



UNIVERSITY of GUAM
Unibetsedât Guahan

Office of the President
Legal Counsel

OFFICE OF THE PUBLIC AUDITOR
PROCUREMENT APPEAL

In the Appeal of)	
)	
GUAM CLEANING MASTERS,)	CASE NO: OPA-PA 08-005
)	
Appellant.)	
)	
_____)	

The UNIVERSITY OF GUAM ("University"), by and through its legal counsel, VICTORINA M.Y. RENACIA, hereby files the Procurement Record relevant to the above-captioned appeal, pursuant to 2 GAR § 12104 (c) (3).



Dated: 23 April 2008

Victorina M.Y. Renacia

VICTORINA M.Y. RENACIA
University Legal Counsel

Office of The Public Auditor

Bid No. P11-08 Student Housing Custodial Services

1 OF 5
2 OF 5
3 OF 5

RECEIVED
OFFICE OF THE PUBLIC AUDITOR
PROCUREMENT APPEALS

Alfa Cabrer 4/23/08

Acknowledgement Date

APR 23 2008
TIME: 1:15 PM
BY: _____
FILE NO. OPA-PA 08-005

UOG Station, Mangilao, Guam 96923 Telephone: (671) 735-2992/2978 Fax: (671) 734-2296
vrenacia@ugam.uog.edu

A Land Grant Institution Accredited by the Western Association of Schools and Colleges
UOG is an equal employment opportunity employer and provider.



UNIVERSITY of GUAM
Unibetsedåt Guahan

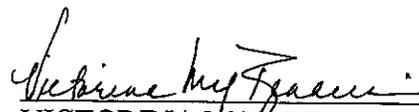
Office of the President
Legal Counsel

OFFICE OF THE PUBLIC AUDITOR
PROCUREMENT APPEAL

In the Appeal of)	
)	
GUAM CLEANING MASTERS,)	CASE NO: OPA-PA 08-005
)	
Appellant.)	
)	
_____)	

The UNIVERSITY OF GUAM ("University"), by and through its legal counsel, VICTORINA M.Y. RENACIA, hereby files the Procurement Record relevant to the above-captioned appeal, pursuant to 2 GAR § 12104 (c) (3).

Dated: 23 April 2008



VICTORINA M.Y. RENACIA
University Legal Counsel

RECEIVED
OFFICE OF THE PUBLIC AUDITOR
PROCUREMENT APPEALS

APR 23 2008
TIME: 1:15 PM
BY: Yulka Cabrera
FILE No. OPA-PA 08-005

**UNIVERSITY OF GUAM CHRONOLOGICAL EVENTS OF UOG BID P11-08,
STUDENT HOUSING CUSTODIAL SERVICES**

DATE	EVENTS
January 16, 2008	UOG BID No. P11-08, Student Housing Custodial Services was Issued, with Bidders Register (Tab A)
January 17, 2008	UOG BID No. P11-08 was advertised with Pacific Daily News (Tab B)
January 21, 2008	Pre-Bid Conference was held at the Student Housing at 10:00 a.m. (Tab C)
January 29, 2008	Amendment 1 to UOG BID NO. P11-08 extending bid opening date to Thursday, February 7, 2008 at 2:00 p.m. (Tab D)
January 31, 2008	Original Bid opening date
February 7, 2008	Bid opening took place at 2:00 p.m. at the Consolidated Procurement Office UOG (Tab E)
February 11, 2008	Guam Cleaning Master's Bid submission (Tab F)
February 12, 2008	President approves bid analysis and recommendation to award Guam Cleaning Master (GCM) (Tab G)
February 29, 2008	Cancellation notice was issued canceling UOG BID No. P11-08 (Tab H)
March 4, 2008	Acknowledgement received from Guam Cleaning Master on Cancellation (Tab I)
March 12, 2008	Protest letter from Guam Cleaning Master received (Tab J)
March 17, 2008	President's response to GCM Protest letter (Tab K)
March 25, 2008	Second Protest letter from GCM received (Tab L)
March 31, 2008	UOG letter denying the protest was issued to GCM (Tab M)
April 2, 2008	Reconsideration letter for UOG BID No. P11-08 received from GCM (Tab N)
April 8, 2008	Response to Sunshine Reform Act of 1999 Request (Tab O)



UNIVERSITY OF GUAM
UNIBETSEDAT GUAHAN

Administration and Finance
Consolidated Procurement Office

INVITATION TO BID
UOG BID No. P11-08

The University of Guam is soliciting sealed bids for:

Student Housing Custodial Services

Copies of Instruction and Information for Bidders on the submission package may be obtained from:

Procurement Office
UOG Administration Building
Mangilao, Guam.
Tel: 735-2925
Fax: 734-3118

A copy of the bid package is available to all prospective bidders from 9am - 4pm Mon - Fri.

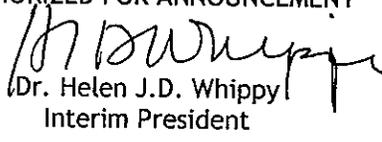
A non-refundable fee of \$25.00 is required.

Deadline for Submission of Bid Packages is on Thursday, January 31, 2008 at 2:00 P.M. at the UOG Procurement Office. A Mandatory Pre-Bid Conference is scheduled for Monday, January 21, 2008 at 10:00 A.M. at the Student Housing Office.

/s/Dr. Helen J.D. Whippy
Interim President

University of Guam is an equal opportunity employer and provider
This Advertisement is paid for by University of Guam Funds

AUTHORIZED FOR ANNOUNCEMENT


Dr. Helen J.D. Whippy
Interim President

UNIVERSITY OF GUAM
INVITATION TO BID
UOG BID NO. P11-08

Student Housing Custodial Services

DATE ISSUED: January 16, 2008
UOG SECTION: EMSS, Student Housing Office
ISSUED BY: UOG PROCUREMENT OFFICE
TEL: 735-2925 FAX: 734-3118

INSTRUCTIONS TO BIDDERS

1. **RECEIPT AND OPENING OF BIDS:** Sealed bids for UOG Bid No. P11-08, Student Housing Custodial Services will be received by the Procurement Office, University of Guam in Mangilao, signed and sealed in an envelope to the issuing office no later than:

TIME: 2:00 P.M.

DATE: Thursday, January 31, 2008

A Pre-Bid Conference is scheduled for Monday, January 21, 2008, 10:00 A.M. Student Housing Office

Bid submitted after the time and date specified above shall be rejected.

Attention is called to the fact that bidders not only offer to assume the obligations and liabilities imposed upon the contractor in the form of a contract, but are expressly made certain of the representations and warrants made herein. No effort is made to emphasize any particular provision of the contract, but bidders must familiarize themselves with every provision and its effect. This Bid is subject to **General Terms and Conditions of the Invitation for Sealed Bids (Attachment A)** and the **Special General Provisions (Attachment B)**.

In consideration of the expense of the University of Guam of opening, tabulating, and evaluating this and other bids, and other considerations, the undersigned agrees that this bid shall remain firm and irrevocable within thirty (30) calendar days from the date of opening to supply any or all of items for which prices are quoted.

2. **BIDDER'S QUALIFICATIONS (Attachment C):** The University of Guam may require a bidder to present satisfactory evidence that he has sufficient experience and he is fully prepared, thus it is required that the bidder completely fill out the Bidder's Qualifications Form.

3. **NON-COLLUSION AFFIDAVIT (Attachment D):** Each person submitting a bid for any portion of the work covered by the bidding documents shall execute an affidavit, in the form provided with the Bid to the effect that he has not colluded with any other person, firm or corporation in regard to any bid submitted. Such affidavit shall be attached to the proposal.

4. **MAJOR SHAREHOLDERS AFFIDAVIT (Attachment E):** As a condition to submitting of bids or proposals, any partnership, sole proprietorship or corporation doing business with the University of Guam shall submit an affidavit that lists the name and address of any person who has held more than ten percent (10) of outstanding shares in said partnership, sole proprietorship or corporation at any time during the twelve (12) month period immediately preceding submission of a proposal. The affidavit shall contain the number of shares or the percentage of all assets of such partnership, sole proprietorship or corporation which have been held by each person during the twelve (12) month period. In addition, the affidavit shall contain the name and address of any person who has received or

is entitled to receive a commission, gratuity or other compensation for the procuring or assisting in obtaining business related to the bid or proposal for the Offeror and shall contain the amounts of any shall commission, gratuity or other compensation. The affidavit shall be open and available for inspection and copying.

5. RIGHT TO ACCEPT AND REJECT BIDS: The President of the University of Guam reserves the unqualified right, in his sole and absolute discretion, to reject any and all bids, or to accept that bid or combination of bids, if any, which in his sole and absolute judgment will under all circumstances best serve the interests of the University of Guam. In the event that the successful bidder fails to execute the contract upon his part or to furnish a satisfactory performance and payment bond, the University, after declaring the security deposit of such bidder forfeited, reserves the option to accept the bid of any other bidder within ten (10) days from such default, in which case such acceptance shall have the same effect as to such bidder as though he was the originally successful bidder.

6. MODIFICATIONS PRIOR TO DATE SET FOR OPENING BIDS: The University reserves the right to revise or amend the specifications prior to the date set for opening bids. Such revisions and amendments, if any, will be announced by an amendment or amendments to this Invitation for Bids and shall be identified as such. It is required that the bidders acknowledge in writing receipt of all amendments issued and such acknowledgment must be included in the bid. The amendment shall refer to the portions of the Invitation for Bids it amends. Amendments shall be sent to all prospective Bidders known to have received an Invitation for Bids. Amendments shall be distributed within a reasonable time to allow prospective Bidders to consider the amendment in preparing their Bids. If the time and date set for receipt of bids will not permit such preparation, such time shall be increased to the extent possible in the amendment or, if necessary, by facsimile, email or telephone and confirmed in the amendment.

7. METHOD OF AWARD: Bid shall be awarded to the [] highest-rated, [x] lowest, [] highest, responsible bidder. The University reserves the right to waive any minor information of irregularity in Bids received. The President shall have the authority to award or reject Bids, in whole or in part for any one or more items if he determines it is in the public interest.

Award issued to the [] highest-rated, [x] lowest, [] highest, responsible bidder within the specified time for acceptance as indicated in the Bid, results in a binding contract without further action by either party provided the successful bidder executes a formal contract with the University. In case of any error in the extension of prices, unit price will govern. It is the policy of the Government of Guam to award Bids to qualified local vendors.

8. SUBMISSION OF BIDS:

- a. Bids and modifications thereof shall be enclosed in sealed envelopes and addressed to the office specified in the Solicitation. The bidder shall show the hour and date specified in the Solicitation for receipt, the Solicitation number, and the name and address of the bidder on the face of the envelope.
- b. Telegraphic bids will not be considered unless authorized by the Solicitation. However, bids may be modified or withdrawn by written or telegraphic notice, provided such notice is received prior to the hour and date specified for receipt (see paragraph 9 of these instructions).
- c. Samples of items, when required, must be submitted within the time specified, unless otherwise specified by the University, at no expense to the University. If not destroyed by testing, samples will be returned at bidder's request and expense, unless otherwise specified by the Solicitation.
- d. Samples or descriptive literature should not be submitted unless it is required on this Solicitation. Regardless of any attempt by a bidder to condition the bid, unsolicited samples or descriptive literature will not be examined or tested at the bidder's risk, and will not be deemed to vary any of the provisions of this Solicitation.

9. FAILURE TO SUBMIT BID: If no bid is to be submitted, do not return the Solicitation unless otherwise specified. A letter or postcard shall be sent to the issuing office advising whether future Solicitations for the type of supplies or services covered by this Solicitation is desired.

ATTACHMENT A
GENERAL TERMS AND CONDITIONS OF THE INVITATION FOR BIDS

1. **COMPLIANCE WITH SPECIFICATIONS:** Bidder should comply with specifications outlined.

2. **LATE BIDS, LATE WITHDRAWALS, AND LATE MODIFICATIONS:**

Any bid received after the time and date set for receipt of bids is late. Any withdrawal or modification of a bid received after the time and date set for opening of bids at the place designated for opening is late. (Section 3.9.11.1, University of Guam Procurement Manual).

3. **DETERMINATION OF LOWEST RESPONSIBLE BIDDERS:** In determining lowest responsible bidder, the University shall be guided by the following:

- (a) Price of bid items.
- (b) The ability, capacity, and skill of the bidder to perform.
- (c) Whether the bidder can perform promptly or within the specified time.
- (d) The character, integrity, reputation, judgment, experience, and efficiency of the bidder.
- (e) The quality of performance of the bidder with regards to awards previously made to him.
- (f) The previous and existing compliance by the bidder with laws and regulations relative to procurement.
- (g) The sufficiency of the financial resources and ability of the bidder to perform.
- (h) The quality, availability, and adaptability of the supplies for the use of the subject of the award.
- (i) The ability of the bidder to provide future maintenance and services for the use of the subject of the award.
- (j) The number and scope of the conditions attached to the bid.

4. **LOW TIE BIDS:** Low tie bids are low responsive bids from responsible bidders that are identical in price and which meet all the requirements and criteria set forth in the Invitation for Bids. Award shall not be made by drawing lots, except as set forth UOG Procurement Regulations Section 3.9.15, or by dividing business among identical bidders.

5. **TAXES:** Bidders are cautioned that they are subject to Guam Business Privilege Taxes, including 4% Gross Receipt Tax and Guam Income Taxes on Guam Transactions. Specific information of taxes may be obtained from the Director of Revenue and Taxation.

6. **Licensing:** Bidders are cautioned that the University will not consider for award any Bid Offer submitted by a bidder who has not complied with Guam Licensing Law. Evidence of required licenses must be provided in order for a bid to be considered. Specific information on licenses may be obtained from the Director of Revenue and Taxation.

7. **EQUAL EMPLOYMENT OPPORTUNITY:** Section 3.01(1) of the President Executive Order No. 10935 dated March 7, 1965, requires the bidder not to discriminate against any employee or applicant for employment because of race, creed, color or national origin. The bidder will take affirmative action to ensure that applicants are employed and the employees are treated equally during employment without regard to their race, creed, color or national origin.

8. **DETERMINATION OF RESPONSIBILITY OF BIDDER:** The University reserves the right for securing from bidders information necessary to determine whether or not they are responsible and to determine the responsibility in accordance with Section 3 of the General Terms and Conditions.

9. **JUSTIFICATION OF DELAY:** Vendors who are awarded items under the Bid guarantee that the goods will be delivered to their destination within the time specified. If the vendor is not able to meet the specified delivery date, he is required to notify the purchasing agent of such delay. Notification shall be in writing and should be received by the agent at least twenty-four (24) hours before the specified delivery date. Notification of delay shall include an explanation of the causes and reasons for the delay including statement(s) from supplier or shipping company causing the delay. The University of Guam

reserves the right to reject delay justification if in the opinion of the President such justification is not adequate.

10. EQUAL OPPORTUNITY EMPLOYER AND PROVIDER: It is the policy of the University of Guam to provide equal opportunity in its higher educational mission and as employer. The University complies with all federal and local statutes, rules and regulations which prohibit discrimination in its policies and practices and direct affirmative action, including but not limited to Titles VII and IX of the Civil Rights Act of 1964 (as amended), Executive Order 11246, and the Equal Pay act of 1963 (as amended). The University shall promote a full realization of equal opportunity through a positive, continuing program, including a requirement that those doing business with the University also are equal opportunity employers.

11. Employment Restriction: If a contract for services is awarded to the bidder or offeror, then the service provider must warrant that no person in its employment who has been convicted of a sex offense under the provisions of Chapter 25 of Title 9 of the Guam Code Annotated or of an offense defined in Article 2 of Chapter 28 of Title 9 of the Guam Code Annotated, or who has been convicted in any other jurisdiction of an offense with the same elements as heretofore define, or who is listed on the Sex Offender Registry, shall provide services on behalf of the service provider while on University of Guam property, with the exception of public highways. If any employee of a service provider is providing services on university property and is convicted subsequent to an award of a contract, then the service provider warrants that it will notify the University of the Conviction, within twenty-four hours of the conviction, and will immediately remove such convicted person from providing services on university property. If the service provider is found to be in violation of any of the provisions of this paragraph, then the University will give notice to the service provider to take corrective action. The service provider shall take corrective action within twenty-four hours of notice from the University, and the service provider shall notify the University when action has been taken. If the service provider fails to take corrective steps within twenty-four hours of notice from the University, then the University in its sole discretion may suspend temporarily any contract for services until corrective action has been taken.

12. (X) (Required if checked) BID SECURITY REQUIREMENT (Attachment F): Bidder is required to submit a Bid Security or standby irrevocable Letter of Credit or Certified Check or Cashier's Check in the same bid envelope to be held by the University of Guam (UOG). The bid security required under any applicable invitation for Bid shall not be released upon award of the bid, but instead shall continue in full force and effect until delivery of the supplies or services required by any contract awarded to contractor under the associated Invitation for Bid is completed. The Bid Security, Letter of Credit Certified Check or Cashier's Check must be issued by any local surety or banking institution licensed to do business on Guam and made payable to the University of Guam in the amount of fifteen percent (15%) of the total amount bid. The Bid Security must be submitted on UOG Bid Security Form (a copy is enclosed). Personal Checks will not be accepted as Bid Security. If a successful Bidder (contractor) withdraws from the bid or fails to enter into contract within the prescribed time, such Bid guarantee will be forfeited to the University of Guam. Bids will be disqualified if not accompanied by Bid Security, Letter of Credit, Certified Check or Cashier's Check. Bidder must include in his/her bid, valid copies of a Power of Attorney from the Surety and a Certificate of Authority from the Government of Guam to show proof that the surety company named on the bond instrument is authorized by the Government of Guam and qualified to do business on Guam. For detailed information on bonding matters, contact the Department of Revenue and Taxation. Failure to submit a valid Power of Attorney and Certificate of Authority on the surety is cause for rejection of bid. (Pursuant to Public Law 27-127, all competitive sealed bidding for the procurement of supplies or services, exceeding \$25,000.00, a 15% Bid Security of the total bid price must accompany the bid package.) When the Invitation for Bids requires bid security, non compliance requires that the bid be rejected unless, pursuant to Policy Office regulations, it is determined that the bid fails to comply in a non-substantial manner with the security requirements.

**ATTACHMENT B
SPECIAL GENERAL PROVISIONS**

1. GENERAL INTENTION: It is the declared and acknowledged intention and meaning of this Special General Provision for the Bidder to provide the University of Guam with materials, supplies, or equipment completely assembled, and ready for use.

2. COMPETENCY OF BIDDERS: Bids will be considered only from such bidders who, in the opinion of the University, can show evidence of their ability, experience, and facilities to render satisfactory service.

3. CONTACT FOR CONTRACT ADMINISTRATION: If your firm receives a contract as a result of this invitation, please designate a person whom we may contact for prompt administration.

NAME: _____ **TITLE:** _____

ADDRESS: _____ **TEL:** _____

4. INSPECTION: All supplies, materials, or equipment delivered under this contract shall be subject to the inspection and test conducted by the University at destination. If, in any case, the supplies, materials, or equipment are found to be defective in material, workmanship, performance or otherwise does not conform to the specifications, the University shall have the right to reject the items or require that they be corrected. The number of days required for correction will be determined by the University of Guam.

5. BID FORMS: Each bidder shall be provided with two (2) sets of bid forms. Additional copies may be provided upon request. Bidders requesting additional copies of bid forms will be charged \$1.00 per page. All payments for this purpose shall be by cash, certified check, or money order and shall be made payable to the University of Guam.

6. BID ENVELOPE: Bid envelopes shall be sealed and marked with the bidder's name, bid invitation number, time of bid opening, date of bid opening and place of bid opening. An original and a copy of the bid submission must be in the bid envelope.

NOTE: UNDER NO CIRCUMSTANCES WILL LATE BIDS BE ACCEPTED BY THIS OFFICE.

7. RECEIPT, OPENING AND RECORDING OF BIDS: Bids and modifications shall be publicly opened in the presence of one or more witnesses, at the time, date, and place designated in the Invitation for Bid. The name of each bidder, the bid price, and such other information as is deemed appropriate by the Procurement Officer, shall be read aloud and recorded, or otherwise made available. The names and addresses of required witnesses shall be recorded at the opening. The opened bids shall be available for public inspection except to the extent the bidder designates trade secrets or other proprietary data to be confidential as set forth in accordance with Section 9, below. Materials so designated shall accompany the bid and shall be readily separable from the bid in order to facilitate public inspection of the non-confidential portion of the bid. Prices, makes and models or catalogue numbers of the items offered, deliveries, and terms of payment shall be publicly available at the time of bid opening regardless of any designation to the contrary.

8. CONFIDENTIAL DATA: The Procurement Officer shall examine the bids to determine the validity of any requests for nondisclosure of trade secrets and other proprietary data identified in writing. If the parties do not agree as to the disclosure of data, the Procurement Officer shall inform the bidders in writing what portions of the bid will be disclosed and that, unless the bidders protest under Chapter 9 of UOG Procurement Regulations, the bids will be so disclosed. The bids shall be opened to public inspection subject to any continuing prohibition on the disclosure of confidential data.

9. INQUIRIES: All inquiries or questions and concerns must be submitted to the President of the University of Guam in writing. Oral communications will not be considered.

ATTACHMENT C
BIDDER'S QUALIFICATIONS

To be submitted in accordance with the provisions set forth in the INSTRUCTIONS TO BIDDERS contained in the bidding documents for the project.

The undersigned Bidder makes the following representations relating to its proposal to the UNIVERSITY OF GUAM.

The word "it", used herein by way of reference to the undersigned, shall be deemed to mean "he or she" if the Bidder is an individual and "they" if the Bidder is a partnership

1. It maintains a permanent place of business at

2. STANDARD FOR DETERMINATION OF QUALIFIED BIDDER: In order to qualify as responsible, a prospective bidder must meet the following standards as they relate to the particular procurement under consideration:

- (a) Has adequate financial resources for performance, or has the ability to obtain such resources as required during performance.
- (b) Has the necessary experience, organization, technical qualifications, skills, and facilities, or has the ability to obtain them.
- (c) Is able to comply with the proposed or required performance schedule.
- (d) Has a satisfactory record of integrity, judgment, and performance.
- (e) Must be able to conform to the requirements of the Equal Employment Opportunity Act.

3. It hereby represents and warrants that all statements set forth herein are true and correct. (If the Bidder is a partnership, the partnership name must be signed, followed by the signature of at least one of the partners. If the Bidder is a corporation, the corporate name must be signed, followed by the signature of a duly authorized officer and the corporate seal affixed. A typewritten copy of all such names and signatures shall be appended. No alterations, erasures, corrections or interlineations will be permitted).

NAME OF BIDDER

ATTACHMENT E
MAJOR SHAREHOLDER DISCLOSURE AFFIDAVIT

TERRITORY OF GUAM)
) ss.
 Hagatna, Guam)

I, the undersigned, _____
 (a Partner or Officer of the Firm of, etc.)

Being first duly sworn deposes and says:

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

<u>NAME</u>	<u>ADDRESS</u>	<u>Percentage of Shares held</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
TOTAL NUMBER OF SHARES		_____

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

<u>NAME</u>	<u>ADDRESS</u>	<u>Amount of Commission or other Compensation</u>
_____	_____	_____

Further, affiant sayeth naught.

Date: _____

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

Subscribed and sworn to before me

This _____ day of _____, _____

 Notary Public

My commission expires _____

ATTACHMENT F
BID SECURITY

BID BOND
No. _____

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

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

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

Signed and sealed this _____ day of _____, 20_____

(PRINCIPAL) (SEAL)

(WITNESS)

(TITLE)

(MAJOR OFFICER OF SURETY)

(TITLE)

(MAJOR OFFICER OF SURETY)

(TITLE)

(RESIDENT GENERAL AGENT)

EXHIBIT A
BID SPECIFICATIONS
Bid P11-08

SCOPE OF WORK: CUSTODIAL SERVICES FOR DORM II & DORM III
Student Housing Office
University of Guam, Mangilao, Guam

I. CLEANING TASKS

A. DAILY CLEANING (*Common Areas: Hallways, Conference Rooms, Computer Rooms, TV Lounges, Recreation Rooms, Stairways, Kitchens, Restrooms, and Grounds*)

- Sweep and mop all floors and sanitize.
- Vacuum carpets and sanitize.
- Clean stairways, handrails, and sanitize.
- Clean walls and sanitize.
- Clear lint, wipe laundry machines and sanitize.
- Empty and re-line indoor and outdoor trash cans and sanitize.
- Clean kitchen tables, chairs, counters, and sinks.
- Clean shower stall and floor tiles.
- Clean restroom sinks, counters, toilets, and floor.
- Sanitize and deodorize kitchens and restrooms.
- Pick up trash and debris around buildings.
- Wipe and clean windows (inside and outside) at the TV lounge area in Dorm II.

B. WEEKLY CLEANING (Common Areas and Student Housing Office)

- Clean window glass and louvers.
- Clean and sanitize couches.
- Clean inside and out all stoves, hoods, refrigerators, freezers, microwaves, and sanitize.

C. MONTHLY CLEANING (Common Areas)

- Clean off ceiling dust, cobwebs, etc...
- Clean air condition vents.

D. BI-ANNUAL CLEANING (Every Six Months)

- Clean light fixtures.
- Strip and wax common areas and resident rooms (resident rooms waxed as needed).
- Clean storage rooms.

E. "AS-NEEDED" CLEANING

- Refill soap, paper towel, and toilet paper dispensers.
- Clean window screens.
- Clean restroom window ledges.
- Clean restroom light fixtures.
- Clean restroom ceilings.
- Clean debris and sweep outdoor sidewalks.
- Clean debris from parking lots.

II. GENERAL REQUIREMENTS

1. The proposal shall include the following options:
 - a) Total cost with supplies and materials; and,
 - b) Total cost without supplies and materials.

2. All supplies (toilet tissues and paper towels) shall be provided by the Student Housing Office.
3. All cleaning products shall be provided by the Student Housing Office.
4. All plastic trash bags will be provided by the contractor.
5. All equipment shall be in compliance with approved industry standards.
6. Perform cleaning tasks on a preventive basis to cut costs on materials and labor.
7. Schedule projects and maintain accurate records to define what projects are to be performed and scheduled.
8. A copy of the work schedule shall be provided to the Student Housing Office.
9. All custodians shall complete a checklist of tasks on a daily basis and submit it to the Student Housing Office on the following work day (the checklist will be provided by the Student Housing Office).
10. All work must begin promptly at 7:30 AM and finish by 5:30 PM on a daily basis.
11. In the event of a natural disaster, no additional fees shall be charged by the contractor.

--

**UNIVERSITY OF GUAM
BIDDERS REGISTER
PRE-BID CONFERENCE**

IFB BID NUMBER: P11-08 STUDENT HOUSEING CUSTODIAL SVRS

DATE: January 21, 2008

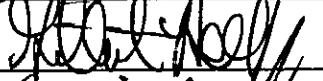
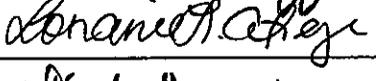
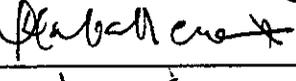
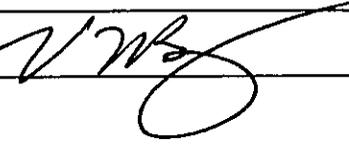
AMENDMENT NUMBER AND DATE ISSUED: _____

TIME: 10:00 a.m.

BID OPENING DATE: January 31, 2008

TIME: 2:00 p.m.

PLEASE PRINT ALL INFORMATION

COMPANY NAME	FULL NAME	SIGNATURE	DATE	TIME	PHONE/FAX NUMBER	E MAIL ADDRESS
IFI POWER SAVERS	ANTONIO A. ESPIRITU		1/21/08	10:00 AM	646-7311 646-2336	ifi@kwestps.guam.net
Advance Management	ANTHONY GUERRERO		1/21/08	10am	649-6488 646-3739	anthony.guerrero@amiguar.m.gu
UOG Student Housing	Gilbert Robles		1/21/08	10am	7352260	gilbertroblesjr@hotmail.com
UOG Student Housing	Lorraine Catienza		1/21/08	10am	7352260	lorrainecatienza@gmail.com
GUAM cleaning masters	KATRINA CABALLERO		1/21/08	10:10	646-2002 646-4707 (F)	gcmeps@teleguam.net
BJS RSC	BJS CATIENZA			10:20	632-8487	BJS QUALITY CATERING.COM
Free UOG SMA	VICENTE T. BORJES					

UNIVERSITY OF GUAM, MANGILAO, GUAM

ABSTRACT ANALYSIS FOR UOG BID NO. P11-08, Student Housing Custodial Services

DATE ISSUED: January 16, 2008 DATE ADVERTISED: January 17, 2008
 BID OPENING: January 31, 2008 Amendment: Number 1, issued January 29, 2008
 DATE/TIME OPENED: Thursday, February 7, 2008/2:00 p.m.

This BID is requested for: Lowest Responsive bidder

Vendor Name:	Time date Rec'd	Business License	Bidder's Qualification	Affidavit Non-Collusion	Affidavit Major Shareholders	Bid Sec.	Bid Total
1. Guam Cleaning Masters	1:35 pm 2/7/08	X	X	X	X	X	\$66,600.00
2. ITI Power Savers	1:52 pm 2/7/08		X	X	X		\$ 7,945.-
3.							

Amnd
1
X
X
supplies (Materials)

TABULATORS:

V. T. BORJA, SMA UOG PROCUREMENT
 CARLOS IRIARTE, BUYER II, UOG PROCUREMENT

ATTENDEES:

Name	Name of Company
ALEX THOMAS	S.C.M.
ANTONIO ESPIRITU	ITI POWER SAVERS

(X) Third bidder did not make the submittal on time.
 [Signature]



UNIVERSITY OF GUAM
UNIBETSEDAT GUAHAN

Administration and Finance
Consolidated Procurement Office

February 11, 2008

Memorandum

TO: Dr. Helen J.D. Whippy, Interim President
VIA: Mr. David O'Brien, Vice President, Administration and Finance
Ms. Zeny Nace, Comptroller
FROM: Mr. Vicente T. Borja, Supply Management Administrator
SUBJECT: Bid Analysis on UOG Bid No. P11-08, Student Housing Custodial Services

UOG Bid No. P11-08 was announced January 17, 2008. There was one amendment issued January 29, 2008 extending bid opening date to February 7, 2008. The bid was opened on Thursday, February 7, 2008 at 2:00 p.m. at the UOG Procurement Office. There were six (6) prospective bidders that picked up a bid package. Four attended the mandatory Pre-Bid Conference on January 21, 2008. Two (2) bidders submitted their bid package on time i.e. Guam Cleaning Masters, and ITI Power Savers. Two (2) other bidders arrived late (after 2:00 p.m.), therefore their bid packages were rejected (unopened).

<u>Company</u>	<u>Bid offer</u>	<u>Item Description/Quantity</u>
1. Guam Cleaning Masters	\$ 5,555.55 monthly \$66,666.60 annually	Custodial Services Student Housing (includes labor and cleaning products (cleaning chemicals and trash bags)
2, ITI Power Savers	\$7,945.00 monthly	Rejected due to non-compliance with Bid Security requirement

The Procurement Office and Student Housing staffs have reviewed the sealed bid submissions from two bidders and recommend Guam Cleaning Masters for the award. ITI Power Savers' submission was rejected due to non-compliance with Bid Security requirements. Guam Cleaning Masters' submission is in compliance with the bid specifications and UOG Procurement Regulations Article 3.9.3 and was considered the lowest and responsible bidder.

All awarding of the bid will be subject to availability of funds.

Attendees in the bid opening proceeding:

UOG

Vicente T. Borja – SMA, Procurement Office
Carlos Iriarte – Buyer II Procurement Office

Bidder(s)

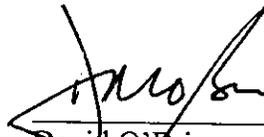
Alex Thomas – Guam Cleaning Masters
Antonio Espiritu – ITI Power Savers

CONCUR


2/11/08

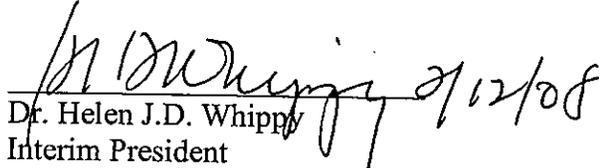
Ms. Zeny Nace
Interim Comptroller

CONCUR


2/12/08

David O'Brien
Vice President, Administration and Finance

APPROVED/DISAPPROVED


2/12/08

Dr. Helen J.D. Whippy
Interim President

Attachment: Bid Analysis

UNIVERSITY OF GUAM, MANGILAO, GUAM

ABSTRACT ANALYSIS FOR UOG BID NO. P11-08, Student Housing Custodial Services

DATE ISSUED: January 16, 2008

DATE ADVERTISED: January 17, 2008

BID OPENING: January 31, 2008

Amendment: Number 1, issued January 29, 2008

DATE/TIME OPENED: Thursday, February 7, 2008/2:00 p.m.

This BID is requested for: Lowest Responsive bidder

Vendor Name:	Time date Rec'd	Business License	Bidder's Qualification	Affidavit Non-Collusion	Affidavit Major Shareholders	Bid Sec.	Bid Total
1. Guam Cleaning Masters	11:35pm 2/7/08	X	X	X	X	X	\$16,600.00
2. ITI Power Savers	1:52 pm 2/7/08		X	X	X		\$ 7,945.7
(X) 3.							

Amend
1
X
X
supplies (Masters)

TABULATORS:

V. T. BORJA, SMA UOG PROCUREMENT
 CARLOS IRIARTE, BUYER II, UOG PROCUREMENT

ATTENDEES:

Name of Company	
ALEX THOMAS	C.S.C.M.
ANTONIO ESPIRITU	ITI POWER SAVERS

(X) Third bidder did not make the submittal on time.

ET:



UNIVERSITY OF GUAM
UNIBETSEDÁT GUAHAN

Administration and Finance

Consolidated Procurement Office

February 29, 2008

Mr. Alex Thomas
Owner/President
Guam Cleaning Master
P.O. Box 9500
Dededo, Guam 969129
Fax: 646-4707

Subject: Bid Status re UOG Bid No. P11-08, Student Housing Custodial Services (Bid Opened Thursday, February 7, 2008 at 2:00 p.m.)

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

- Cancelled (in its entirety), or partially cancelled due to:
 - Insufficient funds;
 - Change of specifications; or
 - Insufficient number of bidders
- Rejected due to:
 - Late submission of bid;
 - No bid security or insufficient bid security amount submitted; as required by General Terms and Conditions;
 - Not meeting the delivery requirement as stated in the IFB
 - Non-conformance with the specifications;
 - Inability to provide future maintenance and services to the equipment;
 - High price; or
 - Others: _____
- Bid is recommended for award to:

You can stop by Procurement Office between the hours of 9:00 a.m. and 4:00 p.m. Monday through Friday to pick up your **CHASIER'S CHECK**. Please contact Mr. Ben Borja at 735-2925 for any questions or concerns.

Sincerely,


Helen J.D. Whippy
Interim President

Acknowledgement Receipt: Please fax back to 734-3118

Guam Cleaning Masters

Transmission Report

Date/Time
Local ID 1
Local ID 2

03-04-2008
6717343118

11:56:46 a.m.

Transmit Header Text
Local Name 1
Local Name 2

UOG BUSINESS OFFICE
BUSINESS OFFICE

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



UNIVERSITY OF GUAM
UNIBETSEDAT GUAHAN

Administration and Finance
Consolidated Procurement Office
February 29, 2008

Mr. Alex Thomas
Owner/President
Guam Cleaning Master
P.O. Box 9500
Dededo, Guam 969129
Fax: 646-4707

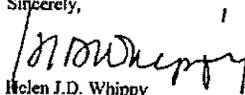
Subject: Bid Status re UOG Bid No. P11-08, Student Housing Custodial Services (Bid Opened Thursday, February 7, 2008 at 2:00 p.m.)

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

- Cancelled (in its entirety), or partially cancelled due to:
- Insufficient funds;
 - Change of specifications; or
 - Insufficient number of bidders
- Rejected due to:
- Late submission of bid;
 - No bid security or insufficient bid security amount submitted; as required by General Terms and Conditions;
 - Not meeting the delivery requirement as stated in the IFB
 - Non-conformance with the specifications;
 - Inability to provide future maintenance and services to the equipment;
 - High price; or
 - Others: _____
- Bid is recommended for award to:

You can stop by Procurement Office between the hours of 9:00 a.m. and 4:00 p.m. Monday through Friday to pick up your **CHASER'S CHECK**. Please contact Mr. Ben Borja at 735-2925 for any questions or concerns.

Sincerely,


Helen J.D. Whippy
Interim President

Acknowledgement Receipt: Please fax back to 734-3118

Guam Cleaning Masters

UOG Station, Mangilao, Guam 96923 Tel. (671) 735-2925 Fax. (671) 734-3118
A U.S. Land Grant Institution accredited by the Western Association of Schools and Colleges
The University of Guam is an equal opportunity provider and employer.

Total Pages Scanned : 1

Total Pages Confirmed : 1

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	183	6464707	11:56:09 a.m. 03-04-2008	00:00:12	1/1	1	EC	HS	CP28800

Abbreviations:

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

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

MP: Mailbox print
CP: Completed
FA: Fail

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

G3: Group 3
EC: Error Correct



UNIVERSITY OF GUAM
UNIBETSEDAT GUAHAN

Administration and Finance

Consolidated Procurement Office

February 29, 2008

Mr. Alex Thomas
Owner/President
Guam Cleaning Master
P.O. Box 9500
Deledo, Guam 969129
Fax: 646-4707

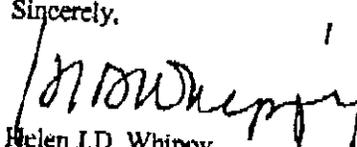
Subject: Bid Status re UOG Bid No. P11-08, Student Housing Custodial Services (Bid Opened Thursday, February 7, 2008 at 2:00 p.m.)

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

- Cancelled (in its entirety), or partially cancelled due to:
- Insufficient funds;
 - Change of specifications; or
 - Insufficient number of bidders
- Rejected due to:
- Late submission of bid;
 - No bid security or insufficient bid security amount submitted; as required by General Terms and Conditions;
 - Not meeting the delivery requirement as stated in the IFB
 - Non-conformance with the specifications;
 - Inability to provide future maintenance and services to the equipment;
 - High price; or
 - Others: _____
- Bid is recommended for award to: _____

You can stop by Procurement Office between the hours of 9:00 a.m. and 4:00 p.m. Monday through Friday to pick up your CHASLER'S CHECK. Please contact Mr. Ben Borja at 735-2925 for any questions or concerns.

Sincerely,


Helen J.D. Whippy
Interim President

Acknowledgement Receipt: Please fax back to 734-3118


Guam Cleaning Masters

UOG Station, Mangilao, Guam 96923 Tel. (671) 735,2925 Fax. (671) 734,3118
A U.S. Land Grant Institution accredited by the Western Association of Schools and Colleges
The University of Guam is an equal opportunity provider and employer.



GUAM CLEANING MASTERS

Tel: (671) 646-2002 Fax: (671) 646-4707
PO Box 9500 Dededo, Guam 96929
guamcleaningmasters@yahoo.com
www.guamcleaningmasters.com



March 12, 2008

Dr. Helen J.D. Whippy
Interim President
University of Guam
UOG Station
Mangilao, Guam 96923

Subject: Bid Protest re: UOG Bid No. P11-08

Dear Interim President:

Guam Cleaning Masters ("GCM") hereby submits this bid protest pursuant to the Guam Procurement Law (5 G.C.A. § 5425(a)) for the cancellation of UOG Bid No. P11-08 for Student Housing Custodial Services. The bases for this bid protest include:

1. sufficient funds existing to award bid to GCM;
2. GCM lowest and most qualified bidder;
3. basis for cancellation unsupported by factual and legal authority for UOG to award bid;
4. failure to initially fund procurement given past UOG bid history and experience;
5. discriminatory treatment in attempt to extend bid opening for 2 other companies by UOG officials presiding at the opening, and cancellation of bid when GCM only responsive & qualified lowest bidder; *and*
6. on information & belief bid is being conducted by private vendor without a bid during bid protest period.

We request that the University of Guam resolve this matter under your authority to resolve disputes by awarding this bid to GCM. (5 G.C.A. § 5425(b)).

In order to resolve this situation under the aforementioned authority of the chief procurement officer, the fact GCM was the only qualified and lowest bidder, and under the authority of 5 G.C.A. § 5350(b) (*Price Adjustments*), GCM provides 2 options. The first option proposes that GCM will perform the work at the (purported) UOG budgeted price of \$52,990.00 *provided* that UOG supplies the materials.

To
Comptroller
SMA - Procurement
Vicki will be handling
Jdl
3/12/08

The second proposes that if GCM does not have to provide a performance bond, then it can provide the services and materials at the budgeted price of \$52,990.00. Attachments are provided of the 2 options to resolve this matter.

GCM further requests its costs be reimbursed in the amount identified in the attachment herein pursuant to 5 G.C.A. § 5425(h)(1).

Please do not hesitate to call upon us if it might assist in resolving this bid protest. Thank you.

Sincerely,



Karen C. Caballero
Operations / Finance Manager

Attachments

cc: Douglas B. Moylan, Esq.
Counsel, Guam Cleaning Masters



GUAM CLEANING MASTERS

Tel: (671) 646-2002 Fax: (671) 646-4707
PO Box 9500 Dededo, Guam 96929
guamcleaningmasters@yahoo.com
www.guamcleaningmasters.com



UOG Price Breakdown base on the \$52,990.00 Budget OPTION I
This option is with a Bid Bonding required \$7,949.85

Work Schedule 7 Days a week

7:00am - 11:00am 4 hours
2:00pm - 5:00pm 3 hours

7 hours a day

Labor Calculation

$$7 \text{ hours a day} \times 7 \text{ days a week} = 49 \text{ hours man hours a week}$$

49 hours a week
X 52 weeks for 1 year

2,548 man hours a year

2,548 man hours a year
X \$11.28 per hour base on the wage determination law

\$28,741.44 Labor cost for 1 year

\$28,741.44 Labor cost a year
/ 12 months

\$2,395.12 Labor cost per month

From the \$52,990.00 UOG Budget minus the labor cost for a year of \$28,741.44 we still have \$24,248.56

The following expenses are still needed to be deducted

Other cost

Holiday Pay which is double pay

Taxes

Supervisor Salary

Administrative cost

Lawyers Fee

Strip and Waxing labor cost every quarter

*****NOTE***** Guam Cleaning Masters only will provide labor only. UOG will provide all necessary chemicals and supplies including all paper products and wax to be used.



UOG Price Breakdown base on the \$52,990.00 Budget OPTION 2

****This option is with no Bid Bond required**

Work Schedule 7 Days a week

7:00am - 11:00am 4 hours
 2:00pm - 5:00pm 3 hours

7 hours a day

Labor Calculation

7 hours a day X 7 days a week = 49 hours man hours a week

49 hours a week
 X 52 weeks for 1 year

2,548 man hours a year

2,548 man hours a year
 X \$11.28 per hour base on the wage determination law

\$28,741.44 Labor cost for 1 year

\$28,741.44 Labor cost a year

/ 12 months

\$2,395.12 Labor cost per month

From the \$52,990.00 UOG Budget minus the labor cost for a year of \$28,741.44 we still have \$24,248.56

The following expenses are still needed to be deducted

Other cost

Holiday Pay which is double pay

Taxes

Supervisor Salary

Administrative cost

Lawyers Fee

Strip and Waxing cost every quarter and supplies to be used

****NOTE** UOG can provide GCM P.O for the first 5 months and provide an ammednment until contract finished it's 1 year contract. By waiving othe Bid Bond GCM can provide all labor, chemical and supplies needed excluding all paper products.**



GUAM CLEANING MASTERS



Tel: (671) 646-2002 Fax: (671) 646-4707
PO Box 9500 Dededo, Guam 96929
guamcleaningmasters@yahoo.com
www.guamcleaningmasters.com

UOG BID Cost

Labor Cost	\$425.00
Bid Package Cost	\$25.00
Notary Cost	\$30.00
Cashiers Check Fee	\$8.00
Other Misc. Fee	\$125.00
	\$613.00



UNIVERSITY OF GUAM
UNIBETSEDÁT GUAHAN

OFFICE OF THE PRESIDENT

UOG Station, Mangilao, Guam 96923
Telephone: (671) 735-2990 • Fax: (671) 734-2296

March 17, 2008

Karen C. Caballero, Operations/Finance Manager
Guam Cleaning Masters
PO Box 9500
Dededo, Guam 96929
FAX: (671) 646-4707

Re: UOG Bid No. P11-08 Protest

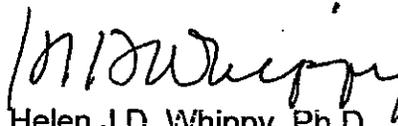
Dear Ms. Caballero:

This is to acknowledge receipt of your protest of UOG Bid No. P11-08 dated March 12, 2008. Please provide relevant documentation or information as expeditiously as possible in support of your allegations as follows:

1. Basis for cancellation unsupported by factual and legal authority for UOG to award bid;
2. Failure to initially fund procurement given past UOG bid history and experience;
3. Discriminatory treatment in an attempt to extend bid opening for two (2) other companies by UOG officials presiding at the opening, and cancellation of bid when GCM only responsive & qualified lowest bidder; and
4. On information and belief bid is being conducted by private vendor without a bid during bid protest period.

Pursuant to the University of Guam Procurement Manual, § 9.2.7.1, "[A] decision on a protest shall be made by the President as expeditiously as possible after receiving all relevant, requested information." We look forward to receiving information that may substantiate your allegations listed above.

Sincerely,


Helen J.D. Whippy, Ph.D.
Interim President



GUAM CLEANING MASTERS

Tel: (671) 646-2002 Fax: (671) 646-4707
PO Box 9500 Dededo, Guam 96929
guamcleaningmasters@yahoo.com
www.guamcleaningmasters.com



March 25, 2008

Dr. Helen J.D. Whippy
Interim President
University of Guam
UOG Station
Mangilao, Guam 96923

Subject: Bid Protest re: UOG Bid No. P11-08

Dear Interim President:

Thank you for your March 17, 2008 letter requesting relevant documentation to support our bid protest.

UOG's basis in which the aforementioned bid was cancelled was unavailability of funds. However, not only does the University have the authority to transfer funds to support this bid, but it had at least 2 past bids for the same or similar materials and services which provided UOG with a reasonable basis in which to plan, appropriate and award Guam Cleaning Masters its actual bid amount. The cancellation was not reasonably supported by an unavailability of funds.

Events transpired at the actual bid opening which support an allegation of the bid being rigged to give it to another bidder. Those include GCM having to protest the UOG officials' keeping the bid opening open longer than the appointed time, and GCM's President having to remind UOG's experienced procurement official's that the other bidder did not qualify.

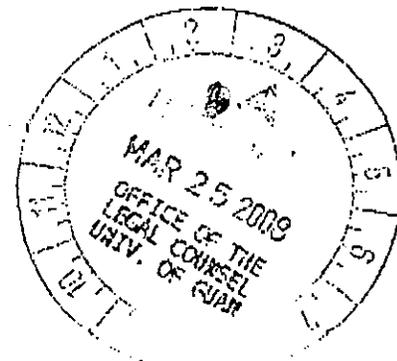
The documentation you request supporting GCM's protest are in UOG's possession, and will be subpoenaed at the appropriate time in the event that GCM's protest is denied. Several documents have already been provided to GCM's counsel per GCM's recent Sunshine Act requests.

GCM respectfully requests that UOG properly award this bid to the lowest and most qualified bidder, that is GCM, under the Guam Procurement Law. Thank you.

Sincerely,

Karen G. Caballero
Operations / Finance Manager

cc: Douglas B. Moylan, Esq.
Counsel, Guam Cleaning Masters





**UNIVERSITY OF GUAM
UNIBETSEDAT GUAHAN**

OFFICE OF THE PRESIDENT
UOG Station, Mangilao, Guam 96923
Telephone: (671) 735-2990 • Fax: (671) 734-2296

March 31, 2008

Karen C. Caballero, Operations/Finance Manager
Guam Cleaning Masters
PO Box 9500
Dededo, Guam 96929
FAX: (671) 646-4707

Re: UOG Bid No. P11-08 Protest

Dear Ms. Caballero:

This is to acknowledge receipt of your response letter dated March 25, 2008. In my letter of March 17, 2008, in order to evaluate your protest and make a determination, I asked that you provide relevant documentation or information regarding the allegations of your Protest of the University of Guam (UOG or University) Bid No. P11-08.

With respect to your allegation that the "Basis for cancellation unsupported by factual and legal authority for UOG to award bid", your response was that UOG's basis for cancellation was unavailability of funds, and that UOG has transfer authority to support this bid. You further state that previous bids have provided UOG with a reasonable basis to plan its actual bid amount.

The document from the UOG Consolidated Procurement Office provided to GCM legal counsel dated February 29, 2008 indicates that UOG Bid No. P11-08 was cancelled on the basis of "insufficient funds", which is different from your stated allegation of "unavailability of funds". Funding was available to support the issuance of UOG Bid No. P11-08. The record also shows that UOG had an estimated funding of \$40,000 budgeted for this purpose. UOG has the discretion to transfer funding as it deems necessary, but did not exercise that authority in this case, as the University determined it would not be appropriate to adjust quantities to come within available funds. UOG Procurement Regulation 3.15.4.2 gives the University the authority to reject bids in whole or in part when prices exceed available funds, which is the situation in this case. The University had an estimated \$40,000 in available funds, but it was insufficient to meet GCM's bid of over \$66,000, in spite of the fact that GCM was considered the lowest responsible bidder. The \$52,990 figure that is indicated in the documents you received was the total amount budgeted for FY08. This amount was reduced by approximately \$10,000 already spent prior to the solicitation of the bid. In reality, UOG had \$42,519 that was not committed in that budget category, as shown on the Student Housing Budget and Actual Summary provided to GCM legal counsel previously.

With respect to your allegation of discriminatory treatment in an attempt to extend the bid opening for two other companies by UOG officials presiding at the opening, and the cancellation of the bid, my investigation shows that two other companies were late for the bid opening and were thus deemed as late submissions and not accepted by the UOG Procurement Office. The only two bid

submissions were GCM and ITI-Power Savers. The bid was cancelled because both bidders' prices exceeded available funds for the bid. There was no evidence of an attempt to delay the bid opening or extend the timelines.

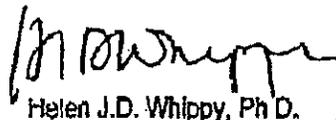
Further, there is no information to believe that the bid was "rigged" or that the services were being provided by a private vendor without a bid during the bid protest. While there was some discussion after cancellation of the bid that the services could be contracted with Asmuyao, a non-profit corporation that employs sheltered or disabled workers, as allowed by law, no contract has been awarded to any vendor at this time for these services.

In response to my request for the production of information and documents to support your allegations, your response was that those documents are in UOG's possession and in GCM's counsel's possession, and will be subpoenaed at the appropriate time, should this protest be denied. Please be advised that my decision regarding this protest is based on receipt of all relevant and requested information from the protesting entity. Because you have not submitted any requested supporting documentation, and based on my inquiry regarding the information you provided of discriminatory treatment, it is my decision that UOG followed all applicable laws and regulations and acted in its best interests in canceling the bid, given that both bidders' prices exceeded the available amount, as allowed by UOG regulations. Any subsequent proposed options to UOG which were received after cancellation of the bid are not allowed by law.

Therefore, your Protest of UOG Bid No. P11-08 has been evaluated, based on documentation you provided and a review of the committee's actions and is therefore denied. You have the right to further administrative and judicial review. However, I also believe it is in the best interest of the University and to potential bidders, including GCM, that the bid be re-solicited to further ensure the continuing fair and equitable treatment of all persons who deal with procurement and to foster effective broad-based competition within the free enterprise system. In order to ensure that is so, I will direct the Procurement Office to re-issue the bid, and I would encourage GCM to use this opportunity to compete on the re-solicitation, to include the proposed options as was mentioned above.

The University is committed to fair and equitable treatment during all procurement transactions. Thank you for your attention to this matter.

Sincerely,



Helen J.D. Whippy, Ph.D.
Interim President



GUAM CLEANING MASTERS

Tel: (671) 646-2002 Fax: (671) 646-4707
 PO Box 9500 Dededo, Guam 96929
 guamcleaningmasters@yahoo.com
 www.guamcleaningmasters.com



April 2, 2008

Dr. Helen J.D. Whippy
 Interim President
 University of Guam
 UOG Station
 Mangilao, Guam 96923

**Subject: Reconsideration UOG Bid No. P11-08 Protest Denial
 Sunshine Reform Act of 1999**

Dear Interim President:

Thank you for your March 31, 2008 letter replying to our bid protest pertaining to the above UOG procurement.

We request you please reconsider your decision based upon the following factors arising from our review of your letter:

1. Guam Cleaning Masters (1) has now been prejudiced because our bid prices were publicly released at no fault of GCM, (2) that you acknowledge that UOG has the authority to transfer funds for the student housing bid, and (3) that you acknowledge that you intend to rebid the services. Others now are privy to GCM's pricing and will unfairly outbid GCM in your intended rebid.
2. On a factual basis, contrary to the sources you inquired with, I personally attended the bid opening and heard and observed the following:
 - a. At 2p.m. I was at the UOG bid opening at the Procurement Office. Mr. Borja stated to me that BJ Janitorial just phoned him and that they were on the way & we should just wait. I then spoke with Mr. Carlos and I advised him that according to law UOG should open the bid. Mr. Carlos then informed Mr. Borja to open the bids.

I personally observed Advance Management Inc. (Anthony Guerrero) came into the room about 2:10 p.m. after the 2 UOG officials had opened the bids. Mr. Carlos told the AMI employee that although they were accepting it, AMI would be disqualified for coming in late.

Also present was an ITJ - Power Savers male employee who observed the above events. These factors alone warrant your further investigating the incorrect information provided to you and as set forth in your March 31, 2008 letter.

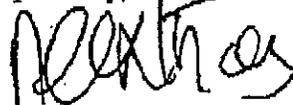
In addition, in your recent response to our bid protest, you did not address the reimbursement of GCM's costs. We ask that you please respond to that issue, though we are asking for your reconsideration of your denial due to apparent incorrect information provided to you.

Finally, as we do not have access to records in your possession, and you are using that as a basis to deny our protest, pursuant to the Sunshine Reform Act of 1999, we request the following documents within 4 working days,

1. All bids submitted in response to the University of Guam's solicitation for "Student Housing Custodial Services"; similar to or the same as what was bid out in UOG Bid No. P11-08 for the past 3 years;
2. All contracts entered into for the past 3 years for "Student Housing Custodial Services"; similar to or the same as what was bid out in UOG Bid No. P11-08.

We ask that pending the production of the above requested information, that you withdraw your bid protest rejection in the hopes that you might further investigate the facts, and review and produce documents reflecting that UOG was aware of the fair market value of the services it bid out, and should have properly transferred funds to meet GCM's bid as the lowest qualified offeror. An "unavailability of funds" or "insufficiency" basis should not have been the reason for canceling this bid based upon the information contained in your letter.

Respectfully,



Alex Thomas
General Manager

cc: Douglas B. Moylan, Esq.
Counsel, Guam Cleaning Masters