

**J&B MODERN TECH**  
**ACR EQUIPMENT AND SUPPLIES**

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Generoso M. Bangayan, President  
Phil-Gets (Guam) International Trading Corp. dba J & B Modern Tech  
P.O. Box 9788  
Harmon, Guam 96931  
Telephone No. (671) 646-0588/3346  
Facsimile No. (671) 646-0589  
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**OFFICE OF PUBLIC ACCOUNTABILITY**

**PROCUREMENT APPEAL**

In the Appeal of )  
)  
Phil-Gets (Guam) International Trading Corp. )  
dba J & B Modern Tech, )  
)  
Appellant. )  
\_\_\_\_\_ )

**NOTICE OF APPEAL**

Docket No. OPA-PA 17-011

**Appellant Information:**

Appellant's address, telephone number, facsimile number, and e-mail address are as follows:

Phil-Gets (Guam) International Trading Corp. dba J & B Modern Tech  
Mailing address: P.O. Box 9788  
Tamuning Guam 96931  
Physical address: 153 East Harmon Industrial Park Rd.  
Unit B  
Harmon, Guam 96931

Telephone No. (671) 646-0588/3346  
Facsimile No. (671) 646-0589  
E-mail GeneBangayan@jbmmoderntech.com

**RECEIVED**  
OFFICE OF PUBLIC ACCOUNTABILITY  
PROCUREMENT APPEALS

DATE: 10-30-17

TIME: 11:05  AM  PM BY: JTB

FILE NO OPA-PA: 17-011

*In re Appeal of Phil-Gets (Guam) Int'l Trading Corp.*  
Notice of Appeal

**Appeal Information:**

- A) Purchasing Agency: Guam Community College (“GCC”)
- B) Invitation for Bid No.: GCC-FB-17-015, GCC Forensic DNA Lab Construction.
- C) The denial of protest being appealed was made on October 17, 2017, by the President of GCC.
- D) Appeal is made from a denial of a protest. This appeal is brought pursuant to 5 GCA §5425(e).
- E) Name of competing bidders known to appellant: ProPacific Builder Corporation.

**Form and Filing:**

1. Phil-Gets (Guam) International Trading Corp. dba J & B Modern Tech (“J&B”) is appealing the denial of a protest it made regarding GCC-FB-17-015.

This procurement, GCC-FB-17-015, was for construction of a Forensic DNA Lab.

There were two bidders for this project: J&B; and ProPacific Builder Corporation (“Propacific”). After the bid opening, J&B submitted a Sunshine Act request to GCC for a copy of PBC’s bid documents. J&B received a copy of those documents on July 27, 2017.

On September 7, 2017, J&B received a Notice of Non-Award for Guam Community College’s Bid Invitation No. GCC-FB-17-015 for the GCC Forensic Lab Construction. A copy of the Notice is attached as “Exhibit A”.

*In re Appeal of Phil-Gets (Guam) Int'l Trading Corp.*  
Notice of Appeal

The Notice of Non-Award stated that a Notice of Intent to Award was issued to PBC. The PBC bid was not the low bid and also was not responsive for reasons set forth below. Thus PBC's bid should have been rejected, and the contract should have been awarded to J&B.

An annotated copy of PBC's bid form is attached as "Exhibit B". As can be seen from the annotations, PBC made several errors when adding up the figures in the material and labor columns in order to reach the amounts in the "total" column for various items included in the bid. PBC represented that it's the sum of the figures in the "total" column was \$3,863,714.00. However, once PBC's numerous mathematical errors are corrected, the actual amount of the sum of items 1 through 16 in PBC's bid as shown on page 5 of this exhibit is \$3,903,744.00.

An annotated copy of J&B's bid form is attached as "Exhibit C". As shown on that form, the sum of items 1 through 16 in J&B's bid is \$3,889,850.00. Thus once PBC's mathematical errors are corrected, J&B's bid for items 1 to 16 is \$13,894 lower than PBC's bid. This calculation excludes the "Alternate Bid Items". If those items are included, the gap in favor of J&B is even larger, as J&B's total for the alternate bid items was \$513,600 compared to \$690,000 for PBC.

Also, the Special Reminder to Prospective Bidders (attached as "Exhibit D") required "outstanding issues with the GCLB and OSHA." PBC only submitted a one-sentence statement (attached as "Exhibit E) on its own letterhead stating, "ProPacific Builder Corporation has no outstanding issues with the Guam Contractor License Board and/or the Occupational Safety and Health Administration." This is insufficient. To confirm the status of outstanding issues or lack thereof, PBC should have submitted a "Verification of License" from the GCLB indicating

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“Complaints on File” and an Inspection Detail print-out from OSHA, as was done by J&B (J&B’s verification and print-out attached as “Exhibit F”). As noted in the Special Reminder, “[f]ailure to comply with the requirements in the special reminder will be a basis for disqualification and rejection of the bid.”

The Insurance Requirement (attached as “Exhibit G”) stated that bidders shall provide a Certificate of Insurance showing that the bidder maintained liability insurance including, Commercial General Liability, Commercial Umbrella Liability, Commercial Automobile Liability, and Commercial Crime Insurance. This requirement further stated that if the insurance was not currently maintained, the bidder had to provide a statement from an insurance company, licensed to do business on Guam, stating the bidder is qualified to obtain the required insurance. The Insurance Requirement further provided, “Failure to provide these documents will result in rejection of the bid.” Unlike J&B (J&B’s certificates and statement attached as “Exhibit H”), PBC did not provide the required certificates or statement.

There was also a requirement for a Certificate of Owner’s Attorney (attached as “Exhibit I”). The form for this Certificate stated that the phrase “performance and payment bonds” should be deleted when not applicable. J&B’s counsel deleted that phrase, inserted the applicable information for J&B’s bid bond, and signed the Certificate (copy attached as “Exhibit J”). PBC did not submit a Certificate of Owner’s Attorney. Instead, PBC submitted a statement, not signed by an attorney, stating that the Certificate would be signed only when the project was awarded to PBC (copy attached as “Exhibit K”).

*In re Appeal of Phil-Gets (Guam) Int'l Trading Corp.*  
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Item 23 of the General Terms and Conditions for this bid (attached as “Exhibit L”) required an award to the lowest responsible and responsive bidder. PBC was neither the lowest bidder nor a responsive bidder. J&B should have been awarded this project because it was actually the low bidder. PBC’s bid should have been rejected as unresponsive due to omissions noted above.

On September 20, 2017, J&B submitted a timely protest. A copy of the protest is attached as “Exhibit M”. Exhibits A through K to the protest are not included in the current “Exhibit M”, as they correspond to the same-lettered exhibits to this Notice.

On October 18, 2017, J&B received a letter from the President of GCC, dated a day earlier, which denied J&B’s protest as “late”. The letter is attached as “Exhibit N”. GCC took the position that J&B’s protest was incorrect because, according to GCC, J&B should have filed a protest within 14 days after receiving a copy of PBC’s bid documents on July 27, 2017. This is incorrect. Guam law makes no provision for bidders to protest each others’ bids. Under 5 GCA §5425(a), a bidder can only protest “the method of source selection, solicitation, or award of a contract”, all of which require action by the procuring agency.

Although GCC denied the protest as “untimely”, it also commented upon the grounds set forth by J&B. J&B disagrees with GCC’s position and these matters and will respond accordingly at such time as the OPA directs.

2. J&B requests that the Office of Public Accountability (1) overrule GCC’s denial of J&B’s protest, (2) remand the matter to GCC for further action in accordance with the OPA’s ruling.

*In re Appeal of Phil-Gets (Guam) Int'l Trading Corp.*  
Notice of Appeal

3. Supporting documents are attached hereto as exhibits which correspond with the Exhibit letters A through N as set forth above.


**Declaration regarding court action:**

J&B does hereby confirm that to the best of its knowledge no case or action concerning the subject of this Appeal has been commenced in court.

Dated this 20<sup>th</sup> day of October, 2017.

PHIL-GETS (GUAM) INTERNATIONAL  
TRADING CORP. dba J & B MODERN TECH

By:

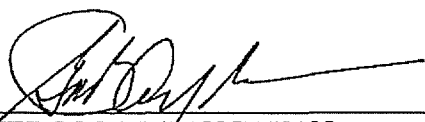
  
\_\_\_\_\_  
**GENEROSO M. BANGAYAN**  
President

**VERIFICATION**

Tamuning, Guam ) ss:

I, Generoso M. Bangayan, being first duly sworn, do hereby depose and state that I am the President of Appellant Phil-Gets (Guam) International Trading Corp. dba J & B Modern Tech. and that I have read the foregoing Notice of Appeal and it is true of my own knowledge except as to those matters alleged upon information and belief and as to those matters, I believe them to be true.

Dated this 20<sup>th</sup> day of October, 2017.

  
\_\_\_\_\_  
**GENEROSO M. BANGAYAN**

*In re Appeal of Phil-Gets (Guam) Int'l Trading Corp.*  
Notice of Appeal

SUBSCRIBED AND SWORN to before me this 20<sup>th</sup> day of October, 2017.



*[Handwritten Signature]*  
Notary Public

**JOSEPH B. QUINTANILLA, JR.**  
NOTARY PUBLIC  
In and for Guam U.S.A.  
My commission expires: August 18, 2019  
P.O. Box 22649 Barrigada, Guam 96921

**EXHIBIT A**





Phil-Gets (Guam) Int'l Trading Corp.  
DBA: J&B Modern Tech  
P.O. Box 9788  
Tamuning, Guam 96931

Attention: Mr. Gene M. Bangayan  
President/General Manager

Via: Carmen K. Santos *CKS*  
VP, Finance & Administration

Joleen M. Evangelista *JME*  
Procurement & Inventory Administrator

**NOTICE OF NON-AWARD**

Bid No: GCC-FB-17-015  
Description: GCC Forensic DNA Lab

Dear Mr. Gene M. Bangayan

This letter is to advise you that the above bid has been evaluated and a Notice of Intent to Award has been issued to Propacific Builder Corporation. They were deemed the lowest, most responsible and responsive bidder.

Guam Community College appreciates your time and effort in preparing for this bid and encourages you to bid in the future.

Should you have any questions, please contact Joleen Evangelista, Procurement & Inventory Administrator at 735-5540/5542 or email: [joleen.evangelista@guamcc.edu](mailto:joleen.evangelista@guamcc.edu).

Thank you for your participation and interest.

Sincerely,

*Mary J.Y. Okada*  
Mary J.Y. Okada, Ed.D.  
President

**EXHIBIT B**

*7/20/2018*

**SECTION 00310 - BID FORM**

Having carefully examined the GCC Forensic DNA Lab RFP & Bid Documents, Drawings, Project Manual & Specifications, and Bid Addenda, as well as the premises and conditions affecting the work, the undersigned proposes to furnish all labor and materials and to perform all work required by and in strict accordance with the above-named documents for the following sums:

**BASE BID**

The Base Bid shall be broken down into subtotals for each of the CSI Divisions 1 thru 16. The bid shall further be broken down between material costs and labor costs in each division. OH+P shall be identified for each Division and shall be the basis for Change Orders and Directives. The contractor shall be responsible for establishing quantities and procurement timetables for construction materials, systems and/or components.

The sum of Three Million Eight Hundred Sixty Three Thousand Seven Hundred Fourteen Dollars (\$ 3,863,714.00 )

*ADJUSTED TOTAL \$ 3,858,714.00*

Division No.	Division	Material		Labor		Total
		Direct	O&P	Direct	O&P	
01	General Requirements					
	a. Project Management			\$290,000.00		\$290,000.00 ✓
	b. Temporary Facilities	\$24,500.00		\$10,500.00		\$35,000.00 ✓
	c. Environmental Protection	\$10,950.00		\$8,550.00		\$28,500.00 ✓
	d. Project Closeout	\$17,875.00		\$7,575.00		\$25,250.00 ✓
	e. Const. Waste Management	\$18,275.00		\$5,975.00		\$23,250.00 ✓
	f. OFCI			\$25,000.00		\$25,000.00 ✓
	g. Sustainable Design	\$30,818.00		\$13,122.00		\$43,740.00 ✓
	h. Commissioning	\$32,550.00		\$13,950.00		\$46,500.00 ✓
02	Site Work					
	a. Demolition & Removal	\$33,820.00	\$4,620.00	\$14,520.00	\$1,980.00	\$55,000.00 ✓
	b. Earthwork	\$81,826.48	\$3,444.52	\$28,530.82	\$3,810.08	\$100,530.00 ✓
	c. Soil Treatment	\$8,560.40	\$294.60	\$2,811.80	\$383.40	\$10,650.00 ✓
	d. Access Roads & Parking	\$24,794.00	\$3,381.00	\$10,828.00	\$1,449.00	\$40,250.00 ✓
	e. Water System	\$12,350.80	\$1,884.20	\$3,293.20	\$721.80	\$20,050.00 ✓

*281,079.68 435,462.72 8,153.28 743,720.00*

BID FORM

00310-1

*19,024.32*

GCC FORENSIC DNA LAB

*PAGE 1 - ORIGINAL TOTAL = 743,720.00*

# PRO PACIFIC

	f. Storm Drainage System	\$9,048.00	\$1,238.00	\$3,894.00	\$531.00	\$14,750.00	✓
	g. Sewer System	\$11,223.52	\$1,530.48	\$4,810.08	\$855.92	\$18,220.00	✓
	h. Chain Link Fences	\$12,178.32	\$1,050.88	\$5,210.28	\$711.72	\$19,770.00	✓
	i. Concrete Sidewalks	\$43,027.00	\$3,667.40	\$18,440.40	\$2,314.00	\$69,850.00	✓
	j. CMU & Concrete Fence	\$11,838.08	\$1,548.92	\$4,804.32	\$678.88	\$18,880.00	✓
	k. Lawns and Grasses	\$6,776.00	\$624.00	\$2,904.00	\$308.00	\$11,000.00	✓
	l. Exterior Plants	\$5,032.08	\$504.92	\$2,542.32	\$348.88	\$9,630.00	✓
	m. Significant Tree Preservation	\$5,451.00	\$743.40	\$2,336.40	\$318.00	\$8,850.00	✓
03	Concrete						
	a. Structural Excavation	\$18,473.84	\$2,518.16	\$7,917.36	\$1,079.84	\$29,990.00	✓
	b. Geotechnical Probing	\$22,484.00	\$3,068.00	\$9,303.00	\$1,314.00	\$36,500.00	✓
	c. Sub-Base	\$8,938.00	\$945.00	\$2,970.00	\$405.00	\$11,250.00	✓
	d. Compacted Base Course	\$14,241.92	\$1,942.00	\$6,103.88	\$832.32	\$23,120.00	✓
	e. Structural Fill	\$11,568.48	\$1,577.52	\$4,857.92	\$678.08	\$18,780.00	✓
	f. Slab on Grade	\$82,542.48	\$8,528.52	\$28,803.92	\$3,855.08	\$101,530.00	✓
	g. Wall & Column Footing	\$81,310.48	\$8,360.52	\$28,275.92	\$3,582.08	\$99,530.00	✓
	h. Concrete Walls	\$188,218.80	\$25,393.20	\$79,807.20	\$10,882.80	\$302,300.00	✓
	i. Concrete Columns	\$129,704.00	\$17,687.04	\$55,587.84	\$7,380.16	\$210,560.00	✓
	j. Concrete Beams	\$84,108.84	\$11,409.38	\$38,048.58	\$4,915.44	\$136,540.00	✓
	k. Concrete Floor & Roof Slab	\$25,848.00	\$3,070.40	\$11,078.40	\$1,501.60	\$155,600.00	✓
	l. Concrete Topping	\$28,809.80	\$3,864.08	\$11,515.68	\$1,570.32	\$43,620.00	✓
04	Masonry						
	a. Concrete Masonry Unit	\$42,072.00	\$5,737.20	\$18,031.20	\$2,458.80	\$63,300.00	✓
05	Metals						
	a. Metal Fabrications	\$13,244.00	\$1,800.00	\$5,678.00	\$774.00	\$21,500.00	✓

18,790.  
- 90.  
9,626.  
- 4.  
36,227.  
- 273  
23,119.92  
- .08  
68,300.  
+ 5000

880,923<sup>12</sup>    377,17548    1,429,702.92<sup>92</sup>

BID FORM  
PAGE 2 ORIG: Total = 1,425,070.00  
LESS: 367.08  
Subtotal = 1,424,702.92  
ADD: 5,000.00  
Adjusted Total = 1,429,702.92

00310-2  
120,171.50  
90.00  
4.00  
273.00  
108  
367.08 - OVER

GCC FORENSIC DNA LAB  
1,429,702.92  
1,425,070.00  
4,632.92  
367.08  
5,000.00

# PRO PACIFIC

	b. Handrails & Railings	\$35,099.00	\$4,795.33	\$16,042.72	\$2,051.28	\$56,980.00
06	Wood & Plastics					
	a. Rough Carpentry	\$9,005.92	\$1,228.04	\$3,850.00	\$526.32	\$14,620.00
	b. Finish Carpentry	\$15,313.76	\$2,084.24	\$8,503.04	\$284.00	\$24,860.00
	c. Architectural Woodwork	\$9,543.68	\$1,342.32	\$4,218.72	\$575.28	\$15,980.00
	d. Solid Polymer Fabrications	\$7,016.24	\$958.76	\$3,000.00	\$410.04	\$11,390.00
07	Thermal & Moisture Protection					
	a. Waterproofing	\$28,246.76	\$7,852.24	\$12,107.04	\$1,850.96	\$45,860.00
	b. Fluid Applied Urethane Roofing	\$27,412.00	\$3,738.00	\$11,748.00	\$1,802.00	\$44,500.00
	c. Water Repellents (Sealer)	\$18,284.00	\$2,490.00	\$7,827.00	\$1,087.40	\$29,650.00
	d. Insulation	\$18,786.00	\$2,562.00	\$8,052.00	\$1,093.00	\$30,500.00
	e. Fireproofing & Firestopping	\$9,024.40	\$1,230.00	\$3,867.00	\$527.40	\$14,650.00
	f. Sheet Metal Flashing and Trim	\$9,437.12	\$1,288.88	\$4,044.48	\$551.52	\$15,320.00
	g. Joint Sealers	\$4,281.20	\$583.80	\$1,834.80	\$250.20	\$6,950.00
08	Doors & Windows					
	a. Hollow Metal Doors & Frames	\$38,219.36	\$4,952.84	\$15,505.44	\$2,122.56	\$58,960.00
	b. Wood Doors	\$11,488.40	\$1,566.60	\$4,923.60	\$671.40	\$18,650.00
	c. Access Doors & Panels	\$12,903.72	\$1,787.78	\$5,558.88	\$757.62	\$21,045.00
	d. Alum. Entrances, Storefronts, Doors & Windows	\$72,457.00	\$9,800.50	\$31,053.00	\$4,234.50	\$117,625.00
	e. Storm Protection	\$9,583.40	\$1,304.10	\$4,098.60	\$558.90	\$15,525.00
	f. Door Hardware	\$43,196.00	\$5,754.00	\$18,284.00	\$2,496.00	\$68,500.00
	g. Glass & Glazing	\$28,028.00	\$3,822.00	\$12,912.00	\$1,838.00	\$45,500.00
09	Finishes					
	a. Gypsum Board Walls	\$20,122.40	\$2,742.80	\$8,819.80	\$1,175.40	\$32,650.00

29,649.60  
-40

68,500.00  
+ 70  
85,500.00  
+ 40,000

32,660.00  
+ 10.00

424,874.04    182,084.75    689,715.00

BID FORM  
PAGE 3; ORIGINAL TOTAL = 689,715.00  
LESS: .40  
SUB-TOTAL ; 689,714.60  
ADD: 40,030.00  
ADJUSTED TOTAL: 729,744.60

00310-3    47,936.06    24,829.74  
GCC FORENSIC DNA LAB  
+ .40  
+ 20.00  
+ 40,000.00  
+ 10.00  
40,030.00

729,744.60  
689,715.00  
40,029.60  
+ 40  
40,030.00

PACIFIC

	b. Gypsum Board Soffits	\$12,301.52	\$1,000.00	\$5,311.88	\$724.22	\$20,120.00
	c. Ceramic Tile	\$10,404.24	\$1,418.76	\$4,458.05	\$505.04	\$16,890.00
	d. Acoustical Ceiling Tile	\$21,829.50	\$2,950.40	\$9,308.40	\$1,261.50	\$35,600.00
	e. Resilient Flooring	\$23,839.20	\$3,250.80	\$10,216.80	\$1,303.20	\$38,700.00
	f. Exterior Painting	\$24,553.76	\$1,348.24	\$10,523.04	\$1,434.06	\$39,860.00
	g. Interior Painting	\$21,313.00	\$2,906.40	\$9,134.40	\$1,245.60	\$34,600.00
10	Specialties					
	a. Toilet Partitions	\$5,104.46	\$1,241.52	\$5,001.32	\$532.06	\$14,780.00
	b. Louvers & Vents	\$5,207.39	\$730.01	\$2,313.17	\$215.43	\$8,762.00
	c. Signage	\$2,184.18	\$296.21	\$640.37	\$128.23	\$3,562.00
	d. Fire Protection Specialties	\$8,081.00	\$629.50	\$2,607.00	\$355.50	\$9,875.00
	e. Operable Accordion Partitions	\$26,136.88	\$3,837.12	\$12,059.52	\$1,844.48	\$45,680.00
	f. Toilet Accessories	\$11,087.36	\$1,834.64	\$5,137.44	\$700.56	\$19,460.00
12	Furnishings					
	a. Floor Mats & Frames	\$9,110.64	\$1,242.36	\$3,904.56	\$532.44	\$14,790.00
	b. Blinds	\$12,320.00	\$1,643.00	\$5,230.00	\$720.00	\$20,000.00
13	Special Construction					
	a. Fire Alarm System	\$40,378.80	\$5,506.20	\$17,305.20	\$2,356.80	\$65,550.00
15	Mechanical					
	a. Interior Plumbing System	\$7,383.36	\$1,088.64	\$3,421.44	\$456.56	\$12,960.00
	b. Plumbing Fixtures	\$9,703.00	\$1,331.40	\$4,184.40	\$570.80	\$15,850.00
	c. A/C & Ventilation Systems	\$123,500.00	\$16,842.00	\$52,932.00	\$7,216.00	\$200,500.00
	d. Direct Digital Control System	\$77,389.50	\$10,550.40	\$33,156.40	\$4,521.60	\$125,600.00
	e. Testing, Adjusting, & Balancing	\$11,025.00	\$1,512.00			\$12,600.00

468,861.32      196,188.70      755,739.00  
 639,351.68      76,743.00      755,728.70

BID FORM  
 PAGE 4, ORIGINAL TOTAL: 755,739.00  
 LESS: 10.30  
 ADJUSTED TOTAL: 755,728.70

00310-4      GCC FORENSIC DNA LAB  
 0 - 10.00  
 7 - 130  
 10.30

121 Pacific

16	Electrical						
	a. Power Distribution	\$22,484.00	\$1,000.00	\$23,484.00	\$1,314.00	✓	\$36,500.00
	b. Lighting	\$107,837.12	\$13,825.88	\$121,663.00	\$3,951.82	✓	\$165,320.00
	c. Data & Communication	\$20,272.40	\$2,382.00	\$22,654.40	\$1,523.60		\$42,650.00
		150,593.52	15,207.88	165,801.40	5,789.42		214,470.00
	ALTERNATE BID ITEMS						
1	Emergency Generator System & Structure	\$258,720.00	\$35,220.00	\$313,940.00	\$18,120.00	✓	\$420,000.00
2	PV System & Roof Access Stairs	\$12,400.00	\$12,000.00	\$24,400.00	\$3,400.00	✓	\$150,000.00
3	Network Connection to Building 200 (Building E)	\$73,820.00	\$10,000.00	\$83,820.00	\$4,320.00	✓	\$120,000.00
		425,040.00	57,220.00	482,260.00	25,840.00		690,000.00
		59,960.00		59,960.00	24,810.00		
						ORIGINAL TOTAL	ADJUSTED TOTAL
				PAGE 1		743,720.00	743,720.00
RECAP:	Limit Total = 3,903,366.22			" 2		1,125,070.00	1,079,702.92
PAGE 2-5	Original Total = 3,858,714.00			" 3		689,715.00	729,744.60
	44,652.22			" 4		755,739.00	755,728.70
ADD:	P-2 = 367.08			" 5		244,470.00	244,470.00
ADD:	P-3 = 140		377.78	TOTAL	" 1-5	3,858,714.00	3,903,366.22
ADD:	P-4 = 10.30			PLUS ADJUSTMENT		45,030.00	377.78
Total	Adjustment = 45,030.00					3,903,744.00	3,903,744.00

VALUE ENGINEERING

PRO PACIFIC BUILDERS ADJUSTED TOTAL

Contractors may submit value-engineering ideas for consideration provided the V.E. recommendations result in a lower cost to the owner, improved (shortened) construction time, and improved overall values for the project. Provide material information, systems description. The contractor shall be responsible for administrative, engineering cost to expedite the V.E. items proposed.

TIME OF COMPLETION

The undersigned agrees that the contract time for the total project shall be 540 consecutive calendar days.

CONTRACTORS PROJECT MANAGEMENT DESCRIPTION - Submission requirements for determination of lowest responsible bidder.

**EXHIBIT C**



15B

SECTION 00310 - BID FORM

Having carefully examined the GCC Forensic DNA Lab RFP & Bid Documents, Drawings, Project Manual & Specifications, and Bid Addenda, as well as the premises and conditions affecting the work, the undersigned proposes to furnish all labor and materials and to perform all work required by and in strict accordance with the above-named documents for the following sums:

BASE BID

The Base Bid shall be broken down into subtotals for each of the CSI Divisions 1 thru 16. The bid shall further be broken down between material costs and labor costs in each division. OH+P shall be identified for each Division and shall be the basis for Change Orders and Directives. The contractor shall be responsible for establishing quantities and procurement timetables for construction materials, systems and/or components.

The sum of Four Million Three Hundred Ninety-Four Thousand Four Hundred Fifty & 00/100 Dollars (\$ 4,394,450.00 )

J&B - TOTAL item 1 to 16 : 3,889,850.00

Division No.	Division	Material		Labor		Total
		Direct	O&P	Direct	O&P	
01	General Requirements					
	a. Project Management	\$ 12,000.00	\$ 3,000.00	\$ 406,000.00	\$ 11,000.00	\$ 432,000.00
	b. Temporary Facilities	\$ 5,000.00	\$ 1,500.00	\$ 2,000.00	\$ 500.00	\$ 9,000.00
	c. Environmental Protection	\$ 4,000.00	\$ 1,000.00	\$ 2,000.00	\$ 500.00	\$ 7,500.00
	d. Project Closeout	\$ 3,000.00	\$ 800.00	\$ 1,000.00	\$ 300.00	\$ 5,100.00
	e. Const. Waste Management	\$ 12,000.00	\$ 3,000.00	\$ 0.00	\$ 0.00	\$ 15,000.00
	f. OFCI	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
	g. Sustainable Design	\$ 12,000.00	\$ 3,000.00	\$ 4,000.00	\$ 1,000.00	\$ 20,000.00
	h. Commissioning	\$ 8,000.00	\$ 2,000.00	\$ 2,000.00	\$ 500.00	\$ 12,500.00
02	Site Work					
	a. Demolition & Removal	\$ 8,000.00	\$ 2,000.00	\$ 18,000.00	\$ 5,000.00	\$ 33,000.00
	b. Earthwork	\$ 14,000.00	\$ 4,000.00	\$ 8,000.00	\$ 2,000.00	\$ 28,000.00
	c. Soil Treatment	\$ 6,000.00	\$ 1,600.00	\$ 1,000.00	\$ 300.00	\$ 8,900.00
	d. Access Roads & Parking	\$ 70,000.00	\$ 16,000.00	\$ 2,000.00	\$ 500.00	\$ 90,500.00
	e. Water System	\$ 14,000.00	\$ 4,000.00	\$ 6,000.00	\$ 2,000.00	\$ 26,000.00

TOTAL = 168000 + 439000 + 452000 + 234000 = 687,500.00

1EB

	f. Storm Drainage System	\$ 30,000.00	\$ 8,000.00	\$ 10,000.00	\$ 2,600.00	\$ 50,600.00
	g. Sewer System	\$ 18,000.00	\$ 4,800.00	\$ 6,000.00	\$ 1,600.00	\$ 30,400.00
	h. Chain Link Fences	\$ 32,000.00	\$ 8,000.00	\$ 12,000.00	\$ 3,000.00	\$ 55,000.00
	i. Concrete Sidewalks	\$ 12,000.00	\$ 3,000.00	\$ 6,000.00	\$ 1,600.00	\$ 22,600.00
	j. CMU & Concrete Fence	\$ 14,000.00	\$ 3,600.00	\$ 6,000.00	\$ 1,800.00	\$ 25,400.00
	k. Lawns and Grasses	\$ 2,000.00	\$ 500.00	\$ 2,000.00	\$ 500.00	\$ 5,000.00
	l. Exterior Plants	\$ 3,000.00	\$ 800.00	\$ 2,000.00	\$ 500.00	\$ 6,300.00
	m. Significant Tree Preservation	\$ 2,000.00	\$ 500.00	\$ 4,000.00	\$ 1,000.00	\$ 7,500.00
03	Concrete					
	a. Structural Excavation	\$ 4,000.00	\$ 1,000.00	\$ 2,000.00	\$ 500.00	\$ 7,500.00
	b. Geotechnical Probing	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
	c. Sub-Base	\$ 0.00	\$ 0.00	\$ 7,000.00	\$ 2,000.00	\$ 9,000.00
	d. Compacted Base Course	\$ 12,000.00	\$ 3,000.00	\$ 6,000.00	\$ 1,600.00	\$ 22,600.00
	e. Structural Fill	\$ 0.00	\$ 0.00	\$ 4,000.00	\$ 1,000.00	\$ 5,000.00
	f. Slab on Grade	\$ 38,000.00	\$ 10,000.00	\$ 18,000.00	\$ 5,000.00	\$ 71,000.00
	g. Wall & Column Footing	\$ 24,000.00	\$ 6,000.00	\$ 12,000.00	\$ 3,000.00	\$ 45,000.00
	h. Concrete Walls	\$ 110,000.00	\$ 29,000.00	\$ 50,000.00	\$ 14,000.00	\$ 203,000.00
	i. Concrete Columns	\$ 16,000.00	\$ 4,000.00	\$ 8,000.00	\$ 2,000.00	\$ 30,000.00
	j. Concrete Beams	\$ 18,000.00	\$ 4,800.00	\$ 8,000.00	\$ 2,000.00	\$ 32,800.00
	k. Concrete Floor & Roof Slab	\$ 136,000.00	\$ 36,000.00	\$ 62,000.00	\$ 16,000.00	\$ 250,000.00
	l. Concrete Topping	\$ 6,000.00	\$ 1,600.00	\$ 4,000.00	\$ 1,000.00	\$ 12,600.00
04	Masonry					
	a. Concrete Masonry Unit	\$ 12,000.00	\$ 3,000.00	\$ 4,000.00	\$ 1,000.00	\$ 20,000.00
05	Metals					
	a. Metal Fabrications	\$ 14,000.00	\$ 4,000.00	\$ 5,000.00	\$ 2,000.00	\$ 28,000.00

TOTAL = 403,000 - 131,800 - 241,000 - 63,500 = 939,300.00

✓ 1/3 B

	b. Handrails & Railings	\$ 52,000.00	\$ 14,000.00	\$ 24,000.00	\$ 6,000.00	\$ 96,000.00
06	Wood & Plastics					
	a. Rough Carpentry	\$ 2,000.00	\$ 500.00	\$ 1,000.00	\$ 250.00	\$ 3,750.00
	b. Finish Carpentry	\$ 6,000.00	\$ 1,600.00	\$ 2,000.00	\$ 500.00	\$ 10,100.00
	c. Architectural Woodwork	\$ 8,000.00	\$ 2,000.00	\$ 2,000.00	\$ 500.00	\$ 12,500.00
	d. Solid Polymer Fabrications	\$ 30,000.00	\$ 800.00	\$ 10,000.00	\$ 2,600.00	\$ 43,400.00
07	Thermal & Moisture Protection					
	a. Waterproofing	\$ 2,000.00	\$ 500.00	\$ 1,000.00	\$ 250.00	\$ 3,750.00
	b. Fluid Applied Urethane Roofing	\$ 16,000.00	\$ 4,000.00	\$ 8,000.00	\$ 2,000.00	\$ 30,000.00
	c. Water Repellents (Sealer)	\$ 1,000.00	\$ 250.00	\$ 1,000.00	\$ 250.00	\$ 2,500.00
	d. Insulation	\$ 5,000.00	\$ 1,300.00	\$ 3,000.00	\$ 800.00	\$ 10,100.00
	e. Fireproofing & Firestopping	\$ 500.00	\$ 100.00	\$ 500.00	\$ 100.00	\$ 1,200.00
	f. Sheet Metal Flashing and Trim	\$ 2,000.00	\$ 500.00	\$ 1,000.00	\$ 250.00	\$ 3,750.00
	g. Joint Sealers	\$ 1,000.00	\$ 250.00	\$ 1,000.00	\$ 250.00	\$ 2,500.00
08	Doors & Windows					
	a. Hollow Metal Doors & Frames	\$ 20,000.00	\$ 500.00	\$ 8,000.00	\$ 2,000.00	\$ 30,500.00
	b. Wood Doors	\$ 32,000.00	\$ 8,500.00	\$ 12,000.00	\$ 3,000.00	\$ 55,500.00
	c. Access Doors & Panels	\$ 68,000.00	\$ 18,000.00	\$ 24,000.00	\$ 6,000.00	\$ 116,000.00
	d. Alum. Entrances, Storefronts, Doors & Windows	\$ 84,000.00	\$ 22,000.00	\$ 31,000.00	\$ 8,000.00	\$ 144,000.00
	e. Storm Protection	\$ 32,000.00	\$ 8,500.00	\$ 12,000.00	\$ 3,200.00	\$ 55,700.00
	f. Door Hardware	\$ 4,000.00	\$ 1,000.00	\$ 2,000.00	\$ 500.00	\$ 7,500.00
	g. Glass & Glazing	\$ 6,000.00	\$ 1,600.00	\$ 2,000.00	\$ 500.00	\$ 10,100.00
09	Finishes					
	a. Gypsum Board Walls	\$ 60,000.00	\$ 6,000.00	\$ 28,000.00	\$ 7,500.00	\$ 111,500.00

TOTAL = 43,100 = 10,900 = 172,500 - 14,500

710,300.00

JLB

	b. Gypsum Board Soffits	\$ 40,000.00	\$ 10,600.00	\$ 18,000.00	\$ 4,800.00	\$ 73,400.00
	c. Ceramic Tile	\$ 20,000.00	\$ 5,300.00	\$ 6,000.00	\$ 1,600.00	\$ 32,900.00
	d. Acoustical Ceiling Tile	\$ 32,000.00	\$ 8,500.00	\$ 10,000.00	\$ 2,600.00	\$ 53,100.00
	e. Resilient Flooring	\$ 44,000.00	\$ 11,700.00	\$ 14,000.00	\$ 3,700.00	\$ 73,400.00
	f. Exterior Painting	\$ 20,000.00	\$ 5,300.00	\$ 6,000.00	\$ 1,600.00	\$ 32,900.00
	g. Interior Painting	\$ 24,000.00	\$ 6,400.00	\$ 8,000.00	\$ 2,000.00	\$ 40,400.00
10	Specialties					
	a. Toilet Partitions	\$ 14,000.00	\$ 3,700.00	\$ 6,000.00	\$ 1,600.00	\$ 25,300.00
	b. Louvers & Vents	\$ 28,000.00	\$ 7,400.00	\$ 12,000.00	\$ 3,200.00	\$ 50,600.00
	c. Signage	\$ 8,000.00	\$ 2,000.00	\$ 4,000.00	\$ 1,000.00	\$ 15,000.00
	d. Fire Protection Specialties	\$ 18,000.00	\$ 4,600.00	\$ 8,000.00	\$ 2,000.00	\$ 32,800.00
	e. Operable Accordion Partitions	\$ 8,000.00	\$ 2,000.00	\$ 4,000.00	\$ 1,000.00	\$ 15,000.00
	f. Toilet Accessories	\$ 8,000.00	\$ 2,000.00	\$ 4,000.00	\$ 1,000.00	\$ 15,000.00
12	Furnishings					
	a. Floor Mats & Frames	\$ 16,000.00	\$ 4,200.00	\$ 8,000.00	\$ 2,000.00	\$ 30,200.00
	b. Blinds	\$ 6,000.00	\$ 1,600.00	\$ 3,000.00	\$ 600.00	\$ 11,400.00
13	Special Construction					
	a. Fire Alarm System	\$ 12,000.00	\$ 3,200.00	\$ 4,000.00	\$ 1,000.00	\$ 20,200.00
15	Mechanical					
	a. Interior Plumbing System	\$ 48,000.00	\$ 12,800.00	\$ 20,000.00	\$ 5,200.00	\$ 86,100.00
	b. Plumbing Fixtures	\$ 46,000.00	\$ 12,000.00	\$ 22,000.00	\$ 6,000.00	\$ 86,000.00
	c. A/C & Ventilation Systems	\$ 230,000.00	\$ 61,000.00	\$ 64,000.00	\$ 17,000.00	\$ 372,000.00
	d. Direct Digital Control System	\$ 116,000.00	\$ 31,000.00	\$ 8,000.00	\$ 2,000.00	\$ 157,000.00
	e. Testing, Adjusting, & Balancing	\$ 10,000.00	\$ 2,600.00	\$ 4,000.00	\$ 1,000.00	\$ 17,600.00

TOTAL = 748,000 - 198,100 - 233,000 - 61,700 = 1240,300.00

145

16	Electrical					
	a. Power Distribution	\$ 44,000.00	\$ 12,000.00	\$ 20,000.00	\$ 5,300.00	\$ 81,300.00
	b. Lighting	\$ 88,000.00	\$ 23,300.00	\$ 40,000.00	\$ 10,600.00	\$ 161,900.00
	c. Data & Communication	\$ 12,000.00	\$ 3,200.00	\$ 4,000.00	\$ 1,000.00	\$ 20,200.00
	TOTAL =	144,000	38,500	64,000	16,900	263,400.00
	ALTERNATE BID ITEMS					
1	Emergency Generator System & Structure	\$ 136,000.00	\$ 35,000.00	\$ 40,000.00	\$ 10,600.00	\$ 222,600.00
2	PV System & Roof Access Stairs	\$ 84,000.00	\$ 25,000.00	\$ 42,000.00	\$ 11,000.00	\$ 172,000.00
3	Network Connection to Building 200 (Building E)	\$ 64,000.00	\$ 17,000.00	\$ 30,000.00	\$ 8,000.00	\$ 119,000.00
	TOTAL =	264,000	75,000	112,000	29,600	513,600.00
	GRAND TOTAL					\$ 4,394,450.00
						=====
						<b>SUMMARY:</b>
						PAGE 00310-1 687,500.00
						" 00310-2 989,300.00
						" 00310-3 750,350.00
						" 00310-4 1,240,300.00
						" 00310-5 263,400.00
						TOTAL: 1-16 \$ 3,880,850.00

VALUE ENGINEERING

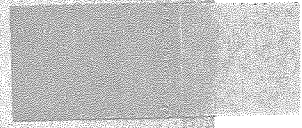
Contractors may submit value-engineering ideas for consideration provided the V.E. recommendations result in a lower cost to the owner, improved (shortened) construction time, and improved overall values for the project. Provide material information, systems description. The contractor shall be responsible for administrative, engineering cost to expedite the V E items proposed

TIME OF COMPLETION

The undersigned agrees that the contract time for the total project shall be 540 consecutive calendar days

CONTRACTORS PROJECT MANAGEMENT DESCRIPTION – Submission requirements for determination of lowest responsible bidder

**EXHIBIT D**





Guam Community College  
 PO Box 23069  
 Barrigada, Guam 96921

**INVITATION FOR BID (IFB) NO.: GCC-FB-17-015**

**BID DESCRIPTION: GCC FORENSIC DNA LAB CONSTRUCTION**

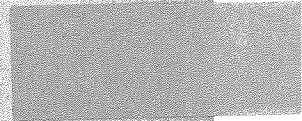
**SPECIAL REMINDER TO PROSPECTIVE BIDDERS**

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 envelope, in duplicate, at the date and time for bid opening.

- BID GUARANTEE (15% OF BID AMOUNT) – May be in the form of;**
  - a. **Cashier's Check or Certified Check**
  - b. **Letter of Credit** (must not expire no earlier than ninety (90) days from the date of submittal)
  - 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.
- PROJECT MANAGEMENT OUTLINE, PROJECT NARRATIVE, RESUMES, CPM CHARTS AND OUTSTANDING ISSUES WITH THE GCLB AND OSHA: (SEE SECTION 0310 BID FORM)**
- LETTERS OF AWARD/REFERENCES: (OPTIONAL)**
- AFFIDAVIT OF DISCLOSURE OF MAJOR SHAREHOLDERS – Must comply with the following requirements:**
  - a. A bidders intends to participate in a bid opening on October 15, and submits his/her bid on September 12, the affidavit dated September 10 is acceptable.
  - b. If the affidavit is a copy, indicate the Bid No. and where it is filed.
- LOCAL PROCUREMENT PREFERENCE APPLICATION**
- NON-COLLUSION AFFIDAVIT, AFFIDAVIT re GRATUITIES AND KICKBACKS, AFFIDAVIT re ETHICAL STANDARDS AND AFFIDAVIT re CONTINGENT CITY FEES (must be notarized)**
- USDA FORMS: DISCLOSURE OF LOBBYING ACTIVITIES, CERTIFICATION REGARDING DEBARMENT, COMPLIANCE STATEMENT, CERTIFICATION FOR CONTRACTS, GRANTS AND LOANS, CERTIFICATE OF OWNER'S ATTORNEY**
- Declaration Re Compliance with U.S. DOL Wage Determination: Please see instructions in U.S. DOL Form**
- Acknowledgement receipts of pre-bid minutes and or addendums upon issuance from Materials Management Office**
- Copy of current Business/Contractor's License expiring 6/30/2017 (required upon notice of intent to award)**
- Failure to comply with the requirements in the special reminder will be a basis for disqualification and rejection of the bid. 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 28th day of June, 2017, PROPACIFIC BUILDER CORP. acknowledge receipt of this special reminder to prospective bidders with the above referenced IFB.**

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

**EXHIBIT E**







# PROPACIFIC BUILDER CORPORATION

*(formerly Guam Yoashin Corp.)*

P.O. Box 7446 TAMUNING, GUAM 96913

Tel: 671-477-3109 | Fax: 671-477-7424

E-mail: [jgyc@guam.net](mailto:jgyc@guam.net)

*ProPacifc Builder Corporation has no outstanding issues with the Guam Contractor License Board and /or the Occupational Safety and Health Administration*

GCC-FB-17-015  
GCC FORENSIC DNA LAB CONSTRUCTION  
GUAM COMMUNITY COLLEGE

**EXHIBIT F**





**Contractors License Board**  
**Inetnon Manlisensiayen Kontratista**  
**Government of Guam**  
 542 North Marine Corp Drive A Tamuning, Guam 96911  
 649-2211, 9676 or 646-7262 or 649-2210 (Fax)

**Verification of License**

Company Phil-Gets (Guam) International Trading Corp. Dbas: J & B Modern Tech		License Number 7487	Date Issued 7/14/1998
Address P.O. Box 9788 Tamuning, Guam 96931		Phone Number: 646-0588 646-4435 898-2097	
Name of Responsible Management Employee(RME) Gene M. Bagayan		License Number 7733	Date Issued 8/13/1999
Licensed Status: Corporation  Expires: June 30, 2018		Complaints On File No complaints filed	
<b>Licensed to perform the following:</b>			
<b>Classification</b>	<b>Description of Classification</b>		
A	General Engineering		
B	General Building		
C3	Asphalt Paving & Surfacing		
C4	Boiler, Hot Water Heating & Steam Fitting		
C13	Electrical		
C13A	Line & Pole		
C16	Elevator		
C17	Excavating, Trenching & Grading		
C18	Fencing		
C19	Fire & Burglar Alarms		
C20	Fire Protection		
C33	Painting & Decoration		
C37	Plumbing		
C40	Refrigeration		
C42	Roofing		
C44	Sheet Metal		
C51	Warm Air Heating, Ventilating & Air Conditioning		
C55	Waterproofing		
C56	Welding		
C58	Wood Flooring		
C68	Epoxy, Generator Maintenance		
Please Note: The Contractor's license certificate is the contractor's business license. If you have any questions please contact our office at 649-9676.			

  
 Mas Anie, Administrative Aide

18-Jul-17  
 Date



**OSHA** English | Spanish

Find It in OSHA



A TO Z INDEX

ABOUT OSHA ▾ WORKERS ▾ EMPLOYERS ▾ REGULATIONS ▾ ENFORCEMENT ▾ TOPICS ▾ NEWS & PUBLICATIONS ▾ DATA ▾ TRA

## Inspection Detail

Quick Link Reference

975651.015 | 901623.015

Case Status: **CLOSED**

Inspection: 975651.015 - J&B Modern Tech

### Inspection Information - Office: Honolulu Area Office

Nr: 975651.015 Report ID: 0936300 Open Date: 05/05/2014  
 J&B Modern Tech  
 Bldg 25010, Megellan Yigo, GU 96929 Union Status: NonUnion  
 SIC:  
 NAICS: 236116/New Multifamily Housing Construction (except Operative Builders)  
 Mailing: 153 B East Harmon Industrial Park, Tamuning, GU 96931  
 Inspection Type: Planned  
 Scope: Complete Advanced Notice: N  
 Ownership: Private  
 Safety/Health: Safety Close Conference: 05/05/2014  
 Emphasis: P:Progcon, L:Progcon Close Case: 09/02/2014

Case Status: **CLOSED**

### Violation Summary

	Serious	Willful	Repeat	Other	Unclass	Total
Initial Violations				2		2
Current Violations				2		2
Initial Penalty						
Current Penalty						
FTA Amount						

### Violation Items

#	ID	Type	Standard	Issuance	Abate	Curr\$	Init\$	Fta\$	Contest	LastEvent
1.	01001	Other	19101200 E01 I	07/30/2014		\$0	\$0	\$0		Z - Issued
2.	01002	Other	19100134 K06	07/30/2014		\$0	\$0	\$0		Z - Issued

Case Status: **CLOSED**

Inspection: 901623.015 - J & B Modern Tech

## Inspection Detail | Occupational Safety and Health Administration

Nr: 901623.015 Report ID: 0936300 Open Date: 04/18/2013

J & B Modern Tech

153 East Harmon, Harmon Ind Park  
Tamuning, GU 96913

Union Status: NonUnion

SIC:

NAICS: 493110/General Warehousing and Storage

Mailing: Po Box 9788, Tamuning, GU 96931

Inspection Type: Planned

Scope: Complete

Advanced Notice: N

Ownership: Private

Safety/Health: Health

Close Conference: 04/18/2013

Emphasis: L:Forklift, P:Forklift

Close Case: 11/17/2014

Case Status: CLOSED

### Violation Summary

	Serious	Willful	Repeat	Other	Unclass	Total
Initial Violations	2					2
Current Violations	2					2
Initial Penalty	\$4,200					\$4,200
Current Penalty	\$2,100					\$2,100
FTA Amount						

### Violation Items

#	ID	Type	Standard	Issuance	Abate	Curr\$	Init\$	Fta\$	Contest	LastEvent
1.	01001A	Serious	19100157 C01	07/16/2013	08/02/2013	\$1,050	\$2,100	\$0		I - Informal Settlement
2.	01001B	Serious	19100157 C04	07/16/2013	07/26/2013	\$0	\$0	\$0		I - Informal Settlement
3.	01001C	Serious	19100157 E03	07/16/2013	08/09/2013	\$0	\$0	\$0		I - Informal Settlement
4.	01001D	Serious	19100157 G02	07/16/2013	08/09/2013	\$0	\$0	\$0		I - Informal Settlement
5.	01002A	Serious	19101200 E01	07/16/2013	08/09/2013	\$1,050	\$2,100	\$0		I - Informal Settlement
6.	01002B	Serious	19101200 G01	07/16/2013	08/09/2013	\$0	\$0	\$0		I - Informal Settlement
7.	01002C	Serious	19101200 H01	07/16/2013	08/09/2013	\$0	\$0	\$0		I - Informal Settlement

UNITED STATES  
DEPARTMENT OF LABOR

Occupational Safety and Health Administration  
200 Constitution Ave., NW,  
Washington, DC 20210  
☎ 800-321-6742 (OSHA)  
TTY  
www.OSHA.gov

#### FEDERAL GOVERNMENT

White House  
Affordable Care Act  
Disaster Recovery Assistance  
USA.gov

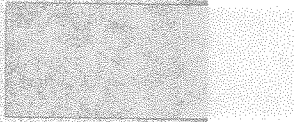
#### OCCUPATIONAL SAFETY AND HEALTH

Frequently Asked Questions  
A - Z Index  
Freedom of Information Act  
Read the OSHA Newsletter

#### ABOUT THE SITE

Freedom of Information Act  
Privacy & Security Statement  
Disclaimers  
Important Web Site Notices

**EXHIBIT G**



**Insurance Requirement**

Bidders shall provide a Certificate of Insurance showing that the following liability insurance are maintained:

**Commercial General Liability**

- \$1,000,000 combined single limit each occurrence and \$2,000,000 annual aggregate for Bodily Injury, Property Damage and Personal Injury.

**Commercial Umbrella Liability**

- \$2,000,000 in excess of the Company's Automobile and Commercial General Liability policies.

**Commercial Automobile Liability**

- \$1,000,000 combined single limit for Bodily Injury, Property Damage and Non-owned autos.

**Commercial Crime Insurance**

- Employee Dishonesty
- Loss Inside Premises
- Loss Outside Premises

If the above insurance are not currently maintained, bidder must provide certified statement from an insurance company, licensed to conduct business in Guam, stating that bidder is qualified to obtain the required insurance. Failure to provide these documents will result in rejection of the bid.

**EXHIBIT H**







**Moylan's Insurance Underwriters, Inc.**

*Home of the Good Guys and Gals*

Suite 102 Julale Center · 424 W. O'Brien Drive · Hagatna, Guam 96910

Phone: (671) 475-7299/477-7500 ext. 416

Fax: (671) 472-6376 E-mail: cserafica@moylans.net

July 18, 2017

**TO WHOM IT MAY CONCERN:**

RE : *Phil-Gets (Guam) International Trading Corp.*  
*DBA: J & B Modern Tech*

This is to certify that the above contractor is a bonding client of Dongbu. With their good record performance in the past, our Surety, Dongbu Insurance is confirming the availability of the insurance (Commercial Crime Coverage) needs of the above client, in case they get awarded the contract.

Our Surety is ready to issue the insurance requirements as required by GCC in case the contractor is awarded this contract for the GCC-FB-17-015 which is the GCC Forensic DNA Lab Construction.

This certification is issued at the request of Phil-Gets for whatever purpose it may help them in their submission of the bid for the GCC Project.

Sincerely,

Carol G. Serafica  
Surety Division Manager

Cc: Mr. Shin Chul Kim  
Branch Manager  
Dongbu Insurance Co., Ltd.



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD)  
06/05/20

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICY BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORITY REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

**PRODUCER**  
 MOYLAN'S INSURANCE UNDERWRITERS, INC.  
 424 W O'Brien Dr.  
 Ste. 201 Hagatna, Guam 96910  
 TEL) 671-477-8613 FAX) 671-477-1837

**INSURED**  
 Phil-Gels (Guam) International Trading Corporation  
 DBA: J&B Modern Tech  
 P.O. Box 9788  
 Tamuning, Guam 96931

**CONTACT NAME:** Carol G. Serafica

**PHONE (A/C No., Ext.):** 671-477-8613 **FAX (A/C, No.):** 671-477-1837

**EMAIL ADDRESS:** cserafica@moylans.net

INSURER(S) AFFORDING COVERAGE		NAI
INSURER A:	DONGBU INSURANCE CO., LTD.	
INSURER B:		
INSURER C:		
INSURER D:		
INSURER E:		
INSURER F:		

**COVERAGES**      **CERTIFICATE NUMBER:**      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PER INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR (NSP, Y, N)	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:		KMGL12722-A00	03/23/2017	03/23/2018	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (EA OCCURRENCE) \$50,000 MED EXP (Any one person) \$10,000 PERSONAL & ADV INJURY \$ Not Covered GENERAL AGGREGATE \$1,000,000 PRODUCTS - COMP/OP AGG \$**1,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS					COMBINED SINGLE LIMIT (P. RESIDUAL) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> COED <input type="checkbox"/> RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER MEMBER EXCLUDED? (If mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N/A	KMWE05800-A00	03/23/17	03/23/18	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER EL EACH ACCIDENT \$100,000 EL DISEASE - EA EMPLOYEE \$100,000 EL DISEASE - POLICY LIMIT \$100,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Air Conditioning and Refrigeration Shop

(\*PRODUCT LIABILITY EXCLUSION)

CERTIFICATE HOLDER	CANCELLATION
Guam Community College	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE  Cecilia A. Anns - Surety Division Manager



# CERTIFICATE OF LIABILITY INSURANCE

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**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, suit the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> GREAT NATIONAL INS. UND., INC. P.O. Box GA Hagatna, GU 96932 Cathy LG Sablan, Underwriter	Phone: 646-573-6/43 Fax:	<b>CONTACT NAME:</b> PHONE (A/C, No, Ext): E-MAIL ADDRESS: FAX (A/C, No):
	<b>INSURER(S) AFFORDING COVERAGE</b>	
<b>INSURED</b> Phil-Gets (Guam) International Trading Corporation dba: J&B ModernTech PO Box 9788 Tamuning, GU 96931		<b>INSURER A:</b> CHUNG KUO INSURANCE CO.  <b>INSURER B:</b> <b>INSURER C:</b> <b>INSURER D:</b> <b>INSURER E:</b> <b>INSURER F:</b>

**COVERAGES** **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY P INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE T EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

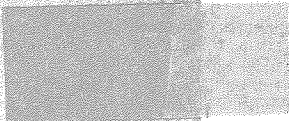
INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR	WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	<b>GENERAL LIABILITY</b> <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/DP AGG \$
X	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS			CKI-0343-GNC-16	11/02/2016	11/02/2017	COMBINED SINGLE LIMIT (Ea accident) \$ 2, BODILY INJURY (Per person) \$ INC BODILY INJURY (Per accident) \$ INC PROPERTY DAMAGE (Per accident) \$ INC \$
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below			N/A			<input checked="" type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

NONE STATED

<b>CERTIFICATE HOLDER</b>  ASSURED	<b>CANCELLATION</b> SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE Cathy LG Sablan, Underwriter
--	---

**EXHIBIT I**



14. Certificate of Owner's Attorney.

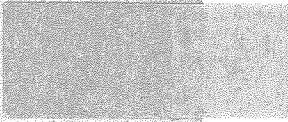
I, the undersigned, \_\_\_\_\_, the duly authorized and acting legal representative of \_\_\_\_\_, do hereby certify as follows

I have examined the attached contract(s) and performance and payment bond(s) and the manner of execution thereof, and I am of the opinion that each of the aforesaid agreements are adequate and have has been duly executed by the proper parties thereto acting through their duly authorized representatives; that said representatives have full power and authority to execute said agreements on behalf of the respective parties named thereon; and that the foregoing agreements constitute valid and legally binding obligations upon the parties executing the same in accordance with terms, conditions, and provisions thereof.

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

NOTE: Delete phrase "performance and payment bonds" when not applicable.

**EXHIBIT J**



14. Certificate of Owner's Attorney.

I, the undersigned, SETH FORMAN, the duly authorized and acting legal representative of PHILGETS (GUAM) INT'L TRADING CORP. dba J&B MODERN TECH, do hereby certify as follows

BID BOND NO. KIC-14432-8 SF

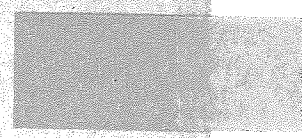
I have examined the attached ~~contracts and performance and payment bonds~~ and the manner of execution thereof, and I am of the opinion that each of the aforesaid agreements are adequate and have has been duly executed by the proper parties thereto acting through their duly authorized representatives; that said representatives have full power and authority to execute said agreements on behalf of the respective parties named thereon; and that the foregoing agreements constitute valid and legally binding obligations upon the parties executing the same in accordance with terms, conditions, and provisions thereof.

Date: JULY 18, 2017

Seth Forman  
SETH FORMAN  
ROBERTS FOWLER & WISOSKY LLP

NOTE: Delete phrase "performance and payment bonds" when not applicable.

**EXHIBIT K**







# PROPACIFIC BUILDER CORPORATION

*(formerly Guam Yooshin Corp.)*

P.O. Box 7446 TAMUNING, GUAM 96913

Tel: 671-477-3109 | Fax: 671-477-7424

E-mail: [jgyc@guam.net](mailto:jgyc@guam.net)

## **I. Certificate of Owner's Attorney**

As per our attorney's advice, the Certificate of Owner's Attorney will be signed only when the project is specifically awarded to Propacific Builder Corporation, upon the issuance of the actual contract, and actual signing process of both parties.



**EXHIBIT L**

**(X) 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 reference is intended to be descriptive, but not restrictive and for the sole purpose of indicating to 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, method 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 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 College meets the specifications. This report is on the bidder's account and must be from a certified Testing Association.

**(X) 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 College and may require waiving any minor irregularity in bids received. The College 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 binding 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 College to award contracts to qualified local bidders. The College 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 College.

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 Guam Community College, Telephone No. 735-5542 or 735-6017/6019 at least twenty-four (24) hours before delivery of any item under this solicitation.

26. **BILL OF SALE:**

Successful bidder 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 Bills of Sale must accompany the items delivered but will not be considered as an invoice for payment. Supplier shall bill the College with an original invoice.

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 College 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 to the specifications, the College shall have the right to reject the item(s) or require that they be corrected. The number of days required for correction will be determined by the College.

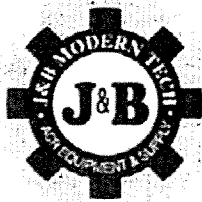
29. **MOTOR VEHICLE SAFETY REQUIREMENTS:**

Guam Community College will only consider Bids on motor vehicles which comply with requirements of all Guam and Federal Laws.

30. **SAFETY INSPECTION:**

All motor vehicles delivered under this contract must pass the Government of Guam Vehicle Inspection before delivery at destination.

**EXHIBIT M**



# J&B MODERN TECH

## ACR EQUIPMENT AND SUPPLIES

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

### VIA HAND DELIVERY

Mary A. Y. Okada, Ed.D.  
President  
Guam Community College  
P.O. Box 23069  
Barrigada, Guam 96921

Guam Community College  
MATERIALS MANAGEMENT

SEP 20 2017

Initials: JO  
Time: 4:06 pm

### VIA HAND DELIVERY

Carmen K. Santos  
Vice President, Finance & Administration  
Guam Community College  
P.O. Box 23069  
Barrigada, Guam 96921

Guam Community College  
MATERIALS MANAGEMENT

SEP 20 2017

### VIA HAND DELIVERY

Joleen M. Evangelista  
Procurement & Inventory Administrator  
Guam Community College  
P.O. Box 23069  
Barrigada, Guam 96921

Initials: JE  
Time: 4:06 pm  
Guam Community College  
MATERIALS MANAGEMENT

SEP 20 2017

Re: **Bid invitation GCC-FB-17-015**  
**GCC Forensic DNA Lab Construction**  
**J&B Modern Tech Protest**

Initials: VS  
Time: 4:06 pm

Dear President Okada, Vice President Santos, and Administrator Evangelista:

Please be advised that Phil-Gets (Guam) International Trading Corporation dba J&B Modern Tech ( "J&B) protests the Guam Community College's decision not to award J&B the contract for of Bid No. GCC-FB-17-015 for GCC Forensic DNA Lab Construction.

On September 7, 2017, J&B received a Notice of Non-Award for Guam Community College's Bid Invitation No. GCC-FB-17-015 for the GCC Forensic Lab Construction. A copy of the Notice is enclosed as "Exhibit A".

The Notice of Non-Award stated that a Notice of Intent to Award was issued to ProPacific Builder Corporation ("PBC"). The PBC bid was not the low bid and also was not responsive for reasons set forth below. Thus PBC's bid should have been rejected, and the contract should be awarded to J&B.

An annotated copy of PBC's bid form is enclosed as "Exhibit B". As you can see from the annotations, PBC made several errors when adding up the figures in the material and labor columns in order to reach the amounts in the "total" column for various items included in the bid. PBC represented that it's the sum of the figures in the "total" column was \$3,863,714.00. However, once PBC's numerous mathematical errors are corrected, the actual amount of the sum of items 1 through 16 in PBC's bid as shown on page 5 of this exhibit is \$3,903,744.00.

An annotated copy of J&B's bid form is enclosed as "Exhibit C". As shown on that form, the sum of items 1 through 16 in J&B's bid is \$3,880,850.00. Thus once PBC's mathematical errors are corrected, J&B's bid for items 1 to 16 is \$22,894 lower than PBC's bid. This calculation excludes the "Alternate Bid Items". If those items are included, the gap in favor of J&B is even larger, as J&B's total for the alternate bid items was \$513,600 compared to \$690,000 for PBC.

Also, the Special Reminder to Prospective Bidders (enclosed as "Exhibit D") required "outstanding issues with the GCLB and OSHA." PBC only submitted a one-sentence statement (enclosed as "Exhibit E") on its own letterhead stating, "ProPacific Builder Corporation has no outstanding issues with the Guam Contractor License Board and/or the Occupational Safety and Health Administration." This is insufficient. To confirm the status of outstanding issues or lack thereof, PBC should have submitted a "Verification of License" from the GCLB indicating "Complaints on File" and an Inspection Detail print-out from OSHA, as was done by J&B (J&B's verification and print-out enclosed as "Exhibit F"). As noted in the Special Reminder, "[f]ailure to comply with the requirements in the special reminder will be a basis for disqualification and rejection of the bid."


The Insurance Requirement (enclosed as "Exhibit G") stated that bidders shall provide a Certificate of Insurance showing that the bidder maintained liability insurance including, Commercial General Liability, Commercial Umbrella Liability, Commercial Automobile Liability, and Commercial Crime Insurance. This requirement further stated that if the insurance was not currently maintained, the bidder had to provide a statement from an insurance company, licensed to do business on Guam, stating the bidder is qualified to obtain the required insurance. The Insurance Requirement further provided, "Failure to provide these documents will result in rejection of the bid." Unlike J&B (J&B's certificates and statement enclosed as "Exhibit H"), PBC did not provide the required certificates or statement.

There was also a requirement for a Certificate of Owner's Attorney ("Exhibit I"). The form for this Certificate stated that the phrase "performance and payment bonds" should be

deleted when not applicable. J&B's counsel deleted that phrase, inserted the applicable information for J&B's bid bond, and signed the Certificate (copy enclosed as "Exhibit J"). PBC did not submit a Certificate of Owner's Attorney. Instead, PBC submitted a statement, not signed by an attorney, stating that the Certificate would be signed only when the project was awarded to PBC (copy enclosed as "Exhibit K").

In summary, J&B should have been awarded this project because it was actually the low bidder. Also, PBC's bid should have been rejected as unresponsive due to omissions noted above. Thank you for your attention to this matter. .

Sincerely,



Gene M. Bangayan  
President, J&B Modern Tech

Encl.



**EXHIBIT N**



GUAM COMMUNITY COLLEGE

October 17, 2017

*Date Received:*  
*10-18-17*  
*5:21 PM*

J&B Modern Tech  
P.O. Box 9788  
Tamuning, Guam 96931

Mr. Gene Bangayan  
President

Subject: Response to J&B Modern Tech Protest received 9/20/17  
Bid Description: GCC Forensic DNA Lab Construction  
GCC Bid No: GCC-FB-17-015

Dear Mr. Bangayan,

GCC received your protest letter September 20, 2017 related to the bid for GCC Forensic DNA Lab Construction.

Based on 5GCA §5425. Authority to Resolve Protested Solicitations and Awards. The protest shall be submitted in writing within fourteen (14) days after such aggrieved person knows or should have known of the facts thereto. GCC denies your protest since J&B Modern Tech was late in filing a written protest. J&B Modern Tech should have known of the facts of their protest, upon receipt of the documents requested in their FOIA request on July 28, 2017.

Although, your written protest is late, GCC has provided the responses to each point below:

J&B Modern Tech Point 1

An annotated copy of PBC's bid form is enclosed as "Exhibit B". As you can see from the annotations, PBC made several errors when adding up the figures in the material and labor columns in order to reach the amounts in the "total" column for various items included in the bid. PBC represented that it's the sum of the figures in the "total" column was \$3,863,714.00. However, once PBC's numerous mathematical errors are corrected, the amount of the sum of items 1 through 16 in PBC's bid as shown on page 5 of this exhibit is \$3,903,744.00.

An annotated copy of J&B's bid form is enclosed as "Exhibit C". As shown on that form, the sum of items 1 through 16 in J&B's bid is \$3,880,850.00. Thus once PBC's mathematical errors are corrected, J&B's bid items for items 1 to 16 is \$22,894 lower than PBC's bid. This calculation excludes the "Alternate Bid Items". If those items are included, the gap in favor of J&B is even larger, as J&B's total for the alternate bid items was \$513,600 compared to \$690,000 for PBC.

GCC Response to Point 1

Upon evaluation of the bids, on August 17, 2017 GCC requested the following clarification from Propacific: 1. Please confirm that Propacific Builder's base bid price of \$3,863,714.00 is correct. 2. Please confirm if the base bid price of \$3,863,714.00 includes the alternate bids. On August 18, 2017, Propacific Builder Corporation clarified that their base bid amount is \$3,863,714 and the base bid does not include the alternate bid items. Propacific Builder Corporation's base bid is lower than J&B's base bid price of \$3,880,850.00. J&B Modern Tech's \$3,880,850 base bid price is not the lowest. J&B's base bid price was determined by subtracting the alternate bid costs (Alternate Bid Item #1 \$222,600, Alternate Bid Item #2 \$172,00 and Alternate Bid Item #3 \$119,000 from the \$4,394,450 total bid cost

### J&B Modern Tech Point 2

Also, the Special Reminder to Prospective Bidders (enclosed as "Exhibit D") required "outstanding issues with the GCLB and OSHA." PBC only submitted a one-sentence statement (enclosed as "Exhibit E") on its own letterhead stating, "Propacific Builder Corporation has no outstanding issues with the Guam Contractor License Board and/or the Occupational Safety and Health Administration." This is insufficient. To confirm the status of outstanding issues or lack thereof, PBC should have submitted a "Verification of License" from the GCLB indicating "Complaints on File" and an Inspection Detail print-out from OSHA, as was done by J&B (J&B's verification and print-out enclosed as "Exhibit F". As noted in the Special Reminder, "failure to comply with the requirements in the special reminder will be a basis for disqualification and rejection of the bid."

### GCC Response to Point 2

It is incorrectly stated that Propacific did not comply with the requirements for identifying "outstanding issues with GCLB and OSHA". The requirements are in Specification Section 00310 Bid Form Item 5 of the Contractor's Project Management Description (p.6). Bidders are required to "indicate outstanding issues" and "methods being utilized to avoid similar problems in the future". Propacific complied with the requirement of the bid documents requirement.

### J&B Modern Tech Point 3

The Insurance Requirement (enclosed as "Exhibit G") stated that bidders shall provide a Certificate of Insurance showing that the bidder maintained liability insurance including, Commercial General Liability, Commercial Umbrella Liability, Commercial Automobile Liability, and Commercial Crime Insurance. This requirement further stated that if the insurance was not currently maintained, the bidder had to provide a statement from an insurance company, licensed to do business on Guam, stating the bidder is qualified to obtain the required insurance. The Insurance Requirement further provided, "Failure to provide these documents will result in rejection of the bid." Unlike J&B (J&B's certificates and statement enclosed as "Exhibit H"), PBC did not provide the required certificates or statement.

### GCC Response to Point 3

The insurance requirements set forth are required in the Notice of Intent to Award, and submittal prior to final award. Please see Section 01012 Supplementary Conditions Item 1.9 Administrative Submaterials (pg 3). "Contractor will submit for approval within ten (10) calendar days of award of the Contract" Item 6. Insurance Certificate and Item 1.11 A. "The Contractor shall not commence work under this Contract until he has obtained all insurance required hereunder, and such insurance has been submitted to the Owner."

### J&B Modern Tech Point 4

There was also a requirement for a Certificate of Owner's Attorney ("Exhibit I"). The form for this Certificate stated that the phrase "performance and payment bonds" should be deleted when not applicable. J&B's counsel deleted the phrase, inserted the applicable information for J&B's bid bond, and signed the Certificate. PBC did not submit a Certificate of Owner's Attorney. Instead, PBC submitted a statement, not signed by an attorney, stating that the Certificate would be signed only when the project was awarded to PBC.



GCC Response to Point 4

This is a USDA required form. There was a special notation with a copy of the RD Instruction 1942-A Certificate of Owner's Attorney Form required by USDA. The note stated the following: "As per our attorney's advice, the Certificate of Owner's Attorney will be signed only when the project is specifically awarded to Propacific Builder Corporation, upon issuance of the actual contract, and actual signing process of both parties. GCC confirmed with USDA that this note is acceptable and is not required at the time of the bid. USDA will require the form upon review and award of the contract.

GCC has examined J&B Modern Tech's protest letter in detail and based on the points addressed above and references identified in the bid packet, GCC denies this protest and remains firm in its decision to issue the Notice of Intent to Award to Propacific Builder Corporation and Non-Award to J&B Modern Tech.

You have the right to administrative and judicial review of this decision and an appeal must be filed within fifteen (15) days after your receipt of this decision.

Please acknowledge receipt of this letter and provide a written response via email to: [joleen.evangelista@guamcc.edu](mailto:joleen.evangelista@guamcc.edu) and [materialsmanagement@guamcc.edu](mailto:materialsmanagement@guamcc.edu) ASAP or no later than Thursday, October 19, 2017.

We appreciate your participation in the bid process.

Sincerely,

Mary A.Y. Okada, Ed.D.  
President