newspaper.

What astonishes me is that PDN submitted a bid for Item 7.1, the 5x15" ad size.

A simple measurement with a ruler to the PDN newspaper will show that the paper size is exactly 15" in height. The image dimensions for the PDN are maxed at 14" and cannot accommodate 15" in height.

I simply want to point this issue out, as it may not affect your decision overall. But if it came down to GEC publishing an ad of that size in the PDN, then and there GEC will have a problem.

Warmest Regards,

  
Amier C. Younis  
Operations Manager  
Marianas Variety-Guam

**GUAM PUBLICATION, INC.**





I CERTIFY THAT THE FOREGOING STATEMENT OF INFORMAL QUOTATION IS TRUE AND CORRECT AND PRICES CHARGED ARE JUST, FAIR AND REASONABLE, AND THE BEST OBTAINABLE FOR THE DESCRIBED BELOW.

DOCUMENT NO.: Q08070006 APPROPRIATION NO.: 5100A080700GA006230

Fama, Agana - GSA 5/09/2008  
 BUYER DATE

REMARKS:  
 3109 (GSA-012-08) INVITATION FOR BID "ADVERTISEMENT NOTICES"  
 TO BE COORDINATED WITH REQUESTING AGENCY & VENDOR

Vendor No: M0097073  
 Vendor Name:  
 MARIANAS VARIETY  
 215 ROJAS STREET  
 SUITE 204  
 TAMUNING, GU 96913-0215

Vendor No: P0066601  
 Vendor Name:  
 PACIFIC DAILY NEWS  
 P.O. BOX DN  
 AGANA, GU 96932

Vendor No:  
 Vendor Name:

Point of Contact:  
 AMIER  
 Date: 5/09/2008  
 Phone: 671 649-1924  
 Fax #: 671 648-2007  
 Delivery:

Point of Contact:  
 MARCY AGUIGUI  
 Date: 5/09/2008  
 Phone: 671 477-9711  
 Fax #: 671 472-4641  
 Delivery:

Point of Contact:  
 Date:  
 Phone:  
 Fax #:  
 Delivery:

DESCRIPTION	QTY	UNIT	QTY	UNIT PRICE	EXTENSION	QTY	UNIT PRICE	EXTENSION	QTY	UNIT PRICE	EXTENSION
ISSUED TO COVER THE COST OF ELECTION NOTICES PURSUANT TO TITLE 3 GCA AND PUBLICATION OF BOARD MEETINGS PURSUANT TO THE OPEN GOVT. TO BE DRAWN ON AN AS NEEDED BASIS COMMENCING UPON RECEIPT OF PURCHASE ORDER AND EXPIRING ON 9/30/08 OR UPON EXHAUSTION OF FUNDS WHICHEVER OCCURS FIRST.	1	LOT	1	17568.00	17568.00 Selected	1	12432.00	12432.00 Selected	* * N O Q U O T E * *		
AUTHORIZED PERSONNEL: STEPHANIE CHARGUALAF/477-9791											
REF: GSA-012-08 ADVERTISEMENT NOTICES (SEE ATTACHED LISTING)											
					17568.00			12432.00			
					17568.00			12432.00			

# Pacific Daily News

**GUAM'S *complete* SOURCE**  
**www.guampdn.com**

Hafa Adai,

My name is Marcy Balajadia-Aguigui, Government Media Consultant. I would like to thank you for choosing the Pacific Daily News as your partner in delivering your advertising message.

GSA - Larreta, please be advise this letter serves as an authorization for Roger Mandapat - Advertising Messenger for the Pacific Daily News - to pick up and receive all documents address to my attention or the Pacific Daily News. Questions or concerns please call me at 479 0219 or the Advertising Director - Jae Medina.

Pacific Daily News reaches the vast majority of adults in every major demograph target group, with a circulation of #27000 copies daily and Sunday at #30000.

Our professional sales and production staff possess the necessary skills to analyze, design and implement your advertising campaign. I urge you to take advantage of the tools at your disposal.

The Pacific Daily News provides an array of rate packaging opportunities from regular PDN advertisements to full glossy inserts. I will dedicate my time to you in preparing a successful campaign strategy that will get your message across to the island of Guam.

I can be reached at 671 479 0219 or email at [maguigui@guampdn.com](mailto:maguigui@guampdn.com)

Sincerely,

Marcy Balajadia-Aguigui  
Classified Manager  
Pacific Daily News  
Guam's Complete Source  
Tel. 671 479 0219  
Fax 671 472 4641 / 671 479 0359  
Email [maguigui@guampdn.com](mailto:maguigui@guampdn.com)

# Pacific Daily News

**GUAM'S *complete* SOURCE**

**[www.guampdn.com](http://www.guampdn.com)**

Hafa Adai,

My name is Marcy Balajadia-Aguigui, Government Media Consultant. I would like to thank you for choosing the Pacific Daily News as your partner in delivering your advertising message.

GSA - Lorreta, please be advise this letter serves as an authorization for Roger Mandapat - Advertising Messenger for the Pacific Daily News - to pick up and receive all documents address to my attention or the Pacific Daily News. Questions or concerns please call me at 479 0219 or the Advertising Director - Jae Medina.

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The Pacific Daily News provides an array of rate packaging opportunities from regular PDN advertisements to full glossy inserts. I will dedicate my time to you in preparing a successful campaign strategy that will get your message across to the island of Guam.

I can be reached at 671 479 0219 or email at [maguigui@guampdn.com](mailto:maguigui@guampdn.com)

Sincerely,

*MOA 5.13.08*  
Marcy Balajadia-Aguigui  
Classified Manager  
Pacific Daily News  
Guam's Complete Source  
Tel. 671 479 0219  
Fax 671 472 4641 / 671 479 0359  
Email [maguigui@guampdn.com](mailto:maguigui@guampdn.com)



Buyer/Typist:  
Date Package:

Date Completed: 03/12/08

**BID PACKAGING CHECK LIST**

Document No (s): Q080700006

Description/Services: ADVERTISEMENT NOTICES PURSUANT TO TITLE 3 GCA AND PUBLICATION BOARD MEETINGS PURSUANT TO THE OPEN GOVT LAW.

Department/Agency: GUAM ELECTION COMMISSION

Bid No.: GSA- GSA 012 08

1.  Requisition (Ad) Date received: 1/25/08 By: \_\_\_\_\_ (Initial)
2.  Requisition Date received: 1/21/08 By: \_\_\_\_\_ (Initial)
3.  Specification with Signature
4.  Special Reminder to Prospective Bidder(s) (Form: DOA 132)
5.  Invitation For Bid (Form: DOA 110)
6.  Formulated Bid Specification(s)
7.  Form of Non-Collusion Affidavit
8.  Form Compliance with U.S. DOL Wage Determination Affidavit
9.  Special Provision – Restriction Against Sex Offenders
10.  Special Provision
11.  Major Shareholders Disclosure Affidavit (Form: DOA 133)
12.  Bid Bond (Form: DOA 113)
13.  Local Procurement Preference Application (Form: DOA 296)
14.  General Terms & Conditions (Form: GSA 112)
15.  Sealed Bid Solicitation Instructions (Form: DOA 295)
16.  Bidders Register/Sign-in
17.  Advertisement (Xeroxed copy of) (Form: DOA 118)
18.  Purchase Order No. PO86A04396 MARIANAS, for Advertisement PDNP086A04398
19.  Date Bid Issued: 02/05/08
20.  Amendment(s) #1  #2  #3  #4   
Remarks: (1) change date 2/19/08 to 2/29/08 (2) 2/28/08 to 3/4/08 line item 8.1 (3) 3/4/08 to 3/7/08 (4) 3/7/08 to 3/12/08
21.  Bid Opening Date: 03/12/08 Time: 2:00pm
22.  Bid Abstract
23.  Number of Vendors Participating: 2
24.  Correction, Withdrawal, etc. after bid openings and before award: ( ) Yes (X) No
25.  Analysis & Recommendation(s), 1 part (Memorandum): [] Award [ ] Re-bid [ ] Canceled  
Others: \_\_\_\_\_
26.  Memo to Dept/Agency: "Analysis and Recommendation"  
Date Faxed: \_\_\_\_\_ Date Picked up by Dept/Agency \_\_\_\_\_
27.  Date Response Due: \_\_\_\_\_ Date Submitted: \_\_\_\_\_
28.  Requisition Returned, inclusive of Standard Form: \_\_\_\_\_
29.  Bid Status (Form: DOA 120)
30.  Deposit Return (Bid Bond) (Form: DOA 114)
31.  Letter of Notice of Intent of Possible Award (Form: DOA 297)
32.  Performance Bond (Form: DOA 123) Due Date: \_\_\_\_\_
33.  Purchase Order for Award and Completion of Contract of Bid
34.  Awarding of Purchase Order:

Vendor(s)	P.O. No(s).	Amount
1. <u>MARIANAS VARIETY</u>	<u>PO86A04396</u>	<u>\$ \$17,568.00</u>
2. <u>PACIFIC DAILY NEWS</u>	<u>PO86A04398</u>	<u>\$ \$12,432.00</u>
35.  Receiving Report Due Date: 1. \_\_\_\_\_ 2. \_\_\_\_\_
36.  Deposit Return (performance Bond) (Form: DOA 115)
37.  Sealed Bid Checklist (Form: DOA 292 "A")
38.  Sealed Bid Checklist (Protest) (Form: DOA 292 "B")

**REMARKS:** I certify that all records under this Bid GSA-032-08. Are true and complete to the best of my knowledge. I further certify that there is no request for confidentiality submitted with the bid and that all records are available for public inspection upon written request.

CLAUDIA S. ACFALLE  
Chief Procurement Officer

**BID STATUS**

**GUAM PUBLICATION, INC.**

GENERAL SERVICE AGENCY  
(Ahensian Setbision Hinirat)

Government of Guam

P.O. Box FG, Agana, Guam 96910

Tel: 477-1710-13 Fax: 472-4217 / 475-1716/27

Accountability \* Impartiality \* Competence \* Openness \* Value

## BID STATUS

Date: March 26, 2008

Marianas Variety  
215 Rojas Street Suite 101  
Harmon, Guam 96913  
Tel: 649-1924 / Fax: 648-2007

BID INVITATION NO.: GSA-012-08

OPENED: March 12, 2008

DESCRIPTION: "Advertisement Notices"

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

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

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

Rejected due to:

- Late submission of bid;
- No bid security or insufficient bid security amount submitted; as required by section 11 of the General Terms and Conditions;
- Not meeting the delivery requirement as stated in the IFB;
- Non-conformance with the specifications
- Inability to provide future maintenance and services to the equipment;
- High price; or
- Others:

No Bid on item number 8.1

Bid is recommended for award to:

Pacific Daily News in the total amount of \$12,432.00

### REMARKS:

Thank you for participating in this bid. Please send your authorized representative to pickup your original bid status and bid bond/cashier check.

**ACKNOWLEDGEMENT COPY**

RECEIVE BY \_\_\_\_\_

*Acfalle 3/26/08*  
CLAUDIA S. ACFALLE  
Chief Procurement Officer

Rev: 1/95  
DATE \_\_\_\_\_

# Transmission Report

Date/Time  
Local ID 1  
Local ID 2

03-26-2008  
671 4751727

07:14:20 p.m.

Transmit Header Text  
Local Name 1      GSA SUPPLY  
Local Name 2

This document : Confirmed  
(reduced sample and details below)  
Document size : 8.5"x14"

GENERAL SERVICE AGENCY  
(Añenzian Sebbision Hinirist)  
Government of Guam  
P.O. Box FG, Agaña, Guam 96910  
Tel: 477-1710-13 Fax: 472-4217 / 475-1716/27

Accountability \* Impartiality \* Competence \* Openness \* Value

## BID STATUS

Date: March 26, 2008

Guam Publications Inc.  
P.O. Box DN  
Hagana, Guam 96932  
Tel: 479-0219 / Fax: 479-0200

BID INVITATION NO.: GSA-012-08      OPENED: March 12, 2008

DESCRIPTION: "Advertisement Notices"

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

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

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

Rejected due to:

- Late submission of bid;
- No bid security or insufficient bid security amount submitted; as required by section 11 of the General Terms and Conditions;
- Not meeting the delivery requirement as stated in the IFB;
- Non-conformance with the specifications;
- Inability to provide future maintenance and services to the equipment;
- High price; or
- Others:

Item nos: 1.1 thru 7.1

Bid is recommended for award to:

Marianas Variety in the total amount of \$22,939.20  
The non-submittal of the Statement of Qualifications by Marianas Variety was deemed a minor informality and was in the best interest of the government due to budget constraints.

REMARKS:

Thank you for participating in this bid. Please send your authorized representative to pickup your original bid status and bid bond/cashier check.

*Claudia S. Acfalle*  
3/26/08  
CLAUDIA S. ACFALLE  
Chief Procurement Officer

Rev: 1/95

Total Pages Scanned : 1

Total Pages Confirmed : 1

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	591	6714770359	07:13:18 p.m. 03-26-2008	00:00:37	1/1	1	EC	HS	CP9600

Abbreviations:

HS: Host send  
HR: Host receive  
WS: Waiting send

PL: Polled local  
PR: Polled remote  
MS: Mailbox save

MP: Mailbox print  
CP: Completed  
FA: Fail

TU: Terminated by user  
TS: Terminated by system  
RP: Report

G3: Group 3  
EC: Error Correct

**MARIANAS VARIETY**

Confirmation Report - Memory Send

Date & Time: Mar-27-2008 10:13am  
Tel line : +6714751716  
Machine ID : GSA

Job number : 114  
Date & Time : Mar-27 10:07am  
To : 96482007  
Number of pages : 001  
Start time : Mar-27 10:08am  
End time : Mar-27 10:09am  
Pages sent : 001  
Status : OK

Job number : 114 \*\*\* SEND SUCCESSFUL \*\*\*

GENERAL SERVICE AGENCY  
(Ahensian Setbision Hinirat)  
Government of Guam  
P.O. Box FG, Agana, Guam 96910  
Tel: 477-1710-13 Fax: 472-4217 / 475-1716/27

Accountability \* Impartiality \* Competence \* Openness \* Value

**BID STATUS**

Date: March 26, 2008

Marianas Variety  
215 Rojas Street Suite 101  
Harmon, Guam 96913  
Tel: 649-1924 / Fax: 648-2007

BID INVITATION NO.: GSA-012-08

OPENED: March 12, 2008

DESCRIPTION: "Advertisement Notices"

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

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

- ( ) Insufficient funds;
- ( ) Change of specifications; or
- ( ) Insufficient number of bidders.

[X] Rejected due to:

- ( ) Late submission of bid;
- ( ) No bid security or insufficient bid security amount submitted; as required by section 11 of the General Terms and Conditions;
- ( ) Not meeting the delivery requirement as stated in the IFB;
- ( ) Non-conformance with the specifications
- ( ) Inability to provide future maintenance and services to the equipment;
- ( ) High price; or
- (X) Others:

No Bid on item number 8.1

[X] Bid is recommended for award to:

Pacific Daily News in the total amount of \$12,432.00

REMARKS:

Thank you for participating in this bid. Please send your authorized representative to pickup your original bid status and bid bond/cashier check.

*Acfalle 3/26/08*  
CLAUDIA S. ACFALLE/  
Chief Procurement Officer

**BID ANALYSIS &  
RECOMMENDATION**



Felix P. Camacho  
Governor



GENERAL SERVICES AGENCY  
(Marianas Setbision Hinirat)

Michael W. Cruz,  
Lt. Governor

Government of Guam  
P.O. Box FG, Agana, Guam 96910

Lourdes M. Perez  
Director, Dept. of Administration

Joseph C. Manibusan  
Deputy Director

March 26, 2008

Inter-Office Memorandum

To: Chief Procurement Officer

From: Anita T. Cruz, Buyer II

Subject: Analysis and Recommendation for Bid No. GSA-012-08  
Advertisement – Election Notice Pursuant to Title 3 GCA & Publication  
Board Meeting Pursuant to the open Gov't. Law.

Subject bid was published in the Marianas Variety on February 05, 2008 and opened March 12, 2008 at 2:00 p.m.

Two (2) prospective bidders acquired bid invitation packages and both submitted namely:

1. Marianas Variety
2. Pacific Daily News

An analysis was made as follows:

Marianas Variety	1.1	2 x 4	28 ea.	\$ 86.40	\$ 2,419.20
PDN	1.1	2 x 4	28 ea.	\$236.80	\$ 6,630.40
Marianas Variety	2.1	2 x 5	25 ea.	\$108.00	\$ 2,700.00
PDN	2.1	2 x 5	25 ea.	\$296.00	\$ 7,400.00
Marianas Variety	3.1	3 x 6	10 ea.	\$194.40	\$ 1,944.00
PDN	3.1	3 x 6	10 ea.	\$530.80	\$ 5,328.00
Marianas Variety	4.1	4 x 5	11 ea.	\$216.00	\$ 2,376.00
PDN	4.1	4 x 5	11 ea.	\$592.00	\$ 6,512.00
Marianas Variety	5.1	4 x 13	10 ea.	\$561.60	\$ 5,616.00
PDN	5.1	4 x 13	10 ea.	\$1,539.20	\$15,392.00
Marianas Variety	6.1	5 x 7	08 ea.	\$378.00	\$ 3,024.00
PDN	6.1	5 x 7	08 ea.	\$1,036.00	\$ 8,288.00
Marianas Variety	7.1	5 x 15	06 ea.	\$810.00	\$ 4,860.00
PDN	7.1	5 x 15	06 ea.	\$2,220.00	\$13,320.00
Marianas Variety	8.1	5 x 14	06 ea.	No Bid	No Bid
PDN	8.1	5 x 14	06 ea.	\$2,072.00	\$12,432.00

Based on the above analysis item numbers 1.1 thru 7.1 will be awarded to Marianas Variety in the total amount of \$22,939.20 and item number 8.1 to Pacific Daily News in the total amount of \$12,432.00 as being lowest responsive and responsible bidder.

Please note although the Statement of Qualifications was not submitted by Marianas Variety, it was in the best interest of the government to award to the lowest bidder, due to budgetary constraints of the government of Guam.

Your approval is hereby requested.

  
Anita T. Cruz

Concurred By:

  
Claudia S. Acfalle 3/26/08

**BID ABSTRACT**



**NAVES OF PERSONS PRESENT AT THE END OPERATIONS AND WHOM THEY REPRESENT**  
(It is not necessary to fill in the portion if data is recorded elsewhere)

VAE F. MEDINA

Rafael C. Williams

AMER YOUSIS

John Lee

AMSTR. T. CRUZ

*[Signature]*

CSA-CPO (Landing Day)

Acpo

ADMINISTRATIVE CONTROLS (When Applicable)



~~79-0213~~

Murray Balajeddu

472-9644

FAX 4990219

GSA-97-9

Advertisement Notices  
Pursuant to Title

1	7.1	EXT.	8.1
600	810.00	4,860.00	N.B.
2	855.00	5,130.00	
14	2,220.00	13,320.00	
			600 798.00
			2,720.00
			EXT.
			4,788.00
			12,432.00

# **BID SUBMITTALS**



**GUAM PUBLICATION, INC.**

**TO:**  
**General Services Agency**

**Bidder:**  
**Guam Publications Inc.**  
**P.O Box DN**  
**Hagatna, Guam 96932**

**Bid No.: GSA-012-08**

**Bid Opening:**  
**March 12, 2008 at 2pm**  
**General Services Agency**

**BID NO.:** GSA-012-08K  
**SUBMITTED BY:** JAE F. MEDIC  
**DATE:** MAR 12 2008 **TIME:** 1:50  
**OPENING DATE:** MAR 12 2  
**PREPARED BY:** MC

**GSA** GENERAL SERVICES AGENCY

(Ahegnan Setbision Hinirat)  
Government of Guam  
P.O. Box FG, Agana, Guam 96910  
Tel: 477-8836 \* Telefax: 475-1716

Accountability \* Impartiality \* Competence \* Openness \* Value

INVITATION FOR BID (IFB) NO.: GSA-012-08

DESCRIPTION: ADVERTISEMENT NOTICES PURSUANT TO TITLE 3 GCA AND PUBLICATION OF BOARD MEETINGS PURSUANT TO THE OPEN GOV'T LAW

**SPECIFICATION REMINDER TO PROSPECTIVE BIDDERS**

Bidders are reminded to read the Sealed Bid Solicitation and Instructions, and General Terms and conditions attached to the IFB to ascertain that all of the following requirements checked below are submitted in the bid enveloped, in duplicate, at the date and time for bid opening.

**BID GUARANTEE (15% of Bid Amount) May be in the form of;**  
**Reference #11 on the General Terms and Conditions**

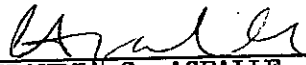
a. Cashier's Check or Certified Check

b. Letter of Credit

c. Surety Bond - Valid only if accompanied by:

1. Current Certificate of Authority issued by the Insurance Commissioner;
2. Power of Attorney issued by the Surety to the Resident General Agent;
3. Power of Attorney issued by two (2) major officers of the Surety to whoever is signing on their behalf.

SIGNATURE OF CONTRACTING OFFICER

  
\_\_\_\_\_  
CLAUDIA S. ACFALLE,  
Chief Procurement Officer

STATEMENT OF QUALIFICATIONS;

SAMPLES;

BROCHURES/DESCRIPTIVE LITERATURE;

AFFIDAVIT OF DISCLOSURE OF MAJOR SHAREHOLDERS - Must comply with the following requirements:

- a. The affidavit must be notarized and dated on the same month as the bid opening;
- b. Date of signature of the person authorized to sign the bid and the notary date must be the same.

LOCAL PROCUREMENT PREFERENCE APPLICATION (See attached)  
(Non Completion of this application form is not a basis for rejection)

OTHER REQUIREMENTS: Award Contract No.: GSA-012-08 Amount: \$12,432.00  
Non-Collusion Affidate, Date: 4/03/08 Awarded: Item# 8.1

This reminder must be signed and returned in the bid envelope together with the bid. Failure to comply with the above requirements will mean a disqualification and rejection of the bid.

On this 7th day of March, 2008, I, Rindraty Limtiaco,  
authorized representative of Guam Publications Inc acknowledge receipt of this special  
reminder to prospective bidders with the above referenced IFB.

  
\_\_\_\_\_  
Bidder Representative's Signature

**GSA** GENERAL SERVICES AGENCY

(Ahensian Setbision Hinirat)  
Government of Guam  
P.O. Box FG, Agana, Guam 96910  
Tel: 477-8836 \* Telefax: 475-1716

Accountability \* Impartiality \* Competence \* Openness \* Value

INVITATION FOR BID (IFB) NO. : GSA-012-08

DESCRIPTION: ADVERTISEMENT NOTICES PURSUANT TO TITLE 3 GCA AND PUBLICATION OF BOARD MEETINGS PURSUANT TO THE OPEN GOV'T LAW

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- (X) **BID GUARANTEE (15% of Bid Amount) May be in the form of;** ✓  
**Reference #11 on the General Terms and Conditions**
- a. Cashier's Check or Certified Check
  - b. Letter of Credit
  - c. Surety Bond - Valid only if accompanied by:
    - 1. Current Certificate of Authority issued by the Insurance Commissioner;
    - 2. Power of Attorney issued by the Surety to the Resident General Agent;
    - 3. Power of Attorney issued by two (2) major officers of the Surety to whoever is signing on their behalf.
- ✓ STATEMENT OF QUALIFICATIONS;
- ( ) SAMPLES;
- ( ) BROCHURES/DESCRIPTIVE LITERATURE;
- ✓ AFFIDAVIT OF DISCLOSURE OF MAJOR SHAREHOLDERS - Must comply with the following requirements:
- a. The affidavit must be notarized and dated on the same month as the bid opening;
  - b. Date of signature of the person authorized to sign the bid and the notary date must be the same.
- ( ) LOCAL PROCUREMENT PREFERENCE APPLICATION (See attached)  
(Non Completion of this application form is not a basis for rejection)
- ✓ OTHER REQUIREMENTS:  
Non-Collusion Affidate,

This reminder must be signed and returned in the bid envelope together with the bid. Failure to comply with the above requirements will mean a disqualification and rejection of the bid.

On this 7th day of March, 2008, I, Rindraty Limtiaco,  
authorized representative of Guam Publications Inc. acknowledge receipt of this special  
reminder to prospective bidders with the above referenced IFB.



Bidder Representative's Signature



GUAM ELECTION

**GUAM ELECTION NOTICE PURSUANT TO TITLE 3 GCA &  
PUBLICATION OF BOARD MEETING PURSUANT TO  
THE OPEN GOVT LAW**



**SPECIFICATION**

ITEM

	10,000 PIECES			26,000 PIECES		
	UOM	Unit Cost	Total Cost	UOM	Unit Cost	Total Cost
1.1 2X4 Notice of Board Meetings & Other Election Information	28 EA	<u>\$91.20</u>	<u>\$2,553.60</u>	28 EA	<u>\$236.80</u>	<u>\$6,630.40</u>
2.1 2x5 Election Notices regarding Early Voting/ Absentee & other election information	25 EA	<u>\$114.00</u>	<u>\$2,850.00</u>	25 EA	<u>\$296.00</u>	<u>\$7,400.00</u>
3.1 3x6 Election Notices regarding polling sites	10 EA	<u>\$205.20</u>	<u>\$2,052.00</u>	10 EA	<u>\$532.80</u>	<u>\$5,328.00</u>
4.1 4x5 Election Notices regarding candidates	11 EA	<u>\$228.00</u>	<u>\$2,508.00</u>	11 EA	<u>\$592.00</u>	<u>\$6,512.00</u>
5.1 4x13 Sample Ballots	10 EA	<u>\$592.80</u>	<u>\$5,928.00</u>	10 EA	<u>\$1,539.20</u>	<u>\$15,392.00</u>
6.1 5x7 Precinct Official Seminar Schedules	8 EA	<u>\$399.00</u>	<u>\$3,192.00</u>	8 EA	<u>\$1,036.00</u>	<u>\$8,288.00</u>
7.1 5x15 List of Precient Officials	6 EA	<u>\$855.00</u>	<u>\$5,130.00</u>	6 EA	<u>\$2,220.00</u>	<u>\$13,320.00</u>
8.1 5x14 List of Precient Officials	6 EA	<u>\$798.00</u>	<u>\$4,788.00</u>	6 EA	<u>\$2,072.00</u>	<u>\$12,432.00</u>

A handwritten signature or mark located at the bottom center of the page.

# Pacific Daily News

*GUAM'S complete SOURCE*

February 29, 2008

Dear Ms. Acafalle,

Below you will find our "Statement of Qualifications".

Guam Publications Inc. has the capability to design, layout and distribute your advertising announcement in a newspaper of general circulation, the Pacific Daily News. We meet all requirements, providing the Guam Election Commission with the services needed and outline in bid packet **BID INVITATION NO: GSA-012-08.**

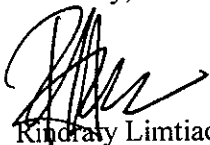
Our experience can be compared to no other, as we produce and distribute our daily newspaper 365 days a year plus 595 specialty publications ranging from weekly newspapers, special editions, commemorative booklets, directories, niche magazines, anniversary and grand opening sections all publishing with advertisements.

The PDN has a team of graphic artists to provide advertising production assistance for government and businesses interested in placing advertisements. We also have a 7-day print and distribution operation.

The Pacific Daily News is published daily, Monday through Sunday and provides the best reach on Guam. We circulate 26,000 daily newspapers with a readership of 100,000+ (1 newspaper to every 4 people) . Our readership expands in to the web world on [www.guampdn.com](http://www.guampdn.com) where we see an average of 175,000 unique visitors\* to our site on a monthly basis (\*Unique Visitor is defined as the number of addresses logged into our website counted only once per month). From Andersen to Merizo, everyone on Guam including our Micronesia islands abroad will view advertisements published in the Pacific Daily News.

We look forward to working with you in 2008 and are ready to accept this job.

Sincerely,



Rindray Limtiaco  
President & Publisher  
Guam Publications Inc.  
Tel: 671-479-0100  
Email: rlimtiaco@guam.gannett.com

Felix P. Camacho  
Governor



**GENERAL SERVICES AGENCY**

(Ahensian Setbision Hinirat)  
Department of Administration  
Government of Guam

148 Route 1 Marine Drive, Piti, Guam 96915

Tel: (671) 475-1707 thru 1729 • Fax Nos: (671) 472-4217/475-1727/475-1716

Kaleo S. Moylan  
Lt. Governor

Lourdes M. Perez  
Director  
Department of Administration

Joseph C. Manibusan  
Deputy Director  
Department of Administration

**NON-COLLUSION AFFIDAVIT**

**AFFIDAVIT**  
**(Bidder)**

TERRITORY OF GUAM )

SS.

HAGATNA, GUAM )

Rindraty Limtiaco, being first duly sworn, deposes and says: That he/she is  
(a partner or Officer of firm of, etc.) the party making the foregoing offer  
(identify by Invitation for Bid Title and brief description)

BID INVITATION NO.: GSA-012-08  
ADVERTISEMENT NOTICES PURSUANT TO TITLE 3 GCA AND PUBLICATION

That such offer is genuine and not collusive or sham, that said bidder has not colluded, conspired, connived or agreed, directly or indirectly, with any bidder or person, to put in a sham offer or to refrain from submitting an offer, and has not in any manner, directly or indirectly, mouth be agreement or collusion, or communication or conference, with any person to fine profit, overhead or cost element or that of any other bidder, or to secure any advantage against the Government of Guam or any person interested in the bid contract, and that all statements in said offer are true.

OF BOARD MEETINGS PURSUANT TO THE OPEN GOVT LAW

Signature of individual if bidder is a sole Proprietorship; Partner, if the bidder is a Partnership; Officer, if the Bidder is a Corporation.

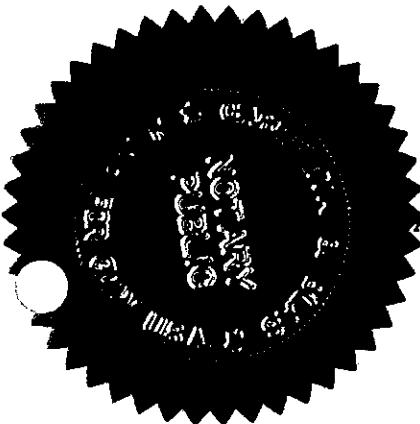
SUBSCRIBED AND SWORN to before me this 7<sup>th</sup> day of March, 2008

Notary Public

In and for the Territory of Guam

My Commission Expires: May 05, 2011

**AFFIDAVIT MUST BE COMPLETED AND RETURNED IN THE ENVELOPE CONTAINING THE BID.**





# MAJOR SHAREHOLDERS DISCLOSURE AFFIDAVIT

TERRITORY OF GUAM)

)ss:

AGANA, GUAM )

I, the undersigned, Rindraty C. Limtiaco, being first  
(a partner or officer of the company of, etc.)  
duly sworn, deposes and says:

1. That the persons who have held more than ten percent (10%) of the company's shares during the past twelve months are as follows:

Name	Address	Percentage of Shares Held
<u>GANNETT CO. INC.</u>	<u>7950 JONES BRANCH DRIVE MCCLEAN, VA 22107</u>	<u>100%</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
Total Number of Shares		_____

2. Persons who have received or are entitled to receive a commission, gratuity or Other compensation for procuring or assisting in obtaining business related to the bid for which this Affidavit is submitted are as follows:

Name	Address	Amount of Gratuity or Other Compensation
<u>N/A</u>	_____	_____

Further, affiant sayeth naught.

Date: 3/7/08



Signature of individual if bidder is a sole proprietorship; Partner, if the bidder is a partnership; Officer, if the bidder is a corporation.

Subscribed and sworn to before me this 7<sup>th</sup> day of March,  
~~19~~ 2008

By: Camelita L. M...

Notary Public \_\_\_\_\_  
In and for the Territory of Guam  
My commission expires Mar. 05, 2011



**OFFICIAL BANK CHECK**  
**First Hawaiian Bank**  
P.O. Box 3200 Honolulu, HI 96847-8916  
**MAITE**

1074427 2 90-78  
1211

DATE: **03/07/2008**

PAY **ELEVEN THOUSAND FIVE HUNDRED DOLLARS AND 00 CENTS**  
TO THE  
ORDER OF **TREASURER OF GUAM**

AMOUNT  
**\$11,500.00**

**NOTICE TO CUSTOMER**

In the event this Official Bank Check is lost, misplaced, or stolen, please call the branch where it was purchased for instructions on submitting a claim.

**CUSTOMER RECEIPT**  
NOT NEGOTIABLE

**guam election commission 2008**

**OFFICIAL BANK CHECK**

**MAITE**

DATE: **03/07/2008**

**\$11,500.00**

PAY **\*\*ELEVEN THOUSAND FIVE HUNDRED DOLLARS AND 00 CENTS**  
TO THE  
ORDER OF **TREASURER OF GUAM**

Two Signatures Required for \$100,000 and Over

Authorized Signature

Authorized Signature

**First Hawaiian Bank**  
P.O. Box 3200 Honolulu, HI 96847-8916  
Payable through First Hawaiian Bank

① 10744272 ② 12110078 ③ 184007912 ④ 9450

**MARIANAS VARIETY**



Younis Art Studio, Inc.

dba *Marianas Variety* News  
Guam's Local & National Newspaper

215 Rojas Street Suite 101 Harmon, Guam 96913  
Tel. No.:(671) 649-1924 / 4678 • Fax No.:(671) 648-2007

*GSA-012-08*  
NO. ~~\_\_\_\_\_~~  
SUBMITTED BY: ~~\_\_\_\_\_~~ AMIER YOUNIS  
DATE: *3/12/08* TIME: *1:45 P.M.*  
OPENING DATE: *3/12/08*  
RECEIVED BY: *[Signature]*

# INVITATION FOR BID

ISSUING OFFICE:

GENERAL SERVICE AGENCY  
GOVERNMENT OF GUAM  
148 ROUTE 1 MARINE DRIVE  
PITI, GUAM 96925

  
CLAUDIA S. ACEALLE, ACPD  
Chief Procurement Officer

DATE ISSUED: 02/05/08

BID INVITATION NO.: GSA-012-08

BID FOR: ADVERTISEMENT NOTICES PURSUANT TO TITLE 3 GCA AND PUBLICATION OF BOARD MEETINGS PURSUANT TO THE OPEN GOV'T LAW.

SPECIFICATION: SEE ATTACHED

DESTINATION: GUAM ELECTION COMMISSION

REQUIRED DELIVERY DATE: 30 Days upon receipt of purchase order for a period of one (1) year (This is an indefinite quantity bid)

## INSTRUCTION TO BIDDERS:

INDICATE WHETHER:  INDIVIDUAL  PARTNERSHIP  CORPORATION

INCORPORATED IN: SAIPAN, CNMI w/ CORPORATE LICENSE FOR GUAM

This Bid shall be submitted in duplicate and sealed to the issuing office above no later than (Time) 2:00 P.M. (Date) 02/19/2008, and shall be publicly opened. Bid submitted after the time and date specified above shall be rejected. See attached General Terms and Conditions, and Sealed Bid Solicitation for details.

The undersigned offers and agrees to furnish within the time specified, the articles and services at the price stated opposite the respective items listed on the schedule provided, unless otherwise specified by the bidder. In consideration to the expense of the Government in opening, tabulating, and evaluating this and other bids, and other considerations, the undersigned agrees that this bid remain firm and irrevocable within 60 calendar days from the date opening to supply any or all of the items which prices are quoted.

NAME AND ADDRESS OF BIDDER:

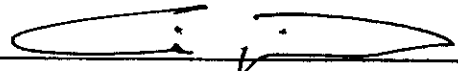
SIGNATURE AND TITLE OF PERSON AUTHORIZED TO SIGN THIS BID:

AMER MARIANAS VARIETY - GUAM

215 ROJAS ST. STE 204

HARMON INDUSTRIAL PARK

TAMUNING, GUAM 96913

  
OPERATIONS MANAGER

AWARD: CONTRACT NO.: GSA-012-08

AMOUNT: \$22,939.20

DATE: 4/03/08

ITEM NO(S). AWARDED: 1.1 thru 1.7

**GSA** GENERAL SERVICES AGENCY

(Ahensian Setbision Hinirat)  
Government of Guam  
P.O. Box FG, Agana, Guam 96910  
Tel: 477-8836 \* Telefax: 475-1716

Accountability \* Impartiality \* Competence \* Openness \* Value

INVITATION FOR BID (IFB) NO. : GSA-012-08

DESCRIPTION: ADVERTISEMENT NOTICES PURSUANT TO TITLE 3 GCA AND PUBLICATION OF BOARD MEETINGS PURSUANT TO THE OPEN GOV'T LAW

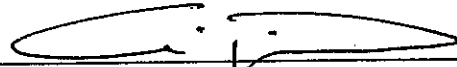
**SPECIFICATION REMINDER TO PROSPECTIVE BIDDERS**

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**Reference #11 on the General Terms and Conditions**
- a. Cashier's Check or Certified Check
  - b. Letter of Credit
  - c. Surety Bond – Valid only if accompanied by:
    - 1. Current Certificate of Authority issued by the Insurance Commissioner;
    - 2. Power of Attorney issued by the Surety to the Resident General Agent;
    - 3. Power of Attorney issued by two (2) major officers of the Surety to whoever is signing on their behalf.
- (✓) **STATEMENT OF QUALIFICATIONS;**
- ( ) **SAMPLES;**
- ( ) **BROCHURES/DESCRIPTIVE LITERATURE;**
- (✓) **AFFIDAVIT OF DISCLOSURE OF MAJOR SHAREHOLDERS - Must comply with the following requirements:**
- a. The affidavit must be notarized and dated on the same month as the bid opening;
  - b. Date of signature of the person authorized to sign the bid and the notary date must be the same.
- ( ) **LOCAL PROCUREMENT PREFERENCE APPLICATION (See attached)**  
(Non Completion of this application form is not a basis for rejection)
- (✓) **OTHER REQUIREMENTS:**  
Non-Collusion Affidate,

This reminder must be signed and returned in the bid envelope together with the bid. Failure to comply with the above requirements will mean a disqualification and rejection of the bid.

On this 14 day of FEBRUARY, 2008, I, AMIER C. YOUNIS, authorized representative of MARIANAS VARIETY - GUAM acknowledge receipt of this special reminder to prospective bidders with the above referenced IFB.

  
Bidder Representative's Signature



## MAJOR SHAREHOLDERS DISCLOSURE AFFIDAVIT

TERRITORY OF GUAM)

AGANA, GUAM )  
 )ss:  
 )

I, the undersigned, AMIER C. YOUNIS, being first  
 (a partner or officer of the company of, etc.)  
 duly sworn, deposes and says:

1. That the persons who have held more than ten percent (10%) of the company's shares during the past twelve months are as follows:

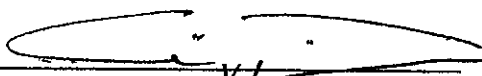
Name	Address	Percentage of Shares Held
<u>ABED E. YOUNIS</u>	<u>P.O. Box 231 SAIPAN 96950</u>	<u>480</u>
<u>PAZ C. YOUNIS</u>	<u>" "</u>	<u>500</u>
<u>LAILA C. YOUNIS-BOYER</u>	<u>" "</u>	<u>10</u>
<u>AMIER C. YOUNIS</u>	<u>P.O. Box 6338, TAMM 96931</u>	<u>10</u>
Total Number of Shares		<u>1,000</u>

2. Persons who have received or are entitled to receive a commission, gratuity or Other compensation for procuring or assisting in obtaining business related to the bid for which this Affidavit is submitted are as follows:

Name	Address	Amount of Gratuity or Other Compensation
<u>n/a</u>		

Further, affiant sayeth naught.

Date: 2/14/08

  
 Signature or individual if bidder is a sole proprietorship; Partner, if the bidder is a partnership; Officer, if the bidder is a corporation.

Subscribed and sworn to before me this 12th day of March,  
2008

By: Amier C. Younis

Notary Public Grace Marie C. Martinez  
 In and for the Territory of Guam  
 My commission expires 7/5/08

GRACE MARIE C. MARTINEZ  
 NOTARY PUBLIC  
 In and for Guam, U.S.A.  
 My Commission Expires: July 05, 2008  
 P.O. Box 21112 GME, Guam 96921





**ELECTION NOTICE PURSUANT TO TITLE 3 GCA & PUBLICATION  
OF BOARD MEETING PURSUANT TO THE OPEN GOVT LAW**

ITEM	SPECIFICATION	BIDDING ON / REMARKS		
		UOM	Unit Cost	Total Cost
1.1	2X4 Notice of Board Meetings & Other Election Information	28 EA	\$ 86.40	\$ 2,419.20
2.1	2x5 Election Notices regarding Early Voting/Absentee & other elcetion information	25 EA	\$ 108.00	\$ 2,700.00
3.1	3x6 Election Notices regarding polling sites	10 EA	\$ 194.40	\$ 1,944.00
4.1	4x5 Election Notices regarding Candidates	11 EA	\$ 216.00	\$ 2,376.00
5.1	4x13 Sample Ballots	10 EA	\$ 561.60	\$ 5,616.00
6.1	5x7 Precinct Official Seminar Schedules	8 EA	\$ 378.00	\$ 3,024.00
7.1	5x15 List of Precinct Officials	6 EA	\$ 810.00	\$ 4,860.00
		<b>TOTAL:</b>	<b>\$</b>	<b>22,939.20</b>

## GUAM ELECTION COMMISSION

### ELECTION NOTICE PURSUANT TO TITLE 3 GCA & PUBLICATION OF BOARD MEETING PURSUANT TO THE OPEN GOVT LAW

#### SPECIFICATION

ITEM

BIDDING ON / REMARKS

UOM	Unit Cost	Total Cost
-----	-----------	------------

1.1	2 x 4 Notice of Board Meetings & Other Election Information	28 EA	\$ <u>96.00</u>	\$ <u>2,688.00</u>
2.1	2 x 5 Election Notices regarding Early Voting/ Absentee & other election information	25 EA	<u>120.00</u>	<u>3,000.00</u>
3.1	3 x 6 Election Notices regarding polling sites	10 EA	<u>216.00</u>	<u>2,160.00</u>
4.1	4 x 5 Election Notices regarding Candidates	11 EA	<u>240.00</u>	<u>2,640.00</u>
5.1	4 x 13 Sample Ballots	10 EA	<u>624.00</u>	<u>6,240.00</u>
6.1	5 x 7 Precinct Official Seminar Schedules	8 EA	<u>420.00</u>	<u>3,360.00</u>
7.1	5 x 15 List of Precinct Officials	6 EA	<u>810.00</u>	<u>4,860</u>

\*10% DISCOUNT  
FOR FULL  
PAGE ADS

24,948.00

Void per Amer 3/12/08

**Invitation for Bid No.: GSA-012-08**

For: Advertisement

**SPECIAL PROVISIONS**

This is an "Indefinite Quantity Bid" pursuant to Section 3119(i)(2) of the 2GAR Procurement Regulations. The quantities reflected are annual estimated requirements projected within a twelve (12) month period. These amounts may increase during the term of this bid. However, regardless of the fluctuation of quantities, this bid shall be subject to the availability of funds. Multiple awards will be made from the lowest to the highest responsive and responsible bidder, depending on the availability of goods/services.

Delivery:

Initial delivery of 30 days upon receipt of purchase order. Delivery schedule time and quantity will be coordinated between the successful bidder and the requesting department on an as needed basis.

Contract Period:

The term of this contract is one (1) year upon acknowledgement of purchase order. Prices shall remain the same for a period of one (1) year.

GOVERNMENT OF GUAM

GENERAL TERMS AND CONDITIONS

SEALED BID SOLICITATION AND AWARD

Only those Boxes checked below are applicable to this bid.

- 1. **AUTHORITY:** This solicitation is issued subject to all the provision of the Guam Procurement Act (5GCA, Chapter 5) and the Guam Procurement Regulations (copies of both are available at the Office of the Compiler of Laws, Department of Law, copies available for inspection at General Services Agency). It requires all parties involved in the Preparation, negotiation, performance, or administration of contracts to act in good faith.
  - 2. **GENERAL INTENTION:** Unless otherwise specified, it is the declared and acknowledged intention and meaning of these General Terms and Conditions for the bidder to provide the Government of Guam (Government) with specified services or with materials, supplies or equipment completely assembled and ready for use.
  - 3. **TAXES:** Bidders are cautioned that they are subject to Guam Income Taxes as well as all other taxes on Guam Transactions. Specific information on taxes may be obtained from the Director of Revenue and Taxation.
  - 4. **LICENSING:** Bidders are cautioned that the Government will not consider for award any offer submitted by a bidder who has not complied with the Guam Licensing Law. Specific information on licenses may be obtained from the Director of Revenue and Taxation.
  - 5. **LOCAL PROCUREMENT PREFERENCE:** All procurement of supplies and services where possible, will be made from among businesses licensed to do business on Guam in accordance with Section 5008 of the Guam Procurement Act (5GCA, Chapter 5) and Section 1-104 of the Guam Procurement Regulations.
  - 6. **COMPLIANCE WITH SPECIFICATIONS AND OTHER SOLICITATION REQUIREMENTS:** Bidders shall comply with all specifications and other requirements of the Solicitation.
  - 7. **"ALL OR NONE" BIDS:** Unless otherwise allowed under this Solicitation, "all or none" bids may be deemed to be non-responsive. If the bid is so limited, the Government may reject part of such proposal and award on the remainder.
- NOTE:** By checking this item, the Government is requesting all of the bid items to be bid or none at all. The Government will not award on an itemized basis. Reference: Section 3-301.06 of the Guam Procurement Regulations.
- 8. **INDEPENDENT PRICE DETERMINATION:** The bidder, upon signing the Invitation for Bid, certifies that the prices in his bid were derived at without collusion, and acknowledge that collusion and anti-competitive practices are prohibited by law. Violations will be subject to the provision of Section 5651 of that of the Guam Procurement Act. Other existing civil, criminal or administrative remedies are not impaired and may be in addition to the remedies in Section 5651 of the Government Code.
  - 9. **BIDDER'S PRICES:** The Government will consider not more than two (2) (Basic and Alternate) item prices and the bidder shall explain fully each price if supplies, materials, equipment, and/or specified services offered comply with specifications and the products origin. Where basic or alternate bid meets the minimum required specification, cost and other factors will be considered. Failure to explain this requirement will result in rejection of the bid.
  - 10. **BID ENVELOPE:** Envelope shall be sealed and marked with the bidder's name, Bid number, time, date and place of Bid Opening.
  - 11. **BID GUARANTEE REQUIREMENT:** Bidder is required to submit a Bid Guarantee Bond or standby irrevocable Letter of Credit or Certified Check or Cashier's Check in the same bid envelope to be held by the Government pending award. The Bid Guarantee Bond, Letter of Credit, Certified Check or Cashier's Check must be issued by any local surety or banking institution licensed to do business on Guam and made payable to the Treasurer of Guam in the amount of ~~two percent (2%)~~ 15% of his highest total bid offer. The Bid Bond must be submitted on Government Standard Form BB-1 (copy enclosed). Personal Checks will not be accepted as Bid Guarantee. If a successful Bidder (contractor) withdraws from the bid or fails to enter into contract within the prescribed time, such Bid guarantee will be forfeited to the Government of Guam. Bids will be disqualified if not accompanied by Bid Bond, Letter of Credit, Certified Check or Cashier's Check. Bidder must include in his/her bid, valid copies of a Power of Attorney from the Surety and a Certificate of Authority from the Government of Guam to show proof that the surety company named on the bond instrument is authorized by the Government of Guam and qualified to do business on Guam. For detailed information on bonding matters, contact the Department of Revenue and Taxation. Failure to submit a valid Power of Attorney and Certificate of Authority on the surety is cause for rejection of bid (GPR Section 3-202.03.3) PURSUANT OF PUBLIC LAW 27-127, ALL COMPETITIVE SEALED BIDDING FOR PROCUREMENT OF SUPPLIES OR SERVICES, EXCEEDING \$25,000.00, A 15% BID SECURITY OF THE TOTAL BID MUST ACCOMPANY BID PACKAGE.
  - 12. **PERFORMANCE BOND REQUIREMENT:** The Bidder may be required to furnish a Performance Bond on Government Standard Form BB-1 or standby irrevocable Letter of Credit or Certified Check or Cashier's Check payable to the Treasurer of Guam issued by any of the local Banks or Bonding Institution in the amount equal to \_\_\_\_\_

percent ( \_\_\_\_\_ %) of the contract prices as security for the faithful performance and proper fulfillment of the contract. In the event that any of the provisions of this contract are violated by the contractor, the Chief Procurement Officer shall serve written notice upon both the contractor and the Surety of its intention to terminate the contract. Unless satisfactory arrangement or correction is made within ten (10) days of such notice the contract shall cease and terminate upon the expiration of the ten (10) days. In the event of any such termination, the Chief Procurement Officer shall immediately serve notice thereof upon the Surety. The Surety shall have the right to take over and perform the contract, provided, however, that if the Surety does not commence performance thereof within 10 days from the date of the mailing

OF FAILURE OF TERMINATION, THE Government may take over and prosecute the same to complete the contract or force account for the account and at the expense of the contractor, and the contractor and his Surety shall be liable to the Government for any excess cost occasioned the Government thereby (GPR Section 3-202.03.4).

13. **PERFORMANCE GUARANTEE:** Bidders who are awarded a contract under this solicitation, guarantee that goods will be delivered or required services performed within the time specified. Failure to perform the contract in a satisfactory manner may be cause for suspension or debarment from doing business with the Government and to enforce Section 12 of these General Terms and Conditions. In addition, the Government will hold the Vendor liable and will enforce the requirements as set forth in Section 41 of these General Terms and Conditions.
14. **SURETY BONDS:** Bid and Performance Bonds coverage must be signed or countersigned in Guam by a foreign or alien surety's resident general agent. The Surety must be an Insurance Company, authorized by the Government of Guam and qualified to do business in Guam. Bids will be disqualified if the Surety Company does not have a valid Certificate of Authority from the Government of Guam to conduct business in Guam.
15. **COMPETENCY OF BIDDERS:** Bids will be considered only from the such bidders who, in the opinion of the Government, can show evidence of their ability, experience, equipment, and facilities to render satisfactory service.
16. **DETERMINATION OF RESPONSIBILITY OF BIDDERS:** The Chief Procurement Officer reserves the right for securing from bidders information to determine whether or not they are responsible and to inspect plant site, place of business; and supplies and services as necessary to determine their responsibility in accordance with Section 15 of these General Terms and Conditions (GPR Section 3-401).
17. **STANDARD FOR DETERMINATION OF LOWEST RESPONSIBLE BIDDER:** In determining the lowest responsible offer, the Chief Procurement Officer shall be guided by the following:
- a) Price of items offered.
  - b) The ability, capacity, and skill of the Bidder to perform.
  - c) Whether the Bidder can perform promptly or within the specified time.
  - d) The quality of performance of the Bidder with regards to awards previously made to him.
  - e) The previous and existing compliance by the Bidder with laws and regulations relative to procurement.
  - f) The sufficiency of the financial resources and ability of the Bidder to perform.
  - g) The ability of the bidder to provide future maintenance and services for the subject of the award.
  - h) The compliance with all of the conditions to the Solicitation.
18. **TIE BIDS:** If the bids are for the same unit price or total amount in the whole or in part, the Chief Procurement Officer will determine award based on Section 3.202.15.2, or to reject all such bids (GPR Section 3-202.15.2).
19. **BRAND NAMES:** Any reference in the Solicitation to manufacturer's Brand Names and number is due to lack of a satisfactory specification of commodity description. Such preference is intended to be descriptive, but not restrictive and for the sole purpose of indicating prospective bidders a description of the article or services that will be satisfactory. Bids on comparable items will be considered provided the bidder clearly states in his bid the exact articles he is offering and how it differs from the original specification.
20. **DESCRIPTIVE LITERATURE:** Descriptive literature(s) as specified in this solicitation must be furnished as a part of the bid and must be received at the date and time set for opening Bids. The literature furnished must clearly identify the item(s) in the Bid. The descriptive literature is required to establish, for the purpose of evaluation and award, details of the product(s) the bidder proposes to furnish including design, materials, components, performance characteristics, methods of manufacture, construction, assembly or other characteristics which are considered appropriate. Rejection of the Bid will be required if the descriptive literature(s) do not show that the product(s) offered conform(s) to the specifications and other requirements of this solicitation. Failure to furnish the descriptive literature(s) by the time specified in the Solicitation will require rejection of the bid.
21. **SAMPLES:** Sample(s) of item(s) as specified in this solicitation must be furnished as a part of the bid and must be received at the date and time set for opening Bids. The sample(s) should represent exactly what the Bidder proposes to furnish and will be used to determine if the item(s) offered complies with the specifications. Rejection of the Bid will be required if the sample(s) do not show that the product(s) offered conform(s) to the specifications and other requirements of this solicitation. Failure to furnish the sample(s) by the time specified in the Solicitation will require rejection of the Bid.
22. **LABORATORY TEST:** Successful bidder is required to accompany delivery of his goods with a Laboratory Test Report indicating that the product he is furnishing the Government meets with the specifications. This report is on the bidder's account and must be from a certified Testing Association.
23. **AWARD, CANCELLATION & REJECTION:** Award shall be made to the lowest responsible and responsive bidder, whose bid is determined to be the most advantageous to the Government, taking into consideration the evaluation factors set forth in this solicitation. No other factors or criteria shall be used in the evaluation. The right is reserved as the interest of the Government may require to waive any minor irregularity in bids received. The Chief Procurement Officer shall have the authority to award, cancel, or reject bids, in whole or in part for any one or more items if he determines it is in the public interest. Award issued to the lowest responsible bidder within the specified time for acceptance as indicated in the solicitation, results in a bidding contract without further action by either party. In case of an error in the extension of prices, unit price will govern. It is the policy of the Government to award contracts to qualified local bidders. The Government reserves the right to increase or decrease the quantity of the items for award and make additional awards for the same type items and the vendor agree to such modifications and additional awards based on the bid prices for a period of thirty (30) days after original award. No award shall be made under this solicitation which shall require advance payment or irrevocable letter of credit from the government (GPR Section 3-202.14.1).
24. **MARKING:** Each outside container shall be marked with the Purchase Order number, item number, brief item description and quantity. Letter marking shall not be less than 3/4" in height.

**GOVERNMENT OF GUAM**  
**GENERAL TERMS AND CONDITIONS**

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**NOTE:** By checking this item, the Government is requesting all of the bid items to be bid or none at all. The Government will not award on an itemized basis. Reference: Section 3-301.08 of the Guam Procurement Regulations.

8. **INDEPENDENT PRICE DETERMINATION:** The bidder, upon signing the Invitation for Bid, certifies that the prices in his bid were derived at without collusion, and acknowledge that collusion and anti-competitive practices are prohibited by law. Violations will be subject to the provision of Section 5651 of that of the Guam Procurement Act. Other existing civil, criminal or administrative remedies are not impaired and may be in addition to the remedies in Section 5651 of the Government Code.
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11. **BID GUARANTEE REQUIREMENT:** Bidder is required to submit a Bid Guarantee Bond or standby irrevocable Letter of Credit or Certified Check or Cashier's Check in the same bid envelope to be held by the Government pending award. The Bid Guarantee Bond, Letter of Credit, Certified Check or Cashier's Check must be issued by any local surety or banking institution licensed to do business on Guam and made payable to the Treasurer of Guam in the amount of ~~ten percent (10%)~~ 15% of his highest total bid offer. The Bid Bond must be submitted on Government Standard Form BB-1 (copy enclosed). Personal Checks will not be accepted as Bid Guarantee. If a successful Bidder (contractor) withdraws from the bid or fails to enter into contract within the prescribed time, such Bid guarantee will be forfeited to the Government of Guam. Bids will be disqualified if not accompanied by Bid Bond, Letter of Credit, Certified Check or Cashier's Check. Bidder must include in his/her bid, valid copies of a Power of Attorney from the Surety and a Certificate of Authority from the Government of Guam to show proof that the surety company named on the bond instrument is authorized by the Government of Guam and qualified to do business on Guam. For detailed information on bonding matters, contact the Department of Revenue and Taxation. Failure to submit a valid Power of Attorney and Certificate of Authority on the surety is cause for rejection of bid (GPR Section 3-202.03.3) PURSUANT OF PUBLIC LAW 27-127, ALL COMPETITIVE SEALED BIDDING FOR PROCUREMENT OF SUPPLIES OR SERVICES, EXCEEDING \$25,000.00, A 15% BID SECURITY OF THE TOTAL BID MUST ACCOMPANY BID PACKAGE.

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percent ( \_\_\_\_\_ %) of the contract prices as security for the faithful performance and proper fulfillment of the contract. In the event that any of the provisions of this contract are violated by the contractor, the Chief Procurement Officer shall serve written notice upon both the contractor and the Surety of its intention to terminate the contract. Unless satisfactory arrangement or correction is made within ten (10) days of such notice the contract shall cease and terminate upon the expiration of the ten (10) days. In the event of any such termination, the Chief Procurement Officer shall immediately serve notice thereof upon the Surety. The Surety shall have the right to take over and perform the contract, provided, however, that if the Surety does not commence performance thereof within 10 days from the date of the mailing

for the account and at the expense of the contractor, and the contractor and his Surety shall be liable to the Government for any excess cost occasioned the Government thereby (GPR Section 3-202.03.4).

13. **PERFORMANCE GUARANTEE:** Bidders who are awarded a contract under this solicitation, guarantee that goods will be delivered or required services performed within the time specified. Failure to perform the contract in a satisfactory manner may be cause for suspension or debarment from doing business with the Government and to enforce Section 12 of these General Terms and Conditions. In addition, the Government will hold the Vendor liable and will enforce the requirements as set forth in Section 41 of these General Terms and Conditions.
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  - c) Whether the Bidder can perform promptly or within the specified time.
  - d) The quality of performance of the Bidder with regards to awards previously made to him.
  - e) The previous and existing compliance by the Bidder with laws and regulations relative to procurement.
  - f) The sufficiency of the financial resources and ability of the Bidder to perform.
  - g) The ability of the bidder to provide future maintenance and services for the subject of the award.
  - h) The compliance with all of the conditions to the Solicitation.
18. **TIE BIDS:** If the bids are for the same unit price or total amount in the whole or in part, the Chief Procurement Officer will determine award based on Section 3.202.15.2, or to reject all such bids (GPR Section 3-202.15.2).
19. **BRAND NAMES:** Any reference in the Solicitation to manufacturer's Brand Names and number is due to lack of a satisfactory specification of commodity description. Such preference is intended to be descriptive, but not restrictive and for the sole purpose of indicating prospective bidders a description of the article or services that will be satisfactory. Bids on comparable items will be considered provided the bidder clearly states in his bid the exact articles he is offering and how it differs from the original specification.
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22. **LABORATORY TEST:** Successful bidder is required to accompany delivery of his goods with a Laboratory Test Report indicating that the product he is furnishing the Government meets with the specifications. This report is on the bidder's account and must be from a certified Testing Association.
23. **AWARD, CANCELLATION & REJECTION:** Award shall be made to the lowest responsible and responsive bidder, whose bid is determined to be the most advantageous to the Government, taking into consideration the evaluation factors set forth in this solicitation. No other factors or criteria shall be used in the evaluation. The right is reserved as the interest of the Government may require to waive any minor irregularity in bids received. The Chief Procurement Officer shall have the authority to award, cancel, or reject bids, in whole or in part for any one or more items if he determines it is in the public interest. Award issued to the lowest responsible bidder within the specified time for acceptance as indicated in the solicitation, results in a bidding contract without further action by either party. In case of an error in the extension of prices, unit price will govern. It is the policy of the Government to award contracts to qualified local bidders. The Government reserves the right to increase or decrease the quantity of the items for award and make additional awards for the same type items and the vendor agrees to such modifications and additional awards based on the bid prices for a period of thirty (30) days after original award. No award shall be made under this solicitation which shall require advance payment or irrevocable letter of credit from the government (GPR Section 3-202.14.1).
24. **MARKING:** Each outside container shall be marked with the Purchase Order number, item number, brief item description and quantity. Letter marking shall not be less than 3/4" in height.

25. **SCHEDULE FOR DELIVERY:** Successful bidder shall notify the General Services Agency, Telephone Nos. 477-1726 or 1727, at least twenty-four (24) hours before delivery of any item under this solicitation.
26. **BILL OF SALE:** Successful Supplier shall render Bills of Sale for each item delivered under this contract. Failure to comply with this requirement will result in rejection of delivery. The Bill of Sale must accompany the items delivered but will not be considered as an invoice for payment. Supplier shall bill the Government in accordance with billing instructions as indicated on the Purchase Order.
27. **MANUFACTURER'S CERTIFICATE:** Successful bidder is required, upon delivery of any item under this contract, to furnish a certificate from the manufacturer indicating that the goods meet the specifications. Failure to comply with this request will result in rejection of delivery.
28. **INSPECTION:** All supplies, materials, equipment, or services delivered under this contract shall be subject to the inspection and/or test conducted by the Government at destination. If in any case the supplies, materials, equipment, or services are found to be defective in material, workmanship, performance, or otherwise do not conform with the specifications, the Government shall have the right to reject the items or require that they be corrected. The number of days required for correction will be determined by the Government.
29. **MOTOR VEHICLE SAFETY REQUIREMENTS:** The Government will only consider Bids on motor vehicles which comply with requirements of the National Traffic and Motor Vehicle Safety Act of 1966 (Public Law 89-563) and Clean Air Act as amended (Public Law 88-206), that are applicable to Guam. Bidders shall state if the equipment offered comply with these aforementioned Federal Laws.
30. **SAFETY INSPECTION:** All motor vehicles delivered under this contract must pass the Government of Guam Vehicle Inspection before delivery at destination.
31. **GUARANTEE:**
- a) **Guarantee of Vehicle Type of Equipment:**  
The successful bidder shall guarantee vehicular type of equipment offered against defective parts, workmanship, and performance, for a period of not less than one (1) year after date of receipt of equipment. Bidder shall also provide service to the equipment for at least one (1) year. Service to be provided shall include, but will not be limited to tune-ups (change of spark plugs, contact points and condensers) and lubrication (change of engine and transmission oil). All parts and labor shall be at the expense of the bidder. All parts found defective and not caused by misuse, negligence or accident within the guarantee period shall be repaired, replaced, or adjusted within six (6) working days after notice from the Government and without cost to the Government. Vehicular type of equipment as used in this context shall include equipment used for transportation as differentiated from tractors, backhoes, etc.
- b) **Guarantee of Other Type of Equipment:**  
The successful bidder shall guarantee all other types of equipment offered, except those mentioned in 31a, above, against defective parts, workmanship, and performance for a period of not less than three (3) months after date of receipt of equipment. Bidder shall also provide service to the equipment for at least three (3) months. All parts found defective within that period shall be repaired or replaced by the Contractor without cost to the Government. Repairs, adjustments or replacements of defective parts shall be completed by the Contractor within six (6) working days after notice from the Government.
- c) **Compliance with this Section is a condition of this Bid.**
32. **REPRESENTATION REGARDING ETHICS IN PUBLIC PROCUREMENT:** The bidder or contractor represents that it has not knowingly influenced and promises that it will not knowingly influence a Government employee to breach any of the ethical standards and represents that it has not violated, is not violating, and promises that it will not violate the prohibition against gratuities and kickbacks set forth on Chapter 11 (Ethics in Public Contracting) of the Guam Procurement Act and in Chapter 11 of the Guam Procurement Regulations.
33. **REPRESENTATION REGARDING CONTINGENT FEES:** The contractor represents that it has not retained a person to solicit or secure a Government contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except for retention of bona fide employees or bona fide established commercial selling agencies for the purpose of securing business (GPR Section 11-207).
34. **EQUAL EMPLOYMENT OPPORTUNITY:** Contractors shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that employees are treated equally during employment without regards to their race, color, religion, sex, or national origin.
35. **COMPLIANCE WITH LAWS:** Bidders awarded a contract under this Solicitation shall comply with the applicable standard, provisions, and stipulations of all pertinent Federal and/or local laws, rules, and regulations relative to the performance of this contract and the furnishing of goods.
36. **CHANGE ORDER:** Any change order issued relative to awards made under this solicitation will be subject to and in accordance with the provisions of Section 6-101.03.1 of the Guam Procurement Regulations.
37. **STOP WORK ORDER:** Any stop work order issued relative to awards made under this solicitation will be subject to and in accordance with the provisions of Section 6-101.04.3 of the Guam Procurement Regulations.
38. **TERMINATION FOR CONVENIENCE:** Any termination order for the convenience of the Government issued relative to awards made under this solicitation will be subject to and in accordance with the provisions of Section 6-101.10 of the Guam Procurement Regulations.
39. **TIME FOR COMPLETION:** It is hereby understood and mutually agreed by and between the contractor and the Government that the time for delivery to final destination or the timely performance of certain services is an essential condition of this contract. If the contractor refuses or fails to perform any of the provisions of this contract within the time specified in the Purchase Order (from the date Purchase Order is acknowledged by vendor), then the contractor is in default. Defaults will be treated subject to and in accordance with the provisions of Section 6-101-08 of the Guam Procurement Regulations.



40. **JUSTIFICATION OF DELAY:** Bidders who are awarded contracts under this Solicitation, guarantee that the goods will be delivered to their destination or required services rendered within the time specified. If the bidder is not able to meet the specified delivery date, he is required to notify the Chief Procurement Officer of such delay. Notification shall be in writing and shall be received by the Chief Procurement Officer at least twenty-four (24) hours before the specified delivery date. Notification of delay shall include an explanation of the causes and reasons for the delay including statement(s) from supplier or shipping company causing the delay. The Government reserves the right to reject delay justification if, in the opinion of the Chief Procurement Officer, such justification is not adequate.
41. **LIQUIDATED DAMAGES:** When the Contractor is given notice of delay or nonperformance as specified in Paragraph 1 (Default) of the Termination for Default Clause of this contract and fails to cure in the time specified, the contractor shall be liable for damages for delay in the amount of one-fourth of one percent (1%) of outstanding order per calendar day from date set for cure until either the territory reasonably obtains similar supplies or services if the contractor is terminated for default, or until the contractor provides the supplies or services if the contractor is not terminated for default. To the extent that the contractor's delay or nonperformance is excused under Paragraph 40 (Excuse for Nonperformance or Delayed Performance) of the Termination for Default Clause of this contract, liquidated damages shall not be due the territory. The contractor remains liable for damages caused other than by delay (GPR Section 8-101.09.1).
42. **PHYSICAL LIABILITY:** If it becomes necessary for the Vendor, either as principal, agent or employee, to enter upon the premises or property of the Government of Guam in order to construct, erect, inspect, make delivery or remove property hereunder, the Vendor hereby covenants and agrees to take, use, provide and make all proper, necessary and sufficient precautions, safeguards and protections against the occurrence of any accidents, injuries or damages to any person or property during the progress of the work herein covered, and to be responsible for, and to indemnify and save harmless the government of Guam from the payment of all sums of money by reason of all or any such accidents, injuries or damages that may occur upon or about such work, and fines, penalties and loss incurred for or by reason of the violations of any territorial ordinance, regulations, or the laws of Guam or the United States, while the work is in progress. Contractor will carry insurance to indemnify the government of Guam against any claim for loss, damage or injury to property or persons arising out of the performance of the Contractor or his employees and agents of the services covered by the Contract and the use, misuse or failure of any equipment used by the contractor or his employees or agents, and shall provide certificates of such insurance to the Government of Guam when required.
43. **CONTACT FOR CONTRACT ADMINISTRATION:** If your firm receives a contract as a result of this Solicitation, please designate a person whom we may contact for prompt administration.

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

# AMENDMENTS

**AMENDMENT NO. 4**

**ORIGINAL**

Felix P. Camacho

Governor



Lourdes M. Perez  
Director, Dept. of Administration

**GENERAL SERVICES AGENCY**

**(Ahensian Setbision Hinirat)  
Government of Guam  
P.O. Box FG, Agana, Guam 96910**

Michael W. Cruz

Lt. Governor

Joseph C. Manibusan  
Deputy Director

March 07, 2008

**Invitation to Bid GSA-012-08  
"Advertisement Notices"**

**Amendment# 4**

1. Amend to change bid opening date from: March 07, 2008 at 2:00 pm to now read:  
March 12, 2008 at 2:00 pm.

All others remain unchanged.

A handwritten signature in black ink, appearing to read 'C. Acfalle'.

Claudia S. Acfalle  
Chief Procurement Officer

Felix P. Camacho

Governor



Lourdes M. Perez  
Director, Dept. of Administration

**GENERAL SERVICES AGENCY**

(Aghensian Setbiaion Hinirat)  
Government of Guam

P.O. Box FG, Agaña, Guam 96910

Michael W. Cruz

Lt. Governor

Joseph C. Manibusan  
Deputy Director

**FAX RECEIVED**

March 07, 2008

MAR 07 2008

TIME: 11:17 A.M.

*Haklan*

**Invitation to Bid GSA-012-08  
"Advertisement Notices"**

**Amendment# 4**

1. Amend to change bid opening date from: March 07, 2008 at 2:00 pm to now read:  
March 12, 2008 at 2:00 pm.

All others remain unchanged.

*C. Acfalle*  
 Claudia S. Acfalle  
 Chief Procurement Officer

*Confirmation from Carlsmith*

Felix P. Camacho

Governor

Lourdes M. Perez  
Director, Dept. of Administration



**GENERAL SERVICES AGENCY**

(Ahensian Setbision Hinirat)  
Government of Guam

P.O. Box FG, Agaña, Guam 96910

Michael W. Cruz

Lt. Governor

Joseph C. Manibusan  
Deputy Director

March 07, 2008

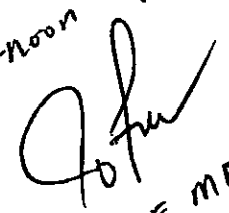
**Invitation to Bid GSA-012-08  
"Advertisement Notices"**

**Amendment# 4**

1. Amend to change bid opening date from: March 07, 2008 at 2:00 pm to now read:  
March 12, 2008 at 2:00 pm.

All others remain unchanged.

  
 Claudia S. Acfalle  
 Chief Procurement Officer

Received  
 12noon 3/7/08  
  
 JAE F. MEDINA

# Transmission Report

Date/Time  
Local ID 1  
Local ID 2

03-07-2008  
671 4751727

11:37:49 a.m.

Transmit Header Text

Local Name 1

GSA SUPPLY

Local Name 2

This document : Confirmed  
(reduced sample and details below)

Document size : 8.5"x11"

Felix P. Camacho

Governor



Lourdes M. Perez  
Director, Dept. of Administration

**GENERAL SERVICES AGENCY**

(Abensian Setbisioñ Himlat)  
Government of Guam

P.O. Box FG, Agaña, Guam 96910

Michael W. Cruz

Lt. Governor

Joseph C. Manibacan  
Deputy Director

March 07, 2008

**Invitation to Bid GSA-012-08**  
**"Advertisement Notices"**

**Amendment# 4**

1. Amend to change bid opening date from: March 07, 2008 at 2:00 pm to now read:  
March 12, 2008 at 2:00 pm.

All others remain unchanged.

Claudia S. Acfalle  
Chief Procurement Officer

Total Pages Scanned : 1

Total Pages Confirmed : 1

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
01	640	6714770359	11:36:14 a.m. 03-07-2008	00:00:21	1/1	1	EC	HS	CP9600

**Abbreviations:**

HS: Host send  
HR: Host receive  
WS: Waiting send

PL: Polled local  
PR: Polled remote  
MS: Mailbox save

MP: Mailbox print  
CP: Completed  
FA: Fail

TU: Terminated by user  
TS: Terminated by system  
RP: Report

G3: Group 3  
EC: Error Correct

Felix P. Camacho

Governor



Lourdes M. Perez  
Director, Dept. of Administration

**GENERAL SERVICES AGENCY**

(Añenian Setbiaion Hinirat)

Government of Guam

P.O. Box FG, Agaña, Guam 96910

Michael W. Cruz

Lt. Governor

Joseph C. Manobasan

Deputy Director

March 07, 2008

**Invitation to Bid GSA-012-08  
"Advertisement Notices"**

**Amendment# 4**

1. Amend to change bid opening date from: March 07, 2008 at 2:00 pm to now read: March 12, 2008 at 2:00 pm.

All others remain unchanged.

Claudia S. Acfalle  
Chief Procurement Officer

RECEIVED :  
7 March 2008  
MIDWEST  
RISCA



# Transmission Report

Date/Time  
Local ID 1  
Local ID 2

03-07-2008  
671 4751727

11:36:05 a.m.

Transmit Header Text  
Local Name 1      GSA SUPPLY  
Local Name 2

This document : Confirmed  
(reduced sample and details below)  
Document size : 8.5"x11"

Felix P. Camacho

Governor



Lourdes M. Perez  
Director, Dept. of Administration

**GENERAL SERVICES AGENCY**

(Abenslan Serbialon Hinirat)  
Government of Guam

P.O. Box FG, Agaña, Guam 96910

Michael W. Cruz

Lt. Governor

Joseph C. Manibusan  
Deputy Director

March 07, 2008

*Reesa*

**Invitation to Bid GSA-012-08**  
**"Advertisement Notices"**

**Amendment# 4**

1. Amend to change bid opening date from: March 07, 2008 at 2:00 pm to now read:  
March 12, 2008 at 2:00 pm.

All others remain unchanged.

Claudia S. Acfalle  
Chief Procurement Officer

Total Pages Scanned : 1

Total Pages Confirmed : 1

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
01	637	6716482007	11:35:26 a.m. 03-07-2008	00:00:06	1/1	1	EC	HS	CP31200

**Abbreviations:**

HS: Host send  
HR: Host receive  
WS: Waiting send

PL: Polled local  
PR: Polled remote  
MS: Mailbox save

MP: Mailbox print  
CP: Completed  
FA: Fail

TU: Terminated by user  
TS: Terminated by system  
RP: Report

G3: Group 3  
EC: Error Correct

**AMENDMENT NO. 3**

Felix P. Camacho

Governor



Lourdes M. Perez  
Director, Dept. of Administration

**GENERAL SERVICES AGENCY**

**(Ahensian Setbision Hinirat)**

**Government of Guam**

**P.O. Box FG, Agana, Guam 96910**

Michael W. Cruz

Lt. Governor

Joseph C. Manibusan  
Deputy Director

March 04, 2008

**Invitation to Bid GSA-012-08  
"Advertisement Notices"**

**Amendment# 3**

1. Amend to change bid opening date from: March 04, 2008 at 2:00 pm to now read:  
March 07, 2008 at 2:00 pm.

All others remain unchanged.

  
Claudia S. Acfalle  
Chief Procurement Officer

# Transmission Report

Date/Time  
Local ID 1  
Local ID 2

03-04-2008  
671 4751727

09:20:39 a.m.

Transmit Header Text  
Local Name 1      GSA SUPPLY  
Local Name 2

This document : Confirmed  
(reduced sample and details below)  
Document size : 8.5"x11"

*PDN*

Felix P. Camacho	<b>GENERAL SERVICES AGENCY</b>	Michael W. Cruz
Governor	<b>GSA</b>	Lt. Governor
	(Aheasian Setbision Hindrat) Government of Guam	
Lourdes M. Perez	P.O. Box FG, Agaña, Guam 96910	Joseph C. Manibusan
Director, Dept. of Administration		Deputy Director

March 04, 2008

**Invitation to Bid GSA-012-08  
"Advertisement Notices"**

**Amendment# 3**

1. Amend to change bid opening date from: March 04, 2008 at 2:00 pm to now read:  
March 07, 2008 at 2:00 pm.

All others remain unchanged.

*C. Acfaile*  
Claudia S. Acfaile  
Chief Procurement Officer

Total Pages Scanned : 1

Total Pages Confirmed : 1

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
01	347	6714770359	09:19:37 a.m. 03-04-2008	00:00:22	1/1	1	EC	HS	CP9600

**Abbreviations:**

HS: Host send	PL: Polled local	MP: Mailbox print	TU: Terminated by user
HR: Host receive	PR: Polled remote	CP: Completed	TS: Terminated by system
WS: Waiting send	MS: Mailbox save	FA: Fail	RP: Report
			G3: Group 3
			EC: Error Correct

**AMENDMENT NO. 2**

Felix P. Camacho

Governor



Lourdes M. Perez  
Director, Dept. of Administration

**GENERAL SERVICES AGENCY**

**(Ahensian Setbision Hinirat)**

**Government of Guam**

**P.O. Box FG, Agana, Guam 96910**

Michael W. Cruz

Lt. Governor

Joseph C. Manibusan  
Deputy Director

February 28, 2008

**Invitation to Bid GSA-012-08  
"Advertisement Notices"**

**Amendment# 2**

1. Amend to change bid opening date from: February 28, 2008 at 2:00 pm to now read:  
March 04, 2008 at 2:00 pm.
2. And to amend to include line item 8.1 5 x 14 List of Precient Officials  
**See attachment.**

All others remain unchanged.

  
Claudia S. Acfalle  
Chief Procurement Officer

**GUAM ELECTION COMMISSION**

**ELECTION NOTICE PURSUANT TO TITLE 3 GCA &  
PUBLICATION OF BOARD MEETING PURSUANT TO  
THE OPEN GOVT LAW**

ITEM	SPECIFICATION	BIDDING ON / REMARKS		
		UOM	Unit Cost	Total Cost
1.1	2 x 4 Notice of Board Meetings & Other Election Information	28 EA	\$ _____	\$ _____
2.1	2 x 5 Election Notices regarding Early Voting/ Absentee & other election information	25 EA	_____	_____
3.1	3 x 6 Election Notices regarding polling sites	10 EA	_____	_____
4.1	4 x 5 Election Notices regarding Candidates	11 EA	_____	_____
5.1	4 x 13 Sample Ballots	10 EA	_____	_____
6.1	5 x 7 Precinct Official Seminar Schedules	8 EA	_____	_____
7.1	5 x 15 List of Precient Officials	6 EA	_____	_____
8.1	5 x 14 List of Precient Officials	6 EA	_____	_____



# GUAM ELECTION COMMISSION

## Kumision Eleksion Guåhan

P.O. Box BG • Hagåtña, Guam 96932

Tel: (671) 477-9791/2 • Fax: (671) 477-1895

E-Mail: [gec@ite.net](mailto:gec@ite.net) Website: [www.guamelection.org](http://www.guamelection.org)



*Attn: Anita GSA*

February 28, 2008

Ms. Claudia Acfalle  
Chief Procurement Officer  
General Services Agency  
Piti, Guam 96915


Dear Ms. Acfalle:

This is in response to Pacific Daily News' letter regarding Bid Invitation No. GSA-012-08.

Item 7.1 – 5 x 15 List of Precinct Officials, the advertisement size is not a requirement set by law, however it is a large ad, and we would like the ad to be at the best fit possible. In the past we have used about a full page ad, and may be requiring the same size for both the upcoming Primary and General Elections.

Please call me at 477-9791/2/3, should you have any questions or comments.

Respectfully,

  
Stephanie N. Chargualaf  
Acting Executive Director



# Transmission Report

Date/Time  
Local ID 1  
Local ID 2

02-28-2008  
671 4751727

05:58:42 p.m.

Transmit Header Text  
Local Name 1      GSA SUPPLY  
Local Name 2

*Mano Mano Variety*

This document : Confirmed  
(reduced sample and details below)  
Document size : 8.5"x14"

To: P. Canacho Go:	<b>GENERAL SERVICES AGENCY</b> (Abencax Sochialek Hwain) Government of Guam P.O. Box FG, Agaña, Guam 96938	Michael W. Cruz Lt. Governor Joseph C. Macboman Deputy Director
Lourdes M. Perez Director, Dept. of Administration		

February 28, 2008

Invitation to Bid GSA-012-08  
"Advertisement Notices"

Amendment# 2

1. Amend to change bid opening date from: February 28, 2008 at 2:00 pm to now read: March 04, 2008 at 2:00 pm.
2. And to amend to include line item 5.1 5 x 14 List of Precinct Officials See attachment.

All others remain unchanged.

*[Signature]*  
Ciroditi S. Acilla  
Chief Procurement Officer

Total Pages Scanned : 2

Total Pages Confirmed : 2

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
01	119	6716482007	05:58:05 p.m. 02-28-2008	00:00:20	2/2	1	EC	HS	CP31200

**Abbreviations:**

HS: Host send	PL: Polled local	MP: Mailbox print	TU: Terminated by user
HR: Host receive	PR: Polled remote	CP: Completed	TS: Terminated by system
WS: Waiting send	MS: Mailbox save	FA: Fail	RP: Report
			G3: Group 3
			EC: Error Correct

# Transmission Report

Date/Time  
Local ID 1  
Local ID 2

02-28-2008  
671 4751727

06:04:43 p.m.

Transmit Header Text  
Local Name 1      GSA SUPPLY  
Local Name 2

This document : Confirmed  
(reduced sample and details below)  
Document size : 8.5"x14"

PDW

Felix P. Camacho Governor <b style="font-size: 1.5em;">GSA</b> Lourdes M. Perez Director, Dept. of Administration	<b>GENERAL SERVICES AGENCY</b> (Aghosian Sotoleros Hielros) Government of Guam P.O. Box PG, Agaña, Guam 96919	Michael W. Cruz Lt. Governor Joseph C. Marboan Deputy Director
---	--	---

February 28, 2008

**Invitation to Bid GSA-012-08  
"Advertisement Notices"**

**Amendment # 2**

1. Amend to change bid opening date from: February 28, 2008 at 2:00 pm to now read: March 04, 2008 at 2:00 pm.
2. And to amend to include line item 8.1 5 x 14 List of Procurement Officials See attachment.

All others remain unchanged.

  
 Claudio S. Acibello  
 Chief Procurement Officer

Total Pages Scanned : 2

Total Pages Confirmed : 2

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	123	6714770359	05:58:44 p.m. 02-28-2008	00:01:35	2/2	1	EC	HS	CP9600

**Abbreviations:**

HS: Host send	PL: Polled local	MP: Mailbox print	TU: Terminated by user
HR: Host receive	PR: Polled remote	CP: Completed	TS: Terminated by system
WS: Waiting send	MS: Mailbox save	FA: Fail	RP: Report
			G3: Group 3
			EC: Error Correct

**AMENDMENT NO. 1**

Felix P Camacho  
Governor

Lourdes M. Perez  
Director  
Department of Administration



**GENERAL SERVICES AGENCY**

(Ahensian Setbision Hinirat)  
Department of Administration  
Government of Guam

148 Route 1 Marine Drive, Piti, Guam 96915

Tel: (671)475-1707 thru 1729/Fax Nos: (671)472-4217/475-1716

Michael W. Cruz,  
Lt. Governor

Joseph C. Manibusan  
Deputy Director  
Department of Administration

February 19, 2008

Invitation to Bid GSA-012-08  
"ADVERTISEMENT NOTICES"

**Amendment# 1**

1. Amend to change bid opening date from: February 19, 2008 at 2:00 pm to now read: February 29, 2008 at 2:00 pm

All others remain unchanged.

A handwritten signature in black ink, appearing to read 'Claudia S. Actalle'.

Claudia S. Actalle  
for Chief Procurement Officer

# Transmission Report

Date/Time  
Local ID 1  
Local ID 2

02-21-2008  
671 4751727

10:36:11 a.m.

Transmit Header Text

Local Name 1      GSA SUPPLY  
Local Name 2

This document : Confirmed  
(reduced sample and details below)  
Document size : 8.5"x11"

**Felix F. Camacho**  
Governor  
  
**Lourdes M. Perez**  
Director  
Department of Administration



**GENERAL SERVICES AGENCY**

(Abensian Sebbion Hinoja)  
Department of Administration  
Government of Guam

148 Route 1 Marine Drive, P.O. Box 96915  
Tel: (671)475-1707 thru 1729/Fax No: (671)472-4217/475-1716

**Michael W. Cruz**  
Lt. Governor

**Joseph C. Manibasan**  
Deputy Director  
Department of Administration

February 19, 2008

Invitation to Bid GSA-012-08  
"ADVERTISEMENT NOTICES"

**Amendment# 1**

1. Amend to change bid opening date from: February 19, 2008 at 2:00 pm to now read: February 29, 2008 at 2:00 pm

All others remain unchanged.

**Claudia S. Achille**  
Chief Procurement Officer

COMMITTED TO EXCELLENCE

Total Pages Scanned : 1

Total Pages Confirmed : 1

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	399	6716482007	10:35:12 a.m. 02-21-2008	00:00:20	1/1	1	EC	HS	CP14400

**Abbreviations:**

HS: Host send  
HR: Host receive  
WS: Waiting send

PL: Polled local  
PR: Polled remote  
MS: Mailbox save

MP: Mailbox print  
CP: Completed  
FA: Fail

TU: Terminated by user  
TS: Terminated by system  
RP: Report

G3: Group 3  
EC: Error Correct

# QUESTION & ANSWER

**GUAM PUBLICATION, INC. dated March 3, 2008**

RECEIVED

**Pacific Daily News**  
*GUAM'S complete SOURCE*

March 3, 2008

Claudia Acfalle  
Chief Procurement Officer  
General Services Agency  
Piti, Guam

Dear Ms. Acfalle,

The Pacific Daily News will be submitting our bid packet for BID INVITATION NO: GSA-012-08.

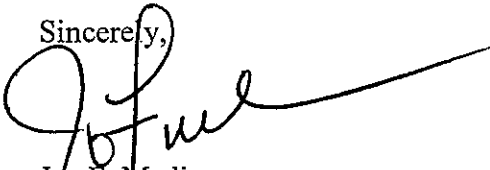
Please be advised, based on the answers received on Friday, February 29, two additional questions need answers in order for a price quotation to be provided.

Questions 1: What is the distribution requirement for the advertising notices? To price the advertising notices fairly the distribution amount is needed.

Question 2: What are the justifications for the advertising notice spec sizes?

Please advise when the question will be answered in order to meet the bid deadline of March 4, 2008.

Sincerely,



Jae F. Medina  
Advertising Director  
Tel: 671-479-0200  
Cell: 671-483-2000  
Email: [jfmedina@guam.gannett.com](mailto:jfmedina@guam.gannett.com)

cc: Sinfroso Tolentino, Legal Council, Carlsmith Ball LLP  
Rindraty Limtiaco, President & Publisher, Pacific Daily News

**GENERAL SERVICES AGENCY**  
148 Route 1  
Marine Drive  
Piti, Guam 96915

**MAR 03 2008**



3/03/08

Spoke to the Medina  
regarding second clarification  
notice on the number  
of distribution required.

Did inform her that  
when BSA issued a request  
for quotation prior to  
this bid the number  
of distribution was  
never raised as an  
issue as it relates to  
pricing.

At Long

Felix P. Camacho

Governor



Lourdes M. Perez  
Director, Dept. of Administration

GENERAL SERVICES AGENCY

(Ahensian Setbision Hinirat)

Government of Guam

P.O. Box FG, Agana, Guam 96910

Michael W. Cruz

Lt. Governor

Joseph C. Manibusan  
Deputy Director

March 5, 2008

**Invitation for Bid GSA-012-08  
"Advertisement Notices"**

**Questions submitted by Pacific Daily News**

**Question 1:**

What is the distribution requirement for the advertising notices? To price the advertising notices fairly the distribution amount is needed.

**Answer:**

Distribution: General Circulation

**Question 2:**

What are the justifications for the advertising notice spec size?

**Answer:**

The size of the advertisement is the specification that is required.

  
Claudia S. Acfalle  
Chief Procurement Officer

# Transmission Report

Date/Time  
Local ID 1  
Local ID 2

03-05-2008  
671 4751727

09:46:41 a.m.

Transmit Header Text  
Local Name 1      GSA SUPPLY  
Local Name 2

This document : Confirmed  
(reduced sample and details below)  
Document size : 8.5"x11"

Felix P. Canache Governor  Lourdes M. Perez Director, Dept. of Administration	<b>GENERAL SERVICES AGENCY</b> (Alessian Sothelion Hlairat) Government of Guam P.O. Box FG, Agaña, Guam 96910	Michael W. Cruz Lt. Governor  Joseph C. Manibasan Deputy Director
---	--	---

March 5, 2008

**Invitation for Bid GSA-012-08  
"Advertisement Notices"**

**Questions submitted by Pacific Daily News**

**Question 1:**

What is the distribution requirement for the advertising notices? To price the advertising notices fairly the distribution amount is needed.

**Answer:**

Distribution: General Circulation

**Question 2:**

What are the justifications for the advertising notice spec size?

**Answer:**

The size of the advertisement is the specification that is required.

Claudia S. Acfalle  
 Chief Procurement Officer

Total Pages Scanned : 1

Total Pages Confirmed : 1

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
01	473	6714770359	09:45:51 a.m. 03-05-2008	00:00:25	1/1	1	EC	HS	CP9600

**Abbreviations:**

HS: Host send	PL: Polled local	MP: Mailbox print	TU: Terminated by user
HR: Host receive	PR: Polled remote	CP: Completed	TS: Terminated by system
WS: Waiting send	MS: Mailbox save	FA: Fail	RP: Report
			G3: Group 3
			EC: Error Correct

# Transmission Report

Date/Time  
Local ID 1  
Local ID 2

03-05-2008  
671 4751727

09:47:22 a.m.

Transmit Header Text  
Local Name 1      GSA SUPPLY  
Local Name 2

This document : Confirmed  
(reduced sample and details below)  
Document size : 8.5"x11"

Felix P. Camacho

Governor



Loures M. Perez  
Director, Dept. of Administration

**GENERAL SERVICES AGENCY**

(American Sotibision Hainra)  
Government of Guam  
P.O. Box FG, Agaña, Guam 96910

Michael W. Cruz

Lt. Governor

Joseph C. Manibusan  
Deputy Director

March 5, 2008

**Invitation for Bid GSA-012-08  
"Advertisement Notices"**

Questions submitted by Pacific Daily News

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Claudia S. Acfalle  
Chief Procurement Officer

Total Pages Scanned : 1

Total Pages Confirmed : 1

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	474	6716482007	09:46:06 a.m. 03-05-2008	00:00:08	1/1	1	EC	HS	CP31200

**Abbreviations:**

HS: Host send  
HR: Host receive  
WS: Waiting send

PL: Polled local  
PR: Polled remote  
MS: Mailbox save

MP: Mailbox print  
CP: Completed  
FA: Fail

TU: Terminated by user  
TS: Terminated by system  
RP: Report  
G3: Group 3  
EC: Error Correct

**GUAM PUBLICATION, INC. dated February 28, 2008**

3#n:  
Stephanie

**Pacific Daily News**  
*GUAM'S complete SOURCE*

Claudia Acfalle  
Chief Procurement Officer  
General Services Agency  
Piti, Guam

Dear Ms. Acfalle,

The Pacific Daily News will be submitting our bid packet for **BID INVITATION NO: GSA-012-08.**

After reviewing the packet, there are two questions needing answers in order for the Pacific Daily News to provide unit cost and total cost for the suggested ad sizes.

On Page 3 of the bid packet under:

“GUAM ELECTION COMMISSION”

“ELECTION NOTICE PURSUANT TO TITLE 3 GCA & PUBLICATION OF BOARD MEETING PURSUANT TO THE OPEN GOVT LAW”

ITEM

- 1.1 2X4 Notice of Board Meeting & Other
- 2.1 2x5 Election Notices regarding Early Voting/Absentee & Other election information.
- 3.1 3x6 Election Notices regarding polling sites
- 4.1 4x5 Election Notices regarding Candidates
- 5.1 4x13 Sample Ballots
- 6.1 5x7 Precinct Official Seminar Schedules
- 7.1 5x15 List of Precinct Officials

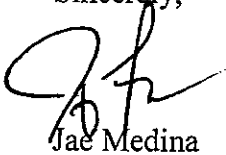
**GENERAL SERVICES AGENCY**  
148 Route 1  
Marine Drive  
Piti, Guam 96925 **FEB 28 2008**

Question 1: In order for a unit cost to be determined, what is the distribution/circulation amount requested? (Number of newspapers your wanting your ad to be in).

Question 2: Under 7.1, is 5x15 the ad size for a full page advertisement? Is it a mandatory requirement the ad size be 5x15? Will a 5x14 ad size be acceptable?

I look forward to the answers to the questions above.

Sincerely,



Jae Medina

Advertising Director

Tel: 479-0200

Cell: 483-2000

Email: [jfmedina@guam.gannett.com](mailto:jfmedina@guam.gannett.com)

Felix P. Camacho

Governor



Lourdes M. Perez  
Director, Dept. of Administration

**GENERAL SERVICES AGENCY**

**(Ahensian Setbision Hinirat)**

**Government of Guam**

**P.O. Box FG, Agana, Guam 96910**

Michael W. Cruz

Lt. Governor

Joseph C. Manibusan  
Deputy Director

February 28, 2008

**Invitation for Bid GSA-012-08  
"Advertisement Notices"**

**Question submitted by Pacific Daily News"**

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**Answer:**

General Circulation

**Question 2:**

Under 7.1, is 5x15 the ad size for a full page advertisement? Is it a mandatory requirement the ad size be 5x15? Will a 5x14 ad size be acceptable.

**Answer:**

Item 7.1 – 5x15 List of Precinct Officials, the advertisement size is not a requirement set by law. An additional line item no. 8 will be included 5 x 14.

  
Claudia S. Acfalle  
Chief Procurement Officer



# Transmission Report

Date/Time  
Local ID 1  
Local ID 2

02-28-2008  
671 4751727

05:59:31 p.m.

Transmit Header Text  
Local Name 1 GSA SUPPLY  
Local Name 2

This document : Confirmed  
(reduced sample and details below)  
Document size : 8.5"x11"

PDN

Felix P. Canacho	<b>GENERAL SERVICES AGENCY</b>	Michael W. Cruz
Governor	<b>GSA</b> (American Samoan Hinairat) Government of Guam	Li. Governor
	P.O. Box FG, Agaña, Guam 96916	
Lourdes M. Perez		Joseph C. Manibusan
Director, Dept. of Administration		Deputy Director

February 28, 2008

Invitation for Bid GSA-012-08  
"Advertisement Notices"

Question submitted by Pacific Daily News

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Claudia S. Acfalle  
Chief Procurement Officer

Total Pages Scanned : 1

Total Pages Confirmed : 1

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
01	121	6714770359	05:58:24 p.m. 02-28-2008	00:00:25	1/1	1	EC	HS	CP9600

**Abbreviations:**

HS: Host send	PL: Polled local	MP: Mailbox print	TU: Terminated by user
HR: Host receive	PR: Polled remote	CP: Completed	TS: Terminated by system
WS: Waiting send	MS: Mailbox save	FA: Fail	RP: Report
			G3: Group 3
			EC: Error Correct

MESSAGE CONFIRMATION

FEB-29-2008 09:46 AM FRI

FAX NUMBER : 6714724217  
 NAME : GSA

NAME/NUMBER : 4770359  
 PAGE : 2  
 START TIME : FEB-29-2008 09:46AM FRI  
 ELAPSED TIME : 00' 38"  
 MODE : STD ECM  
 RESULTS : [ O.K ]

Transmission Report

Date/Time 02-28-2008 05:59:31 p.m. Transmit Header Text  
 Local ID 1 671 4751727 Local Name 1 GSA SUPPLY  
 Local ID 2 Local Name 2

PPN

This document : Confirmed  
 (reduced sample and details below)  
 Document size : 8.5"x11"

Felix P. Cespede GOVERNOR GENERAL SERVICES AGENCY Michael W. Cruz Lt. Governor  
 (Abonada Sathlón Hinikw) Government of Guam  
 P.O. Box FG, Agaña, Guam 96910  
 Lourdes M. Fozz Director, Dept. of Administration Joseph C. Mathison Deputy Director

February 28, 2008

Invitation for Bid GSA-012-08  
 "Advertisement Notices"

Question submitted by Pacific Daily News

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Answer:

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*C. Acuña*  
 Claudia S. Acuña  
 Chief Procurement Officer

Total Pages Scanned : 1			Total Pages Confirmed : 1						
No	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	121	6714770359	05:58:24 p.m. 02-28-2008	00:00:28	1/1	1	EC	HS	CP9800

Abbreviations:  
 HS Host send PL Polled local MP Mailbox print TU Terminated by user  
 HR Host receive PR Polled remote CP Completed TS Terminated by system G3 Group 3  
 WS Waiting send MS Mailbox save FA Fail RP Report EC Error Correct

MESSAGE CONFIRMATION

FEB-29-2008 09:45 AM FRI

FAX NUMBER : 6714724217  
NAME : GSA

NAME/NUMBER : 4770359  
PAGE : 2  
START TIME : FEB-29-2008 09:45AM FRI  
ELAPSED TIME : 00' 34"  
MODE : STD ECM  
RESULTS : [ O.K ]

Felix P. Camacho

Governor



Lourdes M. Perez  
Director, Dept. of Administration

GENERAL SERVICES AGENCY

(Ahensian Sethision Hinirat)  
Government of Guam  
P.O. Box FG, Agaña, Guam 96910

Michael W. Cruz

Lt. Governor

Joseph C. Manibusan  
Deputy Director

February 28, 2008

Invitation for Bid GSA-012-08  
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Question submitted by Pacific Daily News

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Claudia S. Acfalle  
Chief Procurement Officer

# Transmission Report

Date/Time  
Local ID 1  
Local ID 2

02-28-2008  
05:58:21 p.m.  
671 4751727

Transmit Header Text  
Local Name 1 GSA SUPPLY  
Local Name 2

*Marianna's  
Variety*

This document : Confirmed  
(reduced sample and details below)  
Document size : 8.5"x11"

Felix P. Camacho Governor	<b>GSA</b> (American Sotbislon Hiairat) Government of Guam P.O. Box FG, Agana, Guam 96910	Michael W. Cruz Lt. Governor
Lourdes M. Perez Director, Dept. of Administration		Joseph C. Manibusan Deputy Director

February 28, 2008

**Invitation for Bid GSA-012-08  
"Advertisement Notices"**

**Question submitted by Pacific Daily News"**

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**Answer:**

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*C. Acfalle*  
Claudia S. Acfalle  
Chief Procurement Officer

Total Pages Scanned : 1

Total Pages Confirmed : 1

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	118	6716482007	05:57:43 p.m. 02-28-2008	00:00:08	1/1	1	EC	HS	CP31200

**Abbreviations:**

HS: Host send	PL: Polled local	MP: Mailbox print	TU: Terminated by user
HR: Host receive	PR: Polled remote	CP: Completed	TS: Terminated by system
WS: Waiting send	MS: Mailbox save	FA: Fail	RP: Report
			G3: Group 3
			EC: Error Correct

**Transmission Report**

Date/Time  
Local ID 1  
Local ID 2

02-28-2008  
671 4751727

03:03:08 p.m.

Transmit Header Text  
Local Name 1      GSA SUPPLY  
Local Name 2

This document : Confirmed  
(reduced sample and details below)  
Document size : 8.5"x11"

*Att: Stephanie*



Claudia Acfalle  
Chief Procurement Officer  
General Services Agency  
Piti, Guam

Dear Ms. Acfalle,

The Pacific Daily News will be submitting our bid packet for **BID INVITATION NO: GSA-012-08**.

After reviewing the packet, there are two questions needing answers in order for the Pacific Daily News to provide unit cost and total cost for the suggested ad sizes.

On Page 3 of the bid packet under:

"GUAM ELECTION COMMISSION"

"ELECTION NOTICE PURSUANT TO TITLE 3 GCA & PUBLICATION OF BOARD MEETING PURSUANT TO THE OPEN GOVT LAW"

**ITEM**

- 1.1 2X4 Notice of Board Meeting & Other
- 2.1 2x5 Election Notices regarding Early Voting/Absentee & Other election information.
- 3.1 3x6 Election Notices regarding polling sites
- 4.1 4x5 Election Notices regarding Candidates
- 5.1 4x13 Sample Ballots
- 6.1 5x7 Precinct Official Seminar Schedules
- 7.1 5x15 List of Precinct Officials

**GENERAL SERVICES AGENCY**  
148 Route 1  
Marine Drive  
Piti, Guam 96925    FEB 2 2008

Total Pages Scanned : 2

Total Pages Confirmed : 2

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	102	+6714771895	03:02:09 p.m. 02-28-2008	00:00:34	2/2	1	EC	HS	CP14400

**Abbreviations:**

HS: Host send  
HR: Host receive  
WS: Waiting send

PL: Polled local  
PR: Polled remote  
MS: Mailbox save

MP: Mailbox print  
CP: Completed  
FA: Fail

TU: Terminated by user  
TS: Terminated by system    G3: Group 3  
RP: Report                      EC: Error Correct

# **BID REGISTER**







RECEIVED RECEIPT

007-00162

# OFFICIAL RECEIPT

GOVERNMENT OF OMAN  
DEPARTMENT OF ADMINISTRATION  
FINANCIAL MANAGEMENT DIVISION  
P.O. BOX 394 MAGAZRA, SUHUM 20022

1 Field

DATE: 2.6.08  
PAYOR: Martins Variety  
ADDRESS: Roy Castro

NOT VALID UNLESS OVER PRINTED BY OUR REGISTER STAMP

## PAYMENT INFORMATION

DESCRIPTION	ACCOUNT NUMBER	AMOUNT
<u>13.3.0001</u>		
<u>13.3.012-08</u>	<u>3100670600</u>	<u>10.00</u>
<u>advertisement</u>		
ISSUING OFFICE: <u>19th</u>	FINANCIAL MANAGEMENT DIVISION	
AGENT: <u>G. Castro</u>	TOTAL AMT	<u>10.00</u>

CASH     CHECKS    OTHER \_\_\_\_\_

**ORIGINAL BID  
PACKAGE**

**INVITATION FOR BID**

**ORIGINAL**

**ISSUING OFFICE:**

**GENERAL SERVICE AGENCY  
GOVERNMENT OF GUAM  
148 ROUTE 1 MARINE DRIVE  
PITI, GUAM 96925**

  
**CLAUDIA S. ACFALLE**  
**Chief Procurement Officer**

**DATE ISSUED:** 02/05/08

**BID INVITATION NO.:** GSA-012-08

**BID FOR:** ADVERTISEMENT NOTICES PURSUANT TO TITLE 3 GCA AND PUBLICATION OF BOARD MEETINGS PURSUANT TO THE OPEN GOV'T LAW.

**SPECIFICATION:** SEE ATTACHED

**DESTINATION:** GUAM ELECTION COMMISSION

**REQUIRED DELIVERY DATE:** 30 Days upon receipt of purchase order for a period of one (1) year (This is an indifinate quantity bid)

**INSTRUCTION TO BIDDERS:**

**INDICATE WHETHER:**     INDIVIDUAL     PARTNERSHIP     CORPORATION

**INCORPORATED IN:** \_\_\_\_\_

This Bid shall be submitted in duplicate and sealed to the issuing office above no later than (Time) 2:00 P.M., (Date) 02/19/2008, and shall be publicly opened. Bid submitted after the time and date specified above shall be rejected. See attached General Terms and Conditions, and Sealed Bid Solicitation for details.

The undersigned offers and agrees to furnish within the time specified, the articles and services at the price stated opposite the respective items listed on the schedule provided, unless otherwise specified by the bidder. In consideration to the expense of the Government in opening, tabulating, and evaluating this and other bids, and other considerations, the undersigned agrees that this bid remain firm and irrevocable within 60 calendar days from the date opening to supply any or all of the items which prices are quoted.

**NAME AND ADDRESS OF BIDDER:**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SIGNATURE AND TITLE OF PERSON AUTHORIZED TO SIGN THIS BID:**  
\_\_\_\_\_

**AWARD: CONTRACT NO.:** \_\_\_\_\_    **AMOUNT:** \_\_\_\_\_    **DATE:** \_\_\_\_\_

**ITEM NO(S). AWARDED:** \_\_\_\_\_

**CONTRACTING OFFICER:**  
  
CLAUDIA S. ACFALLE  
**CHIEF PROCUREMENT OFFICER**

**NAME AND ADDRESS OF CONTRACTOR:**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SIGNATURE AND TITLE OF PERSON AUTHORIZED TO SIGN THIS CONTRACT:**  
\_\_\_\_\_

Accountability \* Impartiality \* Competence \* Openness \* Value

INVITATION FOR BID (IFB) NO. : GSA-012-08

DESCRIPTION: ADVERTISEMENT NOTICES PURSUANT TO TITLE 3 GCA AND PUBLICATION OF BOARD MEETINGS PURSUANT TO THE OPEN GOV'T LAW

**SPECIFICATION REMINDER TO PROSPECTIVE BIDDERS**

Bidders are reminded to read the Sealed Bid Solicitation and Instructions, and General Terms and conditions attached to the IFB to ascertain that all of the following requirements checked below are submitted in the bid enveloped, in duplicate, at the date and time for bid opening.

- (X) BID GUARANTEE (15% of Bid Amount) May be in the form of;  
**Reference #11 on the General Terms and Conditions**
- a. Cashier's Check or Certified Check
  - b. Letter of Credit
  - c. Surety Bond – Valid only if accompanied by:
    - 1. Current Certificate of Authority issued by the Insurance Commissioner;
    - 2. Power of Attorney issued by the Surety to the Resident General Agent;
    - 3. Power of Attorney issued by two (2) major officers of the Surety to whoever is signing on their behalf.
- STATEMENT OF QUALIFICATIONS;
- SAMPLES;
- BROCHURES/DESCRIPTIVE LITERATURE;
- AFFIDAVIT OF DISCLOSURE OF MAJOR SHAREHOLDERS - Must comply with the following requirements:
- a. The affidavit must be notarized and dated on the same month as the bid opening;
  - b. Date of signature of the person authorized to sign the bid and the notary date must be the same.
- LOCAL PROCUREMENT PREFERENCE APPLICATION (See attached)  
(Non Completion of this application form is not a basis for rejection)
- OTHER REQUIREMENTS:  
Non-Collusion Affidate,

This reminder must be signed and returned in the bid envelope together with the bid. Failure to comply with the above requirements will mean a disqualification and rejection of the bid.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2008 I, \_\_\_\_\_, authorized representative of \_\_\_\_\_ acknowledge receipt of this special reminder to prospective bidders with the above referenced IFB.

\_\_\_\_\_  
Bidder Representative's Signature

## GUAM ELECTION COMMISSION

### ELECTION NOTICE PURSUANT TO TITLE 3 GCA & PUBLICATION OF BOARD MEETING PURSUANT TO THE OPEN GOVT LAW

ITEM	SPECIFICATION	BIDDING ON / REMARKS		
		UOM	Unit Cost	Total Cost
1.1	2 x 4 Notice of Board Meetings & Other Election Information	28 EA	\$ _____	\$ _____
2.1	2 x 5 Election Notices regarding Early Voting/ Absentee & other election information	25 EA	_____	_____
3.1	3 x 6 Election Notices regarding polling sites	10 EA	_____	_____
4.1	4 x 5 Election Notices regarding Candidates	11 EA	_____	_____
5.1	4 x 13 Sample Ballots	10 EA	_____	_____
6.1	5 x 7 Precinct Official Seminar Schedules	8 EA	_____	_____
7.1	5 x 15 List of Precient Officials	6 EA	_____	_____

**Invitation for Bid No.: GSA-012-08**

For: Advertisement

**SPECIAL PROVISIONS**

This is an "Indefinite Quantity Bid" pursuant to Section 3119(i)(2) of the 2GAR Procurement Regulations. The quantities reflected are annual estimated requirements projected within a twelve (12) month period. These amounts may increase during the term of this bid. However, regardless of the fluctuation of quantities, this bid shall be subject to the availability of funds. Multiple awards will be made from the lowest to the highest responsive and responsible bidder, depending on the availability of goods/services.

Delivery:

Initial delivery of 30 days upon receipt of purchase order. Delivery schedule time and quantity will be coordinated between the successful bidder and the requesting department on an as needed basis.

Contract Period:

The term of this contract is one (1) year upon acknowledgement of purchase order. Prices shall remain the same for a period of one (1) year.

**MAJOR SHAREHOLDERS DISCLOSURE AFFIDAVIT**

TERRITORY OF GUAM)

AGANA, GUAM )ss:  
 )

I, the undersigned, \_\_\_\_\_, being first  
 (a partner or officer of the company of, etc.)  
 duly sworn, deposes and says:

1. That the persons who have held more than ten percent (10%) of the company's shares during the past twelve months are as follows:

<u>Name</u>	<u>Address</u>	<u>Percentage of Shares Held</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
	Total Number of Shares	_____

2. Persons who have received or are entitled to receive a commission, gratuity or Other compensation for procuring or assisting in obtaining business related to the bid for which this Affidavit is submitted are as follows:

<u>Name</u>	<u>Address</u>	<u>Amount of Gratuity or Other Compensation</u>
_____	_____	_____

Further, affiant sayeth naught.

Date: \_\_\_\_\_

\_\_\_\_\_  
 Signature or individual if bidder is a sole proprietorship; Partner, if the bidder is a partnership; Officer, if the bidder is a corporation.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_,  
 19\_\_\_\_\_

By: \_\_\_\_\_

Notary Public \_\_\_\_\_  
 In and for the Territory of Guam  
 My commission expires \_\_\_\_\_



# GOVERNMENT OF GUAM

## GENERAL SERVICES AGENCY

148 Route 1

Marine Drive

Piti, Guam 96925

### BID BOND

NO. \_\_\_\_\_

KNOW ALL MEN BY THESE PRESENTS that \_\_\_\_\_, as Principal hereinafter called the Principal, and (Bonding Company), \_\_\_\_\_ a duly admitted insurer under the laws of the Territory of Guam, as Surety, hereinafter called the Surety are held firmly bound unto the Territory of Guam for the sum of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_), for payment of which sum will and truly to be made, the said Principal and the said Surety bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for (identify project by number and brief description)

NOW, THEREFORE, if the Territory of Guam shall accept the bid of the Principal and the Principal shall enter into a Contract with the Territory of Guam in accordance with the terms of such bid, and give such bond or bonds as may be specified in bidding or Contract Documents with good and sufficient surety for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof, or in the event of the failure of the Principal to enter such Contract and give such bond or bonds, if the Principal shall pay to the Territory of Guam the difference not to exceed the penalty hereof between the amounts specified in said bid and such larger amount for which the Territory of Guam may in good faith contract with another party to perform work covered by said bid or an appropriate liquidated amount as specified in the Invitation for Bids then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_\_.

\_\_\_\_\_  
(PRINCIPAL) (SEAL)

\_\_\_\_\_  
(WITNESS)

\_\_\_\_\_  
(TITLE)

\_\_\_\_\_  
(MAJOR OFFICER OF SURETY)

\_\_\_\_\_  
(TITLE)

\_\_\_\_\_  
(MAJOR OFFICER OF SURETY)

\_\_\_\_\_  
(TITLE)

\_\_\_\_\_  
(RESIDENT GENERAL AGENT)

SEE INSTRUCTIONS IN BACK PAGE FOR SUPPORTING DOCUMENTS REQUIRED.





## GOVERNMENT OF GUAM

### SEALED BID SOLICITATION INSTRUCTIONS

1. **BID FORMS:** Each bidder shall be provided with two (2) sets of Solicitation forms. Additional copies may be provided upon request. Bidders requesting additional copies of said forms will be charged per page in accordance with Section 6114 of the Government Code of Guam. All payments for this purpose shall be by cash, certified check or money order and shall be made payable to the General Services Agency (EO 86-24).
2. **PREPARATIONS OF BIDS:**
  - a) Bidders are required to examine the drawings, specifications, schedule, and all instructions. Failure to do so will be at bidder's risk.
  - b) Each bidder shall furnish the information required by the Solicitation. The bidder shall sign the Solicitation and print or type his name on the Schedule. Erasures or other changes must be initialed by the person signing the bid. Bids signed by an agent are to be accompanied by evidence of his authority unless such evidence has been previously furnished to the issuing office.
  - c) Unit price for each unit offered shall be shown and such price shall include packing unless otherwise specified. A total shall be entered in the amount column of the Schedule for each item offered. In case of discrepancies between a unit price and extended price, the unit price will be presumed to be correct.
  - d) Bids for supplies or services other than those specified will not be considered.
  - e) Time, if stated as a number of days, means calendar days and will include Saturdays, Sundays, and holidays beginning the day after the issuance of a Notice to Proceed. Time stated ending on a Saturday, Sunday or Government of Guam legal holiday will end at the close of the next business day.
3. **EXPLANATION TO BIDDERS:** Any explanation desired by a bidder regarding the meaning or interpretation of the Solicitation, drawings, specifications, etc., must be submitted in writing and with sufficient time allowed for a written reply to reach all bidders before the submission of their bids. Oral explanations or instructions given before the award of the contract will not be binding. Any information given to a prospective bidder concerning a Solicitation will be furnished to all prospective bidders in writing as an amendment to the Solicitation if such information is necessary for bidders in submitting bids on the Solicitation or if the lack of such information would be prejudicial to uninformed bidders.
4. **ACKNOWLEDGEMENT OF AMENDMENTS TO SOLICITATIONS:** Receipt of an amendment to a Solicitation by a bidder must be acknowledged by signing an acknowledgement of receipt of the amendment. Such acknowledgement must be received prior to the hour and date specified for receipt of bids.
5. **SUBMISSION OF BIDS:**
  - a) Bids and modifications thereof shall be enclosed in sealed envelopes and addressed to the office specified in the Solicitation. The bidder shall show the hour and date specified in the Solicitation for receipt, the Solicitation number, and the name and address of the bidder on the face of the envelope.
  - b) Telegraphic bids will not be considered unless authorized by the Solicitation. However, bids may be modified or withdrawn by written or telegraphic notice, provided such notice is received prior to the hour and date specified for receipt (see paragraph 6 of these instructions).
  - c) Samples of items, when required, must be submitted within the time specified, unless otherwise specified by the Government, at no expense to the Government. If not destroyed by testing, samples will be returned at bidder's request and expense, unless otherwise specified by the Solicitation.
  - d) Samples or descriptive literature should not be submitted unless it is required on this Solicitation. Regardless of any attempt by a bidder to condition the bid, unsolicited samples or descriptive literature will not be examined or tested at the bidder's risk, and will not be deemed to vary any of the provisions of this Solicitation.
6. **FAILURE TO SUBMIT BID:** If no bid is to be submitted, do not return the Solicitation unless otherwise specified. A letter or postcard shall be sent to the issuing office advising whether future Solicitations for the type of supplies or services covered by this Solicitation are desired.
7. **LATE BID, LATE WITHDRAWALS, AND LATE MODIFICATIONS:**
  - a) **Definition:** Any bid received after the time and date set for receipt of bids is late. Any withdrawal or modification of a bid received after the time and date set for opening of bids at the place designated for opening is late (*Guam Procurement Regulations Section 3-202.11.1*).
  - b) **Treatment:** No late bid, late modification, or late withdrawal will be considered unless received before contract award, and the bid, modification, or withdrawal would have been timely but for the action or inaction of territorial personnel directly serving the procurement activity (*Guam Procurement Regulations Section 3-202.11.2*).
8. **DISCOUNTS:**
  - a) Notwithstanding the fact that prompt payment discounts may be offered, such offer will not be considered in evaluating bids for award unless otherwise specified in the Solicitation. However, offered discounts will be taken if payment is made within the discount period, even though not considered in the evaluation of bids.
  - b) In connection with any discount offered, time will be computed from date of delivery and acceptance of the supplies to the destination as indicated in the purchase order or contract. Payment is deemed to be made for the purpose of earning the discount on the date of mailing of the Government check.
9. **GOVERNMENT FURNISHED PROPERTY:** No material, labor or facilities will be furnished by the Government unless otherwise provided for in the Solicitation.

10. **SELLERS' INVOICES:** Invoices shall be prepared and submitted in quadruplicate (one copy shall be marked "original") unless otherwise specified. Invoices shall be "certified true and correct" and shall contain the following information: Contract and order number (if any), item numbers, description of supplies or services, sizes, quantities, unit prices, and extended total. Bill of lading number and weight of shipment will be shown for shipments made on Government bills of lading.
11. **RECEIPT, OPENING AND RECORDING OF BIDS:** Bids and modifications shall be publicly opened in the presence of one or more witnesses, at the time, date, and place designated in the Invitation for Bids. The name of each bidder, the bid price, and such other information as is deemed appropriate by the Procurement Officer, shall be read aloud and recorded, or otherwise made available. The names and addresses of required witnesses shall be recorded at the opening. The opened bids shall be available for public inspection except to the extent the bidder designates trade secrets or other proprietary data to be confidential as set forth in accordance with Section 12, below. Material so designated shall accompany the bid and shall be readily separable from the bid in order to facilitate public inspection of the non-confidential portion of the bid. Prices, makes and models or catalogue numbers of the items offered, deliveries, and terms of payment shall be publicly available at the time of bid opening regardless of any designation to the contrary (*Guam Procurement Regulations Section 3-202.12.2*).
12. **CONFIDENTIAL DATA:** The Procurement Officer shall examine the bids to determine the validity of any requests for nondisclosure of trade secrets and other proprietary data identified in writing. If the parties do not agree as to the disclosure of data, the Procurement Officer shall inform the bidders in writing what portions of the bid will be disclosed and that, unless the bidders protest under Chapter 9 of the Guam Procurement Act (*P.L. 16-124*), the bids will be so disclosed. The bids shall be opened to public inspection subject to any continuing prohibition on the disclosure of confidential data (*Guam Procurement Regulations Section 3-202.12.3*).
13. **MULTI-STEP SEALED BIDDING:**
- a) It is defined as a two-phase process consisting of a technical first-phase composed of one or more steps in which bidders submit unpriced technical offers to be evaluated by the territory, and a second-phase in which those bidders whose technical offers are determined to be acceptable during the first-phase have their priced bids considered. It is designed to obtain the benefits of competitive sealed bidding by award of a contract to the lowest responsive, responsible bidder, and at the same time obtained the benefits of the competitive sealed proposals procedure through the solicitation of technical offers and the conduct of discussions to evaluate and determine the acceptability of technical offers.
  - b) In addition to the requirements set forth in the General Terms and Conditions and the Special provisions, the following applies:
    - 1) only unpriced technical offers are requested in the first phase;
    - 2) priced bids will be considered only in the second phase and only from bidders whose unpriced technical offers are found acceptable in the first phase;
    - 3) the criteria to be used in the evaluation are those specified in the Special Provisions and the General Terms and Conditions;
    - 4) the territory, to the extent the Procurement Officer finds necessary, may conduct oral or written discussion of the unpriced technical offers;
    - 5) the bidders, may designate those portions of the unpriced technical offers which contain trade secrets or other proprietary data which are to remain confidential; and,
    - 6) the service being procured shall be furnished generally in accordance with the bidder's technical offer as found to be finally acceptable and shall meet the requirements of the Invitation for Bids.
  - c) **RECEIPT AND HANDLING OF UNPRICED TECHNICAL OFFERS.**  
Unpriced technical offers shall not be opened publicly, but shall be opened in front of two or more procurement officials. Such offers shall not be disclosed to unauthorized persons. Bidders may request nondisclosure of trade secrets and other proprietary data identified in writing.
  - d) **EVALUATION OF UNPRICED TECHNICAL OFFERS.**  
The unpriced technical offers submitted by bidders shall be evaluated solely in accordance with the criteria set forth in the Invitation for Bids. The unpriced technical offers shall be categorized as:
    - 1) acceptable;
    - 2) potentially acceptable, that is, reasonably susceptible of being made acceptable; or
    - 3) unacceptable. The Procurement Officer shall record in writing the basis for finding an offer unacceptable and make it part of the procurement file.

The Procurement Officer may initiate Phase Two of the procedure if, in the Procurement Officer's opinion, there are sufficient acceptable unpriced technical offers to assure effective price competition in the second phase without technical discussions. If the Procurement Officer finds such is not the case, the Procurement Officer shall issue an amendment to the Invitation for Bids or engage in technical discussions as set forth in Subsection 3-202.20.5 of this Section.
  - e) Upon the completion of Phase One, the Procurement Officer shall invite each acceptable bidder to submit a price bid. Upon submission of prices, the Procurement Officer shall prepare the final evaluation and reconsideration for the Chief Procurement Officer's approval.

25. **SCHEDULE FOR DELIVERY:** Successful bidder shall notify the General Services Agency, Telephone Nos. 477-1726 or 1727, at least twenty-four (24) hours before delivery of any item under this solicitation.
26. **BILL OF SALE:** Successful Supplier shall render Bills of Sale for each item delivered under this contract. Failure to comply with this requirement will result in rejection of delivery. The Bill of Sale must accompany the items delivered but will not be considered as an invoice for payment. Supplier shall bill the Government in accordance with billing instructions as indicated on the Purchase Order.
27. **MANUFACTURER'S CERTIFICATE:** Successful bidder is required, upon delivery of any item under this contract, to furnish a certificate from the manufacturer indicating that the goods meet the specifications. Failure to comply with this request will result in rejection of delivery.
28. **INSPECTION:** All supplies, materials, equipment, or services delivered under this contract shall be subject to the inspection and/or test conducted by the Government at destination. If in any case the supplies, materials, equipment, or services are found to be defective in material, workmanship, performance, or otherwise do not conform with the specifications, the Government shall have the right to reject the items or require that they be corrected. The number of days required for correction will be determined by the Government.
29. **MOTOR VEHICLE SAFETY REQUIREMENTS:** The Government will only consider Bids on motor vehicles which comply with requirements of the National Traffic and Motor Vehicle Safety Act of 1966 (Public Law 89-563) and Clean Air Act as amended (Public Law 88-206), that are applicable to Guam. Bidders shall state if the equipment offered comply with these aforementioned Federal Laws.
30. **SAFETY INSPECTION:** All motor vehicles delivered under this contract must pass the Government of Guam Vehicle Inspection before delivery at destination.
31. **GUARANTEE:**
- a) **Guarantee of Vehicle Type of Equipment:**  
The successful bidder shall guarantee vehicular type of equipment offered against defective parts, workmanship, and performance, for a period of not less than one (1) year after date of receipt of equipment. Bidder shall also provide service to the equipment for at least one (1) year. Service to be provided shall include, but will not be limited to tune-ups (change of spark plugs, contact points and condensers) and lubrication (change of engine and transmission oil). All parts and labor shall be at the expense of the bidder. All parts found defective and not caused by misuse, negligence or accident within the guarantee period shall be repaired, replaced, or adjusted within six (6) working days after notice from the Government and without cost to the Government. Vehicular type of equipment as used in this context shall include equipment used for transportation as differentiated from tractors, backhoes, etc.
- b) **Guarantee of Other Type of Equipment:**  
The successful bidder shall guarantee all other types of equipment offered, except those mentioned in 31a, above, against defective parts, workmanship, and performance for a period of not less than three (3) months after date of receipt of equipment. Bidder shall also provide service to the equipment for at least three (3) months. All parts found defective within that period shall be repaired or replaced by the Contractor without cost to the Government. Repairs, adjustments or replacements of defective parts shall be completed by the Contractor within six (6) working days after notice from the Government.
- c) **Compliance with this Section is a condition of this Bid.**
32. **REPRESENTATION REGARDING ETHICS IN PUBLIC PROCUREMENT:** The bidder or contractor represents that it has not knowingly influenced and promises that it will not knowingly influence a Government employee to breach any of the ethical standards and represents that it has not violated, is not violating, and promises that it will not violate the prohibition against gratuities and kickbacks set forth on Chapter 11 (Ethics in Public Contracting) of the Guam Procurement Act and in Chapter 11 of the Guam Procurement Regulations.
33. **REPRESENTATION REGARDING CONTINGENT FEES:** The contractor represents that it has not retained a person to solicit or secure a Government contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except for retention of bona fide employees or bona fide established commercial selling agencies for the purpose of securing business (GPR Section 11-207).
34. **EQUAL EMPLOYMENT OPPORTUNITY:** Contractors shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that employees are treated equally during employment without regards to their race, color, religion, sex, or national origin.
35. **COMPLIANCE WITH LAWS:** Bidders awarded a contract under this Solicitation shall comply with the applicable standard, provisions, and stipulations of all pertinent Federal and/or local laws, rules, and regulations relative to the performance of this contract and the furnishing of goods.
36. **CHANGE ORDER:** Any change order issued relative to awards made under this solicitation will be subject to and in accordance with the provisions of Section 6-101.03.1 of the Guam Procurement Regulations.
37. **STOP WORK ORDER:** Any stop work order issued relative to awards made under this solicitation will be subject to and in accordance with the provisions of Section 6-101.04.3 of the Guam Procurement Regulations.
38. **TERMINATION FOR CONVENIENCE:** Any termination order for the convenience of the Government issued relative to awards made under this solicitation will be subject to and in accordance with the provisions of Section 6-101.10 of the Guam Procurement Regulations.
39. **TIME FOR COMPLETION:** It is hereby understood and mutually agreed by and between the contractor and the Government that the time for delivery to final destination or the timely performance of certain services is an essential condition of this contract. If the contractor refuses or fails to perform any of the provisions of this contract within the time specified in the Purchase Order (from the date Purchase Order is acknowledged by vendor), then the contractor is in default. Defaults will be treated subject to and in accordance with the provisions of Section 6-101-08 of the Guam Procurement Regulations.

- 40. **JUSTIFICATION OF DELAY:** Bidders who are awarded contracts under this Solicitation, guarantee that the goods will be delivered to their destination or required services rendered within the time specified. If the bidder is not able to meet the specified delivery date, he is required to notify the Chief Procurement Officer of such delay. Notification shall be in writing and shall be received by the Chief Procurement Officer at least twenty-four (24) hours before the specified delivery date. Notification of delay shall include an explanation of the causes and reasons for the delay including statement(s) from supplier or shipping company causing the delay. The Government reserves the right to reject delay justification if, in the opinion of the Chief Procurement Officer, such justification is not adequate.
- 41. **LIQUIDATED DAMAGES:** When the Contractor is given notice of delay or nonperformance as specified in Paragraph 1 (Default) of the Termination for Default Clause of this contract and fails to cure in the time specified, the contractor shall be liable for damages for delay in the amount of one-fourth of one percent (1%) of outstanding order per calendar day from date set for cure until either the territory reasonably obtains similar supplies or services if the contractor is terminated for default, or until the contractor provides the supplies or services if the contractor is not terminated for default. To the extent that the contractor's delay or nonperformance is excused under Paragraph 40 (Excuse for Nonperformance or Delayed Performance) of the Termination for Default Clause of this contract, liquidated damages shall not be due the territory. The contractor remains liable for damages caused other than by delay (GPR Section 6-101.09.1).
- 42. **PHYSICAL LIABILITY:** If it becomes necessary for the Vendor, either as principal, agent or employee, to enter upon the premises or property of the Government of Guam in order to construct, erect, inspect, make delivery or remove property hereunder, the Vendor hereby covenants and agrees to take, use, provide and make all proper, necessary and sufficient precautions, safeguards and protections against the occurrence of any accidents, injuries or damages to any person or property during the progress of the work herein covered, and to be responsible for, and to indemnify and save harmless the government of Guam from the payment of all sums of money by reason of all or any such accidents, injuries or damages that may occur upon or about such work, and fines, penalties and loss incurred for or by reason of the violations of any territorial ordinance, regulations, or the laws of Guam or the United States, while the work is in progress. Contractor will carry insurance to indemnify the government of Guam against any claim for loss, damage or injury to property or persons arising out of the performance of the Contractor or his employees and agents of the services covered by the Contract and the use, misuse or failure of any equipment used by the contractor or his employees or agents, and shall provide certificates of such insurance to the Government of Guam when required.
- 43. **CONTACT FOR CONTRACT ADMINISTRATION:** If your firm receives a contract as a result of this Solicitation, please designate a person whom we may contact for prompt administration.

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

GOVERNMENT OF GUAM

GENERAL TERMS AND CONDITIONS

SEALED BID SOLICITATION AND AWARD

Only those Boxes checked below are applicable to this bid.

- 1. **AUTHORITY:** This solicitation is issued subject to all the provision of the Guam Procurement Act (5GCA, Chapter 5) and the Guam Procurement Regulations (copies of both are available at the Office of the Compiler of Laws, Department of Law, copies available for inspection at General Services Agency). It requires all parties involved in the Preparation, negotiation, performance, or administration of contracts to act in good faith.
- 2. **GENERAL INTENTION:** Unless otherwise specified, it is the declared and acknowledged intention and meaning of these General Terms and Conditions for the bidder to provide the Government of Guam (Government) with specified services or with materials, supplies or equipment completely assembled and ready for use.
- 3. **TAXES:** Bidders are cautioned that they are subject to Guam Income Taxes as well as all other taxes on Guam Transactions. Specific information on taxes may be obtained from the Director of Revenue and Taxation.
- 4. **LICENSING:** Bidders are cautioned that the Government will not consider for award any offer submitted by a bidder who has not complied with the Guam Licensing Law. Specific information on licenses may be obtained from the Director of Revenue and Taxation.
- 5. **LOCAL PROCUREMENT PREFERENCE:** All procurement of supplies and services where possible, will be made from among businesses licensed to do business on Guam in accordance with Section 5008 of the Guam Procurement Act (5GCA, Chapter 5) and Section 1-104 of the Guam Procurement Regulations.
- 6. **COMPLIANCE WITH SPECIFICATIONS AND OTHER SOLICITATION REQUIREMENTS:** Bidders shall comply with all specifications and other requirements of the Solicitation.
- 7. **"ALL OR NONE" BIDS:** Unless otherwise allowed under this Solicitation, "all or none" bids may be deemed to be non-responsive. If the bid is so limited, the Government may reject part of such proposal and award on the remainder.

**NOTE:** By checking this item, the Government is requesting all of the bid items to be bid or none at all. The Government will not award on an itemized basis. Reference: Section 3-301.06 of the Guam Procurement Regulations.

- 8. **INDEPENDENT PRICE DETERMINATION:** The bidder, upon signing the Invitation for Bid, certifies that the prices in his bid were derived at without collusion, and acknowledge that collusion and anti-competitive practices are prohibited by law. Violations will be subject to the provision of Section 5651 of that of the Guam Procurement Act. Other existing civil, criminal or administrative remedies are not impaired and may be in addition to the remedies in Section 5651 of the Government Code.
- 9. **BIDDER'S PRICES:** The Government will consider not more than two (2) (Basic and Alternate) item prices and the bidder shall explain fully each price if supplies, materials, equipment, and/or specified services offered comply with specifications and the products origin. Where basic or alternate bid meets the minimum required specification, cost and other factors will be considered. Failure to explain this requirement will result in rejection of the bid.
- 10. **BID ENVELOPE:** Envelope shall be sealed and marked with the bidder's name, Bid number, time, date and place of Bid Opening.

11. **BID GUARANTEE REQUIREMENT:** Bidder is required to submit a Bid Guarantee Bond or standby irrevocable Letter of Credit or Certified Check or Cashier's Check in the same bid envelope to be held by the Government pending award. The Bid Guarantee Bond, Letter of Credit, Certified Check or Cashier's Check must be issued by any local surety or banking institution licensed to do business on Guam and made payable to the Treasurer of Guam in the amount of ~~ten percent (10%)~~ **15%** of his highest total bid offer. The Bid Bond must be submitted on Government Standard Form BB-1 (copy enclosed). Personal Checks will not be accepted as Bid Guarantee. If a successful Bidder (contractor) withdraws from the bid or fails to enter into contract within the prescribed time, such Bid guarantee will be forfeited to the Government of Guam. Bids will be disqualified if not accompanied by Bid Bond, Letter of Credit, Certified Check or Cashier's Check. Bidder must include in his/her bid, valid copies of a Power of Attorney from the Surety and a Certificate of Authority from the Government of Guam to show proof that the surety company named on the bond instrument is authorized by the Government of Guam and qualified to do business on Guam. For detailed information on bonding matters, contact the Department of Revenue and Taxation. Failure to submit a valid Power of Attorney and Certificate of Authority on the surety is cause for rejection of bid (GPR Section 3-202.03.3) PURSUANT OF PUBLIC LAW 27-127, ALL COMPETITIVE SEALED BIDDING FOR PROCUREMENT OF SUPPLIES OR SERVICES, EXCEEDING \$25,000.00, A 15% BID SECURITY OF THE TOTAL BID MUST ACCOMPANY BID PACKAGE

12. **PERFORMANCE BOND REQUIREMENT:** The Bidder may be required to furnish a Performance Bond on Government Standard Form BB-1 or standby irrevocable Letter of Credit or Certified Check or Cashier's Check payable to the Treasurer of Guam issued by any of the local Banks or Bonding Institution in the amount equal to \_\_\_\_\_

percent ( \_\_\_\_\_ %) of the contract prices as security for the faithful performance and proper fulfillment of the contract. In the event that any of the provisions of this contract are violated by the contractor, the Chief Procurement Officer shall serve written notice upon both the contractor and the Surety of its intention to terminate the contract. Unless satisfactory arrangement or correction is made within ten (10) days of such notice the contract shall cease and terminate upon the expiration of the ten (10) days. In the event of any such termination, the Chief Procurement Officer shall immediately serve notice thereof upon the Surety. The Surety shall have the right to take over and perform the contract, provided, however, that if the Surety does not commence performance thereof within 10 days from the date of the mailing

IN THE EVENT OF TERMINATION, THE Government may take over and prosecute the contract to complete the contract or force account for the account and at the expense of the contractor, and the contractor and his Surety shall be liable to the Government for any excess cost occasioned the Government thereby (GPR Section 3-202.03.4).

13. **PERFORMANCE GUARANTEE:** Bidders who are awarded a contract under this solicitation, guarantee that goods will be delivered or required services performed within the time specified. Failure to perform the contract in a satisfactory manner may be cause for suspension or debarment from doing business with the Government and to enforce Section 12 of these General Terms and Conditions. In addition, the Government will hold the Vendor liable and will enforce the requirements as set forth in Section 41 of these General Terms and Conditions.
14. **SURETY BONDS:** Bid and Performance Bonds coverage must be signed or countersigned in Guam by a foreign or alien surety's resident general agent. The Surety must be an Insurance Company, authorized by the Government of Guam and qualified to do business in Guam. Bids will be disqualified if the Surety Company does not have a valid Certificate of Authority from the Government of Guam to conduct business in Guam.
15. **COMPETENCY OF BIDDERS:** Bids will be considered only from the such bidders who, in the opinion of the Government, can show evidence of their ability, experience, equipment, and facilities to render satisfactory service.
16. **DETERMINATION OF RESPONSIBILITY OF BIDDERS:** The Chief Procurement Officer reserves the right for securing from bidders information to determine whether or not they are responsible and to inspect plant site, place of business; and supplies and services as necessary to determine their responsibility in accordance with Section 15 of these General Terms and Conditions (GPR Section 3-401).
17. **STANDARD FOR DETERMINATION OF LOWEST RESPONSIBLE BIDDER:** In determining the lowest responsible offer, the Chief Procurement Officer shall be guided by the following:
- a) Price of items offered.
  - b) The ability, capacity, and skill of the Bidder to perform.
  - c) Whether the Bidder can perform promptly or within the specified time.
  - d) The quality of performance of the Bidder with regards to awards previously made to him.
  - e) The previous and existing compliance by the Bidder with laws and regulations relative to procurement.
  - f) The sufficiency of the financial resources and ability of the Bidder to perform.
  - g) The ability of the bidder to provide future maintenance and services for the subject of the award.
  - h) The compliance with all of the conditions to the Solicitation.
18. **TIE BIDS:** If the bids are for the same unit price or total amount in the whole or in part, the Chief Procurement Officer will determine award based on Section 3.202.15.2, or to reject all such bids (GPR Section 3-202.15.2).
19. **BRAND NAMES:** Any reference in the Solicitation to manufacturer's Brand Names and number is due to lack of a satisfactory specification of commodity description. Such preference is intended to be descriptive, but not restrictive and for the sole purpose of indicating prospective bidders a description of the article or services that will be satisfactory. Bids on comparable items will be considered provided the bidder clearly states in his bid the exact articles he is offering and how it differs from the original specification.
20. **DESCRIPTIVE LITERATURE:** Descriptive literature(s) as specified in this solicitation must be furnished as a part of the bid and must be received at the date and time set for opening Bids. The literature furnished must clearly identify the item(s) in the Bid. The descriptive literature is required to establish, for the purpose of evaluation and award, details of the product(s) the bidder proposes to furnish including design, materials, components, performance characteristics, methods of manufacture, construction, assembly or other characteristics which are considered appropriate. Rejection of the Bid will be required if the descriptive literature(s) do not show that the product(s) offered conform(s) to the specifications and other requirements of this solicitation. Failure to furnish the descriptive literature(s) by the time specified in the Solicitation will require rejection of the bid.
21. **SAMPLES:** Sample(s) of item(s) as specified in this solicitation must be furnished as a part of the bid and must be received at the date and time set for opening Bids. The sample(s) should represent exactly what the Bidder proposes to furnish and will be used to determine if the item(s) offered complies with the specifications. Rejection of the Bid will be required if the sample(s) do not show that the product(s) offered conform(s) to the specifications and other requirements of this solicitation. Failure to furnish the sample(s) by the time specified in the Solicitation will require rejection of the Bid.
22. **LABORATORY TEST:** Successful bidder is required to accompany delivery of his goods with a Laboratory Test Report indicating that the product he is furnishing the Government meets with the specifications. This report is on the bidder's account and must be from a certified Testing Association.
23. **AWARD, CANCELLATION & REJECTION:** Award shall be made to the lowest responsible and responsive bidder, whose bid is determined to be the most advantageous to the Government, taking into consideration the evaluation factors set forth in this solicitation. No other factors or criteria shall be used in the evaluation. The right is reserved as the interest of the Government may require to waive any minor irregularity in bids received. The Chief Procurement Officer shall have the authority to award, cancel, or reject bids, in whole or in part for any one or more items if he determines it is in the public interest. Award issued to the lowest responsible bidder within the specified time for acceptance as indicated in the solicitation, results in a bidding contract without further action by either party. In case of an error in the extension of prices, unit price will govern. It is the policy of the Government to award contracts to qualified local bidders. The Government reserves the right to increase or decrease the quantity of the items for award and make additional awards for the same type items and the vendor agree to such modifications and additional awards based on the bid prices for a period of thirty (30) days after original award. No award shall be made under this solicitation which shall require advance payment or irrevocable letter of credit from the government (GPR Section 3-202.14.1).
24. **MARKING:** Each outside container shall be marked with the Purchase Order number, item number, brief item description and quantity. Letter marking shall not be less than 3/4" in height.

**BID ANNOUNCEMENT**



## Hearing for impounded Taiwanese fishing vessel to begin next month

By Gina Tabonares  
Variety News Staff

THE hearing for Marshalls 201, the \$15 million fishing vessel impounded for illegal fishing inside the U.S. Exclusive Economic Zone in 2006 will start in March after the U.S. Attorneys Office informed its availability for the court proceeding.

The attorney of the vessel asked for a court hearing last month but the U.S. government attorney will only be available beginning March 4.

The fishing vessel was brought to the Port of Guam but released after posting almost \$3 million.

It was taken into possession through admiralty warrant after it was spotted fishing illegally in the U.S. Exclusive Economic Zone surrounding Howland and Baker Islands on September 9, 2006.

John Barylsky, a special

of Commerce, National and Atmospheric Administration, and National Marine Fisheries Service said the Taiwanese principal owner of the Marshalls 201, KOO's Fishing Corporation (KFC), had been civilly fined by NOAA for previous violations.

The fine was meted when one of their purse seine fishing vessels, the KOO's 103, also known as the Niugini 103, illegally fished in the U.S. EEZ surrounding Howland and Baker Islands in August 2000.

He added that the same owner is also currently under investigation and prosecution is pending, for a similar alleged violation involving the KOO's fishing vessel in January of 2004.

The agent also stated that Marshalls 201 does not possess a permit to legally fish in the restricted waters when

## Guam port p assets gro Revenue hike due to rise i

By Mar-Vic Cagurangan  
Variety News Staff

THE Port Authority of Guam closed fiscal year 2007 with a \$1.6 million increase in net assets, which the Office of the Public Auditor attributed to a surge in operating revenues and a dip in expenditures.

According to the OPA audit released yesterday, the port authority's net asset growth is 5 percent over \$1.5 million in 2006.

"This is the result of increases in operating revenues of \$3.6 million and a \$198,000 decrease in operating expenses," OPA reported.

The revenue hike, according to OPA, was the result of an increase in cargo oper-



Cargo tonnage at the port increased during fiscal year 2007.

port reported an increase is the second government

2008 at the Holiday Resort Guam.

Black Construction Corporation and Dick Pacific Construction Co. shared the top honors by virtue of a tie in this construction excellence competition. The overall winners were also declared the "Contractor of the Year" or in this particular case "Contractors of the Year."

Black Construction Corporation's winning project entry was for the construction of the Home Depot.

The overall structure was designed for Guam's unique locale requirements which require the need for structures to sustain typhoon strength winds in excess of 175 mph and the seismic 4 requirements for potentially severe earthquake vents.

According to Black Construction Corporation "BCC dynamically delivered this project be-

and with an unwavering commitment to safety and quality.

Dick Pacific Construction Company's winning entry for the construction of the Water Treatment Plant Upgrade.

According to Dick Pacific Construction Co., "The complexity of this project allowed D subcontract all the specialty construction to numerous local contractors. The scope included the lead abatement requirement for the removal of paint on existing structures; epoxy painting various new and existing structures; application of elastomeric roof coating and building exterior finish systems; underwater installation for the new stop logs at existing Fena Reservoir; steel and installation of equipment devices for the new SCADA system; asphalt pavement and restoration and landscaping

Felix P. Camacho  
Governor



**GENERAL SERVICES AGENCY**  
(Ahensian Setbision Hinirat)  
Department of Administration  
Government of Guam

148 Route 1 Marine Corps Drive, Piti, Guam 96915  
Tel: 475-1707-13 Fax: 472-4217 / 475-1716 / 475-1727

THIS ADVERTISEMENT WAS PAID WITH GOVERNMENT FUNDS BY:

### GUAM ELECTION COMMISSION

A non-refundable fee of \$10.00 per bid package will be assessed. Certified Check, Cashier's Check, Cash will be accepted. No personal or company checks. Payment for bid package picked up after 3:00 pm will not be accepted.

## BID INVITATION

Bid No.

**GSA-012-08**

For:

**ADVERTISEMENT NOTICES PURSUANT TO TITLE 3  
GCA AND PUBLICATION OF BOARD MEETING  
PURSUANT TO THE OPEN GOV'T LAW**

Opening Date:

**FEBRUARY 19, 2008**

**Time: 2:00 p.m.**

Place:

**GENERAL SERVICES AGENCY, PITI GUAM**

**INTERESTED PARTIES MAY PICK UP FORMS  
SPECIFICATIONS AT SAID PLACE**

/s/ CLAUDIA S. ACFALLE  
Chief Procurement Officer

**REQUISITION &  
SPECIFICATIONS**

*Return to Dept. Cant. Writing BPA. Need to identify size required 4/7/08*

REQUISITION

REQUISITION #: Q080700006  
 APPROPRIATION: 5100A080700GA006230

TO: PROCUREMENT FACILITIES MGMT. DIVISION ADMINISTRATOR ENCUMBERED DATE  
 1/25/2008

SUBMITTED BY:

Charqualaf, Stephanie N - Guam Election  
 AUTHORIZED DEPARTMENT REPRESENTATIVE

SIGNATURE DATE

DEPARTMENT/DIVISION: GUAM ELECTION COMMISSION REQUEST DATE: 1/25/2008

ITEM NO.	DESCRIPTION OF ITEM	UOM	QTY	UNIT PRICE	AMOUNT
1	<del>NOTICES PURSUANT TO TITLE 3 GCA AND PUBLICATION OF BOARD MEETINGS PURSUANT TO THE OPEN GOVT LAW. TO BE DRAWN ON A AS NEEDED BASIS COMMENCING FEBRUARY 2008 THRU SEPTEMBER 2008.</del> <i>oil</i> <i>Date: co-ordinated by Election Commis</i>  <i>GSA-012-08</i>	LOT	1	30000.00	30000.00

TOTAL =====> 30000.00

JUSTIFICATION:

TO COVER COST OF ELECTION NOTICES PURSUANT TO TITLE 3 GCA, AND THE PUBLICA  
 TION OF BOARD MEETINGS PURSUANT TO THE OPEN GOVT LAW.

\* PRINT NAME & SIGN

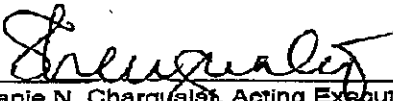
( ) APPROVAL ( ) DISAPPROVAL

RECEIVED BY DATE  
 (CERTIFYING OFFICER)

APPROVING AUTHORITY (DIRECTOR)

**GUAM ELECTION COMMISSION**  
**Specifications for Print Media Advertisements**

Size	Requirements	UOM	Cost	Total Cost
2 x 4	Notice of Board Meetings and Other Election Information	25 ea	_____	_____
2 x 5	Election Notices regarding Early Voting/Absentee and Other Election Information	25 ea	_____	_____
3 x 6	Election Notices regarding Polling Sites	10 ea	_____	_____
4 x 5	Election Notices regarding Candidates	11 ea	_____	_____
4 x 13	Sample Ballots	10 ea	_____	_____
5 x 7	Precinct Official Seminar Schedules	6 ea	_____	_____
5 x 15	List of Precinct Officials	6 ea	_____	_____

Approved by:   
 Stephanie N. Chargualast, Acting Executive Director