



Jerrick Hernandez <jhernandez@guamopa.com>

NOTICE OF APPEAL

GPE INC <guampacific@gmail.com>

Tue, Jan 25, 2022 at 2:49 PM

To: Jerrick Hernandez <jhernandez@guamopa.com>, Benjamin Cruz <bjcruz@guamopa.com>

Dear Mr. Hernandez,

Please see attached NOTICE OF APPEAL and confirm receipt of this email.







Very respectfully,

Sedfrey M. Linsangan
President
Guam Pacific Enterprise, Inc.
Tel: (671) 649-6994/7/8



This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error, please notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee, you should not disseminate, distribute or copy this email. Please notify the sender immediately by email if you have received this email by mistake and delete this email from your system. If you are not the intended recipient, you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

6 attachments

-  **1) Notice of Appeal.pdf**
846K
-  **2) Concise Statement.pdf**
909K
-  **3) Exhibit A - IFB No. 002-2022, Notice of Protest.pdf**
439K
-  **4) Exhibit B - NOTICE OF STAY OF PROCUREMENT.pdf**
339K
-  **5) Exhibit C - Response to Protest Received....pdf**
1470K
-  **6) Exhibit D - Amendment 1.pdf**
4048K



Jerrick Hernandez <jhernandez@guamopa.com>

NOTICE OF APPEAL

GPE INC <guampacific@gmail.com>

Tue, Jan 25, 2022 at 3:04 PM

To: Jerrick Hernandez <jhernandez@guamopa.com>, Benjamin Cruz <bjcruz@guamopa.com>

Please see attached supplemental GHURA Documents

On Tue, Jan 25, 2022 at 2:49 PM GPE INC <guampacific@gmail.com> wrote:

[Quoted text hidden]

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[Quoted text hidden]

2 attachments



Exhibit E - IFB#-GHURA-WAP-012-007.pdf
1372K



Exhibit F - IFB#-GHURA-PH WAP-013-002.pdf
1423K



**Appendix A: Notice of Appeal Form
PROCUREMENT APPEAL**

PART I- To be completed by OPA

In the Appeal of)
) **NOTICE OF APPEAL**
Guam Pacific Ent. Inc.)
(Name of Company), APPELLANT)
)
)
)
)

PART II- Appellant Information

Name: Guam Pacific Enterprises Inc.
Mailing Address: P.O. Box 23128 Ba
Trigada Guam 96921
Business Address: Hatmon Industrial Park
Guam
Email Address: guam.pacific@gmail.com
Daytime Contact No: 671-649-6997-8-4
Fax No.: 649-6988

PART III- Appeal Information

- A) Purchasing Agency: Department of Education
- B) Identification/Number of Procurement, Solicitation, or Contract: GDOE IFB 002-2022
- C) Decision being appealed was made on 1/14/22 (date) by:
___ Chief Procurement Officer ___ Director of Public Works Head of Purchasing Agency

Note: You must serve the Agency checked here with a copy of this Appeal within 24 hours of filing.

- D) Appeal is made from:
(Please select one and attach a copy of the Decision to this form)
- Decision on Protest of Method, Solicitation or Award
 - ___ Decision on Debarment or Suspension
 - ___ Decision on Contract or Breach of Contract Controversy
(Excluding claims of money owed to or by the government)
 - ___ Determination on Award not Stayed Pending Protest or Appeal

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

Johnston Supply
Pacific Global Tech.
JMI Edison
JWS
Docomo Pacific

J & B Modern Tech
VSA Contractor
Inland Builders
Hanna Ent. Inc.
Carrier
Surface Solution

PART IV- Form and Filing

In addition to this form, the Rules of Procedure for Procurement Appeals require the submission together with this form of additional information, including BUT NOT LIMITED TO:

1. A concise, logically arranged, and direct statement of the grounds for appeal;
2. A statement specifying the ruling requested;
3. Supporting exhibits, evidence, or documents to substantiate any claims and the grounds for appeal unless not available within the filing time in which case the expected availability date shall be indicated.

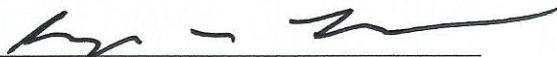
Note: Please refer to 2 GAR § 12104 for the full text of filing requirements.

PART V- Declaration Re Court Action

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

The undersigned party does hereby confirm that to the best of his or her knowledge, no case or action concerning the subject of this Appeal has been commenced in court. All parties are required to and the undersigned party agrees to notify the Office of Public Accountability within 24 hours if court action commences regarding this Appeal or the underlying procurement action.

Submitted this 23 day of Jan, 2022

By: 
APPELLANT

or

By: _____
Appellant's Duly Authorized Representative
(Address)
(Phone No)



**Appendix D: Hearing Request/Waiver Form
PROCUREMENT APPEAL**

In the Appeal of)
)
) **HEARING**
) **REQUEST/WAIVER**
)
(Name of Company), APPELLANT) Docket No. OPA-PA _____
)
Guam Pacific Ent. Inc.)

Please select one:

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

Submitted this 25 day of Jan, 20 20

By: (Please select one)

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

[Signature]
Signature

Sedfrey Linsangan
Print Name

Concise Statement

I filed a protest on Nov. 0, 2021. (Please see Exh. A) Notice of Stay of Procurement was issued on Nov. 15, 2021. (Please see Exh. B) Protest Decision was made on Jan. 14, 2022. Therefore my appeal is timely. Below are my complaints

1) Author of the IFB No. 002 - 2002 are educators not Architects and Engineers that is specified in Section 5266 of CH. 50 of S.C.A, Procurement law. The authors have no background in drafting specifications that requires engineering background. The reason why there are so many concerns from the prospective bidders and DOE had no definite answers on many concerns.

2) Delivery date was unrealistic that was also raised by the 7 bidders. (GPE, JMI

Edison, JWS, J & B Modern Tech, USA

Contractors Inc, Inland Builders, Surface

Solutions) Please see EXH. D. Violation of Section 5001 of Ch. 5 of 5 GCA and Section 5003, Requirement of Good faith. DOE never coordinated with the different manufacturers in USA so how did they come out with the delivery?

This could be construed as misconduct, to manipulate the bid and prone to corruption. My concern on delivery was also raised by 6 bidders (JMI Edison, JWS, J & B Modern Tech, USA Contractors Inc., Inland Builders and Surface Solutions. "Please see EXH D")

3) 15%. Bid bond should not be required because it conflicts with Buy American Act provisions, Executive Order of Pres Trump and Executive Order of President Biden (Section 1 and 3 of Exec-Order 14005 and Section 5501 of Article 10 Ch. 5 of 5 GCA of Guam Procurement law.

Please see EXH. E and F that GTHRA waived the bid bond due to Federal Funds. Its also an open book that past and present Governor bought supplies, tables, etc., and procure hotel services for quarantine without 15% bid bond.

4) DOE should not inform other Bidder that if it is assemble in USA but made in Foreign Country it qualifies for Buy American Act. That is wrong because it needs to get a waiver first from federal agency and comply with 51% US components.

Ruling Requested

I request that OPA order DOE to follow the laws and adhere or comply to my 4 concerns because it is justified and consistent or appropriate with the Clean Procurement Law (CPL, 56CA) and Buy American Act Provisions and Executive Order of Pres. Biden.

Date: Nov 10, 2021, 12:47 PM

Subject: Re: IFB No. 002-2022, Notice of Protest

To Kathrina, Procurement

Please confirm receipt of my email.

On Wed, 10 Nov 2021 at 12:44, GPE INC <guampacific@gmail.com> wrote:

Dear Kathrina and Ms. Charfauros,

I am filing this protest for the following reasons.

1) Section 5266 of CH. 5 Guam Procurement Law was violated because it provides that architects, engineers, designers, draftsman will prepare the specifications. Argument. The educators are the author of the bid that does not have experience on engineering, designs and assessment of the quantity they need. per size of the classrooms and offices. The 2,467 pcs of purifier has no basis because the square footage of each classrooms and offices were not identified. The square footage will factor on the right purifier that the Bidders will offer whether it is for 400 sq. ft. or 800 sq. ft. or more. That is why the quantity should be breakdown for each school with the sq. footage per classroom, offices, restrooms and other indoor places.

2) Section 5001 of CH5 GCA was not adhered to comply with the purposes and rules of construction.

Argument. DOE imposed the delivery date that is unrealistic for the 2,467 pcs of purifier. How did they come up with 90 days delivery? Did they coordinate with the manufactures in the mainland? Delivery date should be offered by the Bidders not DOE.

3) 15 % Bid bond requirement does not apply to federal financial assistance awards bids. Argument. Bid bond is a Guam law. There is no provision that it applies to federal funds projects because Federal law supersedes Guam Law. It conflicts and does not comply with President Biden's Executive Order 14005 on Section 1 (Policy) and Section 3 (Review of Agency Action Inconsistent with Administration Policy).

4) DOE should not accept or deny Docomo's Aura Air product or other products since it is Made in Israel. Foreign products assembled in the U.S. does not comply with the Made in American Act. unless there are no US manufacturers that make the purifier. But DOE should adhere to Section 3 provisions of EXECUTIVE ORDER 14005 before granting any waiver.

I am respectfully requesting a Stay of Procurement due to deficiencies and inconsistencies with Guam Procurement law and President Biden's Executive Order 14005.

Very Respectfully,
Sedfrey M. Linsangan
President
Guam Pacific Enterprises Inc.
Tel: (671) 649-6994/7/8

EXH A

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Guam Pacific Enterprise, Inc.
Tel: (671) 649-6994/7/8



JON J. P. FERNANDEZ
Superintendent of Education

DEPARTMENT OF EDUCATION
OFFICE OF SUPPLY MANAGEMENT

www.gdoe.net
501 Mariner Avenue
B-Building, Suite 116
Barrigada, Guam 96913
Telephone: (671) 475-0438/Fax: (671) 472-5001
Email: procurement@gdoe.net



CARMEN T. CHARFAUROS
Supply Management Administrator

November 15, 2021

NOTICE OF STAY OF PROCUREMENT

To: All Bidders

From: GDOE Office of Supply Management

Reference: High Efficiency Particulate Absorbing (HEPA) Filtration System and Maintenance
Formal Invitation for Bid: GDOE IFB 002-2022

This notice is to advise you that the Department has received a letter of protest regarding the referenced Invitation for Bid. Therefore, pursuant to 5 GCA § 5425(g), a "STAY OF PROCUREMENT" is hereby issued and shall remain in effect until the protest is resolved.

Once resolution of this matter is achieved, the Department will advise all Bidders.

Any questions or concerns regarding this matter may be directed to our office at (671) 475-0438.

Please acknowledge receipt of this NOTICE OF STAY OF PROCUREMENT for IFB 002-2022 by signing below and returning the signed document via fax to (671) 472-5001 or via email to kobayson@gdoe.net.

Senseramente,

CARMEN T. CHARFAUROS
Supply Management Administrator

Acknowledgement Receipt

Guam Pacific Ent. Inc.

Company Name

Sedfrey M. Linsanigan

Print Name

Signature

11/16/21

Date

4:30 pm

Time

EXH B

EXH. C



JON J. P. FERNANDEZ
Superintendent of Education

DEPARTMENT OF EDUCATION
OFFICE OF SUPPLY MANAGEMENT

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Barrigada, Guam 96913
Telephone: (671) 475-0438/Fax: (671) 472-5001
Email: procurement@gdoe.net



CARMEN T. CHARFAUROS
Supply Management Administrator

January 14, 2021

Guam Pacific Enterprises Inc.
P. O. Box 23128
Barrigada, Guam 96921
Tel: (671) 649-6994/7/8
Email: guampacific@gmail.com

Attn: Sedfrey M. Linsangan
President

Subject: **Response to Protest Received on November 10, 2021, November 15, 2021 and November 17, 2021**

Reference: High Efficiency Particulate Absorbing (HEPA) Filtration System and Maintenance
FORMAL INVITATION FOR BID: GDOE IFB 002-2022

Hafa Adai Mr. Linsangan,

This is a written response to your letter of protest received on November 10, 15, & 17, 2021 regarding Guam Department of Education ("GDOE") Invitation for Bid No. 002-2022 ("IFB") for High Efficiency Particulate Absorbing (HEPA) Filtration System and Maintenance.

Based on a review of your protest **GDOE hereby DENIES your protest in its entirety for the reasons discussed below:**

1. Guam Pacific Enterprises Inc. (GPE) alleges, "Section 5266 of CH. 5 Guam Procurement Law was violated because it provides that architects, engineers, designers, draftsman will prepare the specifications. Argument. The educators are the author of the bid that does not have experience on engineering, designs and assessment of the quantity they need. Per size of the classrooms and offices. The 2,467 pcs of purifier has no basis because the square footage of each classrooms and offices were not identified. The square footage will factor on the right purifier that the Bidders will offer whether it is for 400 sq. ft. or 800 sq. ft or more. That is why the quantity should be breakdown for each school with the sq. footage per classroom, offices, restrooms and other indoor places."

Title 5 GCA §5266 states the requirements of this Article (Article 4) regarding the purposes and nonrestrictiveness of specifications shall apply to all specifications, including those prepared by architects, engineers, designers, and draftsmen for public contracts. In addition, Guam

IFB, and in accordance with Guam Procurement Law. Specifications took into account the size and quantities of GDOE's needs.

2. GPE alleges, "Section 5001 of CH5 GCA was not adhered to comply with the purposes and rules of construction. Argument. DOE imposed the delivery date that is unrealistic for the 2,467 pcs of purifier. How did they come up with 90 days delivery? Did they coordinate with the manufactures in the mainland? Delivery date should be offered by the Bidders not DOE."

Guam Procurement Law, provides purchasing agencies the authority to include a delivery or performance schedule. In addition, GDOE's specifications as published took into account GDOE's urgent need of the HEPA filtration systems and to ensure a safe environment for its schoolchildren. In the event of a delay, Guam Procurement Law and the IFB provide authority to extend an agreement as well as proper justifications for delays.

3. GPE alleges, "15% Bid bond requirement does not apply to federal financial assistance awards bids. Argument. Bid bond is a Guam law. There is no provision that it applies to federal funds projects because Federal law supersedes Guam Law. It conflicts and does not comply with President Biden's Executive Order 14005 on Section 1 (Policy) and Section 3 (Review of Agency Action Inconsistent with Administration Policy)."

Guam Procurement Law applies to every expenditure of public funds irrespective of their source, including federal assistance funds. 5 GCA §5004. In addition, Title 5 GCA §5212 regarding a bid bond, is a requirement of Guam Law and binding upon GDOE.

4. GPE alleges, "DOE should not accept or deny Docomo's Aura Air product or other products since it is Made in Israel. Foreign products assembled in the U.S. does not comply with the Made in American Act. Unless there are no US manufacturers that make the purifier. But DOE should adhere to Section 3 provisions of EXECUTIVE ORDER 14005 before granting any waiver."

GDOE has not received any bids yet. GDOE will only evaluate and award pursuant to the published terms and conditions of the IFB, and in accordance with Guam and Federal law.

5. GPE alleges, "If DOE will choose purifiers of high quality that is also used in hospitals and operate as if they are not working due to less than 50 decibels then we are talking about 8 million to 10 million dollar project. No supplier can produce the 2,467 purifiers in the imposed delivery date because of component and labor shortage. Also the quality of the purifier will be at risk. That is why the bidders should be allowed to bid on each school need because most of the manufacturers can only produce 200 units in 3 months. This will provide opportunity to all US manufacturers and spread the wealth not just to 1 manufacturer."

Guam Procurement Law, Rules and Regulations, provide the authority and guidance for purchasing agencies for the preparation and issuance of specifications for procurements. GDOE developed the specifications in the best interest of GDOE and its schoolchildren, in an effort to best meet its needs, and in accordance with the relevant laws, rules, and regulations.

As stated above, Guam Law specifically requires a bid security for this IFB. This law is binding on GDOE, and GDOE shall only procure services and supplies in accordance with the relevant laws, rules and regulations.

7. GPE alleges, "In order to qualify for Made in America or Buy American Act, the product should constitute 51 percent US made materials or components , if not then even assembled in the USA does not pass muster."

GDOE has yet to receive bids for this IFB. GDOE shall only evaluate and award pursuant to terms and conditions of the IFB as published, and in accordance with the relevant laws, rules and regulations.

8. GPE alleges, "The 15 % Bid bond is substantially burdening the bidders like me which is inconsistent with the Executive Orders on the Made in America and Buy American Act. purpose and intentions. The reason is I have to produce Cashiers check in the form of Bid bond so that I can save fees and percentage being charged by insurance companies. Like for instance for the cafeteria tables I have to issue Cashiers check worth almost \$100,000 which DOE will keep until I delivered the tables that could be 5 months or more. The same with the Purifiers, my manufacturer could only produce 200 pcs in 3 months or little bit more to maintain the quality. If DOE break down the quantity according to the needs of every school then I have to issue \$ 120, 000 bid bond in the form of cashiers check. Bid bond or Cashiers check that DOE will just keep in their safe and cannot be spent."

As stated above, a bid security is required for this IFB pursuant to Guam Law. This law is binding on GDOE and its procurements. GDOE will only procure services and supplies in accordance with the relevant law, rules and regulations.

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///

///

9. GPE alleges, "We are the distributor of purifier that supply the hospitals here in Guam . It is a proven machine that is also being used by schools and hospitals in the mainland. It is expensive than other brands but could last for decades if properly maintained and very quiet compare to others because schools in the US had tested different brands and selected our product. That is why it is essential to breakdown the quantity per school so that me and other bidders can bid according to our manufacturers capacity. The quantity of 2 thousand plus is just unrealistic for US manufacturers."

Guam Procurement Law, Rules and Regulations, provide the authority and guidance for purchasing agencies for the preparation and issuance of specifications for procurements. GDOE developed the specifications in the best interest of GDOE and its schoolchildren, in an effort to best meet its needs, and in accordance with the relevant laws, rules, and regulations.

Given the facts and reasons stated above, GDOE hereby denies your protest in its entirety. Pursuant to 5 GCA §5425(e), you are hereby advised that you have a right to administrative and judicial review as allowed by the Guam Procurement Law. You may appeal the decision to the Guam Office of Public Accountability within fifteen (15) days.

Sincerely,

Acknowledgement Receipt

Sedfruy Linsang

Print Name

[Signature]

Signature

[Signature]

CARMEN T. CHARFAUROS

Supply Management Administrator

Note: It was emailed to them my acknowledgment
Date _____ Time _____
by Received Thank you

EXH C



DEPARTMENT OF EDUCATION
OFFICE OF SUPPLY MANAGEMENT

www.gdoe.net
501 Mariner Avenue
B-Building, Suite 116
Barrigada, Guam 96913
Telephone: (671) 475-0438/Fax: (671) 472-5001
Email: procurement@gdoe.net



JON J. P. FERNANDEZ
Superintendent of Education

CARMEN T. CHARFAUROS
Supply Management Administrator

November 9, 2021

AMENDMENT 1

Prospective Bidders:

Please refer to our **Invitation for Bid No. 002-2022 High Efficiency Particulate Absorbing (HEPA) Filtration System and Maintenance**, a copy of which was obtained by your company for consideration.

Please see below response to questions submitted by Prospective Bidder(s):

Guam Pacific Enterprises Inc.

1. The drafting of the specifications should be drafted by Engineers, Architects Designers and draftsmen or those involved relative to the products and equipment being considered for the bid .The draftsmen are educators inconsistent with Section 5266 of CH. 5 of Guam Procurement law.
GDOE Response: Guam Procurement Law does not require that Engineers, Architects, or Designers draft the specifications.
2. The quantity is huge to be produced on time by one manufacturer due to component shortage and manpower.
GDOE Response: GDOE has determined a scope or specifications to meet the needs of ensuring a safe learning environment for our students. Requirements will remain the same.
3. The quantity should be spread to each school to meet the intention of Guam Procurement Law to entice more bidders and benefit all U.S. manufacturers.
GDOE Response: GDOE has determined a scope or specifications to meet the needs of ensuring a safe learning environment for our students. This is an All or None Bid. The requirements will remain the same. Please refer to Section 3.1.2 of the IFB.
4. Are you using Federal financial assistance Awards for this project , if yes then Buy American Act should be implemented to comply with the statutes and Executive Order. I did not see the Buy American Act. Provision
GDOE Response: This is a federally funded procurement. The system includes a U.S. Made requirement. Please refer to Section 6 – BID Form and Section 3.2.6 – FUNDING SOURCE of the IFB.
5. Who will evaluate the bids ?
GDOE Response: There is an established selection panel consisting of project personnel, health/medical professionals and facilities & maintenance personnel.
6. Do the evaluators have expertise in engineering and designs ?
GDOE Response: Guam Procurement Law does not require that Engineers, Architects, or Designers draft the specifications.
7. Do the draftsmen of the bid have experiences on the products or specifying the right product for school ? Because cheap is not always the right one . The noise of the purifier should be a major factor in the determination.
GDOE Response: The selection will be based on the lowest, most responsive and responsible bid that meets all material requirements stipulated in the IFB.
8. Can we the bidder make our offer on delivery since we are the one coordinating with the supplier ? Delivery should be proposed by Bidders in my view and should not be the main factor in making the award determination unless there is a big gap in the bidders delivery offer.

EXH. D

GDOE Response: Delivery requirement will remain the same.

9. Can DOE break down the quantity of purifiers in every school to allow the bidders to bid on their manufacturers capacity ? It will provide business not to just 1 manufacturer but to several US manufacturers that is in line with Made in American Act by Pres. Joe Biden.

GDOE Response: This is an All or None Bid. Please refer to Section 3.1.2 of the IFB. The requirements will remain the same.

10. Did DOE remiss by requiring the 15% Bid bond under the Guam Law in the subject bid that is financed by federal financial assistance awards ? Argument. 15 % BID BOND should not apply to comply with the Executive Order 14005 of President Biden Act. (Made in American Act)

GDOE Response: Bid Security is a requirement under Guam Procurement Law, irrespective of their funding source.

Johnstone Supply

11. Our question addresses whether GDOE would consider breaking down the various items in this section and thereby provide the GDOE Supply Management Administrator with the specific tools necessary to maintain the 2,467 Filtration Units in a cost-effective manner.

All units will not experience equal operating times nor equal dust loading, and therefore an effective maintenance plan will take such variables into considerations when planning maintenance cycles.

Some units may require Pre-filter replacement on a 3-month cycle while others may be extended to 6 or 9 months depending on loading. Ongoing monitoring and management of the entire system can establish the most cost-effective maintenance program for all units.

Also, UV Bulbs and HEPA filters have very long lifetime's ranging anywhere from one to six years. These are very costly items where replacement frequency can be very random

We ask the GDOE to consider a break-down of Item N°2, into the following bid categories.

(2.a would include the cost of travelling to the Unit Site, and assessing the need for any replacement; 2.b, c, and d, would consist of only the added cost associated with the installation of replacements once the technician is on site)

2.a. Labor and Transportation cost to perform inspection of Filtration Unit. Exclusive of parts supply, installation labor, and waste disposal.

2.b. Pre-Filter Replacement. Including filter cost, installation, and disposal of the spent filter.

2.c. UV Bulb Replacement. Including UV Bulb cost, installation, and disposal of the spent UV Bulb.

2.d. HEPA Filter Replacement. Including filter cost, installation, and disposal of the spent filter.

GDOE Response: The preventative maintenance requirements detail the general expectation of work to be provided by the bidder. All bidders are welcome to submit a detailed breakdown of the services proposed. The details of the preventative maintenance plan will be reviewed based on whether it meets the minimum requirements stipulated in the IFB.

Pacific Global Technologies

12. The GDOE team responsible for drafting specifications may have relied on technical literature or brochures of certain brands that are not US Made.

Per Section 2.3. Project Description, Pacific Global Technologies submits a request for deviation. Per the "additional requirements" listed, the unit we intend to offer meets or exceeds all specifications, however may be manufactured outside the USA and made in China. Therefore, we request for approval to deviate from the US Made Requirement.

GDOE Response: Unfortunately, due to the funding requirements, this cannot be done.

JMI Edison

13. 3.2.7 Delivery of Goods - The COVID19 pandemic continues to disrupt the ability of many manufacturers impacting our ability to deliver products within normal lead-times. Supply chains are strained, production capabilities are compromised, and extreme port congestions have posed a major challenge in delivering our products to Guam. The 90day equipment delivery requirement would be challenging for all manufacturers & bidders. We would like to request for GDOE to amend and consider staggered deliveries for this IFB. This is to accommodate the abovementioned challenges.
GDOE Response: Delivery requirement will remain the same.
14. 5 Year Preventive Maintenance of HEPA Filtration System (inclusive of consumables , parts & labor, and hazardous waste removal and disposal). Would repairs due to factors/issues outside of the manufacturer and bidder's control (such as natural disasters, misuse, power surges, rust, corrosion, vandalism, etc.) fall under this requirement? Please confirm.
GDOE Response: Please refer to line item specifications on Preventive Maintenance. The preventative maintenance requirements detail the general expectation of work to be provided by the bidder.
15. Collaboration of Asset Tagging. Please provide more info and procedures relative to this requirement.
GDOE Response: The units will be delivered directly to each school site. A list of fixed assets will be prepared by the vendor, to include the assigned tag #, model #, serial # and per unit cost, school site and room (location). This list will be finalized in collaboration with our Property Division to ensure all items are in fact tagged and recorded.
16. Additional Requirements – 1 year Warranty including parts and labor. 1 year Factory standard warranty offered applies to manufacturer defects only. Any factors/issues outside of the manufacturer and bidder's control does not fall under the warranty (such as natural disasters, misuse, power surges, rust, corrosion, vandalism, etc.). Please confirm if this complies with GDOE's requirements.
GDOE Response: The warranty expectation is inclusive of defective parts (units) as well as any damages due to shipping and delivery and faulty install.

JWS

17. Section 3.2.7 (Pg. 8) DELIVERY OF GOODS. Requirement: "Items must be completed within 90 (90) calendar days after receipt of Purchase Order." Question: With such a large capacity order, specifically: 2,467 Units. The 90 day delivery requirement will be unattainable for most if not all bidders. To also keep into consideration, the extreme negative impact COVID 19 has had by majorly disrupting supply chain, logistics and shipping. We kindly request for GDOE to please reconsider amending current specification delivery of "90 days" to reflect "120-150 days"
GDOE Response: Delivery requirement will remain the same.

Docomo Pacific

18. Bid Form indicates under "Additional Requirements" US Made requirement
- Is GDOE using "CARES" funding?
GDOE Response: This is a federally funded procurement using the Education Stabilization and American Rescue Plan.
 - Is this a Federal Requirement in use of the "CARES" funding?
GDOE Response: The US Made requirement is expected for all federally funded purchases.
19. Docomo Pacific's Aura Air is made in Israel. Would this be acceptable?
GDOE Response: Unfortunately, no.
20. Product is easily mounted, would GDOE still require casters?
GDOE Response: The ability to mount the system can be an option, however it is not required. Portable, heavy duty, lockable casters is still a requirement.
21. Is mounting permissible:
GDOE Response: Mounting is not permitted in several schools, so portability with casters is still required.

22. Would GDOE be mounting themselves or will Vendor be required to mount?

GDOE Response: If mounting will be done, the Bidder will be responsible for the delivery, installation and start up of the system.

23. When does GDOE plan to make award?

GDOE Response: Award will be made upon completion of the review and evaluation of all submissions.

24. What is the timeline to deliver once award is made?

GDOE Response: Please refer to Section 3.2.7 of the IFB.

J&B Modern Tech

25. CFM Range (Minimum 500 CFM Maximum 1500 CFM). CFM rating should be specific or should be given at a specific minimum rating. If the bid specification will stay at 500 CFM, contractor will use the unit with minimum capacity. This will result to insufficient capacity for bigger room or space like Cafeteria, Gym & Library.

GDOE Response: For clarification, the filtration system proposed by each bidder must at least meet or exceed both the minimum CFM range of 500 CFM and the maximum CFM range of 1500 CFM. GDOE committee will further review the specifications and accompanying brochure / descriptive literature provided by each Bidder to ensure that it meets the minimum requirements of the IFB.

26. In relation to previous questions, will GDOE only use one (1) capacity of unit for different size of rooms? If not, GDOE should provide quantity of units for specific size of rooms. Example: Rooms should be categorized by S, M, or L by their capacity 700 CFM, 1000 CFM and 1500 CFM or better up to 1700 CFM.

GDOE Response: The number of units per schools site already factors in multiple units in larger enclosed common areas. GDOE committee will further review the specifications and accompanying brochure / descriptive literature provided by each Bidder to ensure that it meets the minimum requirements of the IFB.

27. Delivery time of 90 days upon Receipt of Purchase Order: Per manufacturer supplier the 90 days Delivery time is not enough for the production of 2467 units for Air Filtration System. In addition, all the manufacturer supplier in the Mainland, United States, experiencing a shortage of Raw Materials and factory man power shortage due to these troublesome Covid-19, Pandemic and another effect the congestion at the West Coast Port that caused the shipment delay to Guam. It is on this matter that we request 160 or 180 days Delivery time upon receipt of Purchase Order.

GDOE Response: The delivery requirement will remain the same.

28. Section 3.1.16 Bond Requirements, Performance and Payment Guaranties. The Bid Spec, Section 3.1.16 did not spelled clearly or defined the Act, Pursuant to 5GCA Section 5212. The intent of this Act is the Bid Security required under any applicable invitation for Bid shall not be released upon award of the Bid, but instead shall continue in full force and effect until delivery of supplies or services required by any contract awarded to contractor under the associated invitation for Bid is completed. See attachment of the chapter Act. Is this 5GCA Section 5212 is applicable to this Invitation of BID IFB-002-2022 as describe above.

GDOE Response: Yes. That is correct.

29. Bid Forms Requires:

- a. Annual cleaning of all Units — Due to the quantitative of these units, twice a year is normal.

GDOE Response: The preventative maintenance specifications details the general expectation of work to be provided. All bidders are welcome to submit a detailed breakdown of the services proposed. The details of the preventative maintenance plan will be reviewed based on whether it meets the minimum requirements stipulated in the IFB.

- b. Pre-filter replacement — How frequently? Normally every 3 to 4 months and when necessary to replace when warning light comes on.

GDOE Response: Please refer to response to question 29(a) above.

- c. UV bulb replacement — Bulb Life times is 9000 hours. Normally once a year or when bulb is burn out.

GDOE Response: Please refer to response to question 29(a) above.

- d. HEPA Filters Replacement — How frequently? Could be every 9 month or once a year. Should be replaced when warning light comes on.

GDOE Response: Please refer to response to question 29(a) above.

30. 5-years Preventive Maintenance —The Preventive Maintenance means all year round continuous visit and cleaning of the units including any urgent call when problem incurred such as warning lights comes on and UV light bulb burn out. With this Preventive Maintenance, therefore the Annual Cleaning of all Units is NOT needed. Refer above Item 3, letter a.

GDOE Response: The preventative maintenance specifications details the general expectation of work to be provided. All bidders are welcome to submit a detailed breakdown of the services proposed. The details of the preventative maintenance plan will be reviewed based on whether it meets the minimum requirements stipulated in the IFB.

31. BID Form — This Bid Form compose of 2 items: Item 1 — Is the basic Bid of Air Filtration System and Item 2 is the 5-year Preventive Maintenance, inclusive of consumables, Parts & Labor and hazardous waste removal & disposal. Are you agree that the lowest priced bid will be based on the total BASE BID PRICE of Item 1 of the Bid Form Exclude Item 2 of the Bid Form.

GDOE Response: Award will be based on the most responsive and responsible bid that has the lowest Bid Total for both Item 1 and 2 combined.

32. BROCHURE / CATALOG —According to Section 3.2.17 of this Bid Spec, it spelled clearly that descriptive literature should not be submitted unless expressly requested. My supplier ask me to request for consideration to submit our brochure — catalog, since the 10 officials of GDOE concentrated on the 4 Company's Brochures & Literature relied upon in preparing specifications on the GDOE IFB-002-2022 and therefore we appreciated your consideration to accept our company's Brochure — Catalog for equality and fairness to all. See attachment.

GDOE Response: Brochure and/or descriptive literature is a requirement for this IFB. Please refer to Section 2.3 of the IFB.

33. Option: Can Vendor may provide relatives to the above stated items. Further details for options must be put on a separate document and NO deviation on any part of the spec document and therefore NO disqualification to Bidder / Vendor.

GDOE Response: GDOE does not fully understand the question. However, at minimum, Bidders must meet or exceed the requirements stipulated in the IFB specifications. A review of the Bidder's submitted brochure/descriptive literature will be done.

34. Early this morning I received a call In our supplier that their figures will ready sometime next week and I am afraid that the Insurance bonding don't have enough time to process and approve my request for bonding. It is on this matter that I would request to move the submittal date one to two weeks. For You and the board evaluators consideration.

GDOE Response: Deadline for submission will remain the same at this time.

USA Contractors Inc.

35. Would GDOE accept a longer ETA of 120 Calendar days after receipt of the official purchase order? The reason we asked is due to high demand the manufacturers are experiencing raw material shortages and supply chain delays.

GDOE Response: Delivery requirement will remain the same.

36. Would GDOE accept a HEPA filtration system with the maximum CFM of 1800 and power supply of 115V/single phase?

GDOE Response: GDOE committee will further review the specifications and accompanying brochure / descriptive literature provided by each Bidder to ensure that it meets the minimum requirements of the IFB.

Pacific Global Technologies

37. Please indicate the estimated square foot each High Efficiency Particulate Absorbing (HEPA) filtration system unit is expected to support air quality in every classroom, office, and enclosed common area (cafeterias, gyms, libraries, etc.).

GDOE Response: The total number of units requested has already factored in for the use of 1 unit or more per space.

38. Specifications require UVC Disinfectant Lamps in each unit. Please clarify if the purpose of requiring a UVC disinfectant lamp is to deliver deactivation of DNA of bacteria, viruses, and other pathogens and to destroy their ability to multiply and cause disease.

GDOE Response: The use of the UV Lamp will be to inactivate or kill airborne pathogens and microorganisms like mold, bacteria and virus (specifically the COVID).

39. Will GDOE require High Efficiency Particulate Absorbing Filtration units offered for use at schools follow guidelines from US regulatory agency's such as the US Environmental Protection Agency (EPA) and the US Food and Drug Administration (FDA) on the use of UVC Disinfectant Lamps and to provide certification that units are either properly cleared or registered?

GDOE Response: Yes, the handling of the HEPA filter will be strictly handled by the vendor to include the removal and disposal of the hazardous waste, as stipulated in the Scope of Work.

40. Please provide the specific local and/or federal law, rule, guidance, or GDOE Board Policy that require the HEPA filtration system GDOE is seeking be made in the USA.

GDOE Response: As instructed by GDOE's federal funding source and consistent with the announcement made by President Biden, the U.S. Department of Education has provided guidance that all federally funded procurement must comply with the Made in America requirement. This applies to the Education Stabilization Funds and American Rescue Plan, as well as the Consolidated Grant funds.

41. Will GDOE provide approval to any timely submitted Request for Deviation as per Section 2.3. Project Description?

GDOE Response: Any requested deviations from the minimum requirements will be reviewed to determine whether it would still meet GDOE's minimum needs. The request may or may not be approved.

Inland Builders Corporation

42. We would like to request to submit EP Lighting product technical literature and/or brochures with specifications in preparation for the IFB.

GDOE Response: Brochure and/or descriptive literature is a requirement for this IFB. Please refer to Section 2.3 of the IFB.

43. The item description and requirements for the (High Efficiency Particulate Absorbing (HEPA) Filtration System) specifically refers to another common industry products. How is it possible for other products and vendors to compete, when the specifications are that of another product on the market?

GDOE Response: The scope was determined based what is currently known about air safety in regards to the COVID-19 virus and products that have been shown to be effective to meet our needs of providing a safe environment for our students. GDOE committee will further review the specifications and accompanying brochure / descriptive literature provided by each Bidder to ensure that it meets the minimum requirements of the IFB.

44. Please provide US Made specification. Are there exceptions to the US Made manufacturing requirements? I.e., can a product be engineered in the US and assembled in Mexico? Do all parts, assembly, and manufacturing need to be done in the United States?

GDOE Response: At minimum, assembly must be done in the United States.

45. Does engineered and researched and developed in the US, and assembled or made in China meet this specification?

GDOE Response: No.

46. Are the CFM requirements a minimum of 500 cfm to be considered for these specs?

GDOE Response: Yes.

47. Are the CFM requirements a maximum of 1500 cfm to be considered for these specs? Can the CFM requirement be at 1200 maximum speed?

GDOE Response: Maximum CFM range of the system must at least be 1500 CFM. GDOE committee will further review the specifications and accompanying brochure / descriptive literature provided by each Bidder to ensure that it meets the minimum requirements of the IFB.

48. The specification state a 59 decibel level for a CFM 1500 unit, we believe that a CFM of 1500 will produce a greater decibel level than 59 decibel. Are there acceptable variations for this specification?
GDOE Response: No.
49. Does the product need to be portable? Or can they be mountable on a wall?
GDOE Response: The ability to mount the system can be an option, however it is not required. Portable, heavy duty, lockable casters is still a requirement.
50. Additionally: 5 Year preventative maintenance of HEPA Filters: (Inclusive of consumables, parts & labor, and hazardous waste removal and disposal) How often does the “pre-filter replacement” need to be done? Annually together with the HEPA filter cleaning?
GDOE Response: The cleaning and pre-filter replacement must be done annually, at minimum. All bidders are welcome to submit a detailed breakdown of the services proposed.
51. About the UV bulb replacement and requirement:
- If the UV bulb does not require an annual replacement, does GDOE still require re-placement? Our UVC high intensity germicidal bulbs are guaranteed for 5 years.
GDOE Response: The UV bulbs and HEPA filter will be replaced as needed within the 5 Year span. All bidders are welcome to submit a detailed breakdown of the preventative maintenance plan.
 - What is the UVC intensity requirement?
GDOE Response: The UV-C light of 100 – 280. Although intensity is not included in the scope, the UV Lamp must be contained within the unit to ensure no direct exposure to students and employees.
 - If the CFM is minimum 500 cfm to maximum 1500 cfm, the intensity of UVC bulb must be considered to require a minimum intensity. Otherwise, the UVC bulb will not have an effect of disinfection on Covid19 virus nor other viruses or any bacterial disinfection.
GDOE Response: The UV-C light of 100 – 280. Although intensity is not included in the scope, the UV Lamp must be contained within the unit to ensure no direct exposure to students and employees.
 - Please specify the minimum germicidal intensity of the UV bulb?
GDOE Response: The UV-C light of 100 – 280. Although intensity is not included in the scope, the UV Lamp must be contained within the unit to ensure no direct exposure to students and employees.
52. To consider a “High Efficiency Particulate Absorbing (HEPA) Filtration System”, every classroom, offices, enclosed common area does not require the same filtration system. How can one unit cover all these areas, when other methods and products are available for consideration? For example, a smaller office room can use a different product, where as larger areas can use a different product (such as special aerosol disinfection methods) through the use of a HVAC system? In considering to use the entire same product in Large and smaller rooms should require different systems for aerosol disinfection, and not only the use of HEPA filters.
GDOE Response: Scope of work and specifications will remain the same.
53. Pg 8, 3.2.7: The delivery of 2467 units of required product within 90 days delivery and installation is not possible. With the current shipping and deliver status, a more reasonable time frame will be needed and considered. Can the 2467 units be divided into two phase deliveries? Estimated half of the units (1233 units) delivered in a certain time period, then the rest of the (1234 units) be delivered within the next reasonable period?
GDOE Response: Delivery requirement will remain the same.
54. Pg 8, 3.2.8 Method of Payment. In expecting 2467 units to be delivered, and only upon delivery of goods, is when the vendor will be able to submit an invoice.
- For such large-scale orders, if the “Estimated half of the units (1233 units) delivered in a certain time period, then the rest of the (1234 units) be delivered within the next reasonable period?” as stated above in 3.2.7, then can the vendors be paid for the first delivery, and then continue with the second delivery?

GDOE Response: Invoices may be submitted on work completed, while installation continues in other school sites.

- b. Are there any other payment methods that can be considered by GDOE?

GDOE Response: Purchase Orders, with payment processed for services rendered is the standard method of payment used by GDOE.

Hanna Enterprises LLC

55. Air Dog is an American company headquartered in Santa Clara, CA (Silicon Valley). Air Dog manufactures a variety of air purification products that are used in industrial, business, educational, and residential settings. The manufacture of components and assembly of these products take place outside of the corporate headquarters and outside of the USA. For purposes of IFB 002-2022 will Air Dog products qualify as MADE IN USA?

GDOE Response: At minimum, assembly must be done in the United States.

56. The IFB dictates the use of HEPA filters. The Air Dog filtration system does not require a HEPA filter. Its purification/filter system will kill and eliminate viruses without HEPA. It removes 99.97% of all particles as small as .03 microns, meets the decibel threshold for operating noise at varied speed, and other requirements of the bid. This system is also washable instead of replaceable, reducing additional cost and downtime that is incumbent with HEPA. For purposes of IFB 002-2022 will the Air Dog filtration system meet the requirements of the IFB?

GDOE Response: At minimum, the system must demonstrate that it is capable of providing all necessary requirements of a HEPA filter and all other minimum requirements. GDOE committee will further review the specifications and accompanying brochure / descriptive literature provided by each Bidder to ensure that it meets the minimum requirements of the IFB.

57. Air Dog products are superior to other products because they do not rely on HEPA filtration. However, Air Dog products can be retrofitted with HEPA filtration components. Through an exclusive arrangement with Air Dog, this retrofitting can take place in Guam creating employment opportunity and economic benefit to the local economy. For purposes of IFB 002-2022 will Air Dog products qualify as MADE IN USA if HEPA filtration components are installed in Guam?

GDOE Response: At minimum, assembly must be done in the United States.

Carrier

58. Does the equipment must be a High Efficiency Particulate Absorbing (HEPA) Filtration System?

GDOE Response: At minimum, the system must demonstrate that it is capable of providing all necessary requirements of a HEPA filter and all other minimum requirements. GDOE committee will further review the specifications and accompanying brochure / descriptive literature provided by each Bidder to ensure that it meets the minimum requirements of the IFB.

59. Does the equipment must be Made in USA?

GDOE Response: Yes.

60. The Pre-filter is suggested to be replaced more frequently. Could the service on this particular filter be adjusted to at least 2x/year replacement?

GDOE Response: The preventative maintenance specifications details the general expectation of work to be provided. All bidders are welcome to submit a detailed breakdown of the services proposed. The details of the preventative maintenance plan will be reviewed based on whether it meets the minimum requirements stipulated in the IFB.

61. Do we have to process/facilitate the manifests, materials, equipment, labels, collection, analyzing, sorting, preparation, packaging, transporting, and obtaining Certificate of Disposal (COD) from the disposed hazardous materials to a regulated treatment/disposal facility in compliance with existing laws and regulations of the United States including, but not limited to EPA Hazardous Waste Regulations?

GDOE Response: In the handling, removal and disposal of the HEPA filter, the vendor must comply with all local and federal regulation relative to Hazardous Waste.

Surface Solutions

- 62. On section 3.2.7 Delivery of Goods after NTP is 90 days only. May we request to extend the performance of the delivery and installation to 180 days, due to the volume of order and lead time the factory may need to deliver the units.
GDOE Response: Delivery requirement will remain the same.

- 63. Is there any electrical works to be done for the installation of units ie. (wiring, conduit rough-in, disconnect switch) for the unit to be installed?
GDOE Response: No.

- 64. Since most of the rooms at the school will be installed by the HEPA filtration system will the existing Electrical panel of the school can carry the additional loads?
GDOE Response: Yes.

All else remains the same.

Sincerely,


CARMEN T. CHARFAUROS
Supply Management Administrator

EXH D

GUAM HOUSING AND URBAN RENEWAL AUTHORITY



INVITATION FOR BID (IFB#-GHURA - WAP - 012- 007) REFRIGERATORS, WINDOW AIR CONDITIONERS & HEAT PUMPS

START DATE: July 19, 2012

DUE DATE: August 15, 2012

TIME: 2:00 PM, CHAMORRO STANDARD TIME

LOCATION: GHURA MAIN OFFICE, SINAJANA

PRE-BID CONFERENCE: July 27, 2012, 10:00 a.m. Sinajana Office

RAY S. TOPASNA
Executive Director

K. Termination

GHURA reserves the right to terminate for cause and for convenience of GHURA.

L. Inspection of Records

GHURA and the Comptroller General of the United States, and/or any other duly authorized representatives shall have the right to inspect any books, documents, papers and records of the contractor which are directly pertinent to this specific contract for the purposes of making an audit, examination, excerpts and transcriptions.

M. Required Documents

Vendors are required to submit a current business license, Major shareholders Affidavit, Non collision affidavit, Non-Gratuity Affidavit, Any and all addendums, Certifications and Representations of Offerors (HUD Form -5369-C), Conflict of Interest, Vendor Bid Form, Contact for Contract Administration Form and descriptive brochures & warranty information.

N. Availability of Appliances (Sixty (60) Days ARO)

Successful respondent shall be required to have the appliances on island and ready for delivery upon notification by GHURA Sixty (60) days After Receipt of Order (ARO).

O. Storage of Appliances

Successful respondent must store all appliances in their warehouse until requested by the WAP representative. This applies to all bid items.

P. Non-Refundable Bid Packet Payment

Vendors are required to pay the \$50 non-refundable payment for each bid packet before submission of their bid. Non-payment shall result as a non-responsive bid and vendor's bid shall not be considered.

Q. Warranty Period

All appliances must have a warranty period of 18 months after delivery and installation.

II. METHOD OF SELECTION

- 1. GHURA will make the selection of the products based on vendor's best price per bid item and not as a lot. The bid price (s) shall be included as provided in the Specifications of Appliances page. Unless otherwise specified in the IFB, all prices shall be on a firm-fixed price basis and are not subject to adjustment based on costs incurred.**
- 2. GHURA reserves the right to award the contract to multi-vendors in order to provide the required appliances based on the requirements of this bid and in the best interest of the Housing Authority.**

EXH E

9. **BIDDER'S PRICES:** The Guam Housing and Urban Renewal Authority 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 product's origin. Where basic or alternate Bids meet the minimum required specification, cost and other factors will be considered. Failure to meet 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 BOND REQUIREMENTS:** 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 GHURA 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 Guam Housing and Urban Renewal Authority in the amount of five percent (5%) of his or her highest total bid offer. Bid Guarantee will be a Bid Bond on Government Standard form BB-1. 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 a prescribed time, such Bond will be forfeited to the Guam Housing and Urban Renewal Authority. Bids will be disqualified if not accompanied with a Bid Bond, Letter of Credit, Certified Check, or Cashier's Check. Bidder must include in his or her bid valid copies of a Power Authority 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 Authority and Certificate of Authority on the surety is cause for rejection of Bid (GPR Section 3-202.03.3).
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 Guam Housing and Urban Renewal Authority issued by any of the local Banks or Bonding institution in the amount equal to One hundred percent (100%) 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 Executive Director of GHURA or the Chief Procurement Officer of GHURA 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 event of any such termination, the Executive Director of GHURA or the Chief Procurement of Officer of GHURA shall immediately serve notice thereof upon the Surety. The Surety shall have the right to take over and perform the contract provided. However, should the Surety do not commence performance thereof within ten (10) days from the date of the mailing of Notice of Termination, the Guam Housing and Urban Renewal Authority may take over and prosecute the same to complete the contract or re-contract the project with all incurred expenses for the account of the contractor. The contractor and his or her Surety shall be liable to Guam Housing and Urban Renewal Authority for any excess cost incurred the Guam Housing and Urban Renewal Authority (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 Guam Housing and Urban Renewal Authority and to enforce Section 12 of these General Terms and Conditions. In addition, the Guam Housing and Urban Renewal Authority 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

GUAM HOUSING AND URBAN RENEWAL AUTHORITY

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GUAM HOUSING & URBAN
RENEWAL AUTHORITY

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INVITATION FOR BIDS (IFB#-GHURA – PH/WAP – 013– 002)

REFRIGERATORS, ELECTRIC STOVES, WATER HEATERS,
HYBRID HEAT PUMP WATER HEATERS, WASHERS &
DRYERS

START DATE: January 23, 2013
DUE DATE: February 22, 2013
TIME: 2:00 PM, CHAMORRO STANDARD TIME
LOCATION: GHURA MAIN OFFICE, SINAJANA
PRE-BID CONFERENCE: January 30, 2013, 10:00 a.m. Sinajana Office

MICHAEL DUENAS
Executive Director

EXH. F

J. Payment

GHURA shall pay successful respondent for delivered appliances upon receipt of respondent's Request for Payment Invoice. Vendor's invoice shall include model #, serial number, quantity, type and brand of appliance delivered. Payment terms shall be Net 30 Days.

K. Termination

GHURA reserves the right to terminate for cause and for convenience of GHURA.

L. Inspection of Records

GHURA and the Comptroller General of the United States, and/or any other duly authorized representatives shall have the right to inspect any books, documents, papers and records of the contractor which are directly pertinent to this specific contract for the purposes of making an audit, examination, excerpts and transcriptions.

M. Required Documents

Vendors are required to submit a current business license, Major shareholders Affidavit, Non-collision affidavit, Non-Gratuity Affidavit, Any and all addendums, Certifications and Representations of Offerors (HUD Form -5369-C), Vendor Bid Form, Contact for Contract Administration Form, Descriptive Brochures & Warranty information, Disclosure of Confidential Information.

N. Availability of Appliances (Sixty (60) Days ARO)

Successful vendor shall be required to have the appliances on island and ready for delivery upon notification by GHURA Sixty (60) days After Receipt of Order (ARO).

O. Storage of Appliances (Optional)

Successful vendor has the option to store all appliances in their warehouse until requested by the respective GHURA Manager. If the successful vendor cannot store the appliances in their warehouse, the vendor is required to extend the warranty period of each appliance for 18 months upon immediate delivery of the appliances to GHURA.

P. Non-Refundable Bid Packet Payment

Vendors are required to pay the \$50 non-refundable payment for each bid packet before submission of their bid. Non-payment shall result as a non-responsive bid and vendor's bid shall not be considered.

Q. Warranty Period

All appliances must have a warranty period indicated below:

Immediate delivery (Not stored in vendor's warehouse): 18 Months

Storage of Appliances in vendor's warehouse until requested by respective manager - 12 months.

R. Rejection of Bids

GHURA reserved the right to reject any and all bids, cancel the solicitation at any time and to re-solicit for the appliances based on the best interest of the Housing Authority.

EXA F

9. **BIDDER'S PRICES:** The Guam Housing and Urban Renewal Authority 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 product's origin. Where basic or alternate Bids meet the minimum required specification, cost and other factors will be considered. Failure to meet 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 BOND REQUIREMENTS:** 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 GHURA 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 Guam Housing and Urban Renewal Authority in the amount of five percent (5%) of his or her highest total bid offer. Bid Guarantee will be a Bid Bond on Government Standard form BB-1. 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 a prescribed time, such Bond will be forfeited to the Guam Housing and Urban Renewal Authority. Bids will be disqualified if not accompanied with a Bid Bond, Letter of Credit, Certified Check, or Cashier's Check. Bidder must include in his or her bid valid copies of a Power Authority 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 Authority and Certificate of Authority on the surety is cause for rejection of Bid (GPR Section 3-202.03.3).
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 Guam Housing and Urban Renewal Authority issued by any of the local Banks or Bonding institution in the amount equal to One hundred percent (100%) 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 Executive Director of GHURA or the Chief Procurement Officer of GHURA 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 event of any such termination, the Executive Director of GHURA or the Chief Procurement of Officer of GHURA shall immediately serve notice thereof upon the Surety. The Surety shall have the right to take over and perform the contract provided. However, should the Surety do not commence performance thereof within ten (10) days from the date of the mailing of Notice of Termination, the Guam Housing and Urban Renewal Authority may take over and prosecute the same to complete the contract or re-contract the project with all incurred expenses for the account of the contractor. The contractor and his or her Surety shall be liable to Guam Housing and Urban Renewal Authority for any excess cost incurred the Guam Housing and Urban Renewal Authority (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 Guam Housing and Urban Renewal Authority and to enforce Section 12 of these General Terms and Conditions. In addition, the Guam Housing and Urban Renewal Authority 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

EXH 4