



CAMACHO  
CALVO  
LAW GROUP LLC

September 22, 2021

**VIA HAND DELIVERY**

DEPARTMENT OF PUBLIC WORKS  
542 N. Marine Corps Drive  
Tamuning, Guam 96913



Attention: Mr. Vincent P. Arriola, Director

Re: PROTEST OF ISLANDWIDE PROGRAM MANAGEMENT SERVICES  
PROJECT NO. GU-THS-IPMS (005)

Dear Mr. Arriola:

EXP protests the determination that it ranked second relative to the Islandwide Program Management Services Project No. GU-THS-IPMS(005) (hereinafter "RFP") based on the Department of Public Works' (hereinafter "DPW") failure to follow procedures in the procurement process.

You may reach EXP through its attorneys, Vince Camacho, Esq. and Geri Diaz, Esq., of Camacho Calvo Law Group at 356 E. Marine Corps Drive, Suite 201, Hagåtña, Guam 96910.

**I. EXP'S PROTEST IS TIMELY**

Guam Procurement Law provides that an aggrieved bidder in connection with the source selection method, solicitation, or contract award may file a protest to the Director of DPW. The procurement protest must be filed "in writing within fourteen (14) days after such aggrieved person knows or should know of the facts giving rise thereto." 5 GCA § 5425(a). The Supreme Court of Guam confirmed this timeline and explained that the Guam Administrative Rules and Regulations ("GARR") also prescribe the same time standards for filing a protest. Teleguam Holdings, LLC v. Guam, 15 Guam 13 ¶¶ 22-23.

On September 8, 2021, EXP received notice of the September 7, 2021 Selection Process Notification from DPW advising that DPW ranked EXP 2<sup>nd</sup> in response to qualification portion of the RFP. **Exhibit A.** Because of this decision, EXP is an aggrieved bidder and now files this procurement protest within fourteen days of receipt of DPW's notice.

**COPY**

## **II. DPW VIOLATED WELL-ESTABLISHED PROCUREMENT PROCEDURES THAT CALL TO QUESTION THE QUALITY, FAIRNESS, AND INTEGRITY OF THE PROCUREMENT.**

DPW's failure to follow specific requirements in the Engineer-Architect Services Procurement Procedures, Department of Public Works, Amendment No. 3 (hereinafter "Procurement Procedures"), in effect since March 8, 2017, is the basis for EXP's protest. **Exhibit B.**

The purpose of Guam's Procurement Law and Regulations is to provide standard policies and procedures governing the procurement, management, control, and disposal of supplies, services, and construction for the territory in conformity with the Guam Procurement Act in 5 G.C.A. Chapter 5. In line with the statutory mandate and promulgated regulations, DPW implemented the Procurement Procedures to ensure uniformity and fairness in the process. The Purpose and Applicability section of the Procurement Procedures states,

"To prescribe policies and procedures for contracting Engineer-Architect Services to ensure that a qualified consultant is obtained through an equitable selection process, and that prescribed work is properly accomplished in a timely manner, at a fair and reasonable cost." **Exhibit B.**

That section further states that the "policies and procedures apply to **all** (emphasis added) engineering and design related services contracts."

The Procurement Procedures apply to this RFP as evidenced in the Policy section, which states that DPW,

"shall comply with these procedures under Chapter 3, Source Selection and Contract Formation, § 3114, Competitive Selection Procedures of the Guam Procurement Regulations for procuring Engineer-Architect ("E-A") services, except as authorized under Sole Source Procurement, Emergency Procurement and Small Purchases when requesting reimbursement from Federal Highway Administration for E-A services." **Exhibit B.**

Notably, in 2017, DPW's Acting Chief Engineer Michael Lanning, DPW's Director Glenn Leon Guerrero, and Richelle M. Takara, the Division Administrator of the Federal Highway Administration (hereinafter "FHWA"), approved the Procurement Procedures and its applicability to DPW's services contracts.

The procurement record indicates that DPW complied with specific policies and procedures indicated in the Procurement Procedures. For instance, as noted in the August 27, 2021 Memorandum on the Evaluation Process and Recommendation for Islandwide Program Management Services, Project No. GU-THS-IPMS(005) (**Exhibit C**), DPW followed the required evaluation process for assessing the proposals, which included the First Step, the Second Step and the Recommendation. This process mirrored the requirements set forth in section XI.D.1, 2 and 3 of the Procurement Procedures. DPW also followed the proper points calculation and ranking

process for the combined ranking forms. (**Exhibit D**) However, the DPW Director conveniently decided to forego particular provisions of the Procurement Regulations and put in force provisions not permitted in the regulations. In the quest to ensure integrity and fairness in the procurement process, DPW cannot randomly select which provisions of the Procurement Regulations it will comply with and which it will disregard.

**A. DPW VIOLATED THE PROCUREMENT PROCEDURES' REQUIREMENT REGARDING THE APPOINTMENT OF THE CHAIRPERSON AND THE COMPOSITION OF THE AECB MEMBERS**

As part of the evaluation procedure, the RFP states that the DPW Director will appoint a Proposal Evaluation Committee to review and evaluate all proposals submitted in response to the RFP. The RFP also sets forth the criteria for evaluating and ranking the offeror's proposals by specific criteria.

Accordingly, the DPW Director established the Ad-hoc Evaluation Committee Board ("AECB") to evaluate and make recommendations for selecting qualified engineering firms to serve as DPW's Program Management Team for the Project.<sup>1</sup> As indicated in the Evaluation Process and Recommendation for Islandwide Program Management Services, Project No. GU-THS-IPMS(005), the DPW Director, "appointed five (5) experienced government procurement individuals to serve as members of the AECB." **Exhibit C**. The AECB members included Thomas Cruz, Assistant General Manager of Operations for Guam Waterworks Authority; Pilar Williams, Dean for Trades & Professional Services for Guam Community College; Diego Mendiola, Manager, Real Property Division of Guam Economic Development Authority; Artemio Hernandez, Deputy Executive Manager of Guam International Airport Authority; and Jose Quinata, Chief Planner of the Department of Public Works. **Exhibit F and G**.

Although the DPW Director has the authority to establish an AECB (**Exhibit B**, section XI.C.1.a.), all the appointed AECB members, except for DPW's Chief Planner Jose Quinata, do not meet the necessary qualifications for the composition of members delineated in Procurement Procedures section XI.C.1.b. Specifically, that section states that "[t]he board members shall be appointed from the Managers and staff professionals of the following departments: Highway Planning, Survey Sciences, Contracts, Design, and Analysis Section, Traffic Management Center, Rights-of-Way, Highway Maintenance & Construction, etc."

Also noteworthy is the appointment of Erin Reyes, the Special Projects Coordinator for the Contracts, Design & Analysis Section (CDAS) of the DPW's Division of Highways, to act as the AECB's Chairperson. **Exhibit F and H**. Her appointment is also in violation of Procurement Procedures section XI.C.1.b., which requires that the Chief of Engineering or Administrator be appointed the Chairperson of the Board.

---

<sup>1</sup> In DPW's March 26, 2021 Memorandum on Planning and Justification for Islandwide Program Management Services Project No. GU-THS-IPMS(005), Request for Proposals – Determinations, it states that the Project Management Team shall provide engineering and program management services for locally and federally funded projects managed by DPW (collectively the "Project"). **Exhibit E**.

DPW's failure to comply with the requirements identified explicitly in the regulations violates the Procurement Procedures. Accordingly, the assigned scores provided by the AECB members and the resulting ranking order are invalid.

#### B. DPW VIOLATED THE PROCUREMENT PROCEDURES' REQUIREMENT REGARDING THE TIE-BREAKING PROCEDURE

The Procurement Procedures provides a process to be undertaken in a tie ranking by the AECB. However, instead of following this process, the DPW Director arbitrarily chose to proceed with an unauthorized tie-breaking procedure, which violates the standard requirements for this procurement.

Appendix 6 of the Procurement Procedures provides the template and guidelines for those factors to be included in the RFP Evaluation Report and Recommendation. It states, "(NAME), served as chairman of the Ad-hic [sic] Evaluation Board to guide the members in the proper evaluation and selection procedures, in accordance with Guam and Federal procurement regulations. (NAME), however, elected to be a non-voting member of the Committee, unless it's necessary to break a tie rating." **Exhibit B.**

In this case because there was a tie after the post evaluation, Ms. Erin Reyes had to break the tie. He stated,

"I note for the procurement record that Ms. Erin Reyes was appointed as the AECB's Chairman. Ms. Reyes served as a non-voting member of the Committee unless it was necessary to break a tie. Ms. Reyes subsequently submitted a letter dated May 28, 2021, recommending that the contract be awarded to WSP. This procedure was in accordance with the DPW's Engineer – Architect Services Procurement Procedures, Amendment No. 3, effective on March 8, 2017....The tie-breaker procedure contained in the Procurement Procedures were neither addressed in the RFP nor discussed with the proposers." **Exhibit I.**

Instead of accepting Ms. Reyes' recommendation that WSP was the most qualified offeror, the DPW Director arbitrarily decided that Ms. Reyes' recommendation was insufficient and warranted further evaluation by two additional evaluators without any notice to the offerors. Even more egregious is that the Procurement Procedures do not permit the DPW Director's new process.

In a sly and arbitrary move, the DPW Director cleverly concocted his own tie-breaking rule. This rule is nowhere in the Procurement Procedures. Instead, the DPW Director declared that due to the importance of the IW Program Management Services to DPW and the people of Guam, he did not consider it reasonable to rely on the tiebreaker procedure that was not included in the RFP nor discussed with the proposers. **Exhibit I.** He then arbitrarily appointed two individuals, Deborah Leon Guerrero, Vice Provost for Institutional Effectiveness of the University of Guam, and Randy Romero, DPW's Building Inspection and Permits Administrator, to serve as additional members of the AECB. **Exhibit J and K.** The DPW Director instructed Ms. Leon Guerrero and Mr. Romero to review the proposals submitted by WSP and EXP, the May 11, 2021 audio

recordings, presentations, and interviews and then evaluate and rank them by the criteria provided by the RFP. **Exhibit I.**

The Director's tie-breaking procedure is flawed for three reasons. First, this new tie-breaking process of appointing two additional members to the AECB was not indicated in the RFP nor discussed with the bidders. Secondly, Ms. Leon Guerrero did not meet the necessary qualifications to participate as an AECB member per XI.C.1.b.2. of the Procurement Procedures. Third, Ms. Leon Guerrero and Mr. Romero were only allowed to view the audio recordings of the presentations, not the video recordings. More importantly, they were not given the opportunity to fully participate in the in-person oral discussions with the bidders, which is significant because the scoring sheets prove that the live oral presentations dramatically changed the outcome of the final scores.

DPW's deviation from the Procurement Procedures' tie-breaking process and the failure to appoint the proper individuals to the AECB calls to question the quality, integrity and fairness of the evaluation process for this RFP. After all, the purpose of the Procurement Procedures is to ensure DPW, and ultimately the people of Guam, get the best-qualified consultant. The only way this can occur is through a fair and equitable selection process. DPW's failure to follow those procedures resulted in unfair, inequitable and skewed results and is the basis for EXP's protest.

### **III. EXP'S REQUESTED REMEDIES**

Based on the preceding, EXP respectfully requests the following:

1. DPW grants EXP's Protest,
2. DPW cancels the RFP and rebids or revises the RFP to comply with the law,<sup>2</sup> and
3. For any other relief available to EXP under Guam law.

According to 5 G.C.A. § 5425 (f), upon the filing of this protest, Guam law provides that there is an automatic stay for this procurement. In the event, this protest is appealed or judicial review is requested, the automatic stay remains in effect until such time the issues are adjudicated by the Superior Court of Guam.<sup>3</sup>

---

<sup>2</sup> See 5 GCA § 5451.

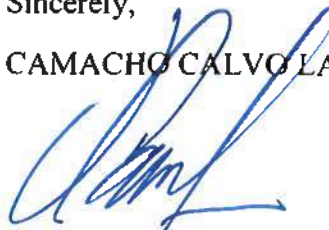
<sup>3</sup> *Teleguam Holdings, LLC v. Territory of Guam*, 2015 Guam 13, ¶ 31.

Department of Public Works  
September 22, 2021  
Page 6

Thank you for your attention on this matter. Should you have any question please contact our office.

Sincerely,

CAMACHO CALVO LAW GROUP LLC



Vincent C. Camacho

Enclosure(s): Exhibits A-K

VCC GED abm  
160495-000001.164356

# EXHIBIT A





The Honorable  
**LOURDES A. LEON GUERRERO**  
*Maga'Håga · Governor*

The Honorable  
**JOSHUA F. TENORIO**  
*Sigundo Maga' Låhi · Lieutenant Governor*



**VINCENT P. ARRIOLA**  
*Director*

**LINDA J. IBANEZ**  
*Deputy Director*

21-0864

07 SEP 2021

**Robert Marks**  
Western Pacific Regional Manager  
EXP U.S. Services Inc.  
414 West Soledad Avenue, Suite 500Y  
Hagatna, Guam 96910

**RE: Islandwide Program Management Services  
Project No. GU-THS-IPMS(005)  
SELECTION PROCESS NOTIFICATION**

Dear Mr. Marks,

The Department of Public Works (“DPW”) has completed the selection process to provide engineering and program management services for locally and federally funded projects managed by DPW. This project is an Indefinite Delivery/Indefinite Quantity contract and is fully federally funded. Your firm has been selected and considered as **2<sup>nd</sup> ranked** in response to this solicitation.

The DPW will negotiate a contract with the selected firm for the required services in writing at compensation that is determined to be fair and reasonable. Compensation will be in accordance with Federal Acquisition Regulations, Part 31. If compensation, contract requirements, or contract documents cannot be agreed upon, DPW will formally terminate the negotiation. Negotiation shall then be initiated with the next most qualified offeror.

Sincerely,

**VINCENT P. ARRIOLA**

Attachments

EReyes / TKeeler

Received by:

\_\_\_\_\_  
Signature over Printed Name

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



# EXHIBIT B



*The Honorable*  
**Eddie Baza Calvo**  
*Governor*

*The Honorable*  
**Ray Tenorio**  
*Lieutenant Governor*



# ENGINEER – ARCHITECT SERVICES

Procurement Procedures

Department of Public Works

Government of Guam

July 08, 1998

AMENDMENT NO. 003 – EFFECTIVE MARCH 8, 2017

# ENGINEER – ARCHITECT SERVICES

## Procurement Procedures

Department of Public Works

Government of Guam

Amended – FEBRUARY 2017

Prepared by:

Division of Engineering

Recommend Approval:

Approved by:

  
\_\_\_\_\_  
Michael L. Lanning  
Acting Chief Engineer  
Department of Public Works  
Date 3-3-2017

  
\_\_\_\_\_  
Glen Leon Guerrero  
Director  
Department of Public Works  
Date 3/7/17

Approved by:

  
\_\_\_\_\_  
Ruben M. Taka  
Division Administrator  
Federal Highway Administration  
Date 3/6/2017

# ENGINEER – ARCHITECT SERVICES

## PROCUREMENT PROCEDURES

Department of Public Works  
Government of Guam

### **I. PURPOSE AND APPLICABILITY**

To prescribe policies and procedures for contracting Engineer-Architect Services to ensure that a qualified consultant is obtained through an equitable selection process, and that prescribed work is properly accomplished in a timely manner, at fair and reasonable cost.

These policies and procedures apply to all engineering and design related services contracts.

### **II. POLICY**

The Government of Guam Department of Public Works (DPW) shall comply with these procedures under Chapter 3, Source Selection and Contract Formation, §3114, Competitive Selection Procedures of the Guam Procurement Regulations for procuring Engineer-Architect (E-A) services, except as authorized under Sole Source Procurement, Emergency Procurement and Small Purchases when requesting reimbursement from Federal Highway Administration for E-A services.

### **III. AUTHORITY**

Title 23 United States Code (U.S.C.) Section 112 – Letting of Contracts;

Title 2 Code of Federal Regulations (CFR) Part 200 – Uniform Administrative Requirements, cost Principles and Audit Requirements for Federal Awards rule;

Title 23 CFR Part 172 – Procurement, Management, and Administration of Engineering and Design Related Services;

Guam Public Law 16-124, Title VII-A;

Title 5 Guam Code Annotated (GCA), Chapter 5 - Guam Procurement Law;

Title 2 Guam Administrative Rules & Regulations (GAR), Division 4 - Procurement Regulations authorized by 5 GCA Chapters 5 (Guam Procurement Act);

Title 29 Guam Administrative Rules & Regulations (GAR) - Public Works, Chapter 1, Article 1, §§1125 through 1144;

U.S Public Law 92-582 (The Brooks Act) dated, October 27, 1982, established provisions that must be complied with on Federally funded projects in the procurement for E-A services;

Any conflict between the Guam Law and Federal Regulations the more restrictive provision(s) shall govern.

#### **IV. DEFINITIONS**

- A. **Engineer – Architect (E-A) Services** – are those professional services associated with research and project development, program management, construction management, feasibility studies, preliminary engineering, design, engineering, surveying, mapping, architectural services, alteration, or repair of a real property, redesign and construction as well as incidental services that members of these professions and those in their employ may logically or justifiably perform. These include studies, investigations, surveys, inspections (including construction), conceptual designs, plans and specifications, cost estimates, shop drawing reviews, sample recommendations and preparation of operating and maintenance manuals, and other related services.
- B. **Fee** – shall mean the compensation (contract price) for professional services paid to the E-A. This dollar amount covers all work including the consultant’s profit, miscellaneous expenses, and other factors that may be considered under applicable regulations and that are not paid for otherwise.
- C. **Cost-Reimbursement Contract** – provides for payment to the contractor of allowable costs incurred in the performance of the contract to the extent prescribed in the contract. It is ordinarily used when scope of work required cannot be definitely described or its costs accurately estimated.
- D. **Firm** – shall mean any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice the professions of architecture or engineering.
- E. **Fixed Price Open End Contract** – is a contract type that specifies the work task in general terms and establishes the terms and conditions against which work orders for individual projects are issued. The basic contract limits the amount of each order and the total cumulative amount.
- F. **Fixed Price Contract (Lump Sum)** – is an agreement to pay a specified price when all items called for in the contract have been delivered and accepted. The E-A agrees to assume full responsibility for all costs under or over the firm fixed price and, thus, responsibility for profit or loss. An adjustment in price after award is normally not considered for the original scope of work.
- G. **Consultant** - The individual or firm providing engineering and design related services as a party to the contract.
- H. **Scope of Work** – All E-A services and actions required of the consultant to achieve the purpose and objectives defined in the agreement. Such services are to include, but not limited to, the furnishing of all required equipment, labor, supplies, materials, and records/reports.
- I. **Indefinite Delivery Indefinite Quantity (IDIQ)** – a contract type allowing the Government of Guam (GovGuam) to have a consultant under contract that provides for an indefinite quantity of services to be furnished at, specified period of time. The IDIQ contract is to be

used when GovGuam can't determine, above a specified minimum, the precise quantities of supplies or services that GovGuam will require during the contract period. Award of this contract is usually for a specified amount of base years with renewal options for additional years. This contract cannot exceed a total of five years in duration, unless determined in the best interest of Guam in a written determination.

- J. Basic Agreement – a written understanding between DPW, GovGuam and the selected E-A firm and contains contract clauses that applies to future task orders between DPW and the consultant during the term of the agreement. A maximum not-to exceed total contract amount shall be specified under this agreement.
- K. Task Order - work authorization and agreement of fee for specific negotiated services to be performed by consultant and placed against an established IDIQ Basic Agreement.
- L. Contract Amendment – A change to one of the terms of a contract/agreement such as modifying, adding, or omitting work or terms.
- M. Task Order Amendment – a changed to scope, terms, or not-to-exceed amount.

**V. DETERMINATION OF NEED**

A record of planning and a written determination shall be prepared by the Chief of Engineering (or authorized representative) for the Director to approve prior to advertising a procurement and include following provisions:

- A. What is the record of planning for this procurement?
- B. What services are being acquired and what is the scope for the services?
- C. The reason for the services and how the DPW intends on implementing a plan for utilizing the said services, which will be included in the contractual statement of work.
- D. Is there a special requirement that needs to be addressed and referenced in the determination?
- E. Whether the services of a project, in whole or in part, can best be accomplished in-house or whether the nature and magnitude of the project or current workload is such that consultant services are required.
- F. The nature of the relationship to be established between the DPW and the consultant by the proposed contract. For example, is this a long vs. short term relationship.
- G. Justification for multi-year contracting if the contract will be more than one (1) year.
- H. What is the funding source for the services (local, federal, other)?

**VI. SCOPE OF WORK**



DPW, or Consultant when appropriate, shall prepare a scope of work that details the purpose and description of the project, services to be performed, deliverables to be provided, estimated schedule for performance of the work, and applicable standards, specifications, and policies.

A. For design, the scope of work should define and set forth the following provisions:

1. Description of the project and the scope of work.
2. Project location and limits.
3. Deliverables of design and detailed descriptions of the services to be performed.
4. Preparation of right-of-way and easement acquisition documents, including ownership research.
5. Preparation of right-of-enter exhibits.
6. Construction cost limitations and unit price analyses of critical items.
7. Construction completion schedule (including schedules for phased construction).
8. Design activities and submittal schedule for plans, specifications, and estimates.
9. Payment schedule.
10. Government review procedures and schedule.
11. Shop drawings review (if applicable).
12. Reproduction services (if applicable).
13. Relations with other Government agencies.
14. Professional responsibilities of the Engineer and required certification of project supervision.
15. Design applicable standards, specifications, polices, and other relevant reference documents.
16. Relevant As-built drawings (if available).

B. For Program Management, Construction Management, Land Survey, and other A-E related services following provisions are required:

1. Description of the project and the intent.

2. Project location and limits.
3. Deliverables of the services to be performed.
4. Period of performance.
5. Payment terms.

The scope is to be reviewed by responsible engineer ,or consultant as appropriate, to assure that it is satisfactory to DPW Director or authorized representative and to participating federal agency, if appropriate.

The responsible engineer, or consultant as appropriate, assures that the scope is submitted to DPW Director for approval before advertising the procurement of a project.

## **VII. CONTRACT TYPE**

The DPW shall select and use the following types of contracts:

- A. **Project-specific contract** - is a contract between the contracting agency and consultant for the performance of services and defined scope of work related to a specific project or projects.
- B. **A Multiphase contract** - is a project-specific contract where the solicited services are divided into phases whereby the specific scope of work and associated costs may be negotiated and authorized by phase as the project progresses.
- C. **An On-call or indefinite delivery/ indefinite quantity (IDIQ) contract** - is a contract for the performance of services for a number of projects, under task or work orders, issued on an as-needed or on-call basis, for an established contract period. A written determination of need is required prior to use. The solicitation and contract provisions shall address the following requirements:
  1. Maximum length of contract period including the number and period of any allowable contract extensions (not to exceed 5 years).
  2. A Not-To-Exceed maximum total contract dollar amount.
  3. Description of the general scope, complexity, and professional nature of the services.
  4. Identify the number of consultant to be selected or contracts to be awarded.
  5. Cancellation due to unavailability of funds. Reimbursement shall be made for reasonable cost that are non-recurring and incurred prior to cancellation.

The competing and selection procedure for Task orders to be awarded under the On-call or IDIQ contract is out lined in DPW's IDIQ Consultant Task Order Selection Procedures (see **Appendix 1**) and in compliance with Title 23 CFR 172.9(a)(3)(B) requirements.

## **VIII. PAYMENT METHODS**

The method of payment to the consultant shall be set forth in the original solicitation, contract, and in any contract modification thereto. The methods of payment shall be: Lump sum, cost plus fixed fee, cost per unit of work, or specific rates of compensation. A single contract may contain different payment methods, as appropriate for compensation of different elements of work.

- A. The cost, plus a percentage of cost, and percentage of construction cost methods of payment shall not be used.
- B. The lump sum payment method shall only be used when the contracting agency has established the extent, scope, complexity, character, and duration of the work to be required; to a degree that fair and reasonable compensation, including a fixed fee, can be determined at the time of negotiation.
- C. When the method of payment is other than lump sum, the contract shall specify a Not-To-Exceed (NTE) maximum amount payable, which shall not be exceeded unless adjusted by a contract amendment.
- D. The specific rates of compensation payment method provide for reimbursement on the basis of direct labor hours at specified fixed hourly rates, including direct labor costs, indirect costs, and fee or profit, plus any other direct expenses or costs, subject to an agreement maximum amount. This payment method shall only be used when it is not possible at the time of procurement to estimate the extent or duration of the work or to estimate costs with any reasonable degree of accuracy. This specific rates of compensation payment method should be limited to contracts or components of contracts for specialized or support type services where the consultant is not in direct control of the number of hours worked, such as construction, engineering, and inspection. When using this payment method, the contracting agency shall manage and monitor the consultant's level of effort and classification of employees used to perform the contracted services.
- E. DPW may hold retainage from prime consultant's payment at incremental stages, as specified in the scope of services, and provide for prompt and regular incremental acceptances of portions of the prime consultants work. Release of retainage to prime consultant is based on the acceptances, and requires a contract clause obligating the prime consultant to pay all retainage owed to the subconsultant for satisfactory completion of the accepted work within 30 days after payment by DPW to the prime consultant. The terms and conditions of the contract shall clearly define the requirements, including periodic reduction in retention and the conditions for release of retention.

## **IX. SMALL PURCHASES OF ENGINEER – ARCHITECT AND LAND SURVEYING SERVICES:**

### **A. Condition for Use**

- 1. If it is expected that the services of architects, engineers or land surveyor can be procured for less than \$15,000.00, the methods specified in this section may be used in lieu of the procedures specified under Section II, Competitive Selection Procedure for E-

A services. Period of performance for purchase orders are by fiscal year. A new purchase order has to be issued upon scope being performed in each subsequent fiscal year.

2. Procurement requirements *shall not* be artificially divided into smaller components merely to permit the use of a small purchase under this section.

**B. Examination for Qualifications and Negotiations**

1. Before contracting any person to perform the required services, the Procurement Officer (Director of Public Works) or his duly authorized representative, shall examine any current statements of qualifications on file with the Department of Public Works. A minimum of three (3) qualified firms must be on record to satisfy the adequate number of qualified sources reviewed.
2. Based on the examination, the contracting officer shall contact the most qualified firm and attempt to negotiate a contract for the required services at a fair and reasonable price. For federal funded purchases, the allowability of the costs shall be determined in accordance with the Federal cost principles (2 CFR §200).
3. If no current statement of qualifications is on file or the statement of qualifications on file are inadequate to determine the most qualified firm, a technical proposal or statement of qualifications shall be solicited.
4. A minimum of three firms shall be considered unless there are only one or two qualified firms. In the latter case, the Procurement Officer (PO) shall make a written determination justifying the consideration of only one or two firms and the PO makes the determination that solicitation did not contain conditions or requirements which arbitrarily limited competition.
5. The full amount of the negotiated purchase order, including any modifications or amendments cannot exceed the established simplified acquisition threshold (48 CFR 2.101) for federally funded projects.

**X. NONCOMPETITIVE SOLICITATION OF ENGINEER – ARCHITECT and LAND SURVEYING SERVICES:**

- A. Sole Source procurement contract may be awarded for services of architects, engineers or land surveyors without competition when it is determined by the Procurement Officer (Director of Public Works) that there is only one source for the required services.
  1. A written justification is required to establish that there is only one source available for the required services. The written justification shall include the circumstance that necessitates sole source procurement, the research conducted to find other sources, fair pricing, and if it is in the best interest to the territory. For federal-aid highway funded projects, the written determination has to be submitted and approved by FHWA.
  2. Conduct negotiation with the sole source service provider for price, delivery, and terms.

3. Issue a purchase order or contract (as appropriate) with the scope of work, negotiation memorandum and fee proposals.
  4. Maintain a procurement record with following information;
    - a. Contractor's name
    - b. The amount and type of contract
    - c. Listing of the services procured under the contract
    - d. Identification number of the contract
- B. Emergency procurement contract may be authorized by the Procurement officer (Director of Public Works) or designated representative when there exists a threat to public health, welfare, or safety under emergency conditions. The following process is for E-A services emergency procurement:
1. Give notice to all firms with statements of qualifications on file with the Department of Public Works within the preceding 12 months, if time allows.
  2. Solicit at least three informal price quotations and award to the best offer, as determined by evaluating cost and delivery time.
  3. Written determination of the basis for the emergency and the selection.
  4. If the emergency procurement is required without declaration of state of emergency situation by the Governor, a certificate from the department head or using agency is required to be submitted to the Governor and Speaker of the Legislature containing the following:
    - a. a statement of facts giving rise to the emergency;
    - b. the factual basis of the determination that an emergency procurement is necessary; and
    - c. a statement that emergency procurement is not being used solely for the purpose of avoidance of the provisions of Title 2 Guam Administrative Rules & Regulations (GAR), Division 4 - Procurement Regulations.

#### **XI. COMPETITIVE SELECTION**

If the estimated engineering cost is above \$15,000 (below this amount, see Section IX) competitive selection procedures shall be used for all procurement of Engineer-Architect and Land Surveying Services. For federal-aid highway funded projects the FHWA representative has to review and approve throughout the process.

##### **A. Solicitation**

The solicitation process shall be by public announcement, public advertisement or any other public forum or method that assures qualified consultants in Guam and out-of-State are given a fair opportunity to be considered for award.

Public Notice of the need for E-A services shall be made in the form of a "Request for Proposals" (RFP) at least 10 days before the proposals are due. Availability of the RFPs will be publicly announced through local newspaper and other media as appropriate and relevant for industry and pertinent to the area for each E-A service to be procured.

**B. Request for Proposals**

The Request For Proposal (RFP) shall provide all information and requirements necessary for interested consultants to provide a response to the RFP and compete for the solicited services. The RFP shall contain the following information:

1. The intent of the RFP and what type of services are required.
2. An estimate of when and for how long the services will be required – term and time of performance.
3. The type of contract and method of payment to be used.
4. A selection schedule outlining the release of the RFP, pre-proposal conference, deadline of questions/clarifications, proposal submission deadline, and anticipated letter of intent to award. The submission deadline shall not be less than 14 calendar days from the date of issuance of the RFP, except in unusual circumstances.
5. Qualifications of the consultants.
6. A statement that the proposals shall be in writing.
7. A statement that consultants may designate those portions of the proposals which contain trade secrets or other proprietary data which may remain confidential.
8. Scope of work and technical requirements, and should outline in detail the deliverables to be provided, estimated schedule of performances of the work, and applicable standards, specifications, and policies.
9. The requirements for any discussions that may be conducted with three (3) or more of the most highly qualified consultants following submission and evaluation of proposals.
10. Architectural, structural, civil, electrical, and mechanical design, or the engineering features of the work shall be accomplished by architects or engineers registered in Guam and duly authorized to practice in the particular professional field in the Territory of Guam.
11. Evaluation factors based on competence and qualifications related to the services required are as follow but not limited to (see **Appendix 2** for details):
  - a. Project approach
  - b. Work experience
  - c. Specialized expertise
  - d. Professional licensure
  - e. Staff capabilities



- f. Workload capacity
- g. Past performance

12. Evaluation factors that shall not be used as basis are following:

- a. Price shall not be used as a factor in the evaluations, ranking, and selection phase. All price or cost related items which include, but are not limited to, cost proposals, direct salaries/wage rates, indirect cost rates, and other direct costs are prohibited from being used as evaluation criteria.
- b. Local preference shall not be used as a factor in the evaluation, ranking, and selection phase. Local presence may be used as a nominal evaluation factor where a need has been established for a local presence, a local presence will add value to the quality and efficiency of the project, and application of this criteria leaves an appropriate number of qualified consultants, given the nature and size of the project. This criteria shall not exceed a nominal value of 10 percent of the total evaluation criteria to maintain the integrity of a qualifications based selection.

13. A statement of the required minimum information, as outlined in the RFP, that the submitted proposal shall contain.

14. Describe Disadvantage Business Enterprises (DBE) requirements for this project (if applicable).

15. Contract and Legal requirements such as right to reject, cancellation, indemnification financial statements, pursuit of liability, prohibitions, ethical standards, wage and benefit determination, and certification of lobbying.

C. Selection

1. Establishment of E-A Evaluation Board.

- a) A formally constituted E-A Evaluation Board shall accomplish the selection of an E-A firm for an E-A contract. The Director of Department of Public Works shall establish an ad-hoc E-A Evaluation Board to act under his/her authority for each project. **(Appendix 3)**
- b) The members of the board shall generally comprise of:
  - (1) Chairperson: Chief of Engineering or Administrator
  - (2) Members: The board members shall be appointed from the Managers and staff professionals of the following sections: Highway Planning, Survey Sciences, Contracts, Design, and Analysis Section, Traffic Management Center, Rights-of-Way, Highway Maintenance & Construction, etc.

The qualifications or area of responsibility of board members will be commensurate with the scope of E-A services to be procured. The selection criteria and list of professional staff will be provided to the Director for his use in appointing the board members.

## 2. Functions and Responsibilities of the Board

- a) Gather and evaluate information from the other sources such as Government and State Agencies, clients, etc.
- b) Reject proposals that are incomplete (see 2 GAR, Division 4 §3115(e)(3)(B) and §3116(a)).
- c) Evaluate proposals only on the basis of evaluation factors stated in the Request for Proposals.
- d) As part of the evaluation process, the Ad-hoc evaluation board may conduct the interviews with three or more firms showing interest in this project. No cost and price information/data will be discussed at this time.

After the interview and if required by the board, the Firms shall provide additional information in response to Government's possible need for more details on the Firm's method and approach to accomplishing the scope of work.

- e) The evaluators shall consider the qualifications of the consultant and any sub-consultant identified within the proposal with the respect to the scope of work and established criteria.
- f) If practical and advantageous, the board should visit the firm's facilities in conjunction with the above activities.

## D. Evaluation Process and Recommendation

### 1. First Step (Each Board Member Ranking Evaluation)

Each board member evaluates the proposals and ranks the firms based on the assigned points for each criterion, as stipulated in the RFP during the solicitation process. Firms with the greatest total aggregate points shall be ranked number one (1) and the firm with the least total aggregate points shall be ranked last. See example in **Appendix 4**.

### 2. Second Step (Board Ranking Evaluation (Combined Ranking))

Each board member's ranking number shall serve as the points assigned to the Firm. The aggregate total shall determine the board member's ranking order of preference. The Firm with the least aggregate total shall be ranked number one and the Firm with the most aggregate total shall be ranked last and the least preferred. Based on this combined ranking result, the board shall select at least three firms, in order of their

respective qualification ranking; to be the most qualified to provide the required services. See example in **Appendix 5**.

3. Recommendation

The evaluation board shall prepare a report determining the best qualified firms, with ranking order of preference for submission to the Director of Public works, and recommend the number one ranked firm to have the first opportunity to negotiate a contract and a fair and reasonable fee for the services. The report shall include, in sufficient detail, the extent of the evaluation and review and the consideration upon which the recommendations were based. See example in **Appendix 6**.

If the response to an RFP is less than three qualified firms, the board shall review the solicitation (RFP) to ensure it did not contain conditions and requirements that arbitrarily limited competition. The committee then has two options to consider: Recommend proceeding with the ranking process or re-announce the RFP in local and off island publications (if applicable) to encourage further competition. The board shall prepare a report and recommendation(s) with justifications for the Contracting Officer's approval on the option recommended.

E. Approval or Disapproval of Recommendation

1. The Director of Public Works shall review the report from the ad-hoc E-A Evaluation Board and shall, in concert with appropriate technical and staff representatives, approve or disapprove the recommendation. See example in **Appendix 3**.
2. If the Director of Public Works disagrees with the board's recommendation, the Director shall instruct the board and provide justification in writing, to either re-evaluate the proposals or re-advertise the RFP.

F. Notification of ranking

The DPW shall provide notification regarding evaluation results by rank to each consultant who submitted a proposal.

**XII. NEGOTIATIONS**

For IDIQ Agreements the negotiation will take place after the contract award under task orders and are for specific scope of work as identified by DPW. Negotiation for Contracts are as following:

- A. A negotiating team shall be established to represent the Department in negotiations. Normally, the team leader would be the Chief of Engineering or would be delegated to the Section Manager in charge of the procurement. The remainder of the team shall be composed of at least two members, one knowledgeable in the particular details of the project, and the others experienced in design, survey, or construction. Others experienced in auditing legal, environment, materials, etc., may be appointed as the need arises.

- B. The negotiating team shall contact the selected firm and discuss the scope of work. Once finalized, a fee proposal shall be requested from the E-A firm to submit its proposal with supporting cost and pricing data.
- C. During the period within the Department awaits the E-A firm's submission of its proposal, the office responsible for the work shall prepare a detailed independent Government estimate of the cost for procurement of the E-A services. This estimate shall be based on direct costs, indirect costs, other direct cost, and profit. **It shall be based on man-hours for the different disciplines (designers, principals, technicians, draftsmen, CADD operator, project manager, engineers, inspector, administration, etc.) for each task in the scope of work.** The Government estimate of fee shall be used for internal use only and shall not be released.
- D. The independent Government estimate shall be revised during negotiations to reflect changes in or clarification of the scope of work to be performed by the E-A. A fee estimate based on the application of percentage factors to project cost estimates, or number of sheets of the various segments of work involved, or average-burn-rate may be developed for comparison purposes only, but such a cost estimate shall not be used as a substitute for the independent Government estimate.
- E. Upon receipt of all information required for negotiation, the team shall engage in careful and complete preparation, keeping in mind that negotiations shall be directed toward:
  - 1. Making certain that E-A has a clear understanding of the essential requirements.
  - 2. Determining that the E-A will make available the necessary personnel and facilities to accomplish the work within the required time.
  - 3. Agreeing upon compensation, which is fair and reasonable, taking into account the estimated value of the required services, the scope, complexity and nature of such services.
    - a. The indirect cost rate must to be the latest audited rate by generally accepted government auditing standards, and updated on a one year applicable accounting period. The indirect rate, as negotiated, can be established for the duration of the specific contract period, if all parties agree.
    - b. Other Direct Costs shall use the federal cost principles in determining the reasonableness, allowability and allocability.
    - c. For federal funded projects, the fixed fee (profit) in excess of 15 percent of the total direct labor cost and indirect costs of the contract may be justified only when exceptional circumstances exist and need to be memorialized in a justification memorandum.

4. For federal funded projects, the team shall check [www.sams.gov](http://www.sams.gov) to ensure the consultant and their subconsultants are not excluded - suspended or debarred - in the federal system from entering into a contract with DPW.
- F. The negotiating team shall hold internal meetings to discuss the proposal and establish the Government's position at the negotiating table. A negotiating session shall not be held with the contractor until the negotiating team has had adequate time to thoroughly prepare for negotiations.
- G. If compensation, contract requirements, or contract documents cannot be agreed upon with the best qualified offeror, a written record stating the reasons shall be placed in the file, and the head of the agency conducting procurement, or a designee of such officer, shall advise the offeror of the termination of negotiations, which shall be confirmed by written notice within three days. Upon recording the failure to negotiate a contract with the best qualified offeror, the head of the agency conducting the procurement, or the designee of such officer, may enter into negotiations with the next most qualified offeror.
- H. For concealed cost proposals submitted in conjunction with technical/qualifications proposals (i.e design-build projects), DPW evaluation committee shall only consider the highest ranked consultant with which negotiations are initiated with. Cost proposals from unsuccessful (lower ranked) consultants shall be returned unopened to the respective consultant for integrity of confidentiality once award has been made to the successful consultant.
- I. Promptly, at the conclusion of each negotiation, a negotiation memorandum setting forth the principal elements of the negotiations shall be prepared for use by the review authorities and for inclusion in the contract file. The memorandum shall contain sufficient detail to reflect the significant considerations controlling the establishment of the price and other terms of the contract. The memorandum shall also include a cost certification from the consultant and documentation of acceptance of the indirect cost rate to be applied to the contract.

### **XIII. AWARD**

- A. Award of E-A service contracts shall conform to Government policy and procedures for award of construction, service, and supply contracts.
- B. The DPW shall retain supporting documentation of the procurement – solicitation, proposal evaluation, and selection of the consultant for minimum period of five (5) years from the date the release of claim was executed.

### **XIV. CONTRACT PROVISIONS**

All contract and subcontracts shall include the following provisions, either by reference, or by physical incorporation into the language of each contract or subcontract, as applicable:

- A. Administrative, contractual, or legal remedies in instances where consultants violate or breach contract terms and conditions, and provide for such sanctions and penalties as much be appropriate.
- B. Notice of requirements and regulations pertaining to reporting, copyrights, and rights in data.
- C. Access by recipient, the subrecipient, FHWA, the U.S. Department of Transportation's Inspector General, the Comptroller General of the United States, or any of their duly authorized representatives to any books, documents, papers, and records of the consultant, which are directly pertinent to that specific contract for the purpose of making audit, examination, excerpts, and transcriptions.
- D. Retention of all required records for not less than 3 years after the contracting agency makes final payment and all other pending matters are closed.
- E. Equal employment opportunity assurance that requires the consultant not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Consultant will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin [ Standard DOT Title VI Assurances (DOT Order 1050.2)].
- F. Wage Determination assurance that the Consultant is required to be in compliance with the Wage Determination for Guam as specified in 5 GCA §5801 and §5802.
- G. Government of Guam (and 49 CFR 26.29 if federal funded) requirements for Consultant to pay each Subconsultant under the contract for satisfactory performance of its contract.
- H. For federal funded project determination of allowable costs in accordance with the Federal cost principles.
- I. Requirements pertaining to conflicts of interest (see section XV).
- J. Requirements pertaining to consultant's error and omissions.
- K. A provision for termination for cause and termination for convenience by Government of Guam, including the manner by which it will be affected and the basis for settlement.
- L. Contracts and subcontracts exceeding \$100,000 shall include a clause in each contract with the provision for lobbying certification and disclosure.
- M. Indemnification statement and Insurance requirements.

**XV. CONFLICT OF INTEREST**

- A. No employee, office, or agent of DPW shall participate in selection or in the award or administration of a contract if a conflict of interest, real or apparent, would be involved.



Such a conflict arises when there is a financial or other interest in the consultant selected for award by:

- i. The employee, office, or agent;
- ii. Any member of his or her immediate family;
- iii. His or her partner; or
- iv. An organization that employs or is about to employ any of the above;

The DPW officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from consultants, potential consultants, or parties to sub-agreements. For federal funded projects, DPW shall promptly disclose in writing any potential conflict of interest to FHWA.

- B. The award of contract for E-A services for a particular project and the award of a contract for the related construction work to the same firm, a parent firm, or its subsidiaries, or affiliates is prohibited except for a design/build contract.
- C. An E-A firm selected for negotiation of an E-A services contract shall be informed of the policy set forth above prior to the initiation of negotiations. If the firm possesses construction capabilities, either with its own organization or through a parent firm, subsidiaries, or affiliates the firm shall have the option of either:
  1. Declining to enter into contract negotiations so that its parent firm, subsidiaries, or affiliates will be eligible to compete for the related construction contract; or
  2. Entering into contract negotiations with the clear understanding that if such negotiations are successful, its parent firm, subsidiaries, or affiliates will be ineligible to compete for the related construction contract.
- D. The E-A firm shall acknowledge its understanding of the above policy in its proposal submission.

**XVI. RELEASE OF INFORMATION**

The ranking order of the firms is for the internal use of the Department and such information shall at no time be made known to the firms under consideration or to any other non-Governmental source prior to the award. Information may be released by the Director or Chief of Engineering identifying the E-A selected for negotiation and describing the work in general terms. If negotiations are terminated without executing a contract, the Director or Chief of Engineering may release such information and the name of the firm with which the Government will start new negotiations. Upon the award, the Department may release this information.

**XVII. DEBRIEFING UNSUCCESSFUL INTERVIEW FIRMS**

- A. After a contract is awarded, unsuccessful firms may be debriefed upon written request of the firm. The Chairperson of the E-A Evaluation Board shall perform the debriefing. The purpose of the debriefing is to give information which may assist them in improving future presentations, and to provide assurance that the selection was made fairly and in accordance with regulations and the provisions of the solicitation.

- B. The debriefing shall inform the unsuccessful firms where they were lacking or deficient in their presentation. However, point-by-point comparisons with other firms shall not be made nor shall the merits, technical standing, or evaluation scoring of other firms be discussed.

**XVIII. CONTRACT ADMINISTRATION**

- A. The Chief of Engineering, or Program Administrator responsible for the project, shall act as the Director's authorized representative in administering the contract. The Chief of Engineering, or Program Administrator, in turn, may designate other employees to handle the day-to-day administration of the contract.
- B. The Chief of Engineering, or Program Administrator, has the responsibility to take actions under the contract which are within the terms and conditions so stipulated, including:
  - 1. Enforcement of the contractual requirements; the review and approval of the progress payments; providing technical guidance.
  - 2. Preparing contract modifications for the Director's approval; any inspections required for accuracy, completeness, and acceptability; and processing partial payments for the work completed. Ensure consultant costs billed are allowable in accordance with the Federal cost principles and consistent with the contract terms as well as the acceptability and progress of the consultant's work.
  - 3. Before each progress payment is processed for payment DPW are required to check [www.sams.gov](http://www.sams.gov) to ensure the consultant and subconsultant has not been suspended or debarred in the federal system.
- C. Allowable costs or prices based on estimated costs for contracts shall be eligible for Federal funded reimbursement only to the extent that costs incurred or cost estimates included in negotiated prices are allowable in accordance with the Federal cost principles.

Consultant is responsible for accounting for costs appropriately and for maintaining records, including supporting documentation, adequate to demonstrate that costs claimed have been incurred are allocable to the contract and comply with Federal cost principles. (23 CFR Part 172.11)

- 1. Indirect Cost Rates shall be updated annually in accordance with the consultant's annual accounting period. A cognizant agency shall perform an audit in accordance with generally accepted government auditing standards to ensure compliance with Federal cost principles.
- 2. Direct Salary or wage rates – Compensation for each employee or classification of employee must be reasonable for the work performed in accordance with Federal cost principles. For fair and reasonable compensation, consider the classification,

experience, and responsibility of employees necessary to provide the desired engineering and design services.

3. Fixed Fee must be established specifically to a contract or task order and the fee cannot exceed 15 percent. The Fixed fee shall consider the scope, complexity, contract duration, degree of risk borne by the consultant, amount of subcontracting, and professional nature of the services as well as the size and type of contract.
  4. Other Direct Costs shall be determined by the contracting agency using the Federal cost principles for reasonableness, allowability, and allowability.
- D. Oversight and control shall be provided by the contracting agency for reasonable assurance that consultant costs on contracts reimbursed, in whole or in part, with Federal-Aid Highway Program (FAHP) funding are allowable in accordance with the Federal cost principles and consistent with the contract terms considering the contract type and payment method. (23 CFR, Part 172.11)
1. Consultant cost certification has to be executed by an official, an executive, or financial officer no lower than a Vice President or Chief Financial Officer, or equivalent, of the consultant for indirect cost rate proposals before the fee proposal can be accepted. The cost certification requirement has to be met by both consultant and subconsultant individually.
- E. The Director is responsible for final acceptance of the contract work and for final payment of any unpaid balance of money due under the contract. A release of claims statement will be included in the final payment package to the consultant. The Chief of Engineering, or Project Administrator, shall furnish a statement to the Director assuring that no outstanding issues remain, reference the location of the end product, state that the product is acceptable, and recommend that final payment be made.
- F. The Program Administrator has the responsibility to ensure to document contract monitoring activities and maintain supporting contract records for a period of five (5) years from the date of submission of the final voucher to FWHA.

**XIX. CONTRACT MODIFICATIONS**

Contract modifications are required for any amendments to the terms of the existing contract that change the cost of the contract; significantly change the character, scope, complexity, or duration of the work; or significantly change the conditions under which the work is required to be performed.

- A. A contract modification shall clearly define and document the changes made to the contract; establish the method of payment for any adjustments in contract costs; and be in compliance with the terms and conditions of the contract and original procurement.
- B. The DPW shall create an independent government estimate for the requested scope of work as described in section XII, C and D.

- C. Upon reaching an agreed fee for additional scope, a negotiation memorandum shall be written that lists the project scope and changes, the negotiation process, outcome and acceptance.
- D. Before each contract amendment is processed for payment, DPW are required to check [www.sams.gov](http://www.sams.gov) to ensure the consultant and subconsultant has not been suspended or debarred in the federal system.
- E. Contract modifications shall only be the type of services and work included within the scope of services of the original solicitation from which a qualifications-based selection was made.
- F. For any additional engineering and design related services outside of the scope of work established in the original request for proposal, the DPW shall:
  - 1. Procure the services under a new solicitation;
  - 2. Perform the work itself using contracting agency staff; or
  - 3. Review other existing DPW consultant contract's scope of work to identify if the required additional services would fit within those contracts scope of work.
- G. Overruns in the costs of the work shall not automatically warrant an increase in the fixed fee portion of a cost plus fixed fee reimbursed contract. Permitted changes to the scope of work or duration may warrant consideration for adjustment of the fixed fee portion of cost plus fixed fee or lump sum reimbursed contracts.
- H. If funded with federal-aid highway funds, request concurrence on all contract modifications from FHWA.

**XX. PERFORMANCE EVALUATION**

Upon completion of the contract services, the Chief of Engineering, or Program Administrator, shall initiate a preparation of an evaluation of the E-A firm's performance on the contract to be considered as an element of past performance for subsequent evaluation boards on similar services solicitations.

- A. The performance evaluation should include, but not be limited to, an assessment of the timely completion of work, adherence to contract scope and budget, and quality of the work conducted.
- B. The DPW shall provide the consultant a copy of the performance evaluation and an opportunity to provide written comments to be attached to the evaluation.
- C. For larger and longer scope and more complex projects, the DPW shall prepare an additional interim performance evaluation at beginning of the project and at about 50% completion to provide feedback, foster communication, and achieve desired changes or improvements.

**XXII. ESTIMATED TIME FRAME FOR E-A PROCUREMENT PROCESS**

See Appendix 7.

<p><b>Guam Department of Public Works</b> RFP Procedure to Comply with AG Requirements</p>	<p>Procedure Number <b>PRO-001</b></p>	<p>Date <b>January 2015 (Rev. 0)</b></p>	<p>Sheet 1 of 2</p>
<p><b>PURPOSE AND SCOPE</b></p> <p>This procedure identifies the actions and responsibilities necessary to keep the Guam AG assigned to the Department of Public Works (DPW) informed during the planning, development and subsequent release of Request For Proposals (RFP) for Indefinite Delivery Indefinite Quantity services projects issued by DPW.</p> <p><b>DEFINITIONS</b></p> <p>None</p> <p><b>RESPONSIBILITIES</b></p> <p>The Contract and Procurement Manager will be responsible to ensure that all draft, review comments/responses and communications/correspondence developed during the development of the Request for Proposals (RFP) are uploaded to the Guam Program Management SharePoint Site. The Contract and Procurement Manager will also be responsible for sending out an email to the AG assigned to DPW when the documents are available on SharePoint.</p> <p>The Contracts, Design and Analysis Section (CDAS) of DPW will be responsible for uploading the RFP documents and all Addenda during the procurement phase of the IDIQ services projects. CDAS will also be responsible for sending out an email to the AG assigned to DPW when the RFP documents and Addenda are available on SharePoint.</p> <p>The Guam AG will be responsible for completing the Reference Checklist for Request for Proposal (RFP) for AG Procurement Form 0018, Dated May 29, 2013 or the most current version of the checklist.</p> <p>The SharePoint Document Control person will be responsible for verifying that the proper file naming convention is correct for the files that are uploaded to the SharePoint site.</p> <p><b>PROCEDURE</b></p> <p><b>Determination of Need</b></p> <p>Prior to initiating a RFP for an IDIQ service project a Determination of Need for the project will be required. This determination will be in the form of a certification prepared by the AG for the Directors signature.</p> <p><b>Development Phase</b></p> <p>During the development phase of determining Scope of Services and drafting the Request for Proposal the Contracts and Procurement Manager will have the following information uploaded to the SharePoint site.</p> <ul style="list-style-type: none"> <li>• Determination of Need Letter</li> <li>• Request for scope of services</li> <li>• All drafts of Request for Proposal document sent out for review</li> <li>• Review comments including responses at each stage of the design process</li> <li>• Any email or written correspondence between the Contracts and Procurement Manger and the reviewers related to the RFP</li> </ul>			

<p><b>Guam Department of Public Works</b> RFP Procedure to Comply with AG Requirements</p>	<p>Procedure Number <b>PRO-001</b></p>	<p>Date <b>January 2015 (Rev. 0)</b></p>	<p>Sheet 2 of 2</p>
<p><u>Procurement Phase</u></p> <p>During the procurement phase of the project the CDAS will have the following information uploaded to the SharePoint site.</p> <ul style="list-style-type: none"> <li>• Final Request for Proposal</li> <li>• DPW letter from the director with FHWA concurrence for the solicitation of proposals for the project</li> <li>• Copy of advertised Request for Proposal (Advertisement)</li> <li>• DPW letter from the director with FHWA concurrence for the issuance of Addendums for the project             <ul style="list-style-type: none"> <li>○ Addendum 1 for all projects will be the meeting minutes of the Pre-Proposal Conference</li> </ul> </li> <li>• Presentation minutes/Discussion Summary and Attendance sheet</li> <li>• Copy of Submitted Proposals and RFP Submittal Sign-in log</li> <li>• DPW memorandum from the director for Ad-hoc Evaluation Committee Member</li> <li>• DPW memorandum from the director with FHWA concurrence for Evaluation Process and Recommendation</li> <li>• DPW letter from the director for Notice of Intent to Award to the awardee(s)</li> </ul> <p><b>Certification Prior to Award</b></p> <p>Prior to award of the contract to the best qualified, responsive and responsible offeror(s), the Director shall certify in writing that there is a complete record of the procurement. This certification will be prepared by the AG for the Director's signature.</p>			



<p><b>Guam Department of Public Works</b></p> <p>IDIQ Consultant Task Order Selection Procedure (Roadway and Bridge Design Services)</p>	<p>Procedure Number</p> <p><b>PRO.002</b></p>	<p>Date</p> <p><b>MARCH 2016 (Rev. 1)</b></p>	<p>Sheet 1 of 3</p>
<p><b>PURPOSE AND SCOPE</b></p> <p>This procedure identifies the actions and responsibilities necessary to assign a Task Order to a Roadway and Bridge Design Services (RBDS) consultant that has a current Indefinite Delivery Indefinite Quantity (IDIQ) contract (Basic Agreement) with the Department of Public Works.</p> <p>The Federal Register Vol. 80, No. 99 issued on May 22, 2015 outlined Contract and Administration Rules and Regulations regarding contract types. This included rules that the contracting agency will use in competing and awarding task or work orders for Engineering and Design related consultants awarded IDIQ contracts through a single solicitation. These rules are outlined in 23 Code of Federal Regulations (CFR) Subsection 172.9 of Part 172 – Procurement, Management, and Administration of Engineering and Design Related Services. The relevant requirements relating to IDIQ solicitations (23 CFR §172.9(3)(iv) are provided below:</p> <p>(B) Specify the procedures the contracting agency will use in competing and awarding task or work orders among the selected, qualified consultants. Task or work orders shall not be competed and awarded among the selected, qualified consultants on the basis of costs under on-call or IDIQ contracts for services procured with competitive negotiation procedures. Under competitive negotiation procurement, each specific task or work order shall be awarded to the selected, qualified consultants:</p> <p>(1) Through an additional qualifications-based selection procedure, which may include, but does not require, a formal RFP in accordance with §172.5(a)(1)(ii); or</p> <p>(2) On a regional basis whereby the State is divided into regions and consultants are selected to provide oncall or IDIQ services for an assigned region(s) identified within the solicitation</p> <p>Due to the size and nature of Guam, assigning a Task order on a regional basis is not a viable option since all of the IDIQ consultants are in relative close proximity for any project for which a Task order may be necessary and regional areas were not identified in the solicitation. Therefore, the DPW will utilize the additional qualifications-based selection process outlined herein for assigning a Task Order to an IDIQ consultant. This qualifications-based selection process does not constitute a formal RFP for selection but rather a short Request for Approach (RFA) whereby the firms qualifications can be evaluated for an award of a Task Order for a specific project.</p> <p><b>DEFINITIONS</b></p> <p>None</p> <p><b>RESPONSIBILITIES</b></p> <p>A formally constituted evaluation committee shall accomplish the selection of a firm for a Task Order to be assigned to a consultant having a current RBDS IDIQ contract (Basic Agreement). The Director of the DPW shall establish an ad-hoc evaluation committee to act under his/her authority for each Task Order assignment. Members of the evaluation committee shall generally be comprised of:</p> <p><b>Chairperson:</b> Chief of Engineering. In the event that the Chief of Engineering is not available, the Program Administrator or a person designated by him/her may fill this position.</p> <p><b>Members:</b> The evaluation committee shall be selected from the managers and staff professional of the following sections: Highway Planning; Highway Programming and Contracts; Traffic Engineering and Control; Rights-of-Way; Highway Maintenance and Construction; Survey Services; Construction Quality Control; Design Analysis; and Contracts; etc</p>			

<p><b>Guam Department of Public Works</b></p> <p>IDIQ Consultant Task Order Selection Procedure (Roadway and Bridge Design Services)</p>	<p>Procedure Number</p> <p><b>PRO.002</b></p>	<p>Date</p> <p><b>MARCH 2016 (Rev. 1)</b></p>	<p>Sheet 2 of 3</p>
--	---	---	---------------------

The qualifications or area of responsibility of the selection committee members will be commensurate with the scope of services required by the Task Order for the project. The selection criteria and list of committee members will be provided to the Director for his use in appointing the member to the committee.

#### PROCEDURE

The DPW will identify projects and write a Determination of Need memorandum that requires the services of consultants which have a current RBDS IDIQ contract with DPW.

The DPW will issue a letter to RBDS IDIQ firms within a specific discipline stating that the DPW will be selecting a qualified consultant to provide professional services for a project(s). The template form for this letter is attached to this procedure. The letter will provide a scope of work of the design project and a schedule. It will also explain the evaluation criteria for which selection will be based upon. The firms will be requested to provide the following information:

- Cover letter, one page (8½"x11") maximum, indicating the firm's interest in providing professional services for the project(s).
- A short and to the point, four page (8½"x11") maximum submittal, describing the following:
  - The firm's unique qualifications for this particular project.
  - Specific staffing plan that the firm will make available for the project and the location where the work will be performed.
  - Resources that the firm will make available for the successful completion of the project.
  - The firms approach to providing roadway and/or bridge design services for this project.
  - Identification of potential challenges and proposed actions to mitigate and overcome them.
  - Past performance and experience with similar work within the last 5 Years.
- The RBDS IDIQ Firm may also submit one (1) page resumes per person of the staff that is proposed for the task order. These resumes, if submitted, would be included in an appendix to the Firms written submittal. The evaluation committee may use these resumes to supplement their evaluation of the firms staffing plan.

The information submitted by the RBDS IDIQ firm will be evaluated by a committee of not less than three evaluators and scored based on the Evaluation Criteria contained in this procedure.

Once the evaluation committee has complete the evaluation submittals made by RBDS IDIQ firms, the committee will inform DPW's Program Administrator of their results and request concurrence of their evaluation results.

In the event of a tie ranking by the committee, the chairman shall score the firms based on the Evaluation Criteria and the score will be added to break the tie.

If the project is funded with federal-aid highway funds, the DPW will obtain concurrence of the evaluation results from the Federal Highway Administration.

Upon approval of the evaluation committee results, the firm with the highest score will be notified of their selection and the process for negotiating a Task Order for the project will commence.

If DPW and the consulting firm cannot come to terms on either cost or scope of services for the Task Order, the DPW will formally terminate the negotiations and go to the next ranked firm and begin negotiations.

<b>Guam Department of Public Works</b>  IDIQ Consultant Task Order Selection Procedure (Roadway and Bridge Design Services)	Procedure Number  <b>PRO.002</b>	Date  <b>MARCH 2016 (Rev. 1)</b>	Sheet 3 of 3
---	--	--	--------------

<b>EVALUATION CRITERIA</b>	<b>MAX SCORE</b>	<b>SCORE</b>
1. <b>Qualifications:</b> Directly applicable listing the firm's unique qualifications that were clearly defined in the submittal and that are specifically relevant to the Task Order.	10	
2. <b>Staffing Plan:</b> Directly applicable, listing personnel with specific experience and qualifications relevant to the Task Order.	15	
3. <b>Resources:</b> Directly applicable listing necessary resources that are specifically applicable for the Task Order.	10	
4. <b>Project Approach:</b> Specific methods to complete the project requirements were clearly defined in the submittal which demonstrated a clear understanding of the Task Order requirements.	25	
5. <b>Potential Challenges:</b> The firm adequately addresses the challenges that may be encountered during the project and proposed actions that would be used to mitigate or overcome the challenges.	20	
6. <b>Past Performance:</b> Experience of the firm on similar projects over the past 5 years demonstrates relevant experience of the firm related to the Task Order.	20	
7. <b>Deductive Points (-15 to 0), Past Performance Evaluation by DPW Highways on Roadway and Bridge Design Services:</b> Deductive points shall be included by the evaluator based on the overall performance evaluation score of the firm. See Performance Evaluation Deductive Points Guidance.		
<b>TOTAL</b>	100	

#### PERFORMANCE EVALUATION DEDUCTIVE POINTS GUIDANCE

Deductive points shall be applied to the evaluation score based on the following criteria:

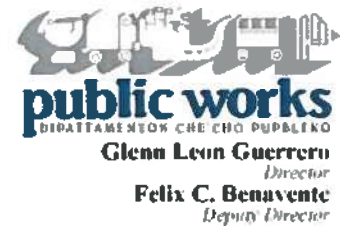
<b>Consultant Evaluation Review Score</b>		<b>Deductive Points to be Applied</b>
Between 5.0 but greater than or equal to 3.0	Excellent or Good	0 (zero)
Less than 3.0 but greater than or equal to 2.0	Standard	-5
Less than 2.0 but greater than or equal to 1.0	Needs Improvement	-10
Less than 1.0	Unacceptable	-15





The Honorable  
Eddie Baza Calvo  
Governor

The Honorable  
Ray Tenorio  
Lieutenant Governor



Glenn Leon Guerrero  
Director  
Felix C. Benavente  
Deputy Director

<< Insert Date >>, 201X

<<<Contact Person with IDIQ Firm>>  
<<<Name of IDIQ Firm>>>  
<<<Address Line 1 >>>  
<<<Address Line 2, GU ZIPCODE >>>

Ref: <<<<<XXXXXX>>>>

Dear <<<Contact Person with IDIQ Firm>>>,

The Department of Public Works (DPW) will be selecting a firm to provide Roadway and Bridge Design services on the following project.

<<<Project Number>>>  
<<<Project Name>>>  
<<<Project Description>>>

Your firm has a current IDIQ contract with the Department of Public Works for Roadway and Bridge Design Services and you are hereby invited to provide the following information so that DPW can evaluate your firm's capabilities related to the requirements of the project. If your firm is interested in being considered for a Task Order for this project you are requested to provide the following written information to DPW for evaluation.

Cover letter, consisting of not more than one 8 ½" x 11" sheet indicating your firm's interest in providing Roadway and Bridge Design Services for this project.

A short and to the point written submittal consisting of not more than four (4) 8 ½" x 11" sheets consisting of the following information:

- The firm's unique qualifications for this particular project.
- Specific staffing plan that the firm will make available for this project.
- Resources that the firm will make available for the successful completion of the project.
- The firm's approach to providing roadway and/or bridge design services for this project.
- Identification of potential project challenges and proposed actions to mitigate and overcome them.

542 North Marine Corps Drive, Tamuning, Guahan 96913, Tel (671) 646-3131, Fax (671) 649-6178

<< insert project name and project number >>  
Letter to <<Name of Firm>> for Roadway and Bridge Design Services  
Page 2 of 2

- Past performance, experience with similar work within the last 5 years.

Your cover letter along with four (4) copies of the written submittal in a sealed envelope will need to be delivered to the address below not later than 4:00PM ChST on <<Insert Date>>, 2016 for review and evaluation by the DPW. The outside of the sealed envelope must be marked "Roadway and Bridge Design Services, <<insert project number>>". Submittals made after the date and time above will be returned and not evaluated for this project.

Your firm may also include one (1) page resumes for each staff member that you propose for this project. The resumes, if provided, would need to be included in an appendix to the written submittal.

Deliver cover letter and written submittal in a sealed envelope to:

Department of Public Works  
Division of Highways Building, 2<sup>nd</sup> Floor Conference Room 201  
Highways (Horizontal) Engineering and Maintenance Division  
542 North Marine Corps Drive  
Tamuning, Guam 96913  
(671) 649-3121

The information submitted by your firm will be evaluated by the DPW based on the attached evaluation criteria.

If you have any questions or need additional information, submit written questions to the above address attention Joaquin Blaz, Acting Program Administrator, Department of Public Works not later than 4:00 PM, ChST on <<Insert Date>>, 2016.

Sincerely,

**GLENN LEON GUERRERO**

Cc: Joaquin Blaz, Acting Program Administrator, DPW  
Richelle Takara, FHWA

SBilong /JBlaz

542 North Marine Corps Drive, Tamuning, Guahan 96913, Tel (671) 646-3131, Fax (671) 649-6178

<p><b>Guam Department of Public Works</b></p> <p>IDIQ Consultant Task Order Selection Procedure (Professional Land Survey Services)</p>	<p>Procedure Number</p> <p><b>PRO.003</b></p>	<p>Date</p> <p><b>March 2016 (Rev. 0)</b></p>	<p>Sheet 1 of 3</p>
<p><b>PURPOSE AND SCOPE</b></p> <p>This procedure identifies the actions and responsibilities necessary to assign a Task Order to a Professional Land Survey Services (PLSS) consultant that has a current Indefinite Delivery Indefinite Quantity (IDIQ) contract (Basic Agreement) with the Department of Public Works.</p> <p>The Federal Register Vol. 80, No. 99 issued on May 22, 2015 outlined Contract and Administration Rules and Regulations regarding contract types. This included rules that the contracting agency will use in competing and awarding task or work orders for Engineering and Design related consultants awarded IDIQ contracts through a single solicitation. These rules are outlined in 23 Code of Federal Regulations (CFR) Subsection 172.9 of Part 172 – Procurement, Management, and Administration of Engineering and Design Related Services. The relevant requirements relating to IDIQ solicitations (23 CFR §172.9(3)(iv) are provided below.</p> <p>(B) Specify the procedures the contracting agency will use in competing and awarding task or work orders among the selected, qualified consultants. Task or work orders shall not be competed and awarded among the selected, qualified consultants on the basis of costs under on-call or IDIQ contracts for services procured with competitive negotiation procedures. Under competitive negotiation procurement, each specific task or work order shall be awarded to the selected, qualified consultants:</p> <ol style="list-style-type: none"> <li>(1) Through an additional qualifications-based selection procedure, which may include, but does not require, a formal RFP in accordance with §172.5(a)(1)(ii); or</li> <li>(2) On a regional basis whereby the State is divided into regions and consultants are selected to provide oncall or IDIQ services for an assigned region(s) identified within the solicitation</li> </ol> <p>Due to the size and nature of Guam, assigning a Task order on a regional basis is not a viable option since all of the IDIQ consultants are in relative close proximity for any project for which a Task order may be necessary and regional areas were not identified in the solicitation. Therefore, the DPW will utilize the additional qualifications-based selection process outlined herein for assigning a Task Order to an IDIQ consultant. This qualifications-based selection process does not constitute a formal RFP for selection but rather a short Request for Approach (RFA) whereby the firms qualifications can be evaluated for an award of a Task Order for a specific project.</p> <p><b>DEFINITIONS</b></p> <p>None</p> <p><b>RESPONSIBILITIES</b></p> <p>A formally constituted evaluation committee shall accomplish the selection of a firm for a Task Order to be assigned to a consultant having a current PLSS IDIQ contract (Basic Agreement). The Director of the DPW shall establish an ad-hoc evaluation committee to act under his/her authority for each Task Order assignment. Members of the evaluation committee shall generally be comprised of:</p> <p><b>Chairperson:</b> Chief of Engineering. In the event that the Chief of Engineering is not available, the Program Administrator or a person designated by him/her may fill this position.</p> <p><b>Members:</b> The evaluation committee shall be selected from the managers and staff professional of the following sections: Highway Planning; Highway Programming and Contracts; Traffic Engineering and Control; Rights-of-Way; Highway Maintenance and Construction; Survey Services; Construction Quality Control; Design Analysis; and Contracts; etc</p>			



<p><b>Guam Department of Public Works</b></p> <p>IDIQ Consultant Task Order Selection Procedure (Professional Land Survey Services)</p>	<p>Procedure Number</p> <p><b>PRO.003</b></p>	<p>Date</p> <p><b>March 2016 (Rev. 0)</b></p>	<p>Sheet 2 of 3</p>
---	---	---	---------------------

The qualifications or area of responsibility of the selection committee members will be commensurate with the scope of services required by the Task Order for the project. The selection criteria and list of committee members will be provided to the Director for his use in appointing the member to the committee.

**PROCEDURE**

The DPW will identify projects that require the services of consultants which have a current PLSS IDIQ contract with DPW.

The DPW will issue a letter to PLSS IDIQ firms within a specific discipline stating that the DPW will be selecting a qualified consultant to provide professional services for a project(s). The template form for this letter is attached to this procedure. The letter will provide a scope of work of the construction project and a schedule. It will also explain the evaluation criteria for which selection will be based upon. The firms will be requested to provide the following information:

- Cover letter, one page (8½"x11") maximum, indicating the firm's interest in providing professional services for the project(s).
- A short and to the point, four page (8½"x11") maximum submittal, describing the following:
  - The firm's unique qualifications for this particular project.
  - Specific staffing plan that the firm will make available for the project and the location where the work will be performed.
  - Resources that the firm will make available for the successful completion of the project.
  - The firms approach to providing professional land survey services for this project.
  - Identification of potential challenges and proposed actions to mitigate and overcome them.
  - Past performance and experience with similar work within the last 5 Years.
- The PLSS IDIQ Firm may also submit one (1) page resumes per person of the staff that is proposed for the task order. These resumes, if submitted, would be included in an appendix to the Firms written submittal. The evaluation committee may use these resumes to supplement their evaluation of the firms staffing plan.

The information submitted by the PLSS IDIQ firm will be evaluated by a committee of not less than three evaluators and scored based on the Evaluation Criteria contained in this procedure.

Once the evaluation committee has complete the evaluation submittals made by PLSS IDIQ firms, the committee will inform DPW's Program Administrator of their results and request concurrence of their evaluation results.

In the event of a tie ranking by the committee, the chairman shall score the firms based on the Evaluation Criteria and the score will be added to break the tie.

If the project is funded with federal-aid highway funds, the DPW will obtain concurrence of the evaluation results from the Federal Highway Administration.

Upon approval of the evaluation committee results, the firm with the highest score will be notified of their selection and the process for negotiating a Task Order for the project will commence.

If DPW and the consulting firm cannot come to terms on either cost or scope of services for the Task Order, the DPW will formally terminate the negotiations and go to the next ranked firm and begin negotiations.

<b>Guam Department of Public Works</b>  IDIQ Consultant Task Order Selection Procedure (Professional Land Survey Services)	Procedure Number  <b>PRO.003</b>	Date  <b>March 2016 (Rev. 0)</b>	Sheet 3 of 3
--	--	--	--------------

<b>EVALUATION CRITERIA</b>	<b>MAX SCORE</b>	<b>SCORE</b>
1. <b>Project Team:</b> Directly applicable experience and education of the Project Manager and other key staff on similar projects. Estimated effectiveness of the team's proposed organization and coordination process.	20	
2. <b>Capacity:</b> Availability of the key project team members for the duration of the project. Ability to meet the project delivery time considering current backlog of work.	15	
3. <b>Past Performance:</b> Experience of the firm on similar projects completed in the past five (5) years. Documented performance in terms of cost control, quality of work, and compliance with project schedules.	20	
4. <b>Local Knowledge and Proximity to the Project:</b> Knowledge of the project location and local agency requirements. Location of the offices where work will be performed and percentage of work to be performed locally and at remote locations.	20	
5. <b>Project Approach:</b> Specific methods to complete each project requirement including the sequence and timing of work. Understanding of critical tasks and plans for addressing and resolving potential difficulties.	25	
6. <b>Deductive Points (-15 to 0), Past Performance Evaluation by DPW Highways on Professional Land Survey Services:</b> Deductive points shall be included by the evaluator based on the overall performance evaluation score of the firm. See Performance Evaluation Deductive Points Guidance.		
<b>TOTAL</b>	<b>100</b>	

#### PERFORMANCE EVALUATION DEDUCTIVE POINTS GUIDANCE

Deductive points shall be applied to the evaluation score based on the following criteria:

<b>Consultant Evaluation Review Score</b>		<b>Deductive Points to be Applied</b>
Between 5.0 but greater than or equal to 3.0	Excellent or Good	0 (zero)
Less than 3.0 but greater than or equal to 2.0	Standard	-5
Less than 2.0 but greater than or equal to 1.0	Needs Improvement	-10
Less than 1.0	Unacceptable	-15





The Honorable  
Eddie Baza Calvo  
Governor

The Honorable  
Ray Tenorio  
Lieutenant Governor



Glenn Leon Guerrero  
Director  
Felix C. Benavente  
Deputy Director

<< Insert Date >>, 201X

<<<Contact Person with IDIQ Firm>>  
<<<Name of IDIQ Firm>>>  
<<<Address Line 1 >>>  
<<<Address Line 2, GU ZIPCODE >>>

Ref: <<<<<XXXXXX>>>>

Dear <<<Contact Person with IDIQ Firm>>>,

The Department of Public Works (DPW) will be selecting a firm to provide Professional Land Survey Services on the following project.

<<<Project Number>>>  
<<<Project Name>>>  
<<<Project Description>>>

Your firm has a current IDIQ contract with the Department of Public Works for Professional Land Survey Services and you are hereby invited to provide the following information so that DPW can evaluate your firm's capabilities related to the requirements of the project. If your firm is interested in being considered for a Task Order for this project you are requested to provide the following written information to DPW for evaluation.

Cover letter, consisting of not more than one 8 ½" x 11" sheet indicating your firm's interest in providing Professional Land Survey Services for this project.

A short and to the point written submittal consisting of not more than four (4) 8 ½" x 11" sheets consisting of the following information:

- The firm's unique qualifications for this particular project.
- Specific staffing plan that the firm will make available for this project.
- Resources that the firm will make available for the successful completion of the project.
- The firm's approach to providing land survey services for this project.
- Identification of potential project challenges and proposed actions to mitigate and overcome them.
- Past performance, experience with similar work within the last 5 years.

542 North Marine Corps Drive, Tamuning, Guahan 96913, Tel (671) 646-3131, Fax (671) 649-6178

<< insert project name and project number >>  
Letter to << Name of Firm >> for Professional Land Survey Services  
Page 2 of 2

Your cover letter along with four (4) copies of the written submittal in a sealed envelope will need to be delivered to the address below not later than 4:00PM ChST on <<Insert Date>>, 2016 for review and evaluation by the DPW. The outside of the sealed envelope must be marked "Professional Land Survey Services, << insert project number >>". Submittals made after the date and time above will be returned and not evaluated for this project.

Your firm may also include one (1) page resumes for each staff member that you propose for this project. The resumes, if provided, would need to be included in an appendix to the written submittal.

Deliver cover letter and written submittal in a sealed envelope to:

Department of Public Works  
Division of Highways Building, 2<sup>nd</sup> Floor Conference Room 201  
Highways (Horizontal) Engineering and Maintenance Division  
542 North Marine Corps Drive  
Tamuning, Guam 96913  
(671) 649-3121

The information submitted by your firm will be evaluated by the DPW based on the attached evaluation criteria.

If you have any questions or need additional information, submit written questions to the above address attention Joaquin Blaz, Acting Program Administrator, Department of Public Works not later than 4:00 PM, ChST on <<Insert Date>>, 2016.

Sincerely,

**GLENN LEON GUERRERO**

Cc: Joaquin Blaz, Acting Program Administrator, DPW  
Richelle Takara, FHWA

SBilong /JBlaz

542 North Marine Corps Drive, Tamuning, Guahan 96913, Tel (671) 646-3131, Fax (671) 649-6178

<p><b>Guam Department of Public Works</b></p> <p>IDIQ Consultant Task Order Selection Procedure (Professional Construction Management Services)</p>	<p>Procedure Number</p> <p><b>PRO.004</b></p>	<p>Date</p> <p><b>September 2015 (Rev. 0)</b></p>	<p>Sheet 1 of 3</p>
---	---	---	---------------------

**PURPOSE AND SCOPE**

This procedure identifies the actions and responsibilities necessary to assign a Task Order to a Professional Construction Management Services (PCMS) consultant that has a current Indefinite Delivery Indefinite Quantity (IDIQ) contract (Basic Agreement) with the Department of Public Works.

The Federal Register Vol. 80, No. 99 issued on May 22, 2015 outlined Contract and Administration Rules and Regulations regarding contract types. This included rules that the contracting agency will use in competing and awarding task or work orders for Engineering and Design related consultants awarded IDIQ contracts through a single solicitation. These rules are outlined in 23 Code of Federal Regulations (CFR) Subsection 172.9 of Part 172 – Procurement, Management, and Administration of Engineering and Design Related Services. The relevant requirements relating to IDIQ solicitations (23 CFR §172.9(3)(iv) are provided below:

- (B) Specify the procedures the contracting agency will use in competing and awarding task or work orders among the selected, qualified consultants. Task or work orders shall not be competed and awarded among the selected, qualified consultants on the basis of costs under on-call or IDIQ contracts for services procured with competitive negotiation procedures. Under competitive negotiation procurement, each specific task or work order shall be awarded to the selected, qualified consultants:
  - (1) Through an additional qualifications-based selection procedure, which may include, but does not require, a formal RFP in accordance with §172.5(a)(1)(ii); or
  - (2) On a regional basis whereby the State is divided into regions and consultants are selected to provide oncall or IDIQ services for an assigned region(s) identified within the solicitation

Due to the size and nature of Guam, assigning a Task order on a regional basis is not a viable option since all of the IDIQ consultants are in relative close proximity for any project for which a Task order may be necessary and regional areas were not identified in the solicitation. Therefore, the DPW will utilize the additional qualifications-based selection process outlined herein for assigning a Task Order to an IDIQ consultant. This qualifications-based selection process does not constitute a formal RFP for selection but rather a short Request for Approach (RFA) whereby the firms qualifications can be evaluated for an award of a Task Order for a specific project.

**DEFINITIONS**

None

**RESPONSIBILITIES**

A formally constituted evaluation committee shall accomplish the selection of a firm for a Task Order to be assigned to a consultant having a current PCMS IDIQ contract (Basic Agreement). The Director of the DPW shall establish an ad-hoc evaluation committee to act under his/her authority for each Task Order assignment. Members of the evaluation committee shall generally be comprised of:

- Chairperson:** Chief of Engineering. In the event that the Chief of Engineering is not available, the Program Administrator or a person designated by him/her may fill this position.
- Members:** The evaluation committee shall be selected from the managers and staff professional of the following sections: Highway Planning; Highway Programming and Contracts; Traffic Engineering and Control; Rights-of-Way, Highway Maintenance and Construction; Survey Services; Construction Quality Control; Design Analysis; and Contracts; etc



<p align="center"><b>Guam Department of Public Works</b></p> <p align="center">IDIQ Consultant Task Order Selection Procedure (Professional Construction Management Services)</p>	<p align="center">Procedure Number</p> <p align="center"><b>PRO.004</b></p>	<p align="center">Date</p> <p align="center"><b>September 2015 (Rev. 0)</b></p>	<p align="center">Sheet 2 of 3</p>
<p>The qualifications or area of responsibility of the selection committee members will be commensurate with the scope of services required by the Task Order for the project. The selection criteria and list of committee members will be provided to the Director for his use in appointing the member to the committee.</p> <p><b>PROCEDURE</b></p> <p>The DPW will identify projects that require the services of consultants which have a current PCMS IDIQ contract with DPW.</p> <p>The DPW will issue a letter to PCMS IDIQ firms within a specific discipline stating that the DPW will be selecting a qualified consultant to provide professional services for a project(s). The template form for this letter is attached to this procedure. The letter will provide a scope of work of the construction project and a schedule. It will also explain the evaluation criteria for which selection will be based upon. The firms will be requested to provide the following information:</p> <ul style="list-style-type: none"> <li>• Cover letter, one page (8½"x11") maximum, indicating the firm's interest in providing professional services for the project(s).</li> <li>• A short and to the point, four page (8½"x11") maximum submittal, describing the following: <ul style="list-style-type: none"> <li>○ The firm's unique qualifications for this particular project.</li> <li>○ Specific staffing plan that the firm will make available for the project and the location where the work will be performed.</li> <li>○ Resources that the firm will make available for the successful completion of the project.</li> <li>○ The firms approach to providing professional construction management services for this project.</li> <li>○ Identification of potential challenges and proposed actions to mitigate and overcome them.</li> <li>○ Past performance and experience with similar work within the last 5 Years.</li> </ul> </li> <li>• The PCMS IDIQ Firm may also submit one (1) page resumes per person of the staff that is proposed for the task order. These resumes, if submitted, would be included in an appendix to the Firms written submittal. The evaluation committee may use these resumes to supplement their evaluation of the firms staffing plan.</li> </ul> <p>The information submitted by the PCMS IDIQ firm will be evaluated by a committee of not less than three evaluators and scored based on the Evaluation Criteria contained in this procedure.</p> <p>Once the evaluation committee has complete the evaluation submittals made by PCMS IDIQ firms, the committee will inform DPW's Program Administrator of their results and request concurrence of their evaluation results.</p> <p>In the event of a tie ranking by the committee, the chairman shall score the firms based on the Evaluation Criteria and the score will be added to break the tie.</p> <p>If the project is funded with federal-aid highway funds, the DPW will obtain concurrence of the evaluation results from the Federal Highway Administration.</p> <p>Upon approval of the evaluation committee results, the firm with the highest score will be notified of their selection and the process for negotiating a Task Order for the project will commence.</p> <p>If DPW and the consulting firm cannot come to terms on either cost or scope of services for the Task Order, the DPW will formally terminate the negotiations and go to the next ranked firm and begin negotiations.</p>			

<p><b>Guam Department of Public Works</b></p> <p><b>IDIQ Consultant Task Order Selection Procedure (Professional Construction Management Services)</b></p>	<p>Procedure Number</p> <p><b>PRO.004</b></p>	<p>Date</p> <p><b>September 2015 (Rev. 0)</b></p>	<p>Sheet 3 of 3</p>
--	---	---	---------------------

<b>EVALUATION CRITERIA</b>	<b>MAX SCORE</b>	<b>SCORE</b>
1. <b>Qualifications:</b> Directly applicable listing the firm's unique qualifications that were clearly defined in the submittal and that are specifically relevant to the Task Order.	10	
2. <b>Staffing Plan:</b> Directly applicable, listing personnel with specific experience and qualifications relevant to the Task Order.	15	
3. <b>Resources:</b> Directly applicable listing necessary resources that are specifically applicable for the Task Order.	10	
4. <b>Project Approach:</b> Specific methods to complete the project requirements were clearly defined in the submittal which demonstrated a clear understanding of the Task Order requirements.	25	
5. <b>Potential Challenges:</b> The firm adequately addresses the challenges that may be encountered during the project and proposed actions that would be used to mitigate or overcome the challenges.	20	
6. <b>Past Performance:</b> Experience of the firm on similar projects over the past 5 years demonstrates relevant experience of the firm related to the Task Order.	20	
7. <b>Deductive Points (-15 to 0), Past Performance Evaluation by DPW Highways on Professional Construction Management Services:</b> Deductive points shall be included by the evaluator based on the overall performance evaluation score of the firm. See Performance Evaluation Deductive Points Guidance.		
<b>TOTAL</b>	100	

**PERFORMANCE EVALUATION DEDUCTIVE POINTS GUIDANCE**

Deductive points shall be applied to the evaluation score based on the following criteria:

<b>Consultant Evaluation Review Score</b>		<b>Deductive Points to be Applied</b>
Between 5.0 but greater than or equal to 3.0	Excellent or Good	0 (zero)
Less than 3.0 but greater than or equal to 2.0	Standard	-5
Less than 2.0 but greater than or equal to 1.0	Needs Improvement	-10
Less than 1.0	Unacceptable	-15



*The Honorable  
Edkie Baza Calvo  
Governor*

*The Honorable  
Ray Tenorio  
Lieutenant Governor*



**Glenn Leon Guerrero**  
*Director*  
**Felix C. Benavente**  
*Deputy Director*

[Month Date, Year]

<<<Contact Persons with IDIQ Firm>>

<<<Name of IDIQ Firm>>>

<<<Address Line 1 >>>

<<<Address Line 2, GU ZIPCODE >>>

**Ref: Professional Construction Management Services  
GU-DAR-0001(125)**

Dear <<<Contact Person with IDIQ Firm>>>,

The Department of Public Works (DPW) will be selecting a firm to provide Professional Construction Management Services on the following project.

**Project: GU-DAR-0001(125), Route 1, Route 3 Intersection Improvements**

**Project Description:** The project includes milling, overlay and widening of Route 1 in order to provide improved approaches to the Route 1/3 intersection. The major work elements include: widening of Route 1 to provide turning lanes and shared bikeway; new friction course; reconfigured traffic signal; improved drainage conveyance; new retention basins; electrical power undergrounding; signing and striping; traffic control/staging; erosion control; new communication manhole security; and new street lighting and other safety appurtenances for a complete and usable facility. The project is fully funded by the Department of Defense (DoD).

Your firm has a current IDIQ contract with the Department of Public Works for Professional Construction Management Services and you are hereby invited to provide the following information so that the DPW can evaluate your firm's capabilities related to the requirements of the project. If your firm is interested in being considered for a Task Order for this project you are requested to provide the following written information to the DPW for evaluation.

Cover letter, consisting of not more than one 8 ½" x 11" sheet indicating your firm's interest in providing Professional Construction Management Services for this project.

A short and to the point written submittal consisting of not more than four 8 ½" x 11" sheets consisting of the following information:

- The firm's unique qualifications for this particular project.
- Specific staffing plan that the firm will make available for this project.
- Resources that the firm will make available for the successful completion of the project.

542 North Marine Corps Drive, Tanaming, Guahan 96913, Tel (671) 646-3131, Fax (671) 649-6178



*Route 1/3 Intersection Improvements GU-DAR-0001(125)  
Letter to <<Name of Firm>> for Professional Construction Management Service;  
Page 2 of 2*

- The firm's approach to providing construction management services for this project.
- Identification of potential project challenges and proposed actions to mitigate and overcome them.
- Past performance, experience with similar work within the last 5 years.

Your cover letter along with four (4) copies of the written submittal in a sealed envelope will need to be delivered to the address below not later than 4:00PM ChST on **December 18, 2015** for review and evaluation by the DPW. The outside of the sealed envelope must be marked "Professional Construction Management Services, GU-DAR-0001(125)". Submittals made after the date and time above will be returned and not evaluated for this project.

Your firm may also include one (1) page resumes for each staff member that you propose for this project. The resumes, if provided, would need to be included in an appendix to the written submittal.

Deliver cover letter and written submittal in a sealed envelope to:

Department of Public Works  
Division of Highways Building, 2<sup>nd</sup> Floor Conference Room 201  
Highways (Horizontal) Engineering and Maintenance Division  
542 North Marine Corps Drive  
Tamuning, Guam 96913  
(671) 649-3121

The information submitted by your firm will be evaluated by the DPW based on the attached evaluation criteria.

A Compact Disk (CD) of the plans and specifications will be available for you to pick up at the above address beginning **December 4, 2015**.

If you have any questions or need additional information, submit written questions to the above address attention Joaquin Blaz, Acting Program Administrator, Department of Public Works not later than 4:00 PM, ChST on **December 10, 2015**.

Sincerely,

**GLENN LEON GUERRERO**

Attachments: Evaluation Criteria

Cc: Joaquin Blaz, Acting Program Administrator, DPW  
Richelle Takara, FHWA

SBilong/JBlaz

542 North Marine Corps Drive, Tamuning, Guahan 96913, Tel (671) 646-3131, Fax (671) 649-6178

Engineer-Architect Services  
Procurement Procedure  
Department of Public Works  
Government of Guam  
Appendix 1

AMENDMENT – 3  
EFFECTIVE DATE: March 8, 2017  
Page 17 of 17

**DOCUMENTATIONS AND FORMAT REQUIREMENTS**

The Proposals shall be submitted in the following order and with the limited pages as indicated below:

1. COVER LETTER – Each proposal shall include a one-page single-sided 8½” x 11” cover letter signed by an authorized representative of the firm. The cover letter shall include the following information:
  - a. name and phone number of the Proposer’s contact person relative to the proposal
  - b. firm’s principal place of business and the location of the office proposing/sponsoring the work relative to this proposal
  - c. brief statement acknowledging the firm’s understanding of the scope of work
  - d. positive commitment to perform the services described and provide the personnel specified in the submission
  - e. acknowledgement that all addenda were received (list addendum no. and date)
  - f. the name(s) and Guam license number(s) of the Professional Engineer(s) that will sign and seal the reports and other engineering documents
  
2. BODY OF PROPOSAL - The body of the proposal shall be brief and to the point. The body of the proposal, excluding the cover letter and forms, shall not exceed ten (10) single-sided 8½” x 11” unfolded pages, be single-spaced, and numbered consecutively on the bottom. The proposal shall be subdivided into sections by addressing each required evaluation criteria as specified in the RFP.

The factors to be used for the evaluation and selection process and their importance are listed below but are not limited to these and can be expanded as DPW sees fit prior to issuance of the RFP.

- a. Provide a summary of the experience and education of the Project Manager and key staff on the project team, including any Principals who will be directly involved in the project.

Include a project team organization chart identifying project team members and their responsibilities including any subconsultants.

Explain how team coordination will be achieved.

- b. Specialized experience and technical competence of the firm (including a joint venture or association) with the type of services required.

Use of sub-consultant(s) is allowed, however, the prime must show that they have the capacity to perform the majority of the work and shall indicate the



area of responsibilities for each sub consultant. "Brokering" of substantial portions of E-A services will not be allowed.

- c. A general description of the project scope as interpreted by the consultant.
- d. Experience and professional qualifications relevant to the project.

The project Engineer must have experience in managing projects of similar nature and scope, and shall be a professional engineer licensed in the Government of Guam, unless stated differently in the RFP. The project engineer's resume must be included in the appendix

The consultant should designate experienced professional and technical staff to competently and efficiently perform the work, either through their own personnel, or sub consultants. The proposal should identify the project team composition, project leadership, reporting responsibilities, and address how sub consultants will fit into the management structure. Resume of the key designs team members, limited to one page per person, must be included in the appendix.

The consultant shall include experience and qualifications of the individuals and subconsultant. The selection is made on the team, and not just the prime consultant.

- e. Past performance on projects past projects of similar scope for public agencies or private industry, including corrective actions and other responses to notices of deficiencies, including the subconsultant.

The consultant shall include a list of all similar projects that the consultant worked and successfully completed and list the name and phone numbers of the agencies or private entities that managed those projects.

- f. Capacity to accomplish the work in the required time.

The consultant must demonstrate that sufficient knowledgeable staff is available and that any sub-consultant hired by the consultant is experienced and capable of performing the work. Multiple assignments may be assigned within a short period of time.

The consultant shall include a list of current Government projects, which includes the start and estimated consultant contract completion dates of the projects. The consultant shall also identify the key team members, including the project manager and any sub consultants.

The Firm's current work load, contracts with private enterprises, government and Federal-Aid Highway Program, will be a major consideration in this criteria.

- g. Project Approach – A description of the general approach to the overall tasks and the scope of work to be performed by the consultant.

Methodology - A description of what planning and design methodologies the consultant will be employing.

Coordination - Identify and describe the necessary coordination with the staff of the DPW, and local and federal agencies and the consultants own experience these agencies.

Work Program - Description of the consultant's knowledge of a typical DPW roadway and bridge projects including any issues that must be addressed in meeting the project requirements and a descriptive approach to the tasks to be performed, including the sequence of work activities.

Schedule of Manpower – Schedule shall include a description of manpower for each major task and subtask. The consultant's proposed schedule shall be shown on a monthly basis. Task and subtask completion points shall be indicated.

- h. Local Knowledge and Proximity to the Project - A description of knowledge of typical DPW roadway and bridge projects including any issues that must be addressed in meeting the project requirements.

Identify the local agencies that are likely to be involved in the project and team's experience in working with these agencies.

Identify the locations where project work will be performed. If multiple offices will be involved, provide the percentage of work to be performed at each location.

### 3. APPENDIX

- a. Resumes of key personnel. One page/person (max)
- b. Copy of Current Certificate of Authorization (COA) to contract for architect-engineering and/or survey services issued by the Territorial Board of Registration for Professional Engineers, Architects and Land Surveyors (PEALS). As required in 10.E(1) of the Peals Rules and Regulations Proposals, Any corporation, partnership, joint venture or any other association of two (2) or

- c. more firms, whether organized under the laws of Guam or any other jurisdiction, may not offer to engage in the practice of engineering, architecture,
- d. land surveying or construction management services involving the practices thereof in Guam until such corporation partnership, joint venture or association has obtained a certificate of authorization issued by the Board. Proposals will not be accepted without the COA requirement.
- e. Requested Forms:
  - i. Proposer's Affirmation and Declaration
  - ii. Proposal Signature Form
  - iii. Affidavit Disclosing Ownership and Commissions, (AG Procurement Form 002). Failure to submit the Major Shareholder Disclosure Affidavit form shall result in the rejection of the proposal
  - iv. Affidavit regarding Non-Collusion (AG Procurement Form 003)
  - v. Affidavit regarding No Gratuities or Kickbacks (AG Procurement Form 004)
  - vi. Affidavit regarding Ethical Standards (AG Procurement Form 005)
  - vii. Declaration re Compliance with U.S. DOL Wage Determination (AG Procurement Form 006)
  - viii. Affidavit regarding Contingent Fees (AG Procurement Form 007)
  - ix. Certification Regarding Lobbying (required for Federal funded projects)

Note: Number of pages per proposal may vary depending on the nature of the project or service contract, but must total no more than 14 pages, unless otherwise shown in the proposal, excluding items listed in XI.D.1, appendices, table of contents, and tabs.

A page is considered to be letter size (8.5"x11"), printed on one side, single-spaced, with characters no smaller than 12 points. Any proposal exceeding the 14-pages limit, unless otherwise stated in RFP, will receive a five-point penalty for each page over the limit.

**MEMORANDUM**

**TO:** Ad-hoc Evaluation Board

**FROM:** Director

**SUBJECT:** Ad-hoc Evaluation Board for (PROJECT NAME), Project No.

The following personnel are appointed to serve as members of the evaluation board for the evaluation of E-A firms to provide engineering services for subject projects:

**Chairman:**  
**(Non-Voting)**

**Members:**

The Ad-hoc evaluation board is scheduled to meet (DATE), at (TIME) at the Division of Engineering, Conference Room.

If you have any questions, please call (CHAIRMAN), Ad-hoc Evaluation Board Chairman at 671-XXX-XXXX.

**Project Name**  
**Project Number**

**Evaluation of E/A Firms for Engineering Services**

All E/A firms will be evaluated according to the following criteria:

1. Professional qualifications and experiences in highway design projects:
2. Current Workload:  
  
The consultant and sub-consultants shall provide information on their current contracts including contracts under negotiations and submission of interest to a Request for Proposals (RFP).
3. Capacity and Capability:
  - a) Experience of key personnel.
  - b) Diversity of skills of the firm's proposed personnel for the project.
  - c) Total number of personnel to be employed in the technical disciplines required for the project.
  - d) On-island capability
4. Past record of performance on highway contracts with Gov Guam, federal government and private industry with respect to quality of work, ability to meet schedules and compliance with performance schedules:

Proposal shall also include the following information's:

Introduction – A preface to the proposal as determined by the consultant

Project Definition – A general description of the project scope as interpreted by the consultant

Project Approach – A description of the general approach to the overall tasks and the scope of work to be performed by the consultant

Coordination – A description of the necessary coordination with the staff of the DPW, and the local & federal agencies

Work Program – A descriptive approach to the task to be performed, including sequence of work activities.

Methodology – A description of the planning and design methodologies to be employed

Schedule of Manpower – The schedule shall include a description of manpower for each major task and subtask. The consultant’s proposed schedule shall be shown on a monthly basis. Task and subtask completion points shall be indicated.

Sub-consultants Contemplated – If sub-consultants are contemplated, the responsibility of the group, a list of staff to be assigned, their qualifications, tasks, relationship to management, and schedules should be included.

All E/A firm’s proposal are to be rated on a point system commensurate with the established points for each criteria. Ranking will be based on the highest to the lowest points received.

Name of E/A Firms	Evaluation Criteria					Total	Ranking Order
	1	2	3	4			
A Engineers & Associates							
B Engineers & Associates							
C Engineers & Associates							
D Engineers & Associates							
E Engineers & Associates							
F Engineers & Associates							
G Engineers & Associates							
H Engineers & Associates							

SELECTION COMMITTEE MEMBER

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Engineer-Architect Services  
Procurement Procedure  
Department of Public Works  
Government of Guam  
Appendix 4

AMENDMENT – 3  
EFFECTIVE DATE: March 8, 2017  
Page 2 of 2

**BOARD MEMBER RANKING EVALUATION**

Name of E/A Firms	Evaluation Criteria					
	1	2	3	4	Total	Ranking Order
A Engineers & Associates						
B Engineers & Associates						
C Engineers & Associates						
D Engineers & Associates						
E Engineers & Associates						
F Engineers & Associates						
G Engineers & Associates						
H Engineers & Associates						

**SELECTION COMMITTEE MEMBER**

\_\_\_\_\_

Print Name

\_\_\_\_\_

Signature

\_\_\_\_\_

Date

Date

MEMORANDUM

TO: Director  
FROM: Ad-hoc Evaluation board  
SUBJECT: Evaluation Report and Recommendation for Project Name, Project No.

The following describes the evaluation process and the determination of the best qualified Engineering /Archaeological (E/A) firms, in their ranking order of preference, to provide engineering services for the design of subject project.

I. Solicitation and Receipt of Proposals

- A. The Department of Public Works solicited proposals from E/A firms to provide the aforementioned services through a Request for Proposals (RFP) published in the \_\_\_\_\_ on (DATE).
- B. RFP documents were made available to all interested E/A firms which described the proposed scope of services, the criteria to be used in evaluating the proposals, and the deadline for submittal. Thirteen (13) firms obtained copies of the RFP documents.
- C. Only (X) E/A firms submitted Letter of Interest and Proposals.  
The firms are:
  - 1.
  - 2.
  - 3.
  - 4.

II. Evaluation process and Recommendation:

The proposals were officially transmitted to each member of the Ad-hoc Evaluation Board on (Date) for review and evaluation.

The board concluded that the proposals received from each firm were complete and in order as required by the RFP. Each proposal was rated based on the following criteria as stipulated in the RFP.

- 1. Professional qualifications and experiences in highway design projects: (30 pts)



2. Current Workload: (30 pts)

The consultant and sub-consultants shall provide information on their current contracts including contracts under negotiations and submission of interest to a Request for Proposal (RFP).

3. Capacity and Capability: (20 pts)

- a) Experience of key personnel
- b) Diversity of skills of the firm's proposed personnel for the project.
- c) Total number of personnel to be employed in the technical disciplines required for the project.
- d) On-island capability

4. Past record of performance on highway contracts with Gov Guam, federal government and private industry with respect to quality of work, ability to meet schedules and compliance with performance schedules: (20 pts)

The evaluation process used is based on the approved Engineer-Architectural Services Procurement Procedure, Department of Public Works, Government of Guam.

1. First Step (Each Board Member Ranking Evaluation)

Each board member evaluates the proposals and ranks the firms based on the assigned points for each criteria as stipulated in the RFP during the solicitation process. Firms with the greatest total aggregate points shall be ranked number one (1) and the firm with the least total aggregate points shall be ranked last.

2. Second Step (Board Ranking Evaluation (Combined Ranking))

Each board member's ranking number shall serve as the points assigned to the Firm. The aggregate total shall determine the board member's ranking order of preference. The Firm with the least aggregate total shall be ranked number 1 and the Firm with the most aggregate total shall be ranked and the least preferred. Based on this combined ranking result, the board shall select at least three firms, in order of their respective qualification ranking; to be the most qualified to provide the required services.

Based on the attached board ranking evaluation, the three (3) best qualified Firms in order of their ranking order of preference are:

- 1<sup>st</sup> rank: G Engineers and Associates
- 2<sup>nd</sup> rank: B Engineers and Associates
- 3<sup>rd</sup> rank: E Engineers and Associates

We therefore request your authorization to negotiate the contract at a fair and reasonable fee for the services required to the firm of G Engineers and Associates.

If you require additional information on the report, please call the Chairman of the Board.

Signed by:

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

Concurred by:

\_\_\_\_\_  
Chief Engineer, Engineering Division

*(NAME)*, served as chairman of the Ad-hic Evaluation Board to guide the members in the proper evaluation and selection procedures, in accordance with the Guam and Federal procurement regulations. *(NAME)*, however, elected to be a non-voting member of the Committee, unless it's necessary to break a tie rating.

Approved by:

\_\_\_\_\_  
Director

\_\_\_\_\_  
Date

**COMBINED RANKING  
FOR  
(PROJECT NAME AND NUMBER)**

FIRMS	BOARD MEMBERS			TOTAL	RANKING ORDER
	PS	VP	FS		
A Engineers & Associates					
B Engineers & Associates					
C Engineers & Associates					
D Engineers & Associates					
E Engineers & Associates					
F Engineers & Associates					
G Engineers & Associates					
H Engineers & Associates					

Ad-hoc Evaluation Report  
 Project Name  
 Project No,

### E-A Procurement Process Chart

The time required completing the E-A procurement process is estimated to be 194 calendar days for IDIQ Agreements and 248 calendar days for Contracts including approvals by the Bureau of Budget and Management Research, Attorney General and Governor. There are parallel processes and are designated with the same step number. Post award the IDIQ Agreements and Contracts have different steps and are identify as A for IDIQ Agreement and B for Contracts. The sequence and estimated days for each part of the process is as follows:

STEP NO.	STEP DESCRIPTION	CALENDAR DAYS	CUMULATIVE DAYS
1	Project need is known and decision is made to procure E-A services	0	0
1.1	Draft Determination Memorandum	2	2
1.1	Development of scope of work, government cost estimate, and evaluation criteria.	14	14
1.2	Review and comment on Determination Memo	3	17
1.3	Finalize and sign Determination Memo	2	19
2	Review and comment on work statement, government cost estimate, and evaluation criteria	7	26
2	Development of draft Request for Proposal (RFP)	3	26
3	Finalize work statement, government cost estimate, and evaluation criteria	2	28
3	Review and comment of draft RFP	5	31
3	Draft Letting Schedule	2	31
4	Finalize RFP	2	33
4	Review and comment on drafted Letting Schedule	3	34
5	Finalize Letting Schedule	1	35
6	Request FHWA concurrence for advertisement	4	39
6	Set up advertisement with news paper	4	39
8	Advertise the Request for Proposal	5	48
9	Issue RFP to public	1	49
10	Pre-Proposal Conference after RFP issued	7	56
10.1	First Amendment – Meeting Minutes from Pre-Proposal conference and response to questions not answered in the meeting	7	63

Appendix 7

10.2	Questions from consultants' due	7	70	
10.2	Final addendum to consultants	8	78	
10.3	Proposals submission deadline	10	88	
10.3	Prepare and approve Ad-hoc Evaluation Committee	10	88	
11	Evaluator review information in proposals and evaluate per established criteria	3	91	
11.1	Discussion/Interviews if applicable	1	92	
11.2	Evaluator re-evaluate incorporating information from the discussions/interviews	1	93	
11.3	Complete evaluation, make final selection in order of ranking, prepare and submit report to Procurement Officer (Director) for recommendation.	2	95	
11.3	Draft Selection Process Notification	2	95	
11.4	Evaluation Recommendation Signed by Procurement Officer (Director)	1	96	
11.4	Review and comment Selection Process Notification	2	97	
11.5	Finalize Selection Process Notification, get it signed and distribute to proposers	3	100	
11.6	Request FHWA concurrence	3	103	
11.7	Request Certified Audit of Indirect Cost and insurance certification form awarded consultants	1	104	
12-A	IDIQ Agreements – compile contract package for signatures	10	114	-
12-B	Contracts – request fee proposal from the award consultant	14	-	118
13-A	IDIQ Agreement – forward contract package to DPW AG Rep for review and preparing AG recommendation letter	3	117	
13-B	Contracts – negotiation and preparation of negotiation memorandum of fee proposal	30	-	148
14-A	IDIQ Agreements – Consultant and DPW signature cycle	30	147	-
14-B	Contracts - compile contract package for signatures	10	-	158
15-A	IDIQ Agreement – Forward to FHWA for concurrence	3	150	
15-B	Contracts - compile contract package for signatures	10	-	168

Appendix 7

16-A	IDIQ Agreement – Forward for signature GovGuam 1) BBMR, 2) AG Office, 3) Governor	42	192	-
16-B	Contracts - forward contract package to DPW AG Rep for review and preparing AG recommendation letter	3	-	171
17-A	IDIQ Agreement – Send copy of executed document to Consultant & forward original to DOA for registration – <b>completed.</b>	2	<b>194</b>	-
17-B	Contracts - Consultant and DPW signature cycle	30	-	201
18-B	Contracts - Forward to FHWA for concurrence	3	-	204
19-B	Contracts - Forward for signature GovGuam 1) BBMR, 2) AG Office, 3) Governor	42	-	246
20-B	Contracts - Send copy of executed document to Consultant & forward original to DOA for registration – <b>completed.</b>	2	-	<b>248</b>

# EXHIBIT C



*The Honorable*  
**LOURDES A. LEON GUERRERO**  
*Maga'Håga · Governor*

*The Honorable*  
**JOSHUA F. TENORIO**  
*Sigundo Maga' Låhi · Lieutenant Governor*



21-0731

27 AUGUST 2021

## MEMORANDUM

**TO:** Director, Department of Public Works

**FROM:** Ad-hoc Evaluation Committee

**SUBJECT:** **Evaluation Process and Recommendation for Islandwide Program Management Services, Project No. GU-THS-IPMS(005)**

The following describes the evaluation process and recommendation of the best qualified engineering firm to provide engineering and program management services for the Islandwide Program Management Services, Project No. GU-THS-IPMS(005) (the “**Project**”) for the Department of Public Works (“**DPW**”) under an Indefinite Delivery/Indefinite Quantity contract.

### I. Solicitation and Receipt of Proposals:

1. DPW solicited proposals from engineering firms to provide aforementioned services through a Request for Proposal (“**RFP**”) published in the Guam Daily Post on Friday, March 26, 2021.

The RFP documents were made available for download at [www.guamtransportationprogram.com/contract-opportunities/request-for-proposal](http://www.guamtransportationprogram.com/contract-opportunities/request-for-proposal) (“**GTP website**”) and for pick up at 2<sup>nd</sup> Floor Conference Room, Division of Highways Building, DPW on Friday, March 26, 2021. The documents described the background and general information, scope of work, and the criteria to be used in the evaluation of proposals as specified in Exhibit B of the RFP. Twenty-seven (27) firms obtained copies of the RFP documents. Twenty-five (25) firms downloaded from the website and two (2) firms picked up a compact disk (cd) format of the RFP.

A Pre-Proposal Conference/Teleconference was held on April 12, 2021, to provide an overview of the solicitation for the RFP documents issued for the Project and to allow all prospective offerors to present questions, request for clarification, and/or request for information. Six (6) firms attended the Pre-Proposal Conference/Teleconference.

Addendum No.1 was issued on April 22, 2021, which contained pre-proposal conference/teleconference meeting minutes, and a modification to the RFP. It also contained responses to questions received during the pre-proposal conference/teleconference and through April 19, 2021, which is the deadline for clarifications and inquiries. The Addendum No.1 was issued via email to the prospective offerors and was also made available for download at the GTP website.

The due date for the submission of proposal was on May 3, 2021 at 10:00 a.m. (ChST). The log of proposals received is attached for reference.

**EXP\_0058**



2. Three (3) firms submitted letter of interest and proposal documents.
  1. EXP U.S. Services, Inc. (EXP)
  2. SSFM International Inc. (SSFM)
  3. WSP USA, Inc. (WSP)
3. DPW's Contracts, Design and Analysis Section ("CDAS") administered the opening of proposals. CDAS checked the proposals received to determine whether the proposers complied with all the essential requirements of the solicitation. It was found that the proposals received from each firm were complete and in order as required by the RFP. The proposal submittal checklist is attached for reference.

## II. Evaluation Process and Recommendation:

The DPW Director ("**Director**") established the Ad-hoc Evaluation Committee Board ("**AECB**") to evaluate and make recommendations for the selection of qualified engineering firms(s) to serve as DPW's Program Management Team(s) for the Project. The Director appointed five (5) experienced government procurement individuals to serve as members of the AECB. The Director also appointed Ms. Erin Reyes to serve as the Chairman of the AECB. The Memorandum of Appointment dated April 29, 2021 was sent to the AECB on April 30, 2021, but was revised and finalized on May 6, 2021, due to changes in schedule and title of members, and addition of members.

The proposals were officially transmitted to each member of the AECB on May 4, 2021 at 2:00 P.M., 2<sup>nd</sup> Floor Conference Room, Division of Highways Building, for review and pre-discussion evaluation. Considering the Project's advanced scope of work and the density of the proposals, the AECB have requested to be given a few days to thoroughly review and evaluate each firm's proposal. Hence, the AECB completed their initial evaluation forms on May 11, 2021. The meeting minutes for pre-discussion (initial) evaluation is attached for reference.

Each proposal was rated based on the following criteria as stipulated in the RFP. The three (3) firms were evaluated by each board member as indicated on the pre-discussion evaluation scoring matrix. Based on the combined ranking results, the three (3) firms in order of their ranking order of preference are:

- 1<sup>st</sup> rank - WSP
- 2<sup>nd</sup> rank - EXP
- 3<sup>rd</sup> rank - SSFM

The AECB decided to interview the three (3) firms listed above. Each proposer received an invitation to present and discuss their proposal for the Project on May 7, 2021. The RFP presentations and discussions were held on May 11, 2021 for the three (3) firms. The schedule and location of the set event are as follows, EXP at 1:00 P.M., SSFM at 2:30 P.M. and WSP at 4:00 P.M. at the 2<sup>nd</sup> Floor Conference Room, Division of Highways Building, Department of Public Works. Each proposer was given a maximum time of forty-five (45) minutes to present followed by a forty-five (45) minute discussion period, which involved questions from the AECB. The presentation and discussion held with each proposer were recorded for procurement record. Proposers were informed of the audio recording before they began the presentation. The presentation and discussion summary are attached for reference.

The three (3) firms were re-evaluated by the AECB for post-discussion evaluation on May 11, 2021. It was rated based on the presentation and discussion performance by each of the

firm. The pre-discussion evaluation and post-discussion evaluation are based on the following criteria, as stipulated in Exhibit B of the RFP.

1. **Past Performance:** *A record of past performance in providing Program Management Services on Guam and other locations. (40 pts.)*
2. **Perform Services:** *Ability to perform services as reflected by technical; training and education, general experience, specific experience in providing the required services. (10 pts.)*
3. **Project Approach:** *The personnel, equipment, and facilities to perform the services currently available or demonstrated to be made available at the time of contracting. (20 pts.)*
4. **Plan:** *The plan for performing the required services. (30 pts.)*

All Engineer-Architectural firm's proposal is to be rated on a point system commensurate with the points set forth for each criterion in order to establish each firm's ranking.

The evaluation process used is based on the approved Amendment No. 3 Engineer-Architect Services Procurement Procedure, DPW, Government of Guam effective on March 8, 2017 ("**Procurement Procedures**"). See section XI.D.1,2, and 3 Evaluation Process and Recommendation, pages 13-14 of 21.

1. First Step (Each Board Member Ranking Evaluation)

Each board member evaluates the proposals and ranks the firm based on the assigned points for each criterion as stipulated in the RFP during the solicitation process. Firms with the greatest total aggregate points shall be ranked number one (1) and the firm with the least total aggregate points shall be ranked last.

2. Second Step Board Ranking Evaluation (Combined Ranking)

Each board member's ranking number shall serve as the points assigned to the firm. The aggregate total shall determine the board member's ranking order of preference. The firm with the least aggregate total shall be ranked number one (1) and the firm with the most aggregate total shall be ranked last and the least preferred. Based on this combined ranking result, the board shall select at least three (3) firms, in order of their respective qualification ranking to be the most qualified to provide the required services.

3. Recommendation

The AECB shall prepare a report recommending the best qualified firm/s, with ranking order of preference for submission to the Director of DPW. The report shall include, in sufficient detail, the extent of the evaluation and review and the consideration upon which the recommendation was based.

The AECB did not express that the solicitation of RFPs contained conditions and requirements that arbitrarily limited competition. Based on the attached individual scores and combined ranking post discussion evaluation results, the three (3) best qualified engineering firms in order of their ranking order of preference are:

1<sup>st</sup> rank - WSP & EXP  
3<sup>rd</sup> rank - SSFM

Signed By:



**THOMAS F. CRUZ**, Member  
Chief Engineer  
Guam Waterworks Authority

Date: 7/20/21



**PILAR A. WILLIAMS**, Member  
Dean for Trades & Professional Services  
Guam Community College

Date: 7.20.21



**DIEGO MENDIOLA**, Member  
Manager  
Guam Economic Development Authority

Date: 7-22-2021



**ARTEMIO HERNANDEZ**, Member  
Deputy Executive Manager  
Guam International Airport Authority

Date: 8/6/21



**JOSE QUINATA**, Member  
Chief Planner  
Department of Public Works

Date: 07.28.2021

### III. Tie Breaking Procedure

The Director determined that the tie breaking procedure in accordance with the Procurement Procedures will not be used for the Project. This tie breaker procedure was neither addressed in the RFP nor discussed with the proposers. The Director's determination was memorialized and made official on June 22, 2021. The Supplemental Determination for the Project is attached for reference.

In lieu of the tie breaking procedure mentioned above, the Director appointed two (2) experienced government procurement or assessment individuals to serve as additional members of the AECB for the Project. The DPW Director determined that Ms. Deborah Leon Guerrero of University of Guam and Mr. Randy Romero of DPW evaluate and rank WSP and EXP to break the tie between the two (2) firms. The Supplemental Determination and Memorandum of Appointment sent to the additional members of AECB dated July 1, 2021 are attached for reference.

Ms. Leon Guerrero and Mr. Romero were directed to review the written proposals submitted by WSP and EXP, as well as the audio recordings of each firm's presentation held on May 11, 2021. The materials to be reviewed were transmitted to the members on July 8, 2021 at 9:00 a.m., at the Guam Contractors License Board Conference Room. To make an in-depth evaluation of each firm's proposal and presentation, the members requested to be given a few days to review. Consequently, the members decided to meet on July 14, 2021, at 9:00 a.m., 2<sup>nd</sup> Floor Conference Room, Division of Highways Building to complete and submit the Evaluation Criteria Forms.



Each proposal was rated based on the criteria stipulated in the Exhibit B of the RFP. WSP and EXP were evaluated by each board member as indicated on the individual evaluation scoring matrix. Based on the attached combined ranking results, the two (2) firms in order of their ranking order of preference are:

1<sup>st</sup> rank - WSP  
2<sup>nd</sup> rank - EXP

Signed By:



**DEBORAH LEON GUERRERO**, Member  
Vice President  
Office of Institutional Effectiveness  
University of Guam

Date: 7/20/2021



**RANDY ROMERO**, Member  
Deputy Executive Manager

Department of Public Works

Date: 7/26/2021

I, Erin Jane Reyes, was appointed by the Director to serve as the Chairman of the AECB to guide the members.

Concurred By:



**ERIN JANE REYES**  
Chairman Evaluation Committee Board  
Special Projects Coordinator - CDAS  
Department of Public Works

Date: 8/9/2021

In accordance with RFP section VII. Para. 5.f, states “The DPW shall negotiate a contract with the best qualified offeror for the required services at compensation determined in writing to be fair and reasonable. If compensation, contract requirements, and contract documents can be agreed upon with the best qualified offeror, the contract shall be awarded to the offeror. If compensation, contract requirements, or contract documents cannot be agreed upon with the best qualified offeror, the DPW may enter into negotiations with the next most qualified offeror.”

And in accordance with RFP section VII. Para. 6, Basis of Award, states “A contract will be awarded to the most responsible and responsive proposer whose proposal meets the needs the DPW based on a record of past performance in providing Program Management Services on Guam and other locations; ability to perform the services as reflected by technical training and education, general experience, specific experience in providing the required services; the personnel, equipment and facilities to perform the services currently available or demonstrated to be made available at the time of contracting; and the plan for performing the required

services. In the interest of the DPW and within one (1) year of the receipt of proposals, the DPW reserves the right to award and enter into a contract with more than one qualified offeror, in the order of their respective qualification ranking.”

Recommended Firm:

**WSP USA, Inc.**

The undersigned has reviewed the AECB’s evaluation and recommendation and hereby determines, as supplemented by the additional AECB’s evaluation to break the tie between WSP and EXP, that **WSP USA, Inc.** is the best firm to commence negotiations with for this RFP.

Approved By:



**VINCENT P. ARRIOLA**

Director

Department of Public Works

Date: 8-27-21

Attachments:

Log of Proposals Received  
Proposal Submittal Checklist 05/03/2021  
Memorandum of Appointment to AECB dated 04/29/2021  
Email Memo to AECB dated 04/30/2021 to 05/04/2021  
Revised Memorandum of Appointment to AECB dated 04/29/2021  
Finalized Memorandum of Appointment to AECB dated 05/06/2021  
Pre-Discussion (Initial) Evaluation (05/04/2021) Meeting Minutes 05/05/2021  
Non-Disclosure Statement - AECB 05/04/2021  
Pre-Discussion Evaluation Individual Rating (Exhibit B: Evaluation Criteria Form) 05/11/2021  
Pre-Discussion Evaluation Combined Ranking 05/11/2021  
Invitation to Present and Discuss to EXP dated 05/07/2021  
Invitation to Present and Discuss to SSFM dated 05/07/2021  
Invitation to Present and Discuss to WSP dated 05/07/2021  
Email Confirmation from EXP 05/07/2021  
Email Confirmation from SSFM 05/07/2021  
Email Confirmation from WSP 05/07/2021  
Schedule of Presentation and Discussion 05/11/2021  
Attendance Sheet & Minutes of Meeting/Summary EXP 05/11/2021  
Attendance Sheet & Minutes of Meeting/Summary SSFM 05/11/2021  
Attendance Sheet & Minutes of Meeting/Summary WSP 05/11/2021  
Post Discussion Evaluation Individual Rating (Exhibit B: Evaluation Criteria Form) 05/11/2021  
Post Discussion Evaluation Combined Ranking 05/11/2021  
Supplemental Determination dated 06/22/2021  
Memorandum of Appointment to AECB 06/22/2021  
Email Memo to AECB 06/23/2021  
Supplemental Determination dated July 1, 2021  
Memorandum of Appointment to AECB 07/01/2021  
Email Memo to AECB 07/06/2021  
Meeting Minutes - Initial Meeting 07/08/2021  
Non-Disclosure Statements - AECB 07/08/2021  
Individual Rating and Combined Ranking 07/14/2021

# EXHIBIT D



PROJECT NAME: ISLANDWIDE PROGRAM MANAGEMENT SERVICES  
 PROJECT NUMBER: GU-THS-IPMS(005)  
 SUBJECT: PRE-DISCUSSION EVALUATION - MAY 4, 2021/MAY 11, 2021

**COMBINED RANKING**

NAME OF FIRM	COMMITTEE MEMBER'S SCORE						COMMITTEE MEMBER'S RANKING ORDER						RANKING ORDER AGGREGATE TOTAL	FINAL RANKING ORDER
	STEP 1						STEP 2							
	TC	PW	DM	AH	JQ		TC	PW	DM	AH	JQ			
1. SSFM International, Inc.	91	73	85	74	85		2	3	2	3	2		12	3
2. WSP USA, Inc.	92	81	92	79	90		1	2	1	2	1		7	1
3. EXP U.S. Services, Inc.	88	82	85	83	70		3	1	2	1	3		10	2

- SELECTION COMMITTEE MEMBERS: INITIAL
1. THOMAS CRUZ TC
  2. PILAR WILLIAMS PW
  3. DIEGO MENDIOLA DM
  4. ARTEMIO HERNANDEZ AH
  5. JOSE QUINATA JQ

REMARKS:  
 Attached is the individual committee member ranking evaluation. For explanation regarding combined ranking, see approved Amendment No. 3, E-A Services procurement procedures Section VI.D.1, 2 & 3 Competitive Selection for DPW. Effective on March 8, 2017.



PROJECT NAME: ISLANDWIDE PROGRAM MANAGEMENT SERVICES  
 PROJECT NUMBER: GU-THS-IPMS(005)  
 SUBJECT: POST DISCUSSION EVALUATION - MAY 11, 2021

**COMBINED RANKING**

NAME OF FIRM	COMMITTEE MEMBER'S SCORE					COMMITTEE MEMBER'S RANKING ORDER					RANKING ORDER AGGREGATE TOTAL	FINAL RANKING ORDER
	STEP 1					STEP 2						
	TC	PW	DM	AH	JQ	TC	PW	DM	AH	JQ		
1. SSFM International, Inc.	90	76	91	75	75	3	3	2	3	3	14	3
2. WSP USA, Inc.	93	84	93	81	90	2	2	1	2	1	8	1
3. EXP U.S. Services, Inc.	96	87	85	86	84	1	1	3	1	2	8	1

- SELECTION COMMITTEE MEMBERS: INITIAL
1. THOMAS CRUZ TC
  2. PILAR WILLIAMS PW
  3. DIEGO MENDIOLA DM
  4. ARTEMIO HERNANDEZ AH
  5. JOSE QUINATA JQ

REMARKS:  
 Attached is the individual committee member ranking evaluation. For explanation regarding combined ranking, see approved Amendment No. 3, E-A Services procurement procedures Section VI.D.1, 2 & 3 Competitive Selection for DPW. Effective on March 8, 2017.





PROJECT NAME: ISLANDWIDE PROGRAM MANAGEMENT SERVICES

PROJECT NUMBER: GU-THS-IPMS(005)

SUBJECT: TIE BREAKING EVALUATION - JULY 14, 2021

**COMBINED RANKING**

NAME OF FIRM	COMMITTEE MEMBER'S SCORE		COMMITTEE MEMBER'S RANKING ORDER			RANKING ORDER AGGREGATE TOTAL	FINAL RANKING ORDER
	STEP 1		STEP 2				
	DLG	RR	DLG	RR	RR		
1. EXP U.S. Services, Inc.	85	72	2	2	2	4	2
2. WSP USA, Inc.	90	83	1	1	1	2	1

SELECTION COMMITTEE MEMBERS: INITIAL

1. DEBORAH LEON GUERRERO DLG

2. RANDY ROMERO RR

REMARKS:

Attached is the individual committee member ranking evaluation. For explanation regarding combined ranking, see approved Amendment No. 3, E-A Services procurement procedures Section VI.D.1, 2 & 3 Competitive Selection for DPW. Effective on March 8, 2017.

# EXHIBIT E



*The Honorable*  
**LOURDES A. LEON GUERRERO**  
*Maga'Hága · Governor*

*The Honorable*  
**JOSHUA F. TENORIO**  
*Sigundo Maga' Lâhi · Lieutenant Governor*



**VINCENT P. ARRIOLA**  
*Director*

**LINDA J. IBANEZ**  
*Acting Deputy Director*

21-0305

26 MAR 2021

## MEMORANDUM

**TO:** Procurement Record

**FROM:** Director, Department of Public Works and Procurement Officer

**SUBJECT: Planning and Justification for Islandwide Program Management Services  
Project No. GU-THS-IPMS(005)  
Request for Proposals - Determinations**

The following written determinations are made to justify the Department's record approval of the above referenced procurement.

### 1. Determination of Need and Record of Planning:

The **Department of Public Works, Highway Division** ("DPW") has determined that there is a need for procuring services for qualified engineering firms to serve as a **Program Management Team(s)** ("PMT"). The DPW intends to contract with joint venture(s) and/or independent firms(s) to act as an extension of the DPW Highways-Horizontal Engineering Maintenance staff using a **Request for Proposals** ("RFP"). The PMT shall provide engineering and program management services for locally and federally funded projects managed by DPW (collectively the "**Project**"). An outline of the Project includes, but is not limited to, the following:

- Over the last several years, the DPW has developed several procedural manuals and has determined it will need assistance in maintaining and updating these manuals.
- DPW is engaged in a **Guam Transportation Improvement Project** ("GTIP") that among other items coordinates with the **U.S. Department of Transportation, Federal Highway Administration** ("FHWA") in identifying and planning highway road construction projects. The GTIP has been developed for the next three (3) years; however it may be updated one or more times each year based on the status of projects as well as the annual expenditure level based on available funding.
- The selected PMT(s) will be responsible for ensuring the successful continuance and completion of the current program, and integrity of all GTIP components through the further development of the program.
- DPW reserves the right to award a contract to one or more PMT(s) within 1 year of the receipt of proposals, as it determines to be in the best interest of the government.
- The PMT(s) scope of work will include, but not be limited to, the following:

Program Management Team Organization and Communications; Review, Update and Develop Procedures; Program Planning; DPW Consultants; Environment; Financial; Survey; Design; Right of Way; Materials Testing and Soil Investigation Services; Construction; Traffic Engineering; Program Schedules and Reporting; Asset Management; Public Outreach and Partnering; On the Job Training Supportive Services; and Miscellaneous Tasks as described in the RFP for said services, which is incorporated herein by this reference.

DPW has determined to use a **Request for Proposals** (“RFP”) for selection of the PMT(s).

- A review has been made of DPW staffing and it has been confirmed that the department does not currently have the required experience, licensed individuals, and equipment to perform the scope of services needed to provide the Professional Engineering management services demanded by the Project.

Accordingly, it is my determination that DPW shall select the best qualified engineering firm based on submitted proposals to perform the professional engineering management services needed for the Project.

It is also determined that DPW will greatly benefit from entering a professional management services contract with the PMT being paid on a time and materials basis. The need or plan for the PMT’s services will be as set forth hereinabove and will be governed by the RFP and contract documents.

## **2. Determination for Need for Long Term Contract and Relationship with PMT:**

The Project is ongoing and will take any number of years to complete. Accordingly, I have determined that the initial contract will be for three (3) years with the department reserving an option to extend the initial term an additional two (2) years. It is further determined that it is in the best interests of Guam that the contract may also, subject to the availability of funds, and by mutual written agreement as allowed under law, be renewed on the same terms and conditions by mutual written consent of the parties. It is also determined that the preferred relationship with between DPW and the PMT is that of an independent contractor.

Finally, this determination is made for the current RFP for PMT services only.

Director and Chief Procurement Officer



**VINCE P. ARRIOLA**



EReyes/TKeeler

# EXHIBIT F





*The Honorable*  
**LOURDES A. LEON GUERRERO**  
*Maga'Håga • Governor*

*The Honorable*  
**JOSHUA F. TENORIO**  
*Sigundo Maga' Låhi • Lieutenant Governor*

06 MAY 2021



**VINCENT P. ARRIOLA**  
*Director*  
**LINDA J. IBANEZ**  
*Deputy Director*

**MEMORANDUM**

**To:** Ad-hoc Evaluation Committee Members

**From:** Director, Department of Public Works

**Subject:** **Evaluation for Request for Proposals  
 Islandwide Program Management Services, GU-THS-IPMS(005)**

This is to inform you of your appointment to serve as a member of the committee to evaluate proposals and make recommendations for the selection of qualified engineering firm(s) to serve as the Department of Public Works (DPW) Program Management Team(s) for the Islandwide Program Management Services project. Typically, evaluation committee members are limited to DPW staff, however, owing to this project's advanced scope of work I am soliciting your assistance.

The Ad-hoc Evaluation Committee is to be comprised of the following personnel:

- Chairman:** Erin Reyes, Special Projects Coordinator  
 Department of Public Works
- Members:** Thomas F. Cruz, P.E., Chief Engineer, Guam Waterworks Authority (GWA)  
 Pilar A. Williams, Associate Dean, Guam Community College (GCC)  
 Diego Mendiola, Assistant Manager, Guam Economic Development Authority (GEDA)  
 Artemio Hernandez, Ph.D., Deputy Executive Manager, Guam International  
 Airport Authority (GIAA)  
 Jose Quinata, Chief Planner, DPW

The initial evaluation of proposals is scheduled on **May 4, 2021** at **2:00 .M.** in DPW's Division of Highways Conference Room, 2<sup>nd</sup> Floor, Room 201. The proposals received will be evaluated based on the evaluation criteria attached. The Evaluation Committee will select at least three (3) responsive proposers to interview. The discussions and interviews with the selected proposers are set to be done on the week of May 10<sup>th</sup>.

Thank you for your assistance and participations. If you have any questions, please direct them to me at (671) 646-3131 or to Erin Reyes, Special Projects Coordinator, Department of Public Works at (671) 649-3142.

  
**VINCENT P. ARRIOLA**  
 Director

**Attachments:** Exhibit B - Consultant Evaluation Form  
 & Non-Disclosure Statement

- cc: Richelle M. Takara, P.E., FHWA  
 Miguel Bordallo, P.E., GWA  
 Dr. Mary Okada, GCC  
 Melanie Mendiola, GEDA  
 John Quinata, GIAA

EReyes/TKeeler

# EXHIBIT G

NON-DISCLOSURE STATEMENT

For

Request for Proposals

Project Name: Islandwide Program Management Services

Project No.: GU-THS-IPMS(005)

I, Thomas Cruz, the undersigned hereby certify that the following statements are true and correct and that I understand and agree to be bound by the commitments contained herein.

"I am currently employed by G.W.A. in the capacity of Assistant GM - Operations. I have no preconceived position on the relative merits of any of the Proposals nor have I established a personal preference or position on the worth or standing of any offer/vendor participating in this action".

"I am acting on my own accord and am not acting under duress. I am not currently employed by, nor am I receiving any compensation from, nor have I been the recipient of any present or future economic opportunity, employment, gift, loan, gratuity, special discount, trip, favor, or service in connection with any Proposal/bid or involved offeror/vendor in return for favorable consideration. I hereby certify that my participation will not result in a conflict of interest. I certify that I do not have a business or personal relationship of any kind with the proposer".

"I agree not to disclose or otherwise divulge any information pertaining to the contents, status, or ranking of any offeror's/vendor's Proposal or concerning Department of Public Works or Government of Guam business practices, programs or any other information gained as a result of this project to anyone other than the assigned DPW or GOVGUAM employees who have previously signed a non-disclosure statement on the above referenced RFP as confirmed by the Contracts/Procurement Manager. I understand the terms "disclose or otherwise divulge" to include, but are not limited to, reproduction of any part or portion of any offeror's/vendor's Proposal as well as internal DPW or GOVGUAM documentation or removal of same from designated areas without prior authorization from the Contracts/Procurement Manager or designated DPW staff, I agree to perform any and all advisory, functions in an unbiased manner, to the best of my ability, and with the best interest of DPW or GOVGUAM paramount in all decisions".

This agreement shall not restrict the undersigned with regard to the sharing of information with employees or representatives of DPW or GOVGUAM who are involved in the evaluation of the RFP referred to above and who have signed a comparable Non-Disclosure Statement.

Signature: 

Date: 5/4/21

Printed Name: Thomas Cruz



NON-DISCLOSURE STATEMENT

For

Request for Proposals

Project Name: Islandwide Program Management Services

Project No.: GU-THS-IPMS(005)

I, Pilar P. Williams, the undersigned hereby certify that the following statements are true and correct and that I understand and agree to be bound by the commitments contained herein.

"I am currently employed by GCC in the capacity of Dean. I have no preconceived position on the relative merits of any of the Proposals nor have I established a personal preference or position on the worth or standing of any offer/vendor participating in this action".

"I am acting on my own accord and am not acting under duress. I am not currently employed by, nor am I receiving any compensation from, nor have I been the recipient of any present or future economic opportunity, employment, gift, loan, gratuity, special discount, trip, favor, or service in connection with any Proposal/bid or involved offeror/vendor in return for favorable consideration. I hereby certify that my participation will not result in a conflict of interest. I certify that I do not have a business or personal relationship of any kind with the proposer".

"I agree not to disclose or otherwise divulge any information pertaining to the contents, status, or ranking of any offeror's/vendor's Proposal or concerning Department of Public Works or Government of Guam business practices, programs or any other information gained as a result of this project to anyone other than the assigned DPW or GOVGUAM employees who have previously signed a non-disclosure statement on the above referenced RFP as confirmed by the Contracts/Procurement Manager. I understand the terms "disclose or otherwise divulge" to include, but are not limited to, reproduction of any part or portion of any offeror's/vendor's Proposal as well as internal DPW or GOVGUAM documentation or removal of same from designated areas without prior authorization from the Contracts/Procurement Manager or designated DPW staff, I agree to perform any and all advisory, functions in an unbiased manner, to the best of my ability, and with the best interest of DPW or GOVGUAM paramount in all decisions".

This agreement shall not restrict the undersigned with regard to the sharing of information with employees or representatives of DPW or GOVGUAM who are involved in the evaluation of the RFP referred to above and who have signed a comparable Non-Disclosure Statement.

Signature: 

Date: May 4, 2021

Printed Name: Pilar P. Williams

NON-DISCLOSURE STATEMENT

For

Request for Proposals

Project Name: Islandwide Program Management Services

Project No.: GU-THS-IPMS(005)

I, Artemio Hernandez, the undersigned hereby certify that the following statements are true and correct and that I understand and agree to be bound by the commitments contained herein.

"I am currently employed by G/AAA in the capacity of Deputy Executive Manager. I have no preconceived position on the relative merits of any of the Proposals nor have I established a personal preference or position on the worth or standing of any offer/vendor participating in this action".

"I am acting on my own accord and am not acting under duress. I am not currently employed by, nor am I receiving any compensation from, nor have I been the recipient of nay present or future economic opportunity, employment, gift, loan, gratuity, special discount, trip, favor, or service in connection with any Proposal/bid or involved offeror/vendor in return for favorable consideration. I hereby certify that my participation will not result in a conflict of interest. I certify that I do not have a business or personal relationship of any kind with the proposer".

"I agree not to disclose or otherwise divulge any information pertaining to the contents, status, or ranking of any offeror's/vendor's Proposal or concerning Department of Public Works or Government of Guam business practices, programs or any other information gained as a result of this project to anyone other than the assigned DPW or GOVGUAM employees who have previously signed a non-disclosure statement on the above referenced RFP as confirmed by the Contracts/Procurement Manager. I understand the terms "disclose or otherwise divulge" to include, but are not limited to, reproduction of any part or portion of any offeror's/vendor's Proposal as well as internal DPW or GOVGUAM documentation or removal of same from designated areas without prior authorization from the Contracts/Procurement Manager or designated DPW staff, I agree to perform any and all advisory, functions in an unbiased manner, to the best of my ability, and with the best interest of DPW or GOVGUAM paramount in all decisions".

This agreement shall not restrict the undersigned with regard to the sharing of information with employees or representatives of DPW or GOVGUAM who are involved in the evaluation of the RFP referred to above and who have signed a comparable Non-Disclosure Statement.

Signature: 

Date: 5/4/21

Printed Name: Artemio Hernandez



NON-DISCLOSURE STATEMENT

For

Request for Proposals

Project Name: Islandwide Program Management Services

Project No.: GU-THS-IPMS(005)

I, Diego Mendiola, the undersigned hereby certify that the following statements are true and correct and that I understand and agree to be bound by the commitments contained herein.

"I am currently employed by GEDA in the capacity of Manager, Real Property Div I have no preconceived position on the relative merits of any of the Proposals nor have I established a personal preference or position on the worth or standing of any offer/vendor participating in this action".

"I am acting on my own accord and am not acting under duress. I am not currently employed by, nor am I receiving any compensation from, nor have I been the recipient of any present or future economic opportunity, employment, gift, loan, gratuity, special discount, trip, favor, or service in connection with any Proposal/bid or involved offeror/vendor in return for favorable consideration. I hereby certify that my participation will not result in a conflict of interest. I certify that I do not have a business or personal relationship of any kind with the proposer".

"I agree not to disclose or otherwise divulge any information pertaining to the contents, status, or ranking of any offeror's/vendor's Proposal or concerning Department of Public Works or Government of Guam business practices, programs or any other information gained as a result of this project to anyone other than the assigned DPW or GOVGUAM employees who have previously signed a non-disclosure statement on the above referenced RFP as confirmed by the Contracts/Procurement Manager. I understand the terms "disclose or otherwise divulge" to include, but are not limited to, reproduction of any part or portion of any offeror's/vendor's Proposal as well as internal DPW or GOVGUAM documentation or removal of same from designated areas without prior authorization from the Contracts/Procurement Manager or designated DPW staff, I agree to perform any and all advisory, functions in an unbiased manner, to the best of my ability, and with the best interest of DPW or GOVGUAM paramount in all decisions".

This agreement shall not restrict the undersigned with regard to the sharing of information with employees or representatives of DPW or GOVGUAM who are involved in the evaluation of the RFP referred to above and who have signed a comparable Non-Disclosure Statement.

Signature: 

Date: 5-4-2021

Printed Name: Diego Mendiola

NON-DISCLOSURE STATEMENT

For

Request for Proposals

Project Name: Islandwide Program Management Services

Project No.: GU-THS-IPMS(005)

I, Jose M. Queta, Jr., the undersigned hereby certify that the following statements are true and correct and that I understand and agree to be bound by the commitments contained herein.

"I am currently employed by DPW in the capacity of Chief Planner. I have no preconceived position on the relative merits of any of the Proposals nor have I established a personal preference or position on the worth or standing of any offer/vendor participating in this action".

"I am acting on my own accord and am not acting under duress. I am not currently employed by, nor am I receiving any compensation from, nor have I been the recipient of any present or future economic opportunity, employment, gift, loan, gratuity, special discount, trip, favor, or service in connection with any Proposal/bid or involved offeror/vendor in return for favorable consideration. I hereby certify that my participation will not result in a conflict of interest. I certify that I do not have a business or personal relationship of any kind with the proposer".

"I agree not to disclose or otherwise divulge any information pertaining to the contents, status, or ranking of any offeror's/vendor's Proposal or concerning Department of Public Works or Government of Guam business practices, programs or any other information gained as a result of this project to anyone other than the assigned DPW or GOVGUAM employees who have previously signed a non-disclosure statement on the above referenced RFP as confirmed by the Contracts/Procurement Manager. I understand the terms "disclose or otherwise divulge" to include, but are not limited to, reproduction of any part or portion of any offeror's/vendor's Proposal as well as internal DPW or GOVGUAM documentation or removal of same from designated areas without prior authorization from the Contracts/Procurement Manager or designated DPW staff, I agree to perform any and all advisory, functions in an unbiased manner, to the best of my ability, and with the best interest of DPW or GOVGUAM paramount in all decisions".

This agreement shall not restrict the undersigned with regard to the sharing of information with employees or representatives of DPW or GOVGUAM who are involved in the evaluation of the RFP referred to above and who have signed a comparable Non-Disclosure Statement.

Signature: 

Printed Name: Jose M. Queta, Jr.

Date: 05-04-2021

# EXHIBIT H



NON-DISCLOSURE STATEMENT

For

Request for Proposals

Project Name: Islandwide Program Management Services

Project No.: GU-THS-IPMS(005)

I, ERIN REYES, the undersigned hereby certify that the following statements are true and correct and that I understand and agree to be bound by the commitments contained herein.

"I am currently employed by DPW in the capacity of SPC. I have no preconceived position on the relative merits of any of the Proposals nor have I established a personal preference or position on the worth or standing of any offer/vendor participating in this action".

"I am acting on my own accord and am not acting under duress. I am not currently employed by, nor am I receiving any compensation from, nor have I been the recipient of any present or future economic opportunity, employment, gift, loan, gratuity, special discount, trip, favor, or service in connection with any Proposal/bid or involved offeror/vendor in return for favorable consideration. I hereby certify that my participation will not result in a conflict of interest. I certify that I do not have a business or personal relationship of any kind with the proposer".

"I agree not to disclose or otherwise divulge any information pertaining to the contents, status, or ranking of any offeror's/vendor's Proposal or concerning Department of Public Works or Government of Guam business practices, programs or any other information gained as a result of this project to anyone other than the assigned DPW or GOVGUAM employees who have previously signed a non-disclosure statement on the above referenced RFP as confirmed by the Contracts/Procurement Manager. I understand the terms "disclose or otherwise divulge" to include, but are not limited to, reproduction of any part or portion of any offeror's/vendor's Proposal as well as internal DPW or GOVGUAM documentation or removal of same from designated areas without prior authorization from the Contracts/Procurement Manager or designated DPW staff, I agree to perform any and all advisory, functions in an unbiased manner, to the best of my ability, and with the best interest of DPW or GOVGUAM paramount in all decisions".

This agreement shall not restrict the undersigned with regard to the sharing of information with employees or representatives of DPW or GOVGUAM who are involved in the evaluation of the RFP referred to above and who have signed a comparable Non-Disclosure Statement.

Signature: 

Date: 5/4/2021

Printed Name: ERIN REYES

# EXHIBIT I





The Honorable  
**LOURDES A. LEON GUERRERO**  
*Maga'Håga · Governor*

The Honorable  
**JOSHUA F. TENORIO**  
*Sigundo Maga' Låhi · Lieutenant Governor*



**VINCENT P. ARRIOLA**  
*Director*  
**LINDA J. IBANEZ**  
*Deputy Director*

## MEMORANDUM

**TO:** Procurement Record

**FROM:** Director, Department of Public Works (DPW) and Procurement Officer

**SUBJECT: Supplemental Determination for Islandwide Program Management Services (“Project”)**  
**Project No. GU-THS-IPMS(005)**

The following written determinations are made to justify the procedure Department of Public Works (“DPW”) will use for breaking the tie for awarding the contract in the above referenced Project.

DPW solicited proposals from qualified engineering firms to provide **Islandwide Engineering and Program Management Services (“IW Program Management Services”)** through a **Request for Proposals (“RFP”)** published in the Guam Daily Post on March 26, 2021. A pre-proposal conference/teleconference for the Project was held on April 12, 2021. Six (6) firms attended the pre-proposal conference/teleconference. One (1) addendum was issued on April 22, 2021, via e-mail. Three (3) engineering firms namely, **EXP U.S. Services, Inc. (“EXP”)**, **SSFMI International, Inc. (“SSFMI”)**, and **WSP USA, Inc. (“WSP”)**, submitted letters of interest and proposal documents. It is my determination that the proposals received from each firm were responsive to the terms of the RFP and that each party is responsible.

The undersigned established and appointed five (5) experienced government procurement individuals to serve as members of the Ad-hoc Evaluation Committee Board (“AECB”) to evaluate the proposals received and make recommendations for the selection of qualified engineering firm(s) to serve as DPW’s IW Program Management Team for the Project. The proposals received were officially transmitted to each AECB member on May 4, 2021, for the pre-discussion evaluation. Each proposal was evaluated based on the past performance; perform services; project approach; and plan. Based on the pre-discussion evaluation of each member, the results are 1<sup>st</sup> rank – WSP, 2<sup>nd</sup> rank – EXP, and 3<sup>rd</sup> rank – SSFM.

DPW’s AECB held a presentation and discussion with each firm on May 11, 2021. Following the presentation and discussion, the AECB re-evaluated the proposals for the post-discussion evaluation. The pre-discussion and post-discussion evaluation are based on the same criteria as stipulated in the RFP. Based on the post-discussion evaluation of each member, the results are 1<sup>st</sup> rank – WSP and EXP, and 3<sup>rd</sup> rank – SSFM.

I note for the procurement record that Ms. Erin Reyes was appointed as the AECB’s Chairman. Ms. Reyes served as a non-voting member of the Committee unless it was necessary to break a tie.

Ms. Reyes subsequently submitted a letter dated May 28, 2021, recommending that the contract be awarded to WSP. This procedure was in accordance with the DPW's Engineer – Architect Services Procurement Procedures, Amendment No. 3, effective on March 8, 2017 (**“Procurement Procedures”**). The tie breaker procedure contained in the Procurement Procedures were neither addressed in the RFP nor discussed with the proposers.

Considering the importance of the IW Program Management Services to DPW and the people of Guam I do not consider reasonable to rely on the tie breaker procedure that was not included in the RFP nor discussed with the proposers. Thus, it is my determination that DPW will not use the tie breaker procedure contained in the Procurement Procedures for the current RFP.

Instead, in keeping with the desire that individuals experienced in government procurement evaluate and rank WSP and EXP it is my further determination that Ms. Deborah Leon Guerrero of the University of Guam and Sonny Perez of Guam Housing and Urban Renewal Authority be appointed members of the AECB. Ms. Deborah Leon Guerrero and Sonny Perez are directed to review the proposals submitted by WSP and EXP, as well as the audio recording of their May 11, 2021, presentations and interviews. Each member will evaluate and rank WSP and EXP by the criteria provided in the RFP. The firm with the greatest total aggregate shall be ranked number one (1) and the firm with the least total aggregate shall be ranked number two (2).

After the evaluation, Ms. Reyes, will prepare the Combined Ranking report (**“Report”**). The Report will reflect each member's score and ranking order of preference. To determine the final ranking order, the firm with the least ranking order aggregate total shall be ranked number one (1) and the firm with the most ranking order aggregate total shall be ranked number two (2).

The Report shall be based on the individual evaluation criteria completed by Ms. Deborah Leon Guerrero and Mr. Sonny Perez. This evaluation and the combined ranking result will be the basis to break the tie between WSP and EXP. Upon completion of the evaluation of each member and the Report, the AECB shall prepare a final recommendation letter recommending the best qualified firm, with ranking order of preference for submission to the undersigned.

Finally, this determination is made for the current RFP for IW Program Management Services only.

Director and Chief Procurement Officer

**VINCENT P. ARRIOLA**

EReyes/TKeeler

# EXHIBIT J



The Honorable  
**LOURDES A. LEON GUERRERO**  
*Maga'Håga · Governor*

The Honorable  
**JOSHUA F. TENORIO**  
*Sigundo Maga' Låhi · Lieutenant Governor*



**VINCENT P. ARRIOLA**  
*Director*  
**LINDA J. IBANEZ**  
*Deputy Director*

01 JUL 2021

21-0660

**MEMORANDUM**

To: Ad-hoc Evaluation Committee Members  
From: Director, Department of Public Works  
Subject: **Evaluation for Request for Proposals  
Islandwide Program Management Services, GU-THS-IPMS(005)**

This is to inform you of your appointment to serve as a member of the committee to evaluate proposals and make recommendations for the selection of qualified engineering firm(s) to serve as the Department of Public Works (DPW) Program Management Team(s) for the Islandwide Program Management Services project. Typically, evaluation committee members are limited to DPW staff, however, owing to this project's advanced scope of work I am soliciting your assistance.

The additional Ad-hoc Evaluation Committee members are as follows:

Members: Deborah Leon Guerrero, University of Guam (UOG)  
Randy Romero, DPW

The evaluation of proposals is scheduled on **July 8, 2021 at 9:00 A.M.** in DPW's Division of Highways Conference Room, 2<sup>nd</sup> Floor, Room 201. The proposals submitted by WSP USA, Inc. (WSP) and EXP U.S. Services, Inc. (EXP) will be evaluated based on the criteria provided in the Request for Proposal. Please refer to the evaluation criteria attached. The audio recording of the discussions and interviews held by the AECB, who were appointed on May 6, 2021, with WSP and EXP on May 11, 2021, will also be provided for your evaluation.

Thank you for your assistance and participations. If you have any questions, please direct them to me at (671) 646-3131 or to Erin Reyes, Special Projects Coordinator, Department of Public Works at (671) 649-3142.

  
**VINCENT P. ARRIOLA**  
Director

Attachments: Exhibit B - Consultant Evaluation Form  
& Non-Disclosure Statement

cc: Richelle M. Takara, P.E., FHWA  
Linda J. Ibanez, DPW

  
EReyes/Takara

# EXHIBIT K



NON-DISCLOSURE STATEMENT

For

Request for Proposals

Project Name: Islandwide Program Management Services

Project No.: GU-THS-IPMS(005)

I, Randy Rourko, the undersigned hereby certify that the following statements are true and correct and that I understand and agree to be bound by the commitments contained herein.

"I am currently employed by DPW in the capacity of BUDG. INSP. TEAM ADMIN have no preconceived position on the relative merits of any of the Proposals nor have I established a personal preference or position on the worth or standing of any offer/vendor participating in this action".

"I am acting on my own accord and am not acting under duress. I am not currently employed by, nor am I receiving any compensation from, nor have I been the recipient of nay present or future economic opportunity, employment, gift, loan, gratuity, special discount, trip, favor, or service in connection with any Proposal/bid or involved offeror/vendor in return for favorable consideration. I hereby certify that my participation will not result in a conflict of interest. I certify that I do not have a business or personal relationship of any kind with the proposer".

"I agree not to disclose or otherwise divulge any information pertaining to the contents, status, or ranking of any offeror's/vendor's Proposal or concerning Department of Public Works or Government of Guam business practices, programs or any other information gained as a result of this project to anyone other than the assigned DPW or GOVGUAM employees who have previously signed a non-disclosure statement on the above referenced RFP as confirmed by the Contracts/Procurement Manager. I understand the terms "disclose or otherwise divulge" to include, but are not limited to, reproduction of any part or portion of any offeror's/vendor's Proposal as well as internal DPW or GOVGUAM documentation or removal of same from designated areas without prior authorization from the Contracts/Procurement Manager or designated DPW staff, I agree to perform any and all advisory, functions in an unbiased manner, to the best of my ability, and with the best interest of DPW or GOVGUAM paramount in all decisions".

This agreement shall not restrict the undersigned with regard to the sharing of information with employees or representatives of DPW or GOVGUAM who are involved in the evaluation of the RFP referred to above and who have signed a comparable Non-Disclosure Statement.

Signature: 

Date: 7-8-21

Printed Name: Randy Rourko

NON-DISCLOSURE STATEMENT

For

Request for Proposals

Project Name: Islandwide Program Management Services

Project No.: GU-THS-IPMS(005)

I, Deborah D. Leon Guerrero, the undersigned hereby certify that the following statements are true and correct and that I understand and agree to be bound by the commitments contained herein.

"I am currently employed by University of Guam in the capacity of Vice Provost, Institutional Effectiveness. I have no preconceived position on the relative merits of any of the Proposals nor have I established a personal preference or position on the worth or standing of any offer/vendor participating in this action".

"I am acting on my own accord and am not acting under duress. I am not currently employed by, nor am I receiving any compensation from, nor have I been the recipient of any present or future economic opportunity, employment, gift, loan, gratuity, special discount, trip, favor, or service in connection with any Proposal/bid or involved offeror/vendor in return for favorable consideration. I hereby certify that my participation will not result in a conflict of interest. I certify that I do not have a business or personal relationship of any kind with the proposer".

"I agree not to disclose or otherwise divulge any information pertaining to the contents, status, or ranking of any offeror's/vendor's Proposal or concerning Department of Public Works or Government of Guam business practices, programs or any other information gained as a result of this project to anyone other than the assigned DPW or GOVGUAM employees who have previously signed a non-disclosure statement on the above referenced RFP as confirmed by the Contracts/Procurement Manager. I understand the terms "disclose or otherwise divulge" to include, but are not limited to, reproduction of any part or portion of any offeror's/vendor's Proposal as well as internal DPW or GOVGUAM documentation or removal of same from designated areas without prior authorization from the Contracts/Procurement Manager or designated DPW staff, I agree to perform any and all advisory, functions in an unbiased manner, to the best of my ability, and with the best interest of DPW or GOVGUAM paramount in all decisions".

This agreement shall not restrict the undersigned with regard to the sharing of information with employees or representatives of DPW or GOVGUAM who are involved in the evaluation of the RFP referred to above and who have signed a comparable Non-Disclosure Statement.

Signature: 

Date: 7/8/2021

Printed Name: Deborah D. Leon Guerrero