



Jerrick Hernandez <jhernandez@guamopa.com>

See Attached - OPA E-Filing and E-Serve - Data Management Resources LLC and Office of the Governor - OPA-PA-22-004

Marie L. Cruz <mlcruz@oagguam.org>

Thu, Jun 16, 2022 at 2:40 PM

To: Jerrick Hernandez <jhernandez@guamopa.com>

Cc: info@terlajelaw.com, Jessica Toft <jtoft@oagguam.org>, Matthew Santos <matthew.santos@bsp.guam.gov>, Venido.Torres@guam.gov

The Office of the Attorney General E-files to the Office of Public Accountability and E-serves to Law Office of Jacqueline Taitano Terlaje, P.C. Please acknowledge receipt of email and the document

 **RFP Gov 2022-002 PR.pdf**

listed below.

- Purchasing Agency Procurement Record

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 **06-16-22 Procurement Record.pdf**
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Attorneys for the Government of Guam

**IN THE OFFICE OF PUBLIC ACCOUNTABILITY
 PROCUREMENT APPEAL**

IN THE APPEAL OF:)	DOCKET NO. OPA-PA-22-004
)	
DATA MANAGEMENT RESOURCES, LLC,)	
)	
Appellant,)	
)	PURCHASING AGENCY
and)	PROCUREMENT RECORD
)	
OFFICE OF THE GOVERNOR OF GUAM,)	
)	
Purchasing Agency.)	

Comes Now, Office of the Governor (“GOV”), and through its undersigned counsel, herein Electronically files the procurement record for Request for Proposal (“RFP”) RFP-OOG-2022-001.

///

Submitted this 16th day of June, 2022.

OFFICE OF THE ATTORNEY GENERAL
Leevin Taitano Camacho, Attorney General

By:



JESSICA TOFT

Assistant Deputy Attorney General

CERTIFICATION of COMPLETED PROCUREMENT RECORD

Instructions: After ascertaining the statement's accuracy and truthfulness, the agency's procurement officer (director or head of agency) must sign the Certification below to indicate that the agency has kept a complete procurement record of all documents required by law. The checklist below is provided to ensure that the record is complete, and must be filled out by the procurement officer or administrator. The checklist is comprised of every item that is required by law for an invitation for bid (IFB) or a request for proposal (RFP), and therefore every item, except as noted below, must be checked for the resulting contract to be considered legally sufficient. Please assemble the procurement record in the order stated below and place it in a three-ring binder, with visible tabs for each of the items below appearing in numerical order.

IFB/RFP No: RFP GOV 2022-001 Contractor: _____

- 1. Published notice in newspaper of general circulation
- 2. Procurement package (IFB or RFP) issued to bidders or offerors
- 3. Log of distribution of procurement package
- 4. Amendments to IFB or RFP, if any were issued
- 5. Logs of distribution of amendments to IFB or RFP, but only if amendments were issued
- 6. Minutes or summary of pre-submission conferences, but only if conferences were held
- 7. Logs of attendees of pre-submission conferences, but only if conferences were held
- 8. Written questions from bidders or offerors, but only if any questions were received
- 9. Written answers, but only if any questions were received
- 10. Proof that written answers were provided to all potential bidders or offerors, but only if any questions were received
- 11. Log of bids or registry of proposals received
- 12. Each bid or proposal received
- 13. Evaluation of proposals or analysis of bids (bids are not required by law to be analyzed, but may be)
- 14. Tabulation of evaluations or analysis (tabulations are not required by law but recommended)
- 15. Letters to bidders concerning outcome of bid; for offerors, letters informing them of ranking and letter to best qualified offeror inviting negotiations
- 16. Memorandum of evaluations and negotiations (only required for RFP's)
- 17. Notice of intent to award
- 18. Any and all communications from or to anyone concerning any part of IFB or RFP
- 19. Contract, including all draft versions
- 20. Bid protests, if any, and responses thereto
- 21. Any determination required by law as may fit the circumstances

CERTIFICATION: Pursuant to 5 G.C.A. §5250, I hereby certify under penalty of perjury that I am the procurement officer responsible for administering the solicitation of the acquisition referenced above, and that I have caused to be prepared and now maintain a full and complete record of the procurement as required by law.

Signature: _____

Print Name: _____ Date: _____



st in this section. For story-ideas or suggestions, send us a note at editor@postguam.com.

provided revenue missiles program

GUAM DAILY POST • MONDAY, FEBRUARY 7, 2022

for its weapons of mass destruction programs using widespread and increasingly sophisticated cyberattacks.

The latest report said North Korea's strict blockade in response to the COVID-19 pandemic meant "illicit

DPRK tankers delivered oil."

North Korea's human rights situation "continues to worsen," the report said. The monitors said that was probably due to the COVID-19 blockade, but that a lack of information from North Korea meant it was difficult to determine how much U.N. sanctions were unintentionally harming civilians.

The monitors also cited a report last month by cybersecurity firm Chainalysis that said North Korea launched at least seven attacks on cryptocurrency platforms that extracted nearly \$400 million worth of digital assets last year.

In 2019, the U.N. sanctions monitors reported that North Korea had generated an estimated \$2 billion

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HĀGAN GUĀHAN
OFFICE OF THE GOVERNOR OF GUAM

REQUEST FOR PROPOSAL RFP-GOV-2022-001

The Office of the Governor is soliciting proposals from experienced and qualified Offerors for the Procurement of Professional Services to provide a Licensing and Permitting System to the Government of Guam. The intent is to procure a configurable and scalable system that can meet the current and future needs of the government. Professional services will include technology and implementation planning, detailed design, interfaces, software integration, designing minimal software modifications, testing, training, data conversion, end user and technical documentation, project management, implementation change management, and post-implementation support. The issuance of this RFP in no way constitutes a commitment by the Office of the Governor to award a contract.

Copies of the solicitation will be available on Monday, February 7, 2022 at 513 West Marine Corps Drive, Ricardo J. Bordallo Governor's Complex, Hagåtña, Guam 96910, from 9:00am to 5:00pm, Monday through Friday until March, 18, 2022. Electronic copies of the solicitation are also available online at the following website: <https://governor.guam.gov/request-for-proposals-rfp/>. The Office of the Governor requires that prospective offerors register their contact information with the Office of the Governor to ensure they receive any notices regarding any changes or updates to the RFP. The Office of the Governor shall not be liable for failure to provide notice to any party who did not register their contact information.

Electronic submissions of proposals must be sent by email to the Single Point of Contact, Matthew Santos, at procurement@guam.gov. For non-electronic submissions, proposals must be submitted to the Office of the Governor, located at 513 West Marine Corps Drive, Ricardo J. Bordallo Governor's Complex, Hagåtña, Guam 96910. Proposals must be submitted no later than 5:00 pm, Friday, March 25, 2022. Failure to submit Proposals to the specific email address or at the specified location, date, and time will be grounds for rejection of the Proposal.

This activity is supported by funding through the U.S. Department of Interior, Office of Insular Affairs for Guam and administered by the Office of the Governor of Guam

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LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HAGAN GUAHAN
OFFICE OF THE GOVERNOR OF GUAM

Procurement of Professional Services for the government of Guam Licensing and Permitting System

Request for Proposal: RFP-Office of the Governor-2022-001

ISSUED BY:	Office of the Governor 513 West Marine Corps Drive Ricardo J. Bordallo Governor's Complex Hagåtña, Guam 96910
PROPOSAL NO:	RFP-Office of the Governor-2022-001
ISSUE DATE:	February 7, 2022
PROPOSAL SUBMISSION DEADLINE:	March 25, 2022, 5:00 P.M. Chamorro Standard Time

Office of the Governor
513 West Marine Corps Drive
Ricardo J. Bordallo Governor's Complex
Hagåtña, Guam 96910

Office of the Governor Division:

Guam State Clearinghouse

Section I. INSTRUCTIONS TO OFFERORS

TABLE OF CONTENTS OF INSTRUCTIONS TO OFFERORS

These Instructions to Offerors contain the following lettered paragraphs:

- A.** Purpose
- B.** Type of Contract to be Offered and Term
- C.** Installment Payments
- D.** Request for Proposals Package and Forms
- E.** Submission of Proposals and Due Date
- F.** Pre-Proposal Conference/Site Visit
- G.** No Pre-Proposal Discussions with Offerors
- H.** Questions/Communications with Offerors Prior to Proposal Submission and Single Point of Contact
- I.** Other Communications
- J.** Offeror Presentations with Product Demonstration
- K.** Proposal Format and Content
- L.** Plan for Performing the Services
- M.** Ability, Qualifications, Experience, and Quality of Personnel, IT Systems, Equipment, and Facilities
- N.** Availability and Capacity of Offeror to Perform
- O.** Offeror's Record of Performance on Similar Projects
- P.** Offeror's General Experience and General Past Performance
- Q.** Age and Size of Offeror's Business
- R.** Quality of Offerors Product Demonstration
- S.** Evaluation Factors for Proposals
- T.** Request for Non-Disclosure of Confidential Data
- U.** Multiple, Alternate, or Late Proposals
- V.** All or None Proposals
- W.** Amendments to Request for Proposals
- X.** Price Proposals
- Y.** Cost or Pricing Data and Certification of Cost or Pricing Data [must be used if RFP is more than \$100,000]
- Z.** Status of Funding and Compliance with Funding Terms and Conditions
- AA.** Wage and Benefit Requirements
- BB.** Subcontractors
- CC.** Conflicts of Interest
- DD.** Disclosure of Major Shareholders
- EE.** Project Manager

2. Renewal Maintenance and Operation Terms. At the sole option of the Office of the Governor and upon satisfactory performance by the awarded contractor, the contract may be renewed or extended for any number of time period(s) determined to be in the best interests of the government of Guam, for a total of up to five (5) additional years (each renewal being a "Renewal Term") for the purpose of continued maintenance, support, upgrades and/or operation of the installed System. Any renewal of the contract for continued services will not be subject to negotiation and shall be on the same terms and conditions and pricing as in effect under the existing contract.

3. No Cost Extension Terms. Should the awarded contractor require additional time to complete any contract/Project objectives, for good cause, and at the sole option of the government of Guam, the Initial Term of the resulting contract may be extended for one No Cost Extension Term of up to six (6) months with no additional obligation of any funds by the government of Guam and no additional obligation of funds.

All renewals, extensions, Renewal Terms, or No Cost Extension Terms are subject to the availability of funds. In no case shall any extension or renewal extend the total term of the contract beyond ten (10) years. Unless cancelled for lack of funds, terminated, renewed, or extended prior to expiration, the contract shall expire at the end of the Initial term or at the end of any subsequent Renewal Term, or any No Cost Extension term exercised by the government of Guam.

C. INSTALLMENT PAYMENTS

Offerors submitting Proposals in response to this RFP should be aware that payments for goods and/or services procured through this RFP will be made in installments agreed upon in any awarded contract and tied to satisfactory completion and progress of assigned tasks and/or deliverables.

D. REQUEST FOR PROPOSALS PACKAGE AND FORMS

The Request for Proposals package and forms will be available on the Office of the Governor's website at the web address below under the tab labeled "Requests for Proposals" until March 25, 2022. The Office of the Governor's web address is <https://governor.guam.gov>. Hard copies of the Request for Proposals package will be available at 513 West Marine Corps Drive, Ricardo J. Bordallo Governor's Complex, Hagåtña, Guam 96910. In the event a hard copy is requested, the Office of the Governor will charge a non-refundable fee of \$25.00 per copy of the RFP. All payments shall be made in advance of receiving the documents, and payments may be made by cash, certified check, or money order. Certified checks and money orders shall be made payable to the Treasurer of Guam. All required forms attached to this RFP must be completed, executed by the authorized representative of the Offeror, and included with the Offeror's Proposal.

E. SUBMISSION OF PROPOSALS AND DUE DATE

Sealed Proposals shall be submitted including one (1) fully executed original and five (5) copies. Faxed or E-mailed Proposals will be accepted. The Office of the Governor will accept electronic submission of Proposals by e-mail to the Single Point of Contact, Matthew Santos,

The Office of the Governor may, at its discretion, conduct a pre-Proposal conference in accordance with 2 GAR Div. 4 § 3114(g). In the event a pre-Proposal conference is scheduled, the Office of the Governor will announce the time and place of the conference to all prospective offerors that have registered their contact information with the agency.

G. NO PRE-PROPOSAL DISCUSSIONS WITH OFFERORS

No oral discussion, explanation, or instructions in regard to the meaning of any provision of this RFP will be allowed or given on or before the submission due date for all Proposals.

H. QUESTIONS/COMMUNICATIONS OF OFFERORS PRIOR TO PROPOSAL SUBMISSION AND SINGLE POINT OF CONTACT

All communications and any questions concerning possible discrepancies, omissions, or doubts as to the meaning of any provision of this RFP shall be raised before the submission due date for Proposals and shall be communicated in writing on or before February 25, 2022, 5:00 p.m., C.S.T. to the following Single Point of Contact for the Office of the Governor:

The Office of the Governor
Matthew Santos, at procurement@guam.gov
513 West Marine Corps Drive, Ricardo J. Bordallo Governor's Complex
Hagåtña, Guam 96910
Email: procurement@guam.gov

All written communications or questions must reference RFP-Office of the Governor-2022-001 in the subject or reference line. Written answers to all timely and properly submitted written questions shall be provided within a reasonable time prior to the submission due date for Proposals. The Office of the Governor will notify all Offerors of any substantive modification or clarification provided in response to any timely and properly submitted written questions. The Office of the Governor may extend any applicable dates or due dates if any circumstance or information significantly amends the solicitation or makes compliance with the original proposed due dates impractical. The Office of the Governor is not required to respond to untimely or improperly submitted questions or communications.

No other oral or written communications concerning possible discrepancies, omissions, objections, or doubts as to the meaning of any provision of this RFP shall be submitted to the Office of the Governor at any time prior to the submission date for Proposals, except as permitted by Guam's Procurement Law and Guam's Procurement Rules and Regulations. Any communication initiated by an Offeror other than a timely submission of permitted pre-proposal questions: 1) shall contain a citation to the Guam code section or Guam procurement regulation that authorizes the communication; 2) shall be submitted in writing; and 3) shall only be communicated to the above-designated Single Point of Contact. The Office of the Governor is not required to respond to any communication that does not comply with the requirements of this paragraph, or any communication that is untimely. The Office of the Governor will notify all Offerors of any substantive modification or clarification of the solicitation provided in response to any properly submitted communication, as permitted by law. The Office of the Governor may extend any applicable dates or due dates if any

“Proposal for the Government of Guam Licensing and Permitting System Project, RFP-Office of the Governor-2022-001.”

If submitting a hard copy, Offerors shall submit their written Proposals and Proposal Documents in a sealed envelope to include one (1) original and five (5) copies. The outer envelope shall be marked in bold letters: “Proposal for the Government of Guam Licensing and Permitting System Project. RFP-Office of the Governor-2022-001”. The envelope shall also be marked with the Offeror’s name and the name of Offeror’s authorized representative.

Office of the Governor
Proposal for the Government of Guam Licensing and Permitting System Project RFP-Office of the Governor-2022-001
Offeror’s Name:
Offeror’s Authorized Representative:
Offeror’s Address:
Submittal Date: ___/___/___
Submittal Time: _____ a.m. / p.m.
Attention: PROCUREMENT OFFICER

Hard copy Proposals and Proposal Documents shall be filled out in ink or typewritten and signed in black or blue ink. Erasures, strikeouts, or other types of changes, made to a Proposal, which are evident on its face, must be explained or noted over the signature of the Offeror. Unexplained erasures or alterations, and omissions to the Proposal or Proposal Documents may be cause for rejection by the Office of the Governor.

All Proposals must include:

A cover letter on the Offeror’s letterhead, listing the legal name of the Offeror, location of Offeror’s principal place of business, location of the formation of Offeror’s business entity, and current place(s) of operation and other projects. This cover letter must be signed in the legal name of the Offeror and by an authorized officer, representative, agent or employee of the Offeror, who has authority to bind the Offeror. Proof of authority to bind the Offeror may be requested by the Office of the Governor. The cover letter should also contain the following:

- Offeror’s identity including federal employer identification number or System of Award Management (“SAM”) number;
- Designation and name, title, and contact information of the Offeror’s representative for matters related to the RFP;
- An acknowledgement that the Offeror has read the RFP and accepts the term, conditions, and instructions in the RFP;
- A statement that the Offeror’s proposal is valid for a minimum of one hundred twenty (120) days from the Proposal submission deadline contained in the RFP; and

The following is a listing of all Proposal Documents that must be completed, signed and/or notarized if required, and included in the envelope with the written Proposals:

- Cover letter referencing RFP-Office of the Governor-2022-001 which lists the contents of the Proposal and all required information about the Offeror, as set forth in this Paragraph above
- Offeror's Proposal addressing all informational items and factors required in the RFP
- Proof of any required licensure to perform the Services on Guam (unless not required until a later time pursuant to the terms of this RFP)
- Declaration Disclosing Ownership and Commissions (AG Form 002) (attached)
- Declaration re: Non-Collusion (AG Form 003) (attached)
- Declaration re: No Gratuities or Kickbacks (AG Form 004) (attached)
- Declaration re: Ethical Standards (AG Form 005) (attached)
- Declaration re: Compliance with U.S. DOL Wage Determination (AG Form 006) (attached)
- Declaration re: Contingent Fees (AG Form 007) (attached)
- Current U.S. Department of Labor Wage and Benefit Determination (SCA) (attached)
- Subcontractor Utilization Form (attached)
- Conflict-of-Interest Disclosure Form (attached)
- Certification of Non-Employment of Convicted Sexual Offenders (attached)
- Certification Regarding Lobbying, Form SF-LLL

The failure to include any items of information required by this Paragraph, or any of these documents and forms with the Proposal may result in rejection of the Proposal. All Proposals and Proposal Documents must be fully completed and signed. Any Proposal Documents that are required to be notarized must be notarized prior to submission, but no more than thirty (30) days prior to submission.

L. PLAN FOR PERFORMING THE REQUIRED SERVICES

As part of the written Proposal, Offerors shall submit a plan for the proposed Project outlining the components, qualities, uses, and benefits of the Offeror's proposed solution, along with a comprehensive plan for performing the Services, providing as much detail as is practical explaining the Offeror's Proposal and how any Services contained in the Scope of Services will be performed and how any objectives outlined in the Scope of Services will be achieved. The Offeror shall describe the advantages of the proposed plan, and Offeror's method for performing the Services, avoiding problems and delays, and resolving conflict. The Offeror's proposed plan should describe any processes in detail for the functions being addressed, and identify any outstanding issues the proposed solution may present. The proposed plan shall further describe Offeror's approach to completing this Project on budget, on schedule, with high quality, and how the Offeror's proposed plan will offer government of Guam the most advantage. The proposed plan shall include a Proposed Project Schedule.

The Proposal should describe clearly and fully the proposed product and its features and components, as well as the proposed approach to project execution and management. The use of standard product documentation, including user manuals and technical maintenance manuals, is encouraged. Demonstration software and sample help files may be included.

- Qualifications and relevant individual technical training, education, and experience including degree(s), year and discipline, and active registrations and licenses with number and jurisdiction. Include the description of the specific role performed by each individual on each project listed, highlighting projects of similar size and scope where the individual's role is similar to his/her role on this Project.
- Provide a detailed description of the resources, equipment, and facilities that are currently available to perform the Services or can be demonstrated to be available to perform the services at the time of contracting.

Offerors shall also submit a detailed description of the benefits and quality of any resources, equipment, and/or facilities Offeror intends to utilize to perform the Services which may not be currently available, but will be made available, or can be demonstrated to be made available at the time of contracting. All Offerors, when identifying Key Personnel in their Proposal, must accurately, comprehensively, and correctly provide the information about the key person(s) requested in the solicitation. Inaccurate information in the Proposal constitutes a material misrepresentation and could result in rejection of the Offeror's Proposal. All persons identified as Key Personnel in the Contractor's Proposal must agree to provide the services for the Project for a minimum of ninety (90) days from the date of the Notice to Proceed, barring unforeseen catastrophic events such as illness, accident, or death.

N. AVAILABILITY AND CAPACITY OF THE OFFEROR TO PERFORM

As part of the written Proposal, Offerors shall submit a brief explanation of why the Offeror is available or will be available and has the capacity to provide the services listed in the Scope of Services. The explanation shall address how the Offeror's current workload can accommodate the addition of a contract of this type; the Offeror's current or demonstrated available resources; and how the Offeror will implement Quality Assurance/Quality Control measures.

The Proposal should provide a clear description of all specific project staff or subcontractors who are intended to work on the Project, the nature, extent, and manner of their involvement, and their availability for the Project. The Proposal shall also address the availability of any equipment or facilities that may be used to provide the services. As part of this Proposal description, Offerors must include the following:

- Identify and describe the current and projected workload of all designated personnel or subcontractor(s), including a list of ongoing projects and his/her role on these ongoing projects.
- Describe the procurement, involvement, management, and availability of any subcontractors.
- Describe how the current workload of each designated personnel or subcontractor can accommodate the addition of this Project.
- Describe the approach and organizational capabilities to perform the Services on time and within budget.
- Detail the extent of each designated personnel member's and subcontractor's involvement in providing the Services.
- Describe the internal quality and cost-control measures or procedures.

- A list of all projects performed in the last five (5) years, which are not included in the list required in the paragraph above for similar projects. This list shall identify project name, project description, location, client references including contact name, address and telephone number, completion date, project budget, project role, type of services provided highlighting work performed and other pertinent information.
- A list of the Offeror's record of cost performance on these projects (original contract award amount versus final contract cost) and explain any cost deviations.
- A list of the Offeror's record of schedule performance (list original schedule versus final completion date) and explain any schedule deviations.
- A history of performance on these other projects that the Offeror was involved with over the past five (5) years. This description of Offeror's performance history should demonstrate Offeror's teamwork, cooperation, fair dealing, client service, and establishment of relationships of mutual trust and confidence.

Q. AGE AND SIZE OF OFFEROR'S BUSINESS

The Proposal shall include a statement of the age of the offeror's business and average number of employees over last five (5) years.

R. QUALITY OF OFFEROR'S PRODUCT DEMONSTRATION

As part of the Proposal, the Offeror shall present a demonstration of their product featuring the functionality that is applicable and relevant to government of Guam Licensing and Permitting. The Offeror will be allowed to also present a configured version of their product that demonstrates their products ability to be customized.

The Offeror shall provide their existing cyber security and support standards for their systems.

If the system is SaaS-based, PaaS-based, and/or operates in a cloud environment, the Offeror shall provide detail all layers of security, and any federal security compliance certifications consistent with FedRAMP.

S. EVALUATION FACTORS FOR PROPOSALS

Proposals will be evaluated only on the Evaluation Factors listed in this RFP. The quality of Offerors' written Proposals shall be determined using the following Evaluation Factors and the listed associated possible scoring totals. Written Proposals scoring less than 70 points may be rejected from consideration for the award of the contract. The total of 100 possible points is broken down as follows:

EVALUATION FACTORS	SCORE
Quality of Proposal Content and Plan for Performing the Required Services: Overall quality, comprehensiveness, and value of the Proposal's presentation regarding the Services that provides the most benefit to Guam and in responding to items described in the Scope of Services section of this	20 Points

T. REQUEST FOR NON-DISCLOSURE OF CONFIDENTIAL DATA

After award, the winning Proposal becomes a part of the public record of procurement. Offerors may request that portions of their Proposal be kept confidential. If an Offeror is submitting trade secrets or proprietary information in its Proposal that it wishes to keep confidential, then a written request for non-disclosure must be included with the Proposal and those portions of the Proposal which are proprietary must be clearly marked or designated. Material so designated shall accompany the Proposal and shall be readily separable from the Proposal in order to facilitate inspection of the non-confidential portion of the Proposal. However, prices and makes and models or catalogue numbers of the items offered, deliveries, and terms of payment of the winning Proposal shall be publicly available at the time of the Notice of Award regardless of any designation to the contrary. Any Proposals marked or designated as "Confidential" or "Proprietary" for the entirety of the Proposal shall be rejected.

After receipt of a request to designate portions of the Proposal as confidential, the Office of the Governor will examine the request. The Office of the Governor may review the material declared to be confidential to determine the validity of any requests for nondisclosure of trade secrets and other proprietary data identified in writing. The Office of the Governor will then inform the Offeror of its decision on the request in writing. If the parties do not agree as to the disclosure of certain data, the Offeror may then withdraw the Proposal or submit a protest if permitted by law. If the Proposal is not withdrawn and no protest is received, then the Office of the Governor may disclose those portions of the Proposal for which a non-disclosure request was not granted.

U. MULTIPLE, ALTERNATE, OR LATE PROPOSALS

Multiple or Alternate Proposals will not be accepted, and any multiple or alternate Proposals submitted will be rejected.

Late Proposals will not be accepted, and any late Proposals will be rejected.

V. ALL OR NONE PROPOSALS

Proposals may limit acceptance to the entire Proposal offering. Proposals that violate this provision shall be deemed to be nonresponsive. If a Proposal is properly limited, the Office of the Governor shall not reject part of such Proposal and award on the remainder.

W. AMENDMENTS TO REQUEST FOR PROPOSALS

The Office of the Governor reserves the right to amend this RFP at any time, as provided under Guam's Procurement Law and Guam's Procurement Rules and Regulations. Changes will be announced by an amendment or amendments to this RFP and shall be identified as such. Each Amendment shall refer to the portions of the RFP it amends. Amendments shall be sent to all parties known to have registered for and received an RFP package. Amendments shall be distributed to allow prospective Offerors time to consider the amendments in

hardware maintenance, should each be listed as discrete items and the sum of all recurring monthly costs should equal the total monthly invoicing/pricing amount for regular recurring tasks. Travel expenses must be included in the Offeror's service rates and pricing (or the hourly rates which are built into the cost of the deliverable) and may not be billed or priced separately.

The Offeror must provide the annual maintenance fees associated with the new system and shall entitle the government of Guam to any upgrades released during the duration of any awarded contract without additional price increases. In the event a product or service is provided at no additional cost, the item should be noted as "no charge" or words to that effect. If certain future software upgrades are not provided free of charge, include the typical cost of the complete upgrade, including the cost of all modules and any migration, training, and other fees associated with the upgrade.

In addition to the cost schedule, describe Offeror's approach to establishing a payment schedule and typical payment terms applied during each phase of the Project, and describe the pricing model used for the estimated cost provided in the Price Proposal. Discuss the typical payment terms and the method of determining future cost adjustments on a year over year basis (e.g., general price increases, changes in user counts).

Any price adjustments must be agreed to by the Parties and shall be in accordance with the Price Proposal or any cost or pricing data submitted. Price adjustments in the Price Proposal may be considered as a result of documented changes in pricing of materials or labor.

Pursuant to 2 CFR § 200.324(b), if the Offeror is selected for negotiations, Office of the Governor and the Offeror **"must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed." Offeror's Price Proposal must include profit as a separate line item in its proposed budget and pricing.**

Y. COST OR PRICING DATA AND CERTIFICATION OF COST OR PRICING DATA

Cost or Pricing Data will be required from any Offeror selected to conduct contract negotiations. The Cost or Pricing Data shall be submitted to the Office of the Governor prior to beginning price negotiations at any reasonable time and in any reasonable manner requested by the Office of the Governor. The Cost or Pricing Data documentation is separate from Offeror's Price Proposal; however, both the Price Proposal and the Cost or Pricing Data shall be submitted together, and labeled respectively. Such data shall be specifically identified in writing by the Offeror as Cost and/or Pricing Data. The Offeror is required to keep these data current until the negotiations are completed.

In addition, a Certification of the Cost or Pricing Data will also be required from the Offeror with whom a contract is successfully negotiated. The Certification of the Cost or Pricing Data shall be separately provided to the successful Offeror by Office of the Governor when required. The Offeror shall certify as soon as practicable after the agreement is reached on price that, to the best of the Offeror's knowledge and belief, the cost or pricing data submitted are accurate, complete, and current.

BB. SUBCONTRACTORS

Subcontractor. A subcontractor is a person or entity who has a direct contract with the Offeror/Contractor or a higher tier subcontractor to perform a portion of the Services in this solicitation.

2. **Award of Subcontracts and Other Contracts for Portions of the Services.**

a. All Offerors shall furnish in writing to the Office of the Governor the names of all known persons or entities (including those who are to furnish materials or equipment fabricated to a special design) proposed to provide subcontracting services on each principal portion of the Scope of Services by completing, signing, and attaching the Subcontractor Utilization Form to the Offeror's Proposal. The Office of the Governor may conduct discussions with the Offeror: (1) stating whether The Office of the Governor has reasonable objection to any such proposed person or entity; or (2) stating whether The Office of the Governor requires additional time for review or additional information concerning the utilization of a proposed person or entity. If the Offeror fails to submit this form with its Proposal, that Offeror may be disqualified. If this occurs The Office of the Governor will select the next highest ranked qualifying Offeror for negotiations.

b. The Office of the Governor, the government of Guam, and the U.S. Department of Interior reserve the rights to object to Offeror's utilization of any subcontractor and to require substitution of the subcontractor for cause. The Offeror shall not contract with a proposed person or entity to whom The Office of the Governor, the government of Guam, or the U.S. Department of Interior has made reasonable and timely objection. In the case of substitution or any other issue with subcontractors, the Offeror shall not be required to contract with anyone to whom the Offeror has made reasonable objection in writing to the Office of the Governor.

c. The Offeror shall not substitute a subcontractor, person or entity set forth in its Proposal or in the Subcontractor Utilization Form, located at Section XI of this RFP, unless Offeror has obtained the written consent of the Office of the Governor, or unless the Office of the Governor requires such substitution. Offeror must notify the Office of the Governor in writing prior to any termination or substitution of a subcontractor listed in the Proposal or Proposal Documents. Failure by the Offeror to follow these requirements shall constitute a material breach of the terms of this RFP, which may result in the termination of any awarded contract or other legally available remedies.

d. The Offeror shall provide written notification to the Director of the Office of Federal Contract Compliance Programs within ten (10) working days of award of any subcontract in excess of \$10,000 at any tier of services under the contract resulting from this solicitation. The notification shall list the name, address, and telephone number of the subcontractor; employer identification number; estimated dollar amount of the subcontract; estimated starting and completion dates of the subcontract; and the geographical area in which the subcontract is to be performed.

3. **Subcontractor Relations.** By appropriate written agreement, the Offeror shall require each subcontractor, to the extent of the Services to be performed by the subcontractor, to be bound to the Offeror by the terms of its Proposal and any resulting Contract, and to

to withhold an award based on Conflict-of-Interest considerations, Office of the Governor shall notify the Offeror, provide the reasons therefor, and allow the Offeror a reasonable opportunity to respond.

All Offerors must complete and submit the Conflict-of-Interest (COI) Disclosure Form located at Section XII of this RFP with the Offeror's Proposal. Each disclosure of a qualifying potential conflict on the Conflict-of-Interest Disclosure Form shall include a signed statement by the current or former government employee of their role or proposed role for the Offeror in the particular Procurement and any resulting Contract on the "Relatives and Former Government Employees - Roles and Signatures" page of the form. Failure to complete and submit the COI Disclosure Form shall result in the rejection of the Proposal.

DD. DISCLOSURE OF MAJOR SHAREHOLDERS

As a condition of submitting a Proposal, any partnership, sole proprietorship, business entity, or corporation doing business with the government shall submit a declaration that lists the name and address of any person/entity who has held more than ten percent (10%) of the outstanding interest or shares in said partnership, sole proprietorship or corporation at any time during the twelve (12) month period immediately preceding publication of the solicitation on the Declaration Disclosing Ownership, Influence, Commissions and Conflicts of Interest attached to this RFP at Section IV. This Declaration 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 such person/entity during the preceding twelve (12) month period, and other ownership disclosures in accordance with Public Law 36-13. In addition, the Declaration shall contain the name and address of any person/entity who has received or is entitled to receive a commission, gratuity or other compensation for procuring or assisting in obtaining business related to the Proposal for the Offeror and shall also contain the amounts of any such commission, gratuity or other compensation, and shall list any required conflicts of interest. Any Offeror selected for negotiations must keep this Declaration current through the date that a Notice of Award is issued in this procurement, and throughout any awarded contract, if the Offeror is awarded the contract. A Proposal from any Offeror listing a person with a potential conflict of interest on the Declaration will be rejected. The Declaration shall be open and available to the public inspection and copying. This Declaration Disclosing Ownership, Influence, Commissions and Conflicts of Interest attached to this RFP must be completed and returned with the Offeror's Proposal. Failure to submit the Declaration with the Offeror's Proposal shall be deemed nonresponsive and cause for rejection of the Proposal upon opening.

EE. PROJECT MANAGER

1. The selected Contractor will work under the direction of the Office of the Governor and the Office of Technology. The Office of Technology is the designated Project Manager pursuant to 5 GCA § 12.107. The Office of the Governor and the Project Manager reserve the right to designate and delegate Project Management duties and assign any other consultants or agents to act on the Office of the Governor's behalf in writing, as permitted by statute and the funding source for this RFP. The Project Manager and designees will have authority to act on behalf of the Office of the Governor to the extent provided in the RFP, the awarded contract or any Amendments thereto, or as otherwise may be provided

the Project Manager, or the Project Manager's designees, continuing the Services would be a threat to public health, safety, or governmental security.

8. The Project Manager shall serve as the liaison between the contractor and the Office of the Governor as necessary or designated by the Office of the Governor.

A. AUTHORITY

This Request for Proposal ("RFP") solicitation is issued subject to the provisions of the Guam Procurement Act (as amended) and the Guam Procurement Regulations (copies are available for inspection at the General Services Agency of the government of Guam). By submitting a Proposal, Offerors agree to be bound by all the laws and regulations of Guam. The RFP requires all parties involved in the preparation, negotiation, performance, or administration of contracts to act in good faith.

B. SPECIAL RFP TERMS FOR MULTI-TERM CONTRACTS

Any contract awarded under this RFP is subject to the availability of certified funds. The Procurement Officer will notify the Contractor on a timely basis whether the funds are, or are not, available for the continuation of the contract for each succeeding fiscal period. In the event that funds are not available for any succeeding fiscal period, the contract shall be cancelled; however, this does not affect either Party's right to terminate under the termination clauses of the contract. If the contract is cancelled for insufficient funds, the awarded Contractor shall be reimbursed its unamortized, reasonably incurred, non-recurring costs.

C. SPECIAL RFP TERMS FOR FIXED-PRICE WITH PRICE ADJUSTMENT CONTRACT OR ANY CONTRACT OTHER THAN FIRM FIXED-PRICE CONTRACT

Whenever a Fixed-Price Contract with Price Adjustment is offered, "[t]he formula or other basis by which the adjustment in contract price can be made shall be specified in the solicitation and the resulting contract." 2 GARR, Div. 4 § 3119(d)(3)(A).

D. CANCELLATION AND REJECTION

The Office of the Governor shall have the right to cancel this solicitation in whole or in part at any time, and to reject in whole or in part any or all Proposals or offers which have been submitted in response to this RFP at any time if the Office of the Governor determines such to be in the best interest of the government of Guam and/or the Office of the Governor of Guam.

E. TAXES

Offerors may be subject to taxation, including but not limited to, Gross Receipts Tax, Guam Business Privilege Tax, Guam Income Tax and the payment of any and all taxes which may be due as a result of entering into this agreement are the sole responsibility of the Offeror and its subcontractors and any permitted assignees or successors in interest. Specific information of taxes may be obtained from the Director of the Guam Department of Revenue and Taxation.

F. WITHHOLDING ASSESSMENT FEE

or agent of the Territory or for any employee or agent of the Territory to solicit or accept from any such person or entity or agent thereof, a favor or gratuity on behalf of the Territory whether or not such favor or gratuity may be considered a reimbursable expense of the Territory, during the pendency of any matter related to procurement, including contract performance warranty periods.

Prohibition of Employment of Sex Offenders. No person convicted of a sex offense under the provisions of Chapter 25 of Title 9 Guam Code Annotated, or an offense as defined in Article 2 of Chapter 28, Title 9 GCA in Guam, or an offense in any jurisdiction which includes, at a minimum, all of the elements of said offenses, or who is listed on the Sex Offender Registry, and who is employed by a business contracted to perform services for an agency or instrumentality of the government of Guam, shall work for his employer on the property of the government of Guam other than a public highway.

Prohibition of Contingent Fees. It shall be a breach of ethical standards for a person to be retained, or to retain a person, to solicit or secure a territorial contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, except for retention of bona fide employees or bona fide established commercial selling agencies for the purpose of securing business.

Ethical Standard. It shall be a breach of ethical standards for an Offeror to knowingly influence a government employee to breach any of the ethical standards set forth in 5 GCA Chapter 5 Article 11 (Ethics in Public Contracting) of the Guam Procurement Law and in Article 11 of the government of Guam Procurement Regulations.

I. MANDATORY WARRANTIES

Representation Regarding Gratuities and Kickbacks. The Offeror represents that it has not violated, is not violating, and promises that it will not violate the prohibition against gratuities and kickbacks set forth in §11-206 (Gratuities and Kickbacks) of the Guam Procurement Regulations. Offeror further agrees to execute and file a Non-Gratuity Declaration before final payment under the contract is made by the government.

Warranty against Employment of Sex Offenders. Offeror warrants that: (1) no person in its employment who has been convicted of a sex offense under the provisions of Chapter 25 of Title 9 Guam Code Annotated or of an offense defined in Article 2 of Chapter 28 of Title 9 Guam Code Annotated, or who has been convicted in any other jurisdiction of an offense with the same elements as heretofore defined, or who is listed on the Sex Offender Registry, shall provide services on behalf of Offeror while on government of Guam property, with the exception of public highways; and (2) that if any person providing services on behalf of Offeror is convicted of a sex offense under the provisions of Chapter 25 of Title 9 GCA or an offense as defined in Article 2 of Chapter 28, Title 9 GCA or an offense in another jurisdiction with, at a minimum, the same elements as such offenses, or who is listed on the Sex Offender Registry at any time during the performance of the contract, that such person will be immediately removed from working on government property and Offeror warrants that it will notify the Chief of Staff of the Office of the Governor of Guam within twenty-four (24) hours of such conviction. If Offeror is found to be in violation of any of the provisions of this paragraph, then the Office of the Governor will give notice to Offeror to take corrective action. Offeror shall take corrective action within twenty-four (24) hours of

Offerors must meet all applicable ADA regulations and requirements. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 *et seq.*) set forth under 28 CFR pt. 35, and 29 CFR pt. 1630 are incorporated by reference in this RFP.

L. PROPOSALS

The Offeror is required to read each and every page of its Proposal and by the act of submitting a Proposal shall be deemed to have accepted all conditions contained therein. In no case will failure to review or inspect constitute grounds for a claim or for the withdrawal of a Proposal after opening. Proposals shall be filled out in ink or typewritten and signed in ink. Erasures or other changes in a Proposal must be explained or noted over the signature of the Offeror. Proposals containing any conditions, omissions, unexplained erasures or alterations, items not called for in the Proposal, or irregularities of any kind may be rejected by the Office of the Governor in whole or in part.

M. REVIEW OF PROPOSALS

The Office of the Governor intends to review the Proposals as soon as possible after the submission due date for Proposals as provided herein. The Proposals submitted will be the primary documents for evaluation. The Office of the Governor reserves the right to waive any minor information or irregularity in the Proposals received. The Office of the Governor may award, allow amendments, or reject Proposals in whole or in part as permitted by law. The Office of the Governor is not responsible for any costs incurred by the Offerors. The Office of the Governor reserves the right to retain copies of all Proposals submitted regardless of whether an Offeror is selected for negotiations or awarded a contract. Submission of a Proposal constitutes acceptance of these terms and conditions by the Offeror.

N. INDEPENDENT PRICE DETERMINATION

By submitting a Proposal, the Offeror certifies that if selected for negotiations, any price, pricing data, or Price Proposal submitted by the Offeror is independently arrived at without collusion.

O. ACCEPTANCE OF SOLICITATION TERMS AND APPLICABLE LAWS

The Offeror is required to read each page of this RFP, and by the act of submitting a Proposal shall be deemed to have accepted all conditions contained herein and to be bound by the laws of Guam and any other applicable laws. This RFP is issued subject to all the provisions of Guam's Procurement Law (5 GCA §§ 5001, *et seq.*) and the Guam Procurement Regulations, copies of which are available for inspection at the General Services Agency of Guam.

Guam's Procurement Law and this RFP require all parties involved in the preparation, evaluation, negotiation, performance, or administration of contracts to act in good faith. Proposals may not be withdrawn by Offeror on the basis of Offeror's unfamiliarity with the required terms or applicable laws. Offeror may not propose or negotiate any conditions, omissions, unexplained erasures, irregularities, alterations, or items that are in contravention of the terms and conditions of the RFP or applicable law. The Office of the Governor may

Governor concerning the responsibility of the Offeror. The unreasonable failure of an Offeror to promptly supply information in connection with an inquiry with respect to responsibility may be grounds for a determination of non-responsibility with respect to such Offeror. In determining the responsibility of the best qualified Offeror, the Office of the Governor shall be guided by the following:

1. The Offeror's current capability in all respects to perform fully the contract requirements;
2. The Offeror's current integrity and reliability which will assure good faith performance;
3. Whether the Offeror has available the appropriate financial, material, equipment, facility, and personnel resources and expertise, or the ability to obtain them, necessary to indicate its capability to meet all contractual requirements;
4. The Offeror's satisfactory record of integrity with regard to previous contracts and contract awards;
5. The Offeror's satisfactory record of performance with regard to previous contracts and contract awards;
6. Whether the Offeror has qualified legally to contract with the Office of the Governor of Guam; and
7. Whether the Offeror has supplied all necessary information in connection with any inquiry concerning responsibility.

T. SELECTION OF BEST-QUALIFIED OFFEROR

Upon the conclusion of the discussion and evaluations procedures as provided under this RFP and Guam's Procurement Law, the Office of the Governor shall notify the selected Offerors of their rankings with the intent to begin negotiating a contract with the highest ranked and best-qualified Offeror first.

U. NEGOTIATION AND AWARD OF CONTRACT

The Office of the Governor will negotiate a contract with the best-qualified Offeror for the Services at a compensation determined in writing by the Office of the Governor to be fair and reasonable. The Office of the Governor reserves the right to contract for the work hereunder in planned phases which is dependent upon need and funding availability. Contract negotiations will be directed toward: (1) making certain that the Offeror has a clear understanding of the scope of work, specifically, the essential requirements involved in providing the Services; (2) determining that the Offeror will make available the necessary personnel and facilities to perform the services within the required time; and (3) agreeing upon compensation which is fair and reasonable, taking into account the estimated value of the Services, and the scope, complexity and nature of such services. Additionally, pursuant to 2 CFR § 200.324(b), if the Offeror is selected for negotiations, the Office of the Governor and the Offeror "must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed."

- 1 Successful Negotiation of Contract with Best-Qualified Offeror: If compensation, contract requirements, and contract documents can be agreed upon with the best-qualified Offeror, the contract will be awarded to that Offeror.

until all litigation, claims, or audit findings involving the records have been resolved and final action taken. Records for real property and equipment acquired with the funds from the awarded contract must be retained for three (3) years after final disposition of the real property and equipment. Each subcontract by the Offeror shall include a provision containing the conditions of this Paragraph for any contract awarded under this solicitation.

B. *Right to Audit.* Offeror shall establish and maintain a reasonable accounting system that enables the Office of the Governor, the U.S. Department of Interior, Office of Insular Affairs, Inspectors General, the Comptroller General of the United States, or any of their authorized representatives to readily identify Offeror's assets, expenses, costs of goods, and use of funds. The Office of the Governor, U.S. Department of Interior, Office of Insular Affairs, Inspectors General, the Comptroller General of the United States, and its authorized representatives shall have the right to audit, to examine, and to make copies of or extracts from all financial and related records (in whatever form they may be kept, whether written, electronic, or other) relating to or pertaining to its Proposal or this solicitation which are kept by or under the control of the Offeror, including, but not limited to those kept by the Offeror, its employees, agents, assigns, successors, and subcontractors. Such records shall include, but not be limited to, accounting records, written policies and procedures; subcontract files (including Proposals of successful and unsuccessful bidders, bid recaps, etc.); all paid vouchers including those for out-of-pocket expenses; other reimbursement supported by invoices; ledgers; cancelled checks; deposit slips; bank statements; journals; original estimates; estimating work sheets; contract amendments and change order files; back-charge logs and supporting documentation; insurance documents; payroll documents; timesheets; memoranda; and correspondence. Offeror shall, at all times during the term of any awarded contract and for a period of three (3) years after the date of final payment under any awarded contract, maintain such records, together with such supporting or underlying documents and materials. The Offeror shall at any time requested by the Office of the Governor, the U.S. Department of Interior, Office of Insular Affairs, Inspectors General, the Comptroller General of the United States, or any of their authorized representatives whether before, during, or after completion of an awarded contract, and at Offeror's own expense make such records available for inspection and audit (including copies and extracts of records as required) by the Office of the Governor, the U.S. Department of Interior, Office of Insular Affairs, Inspectors General, the Comptroller General of the United States, or any of their authorized representatives. Such records shall be made available to the Office of the Governor, U.S. Department of Interior, Office of Insular Affairs, Inspectors General, the Comptroller General of the United States, or any of their authorized representatives during normal business hours at the Offeror's office or place of business and subject to a three-day written notice. In the event that no such location is available, then the financial records, together with the supporting or underlying documents and records, shall be made available for audit at a time and location that is convenient for the Office of the Governor, the U.S. Department of Interior, Office of Insular Affairs, Inspectors General, the Comptroller General of the United States, or any of their authorized representatives. Offeror shall ensure the Office of the Governor, the U.S. Department of Interior, Office of Insular Affairs, Inspectors General, the Comptroller General of the United States, or any of their authorized representatives has these rights with Offeror's employees, agents, assigns, successors, and subcontractors, and the

No specification, term, condition, or qualification of this RFP shall exclude any Offeror from consideration on the basis of Guam-only experience provided that the experience of such Offeror is otherwise responsive to the solicitation, in accordance with the requirements of 5 GCA § 5008(e).

X. RELATIONS WITH OTHER GOVERNMENT AGENCIES

All directions within the scope of the RFP and the awarded contract will be issued by the Chief of Staff of the Office of the Governor and the Offerors and any awarded Contractor shall not accept such direction from others. Information provided by other governmental agencies or entities which seemingly conflicts with information provided by the Office of the Governor in this solicitation will be discussed with the Chief of Staff of the Office of the Governor immediately. This policy is not intended to prevent the Offerors or any awarded Contractor from obtaining necessary information from other governmental agencies or entities.

Y. OBLIGATIONS OF THE OFFEROR

The Offeror shall be responsible for the professional and technical accuracy of its Proposal and the coordination of all designs, drawings, specifications in its Proposal, and all designs, drawings, specifications, and any other work, services, and materials furnished under any awarded contract. The Offeror shall, without additional cost to The Office of the Governor or the government of Guam, correct and revise all errors or deficiencies in its Proposal, and if awarded a contract, shall correct and revise all errors or deficiencies in its designs, drawings, specifications, and in its work services, or materials furnished by the Offeror, if found to be defective by Office of the Governor.

The Offerors are responsible for securing all approvals for entry onto private property.

Z. PROCUREMENT OF RECOVERED MATERIALS

Pursuant to 2 CFR § 200.323, any Offeror awarded a contract under this RFP and all of its subcontractors must comply with Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, 42 U.S.C. § 6962. The requirements of 42 U.S.C. § 6962 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR pt. 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, with CFR 121 Office of Management and Budget ("OMB") Guidance § 200.324 where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired by the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

AA. GUAM AND FEDERAL DEBARMENT

Offeror warrants that it will comply with the provisions of 5 GCA Chapter 5 Articles 9 and 11, subject to debarment or suspension, and if awarded a contract under this RFP that it will

employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure occurring on or before October 23, 1996, and of not less than \$11,000 and not more than \$110,000 for each such failure occurring after October 23, 1996."

A. GENERAL INFORMATION

The objective of this Request for Proposals is to obtain professional services (“Services”) to design and implement a state-of-the-art system (“System”) to streamline and modernize the government of Guam’s licensing and permitting processes.

A general Scope of Services is provided by the government of Guam; however, Offerors are encouraged to offer their own opinions and suggestions regarding the Scope of Services for the System, equipment, and Services in their Proposals. The government of Guam has developed lists of goals and factors desired for the new Licensing and Permitting System, hereinafter contained in this Scope of Services; but these listings of goals and factors are not definitive. They are merely provided as guidelines for Offerors. The government of Guam seeks a comprehensive solution to address its needs for support for the automation and integration of public licensing and permitting processes, therefore, this procurement will rely upon the Offerors to refine many of the technical objectives and provide an innovative concept/plan for the new System in their Proposals.

The successful Offeror should demonstrate an extraordinary knowledge of system security relative to system software operating programs, physical facilities, and electronic protection to safeguard the System from man-made attacks as well as natural events. The government of Guam seeks to award the contract for these Services and the new System to the Offeror who provides the best value to the government of Guam and the people of Guam, with reference to the items, features, and goals generally described in this Scope of Services, and with reference to the government of Guam’s future needs.

B. GENERAL SYSTEM NEEDS

The Offeror shall provide a System that is available for land management and planning, permitting, and licensing. Once configured, the System should offer the following solutions at a minimum:

- i. **Permitting.** Administer and issue a variety of permit types and account for all appropriate fees.
- ii. **Licensing.** Process applications, administer and issue business licenses.
- iii. **Process Automation:** automated workflows, intelligent routing, and concurrent application review by multiple departments. Notifications should be included throughout the licensing and permitting process for both public users and department users. This includes notifications instructing internal users and public users to take specific actions, providing status updates to public users, and providing confirmation of completion for the various steps.
- iv. **Electronic Plan Review:** Functionality to allow both the public and the agencies to upload documents or digital plans. Upon upload the agencies should have the ability to comment and markup plans for revisions, and submit approvals. This function should also include version control where changes are tracked and annotated.
- v. **License, Permit, and Clearance Integration:** Allow for the linking of other applications or existing licenses, permits, or clearances where the permit or license is interdependent of them e.g., the Business License Track of new Sanitary Permit issuance
- vi. **Inspection tracking and scheduling.** Allow automatic creation of specific inspection types based on permit applications. Provide calendaring functionality that allows creation of a daily

meetings with various Agencies utilizing available virtual meeting platforms.

- ii. **Application workflow.** Provide a workflow status that is clear to both public and internal users.
- iii. **Payment processing.** Software must facilitate online payment processing through a secure third party.

D. ORGANIZATIONAL UNITS

Several agencies are expected to utilize the Licensing and Permit System. Those agencies are listed below. Please refer to the appendix to the processes and forms the government of Guam intends to automate through this project:

License and Permit Application Owners and Clearance Users	Autonomous Agency Users (For Clearance Purposes)
Department of Revenue and Tax (DRT) Guam Environmental Protection Agency Department of Public Works Department of Agriculture Department of Land Management Guam Land Use Commission (DLM) The Guam Historic Resources Division Department of Parks and Recreation Department of Public Health & Social Services Professional Engineers, Architects and Land Surveyors (PEALS) Board Contractor's License Board Guam Fire Department Bureau of Statistics and Plans	Guam Power Authority Guam Waterworks Authority

E. LICENSES AND PERMITS IN SCOPE

The License and Permit System should support a full range of types of licenses and permits. The government of Guam agencies and their respective Licenses and Permits that the solution applies to shall include the following:

Agency Owner	Licenses and Permits
Department of Revenue and Tax (DRT)	Business License Application
Department of Public Works	Clearing/Grading Permit
	Building Construction Permit
	Building Occupancy Permit

(<https://otech.guam.government/policies/>) Policy OVERVIEW AND INTRODUCTION text found in Section XVI of this RFP.

For on-premise solution, vendor must provide hardware and software to support the development, testing, and future growth of the System. Virtual (VM) environment resources may be available for moderately sized systems; however, vendor must provide hardware resources to support resource intensive systems. Vendor must also provide storage solution to support their document management solution. Vendor provided hardware and software shall also include system backup process and restore procedures. Vendor provided equipment must be compatible with existing government of Guam IT infrastructure and network and must be supported under (hardware and software) warranty for the duration of the awarded contract.

For hosted or cloud-based solutions, vendor must be able to provide a secured tunnel for government access to admin modules. The solution must also be compatible with existing government of Guam IT infrastructure and network.

The System shall be integrated with native government of Guam applications, to include, the eGIS system, the DRT IBM AS400, TPS and TaxMap systems, LandWeb, and the DOA TPS system.

Proposals must include the benefits and advantages of the solution type e.g., security, up-time, reliability, elimination of server licensing, etc.

This requirement does not prevent proposals with On-Premise systems, as long as the System has web access.

H. THIRD-PARTY INTEGRATION

Management Systems: The On-Premise System or SaaS solution shall be integrated with DRT IBM DB2 database used for its internal management of business licenses.

GIS: The System or SaaS shall have ESRI as its GIS component.

The System shall integrate with the government of Guam's GIS servers and maps. The solution will display layers created through ESRI maps such as tax parcels, lots, rights of way, zoning, land use etc.

The System will also create layer data used in ESRI web maps so that both pending and current licenses or permits can be displayed.

The System shall also provide a workflow to collect payment fees and integrate payment information back into the government of Guam Transaction Processing System (TPS).

I. ADDITIONAL FEATURES

The government of Guam intends to streamline its licensing and permitting operating procedures wherever possible, and the Vendor's capability to advise and assist as necessary

Installation support should include initial software installation and operational demonstration, business process and procedure consulting, system configuration and customization services, database loading, functional testing, performance testing, initial operational support, and post-operational system tuning. Specific training curriculum decisions will be subject to negotiation between the parties.

All user and administrator trainings, including all workflows and business processes, shall be documented, and provided to the government of Guam.

Vendor shall develop end-user "customer" video guides on how to use and navigate the System.

Video links shall be provided on the government of Guam websites.

Vendor shall also develop end-user "customer" FAQ for System use.

L. IMPLEMENTATION SERVICES

The government of Guam seeks professional services to:

1. Assess current business processes of the government of Guam for business license applications and land use, building, sanitary, fire, and occupancy permits.
2. Analyze requirements and plan necessary customization, modification, and data conversion efforts.
3. Execute customization plan and update internal government of Guam licensing and permit processing procedures.
4. Create any required data conversion software.
5. Test and demonstrate planned functionality using completed software.
6. Test and verify acceptable performance levels at two times the anticipated initial volumes of data input, online access, and report generation. Tune System as needed.
7. Perform any final activities necessary to complete implementation
8. Begin operational use of new System.
9. After implementation, tune System as needed.
10. Proceed to any subsequent implementation phases.

M. OTHER DELIVERABLES

In addition to the items found in Part 1 of the Scope of Services, the Selected Respondent must provide the deliverables noted below. In responding, please identify any objectives, tasks, or areas that may be necessary to complete the Scope of Services, even if not specifically noted below.

1. Source Documentation

In addition to a configured System and implementation services, the vendor must provide all raw materials or Source Documentation used to draft the core deliverables of this engagement.

2. Engagement Project Management Deliverables

**Section IV. DECLARATION DISCLOSING OWNERSHIP,
INFLUENCE, COMMISSIONS AND CONFLICTS OF INTEREST**

(Required by 5 GCA § 5233 as amended by P.L. 36-13 (4/9/2021))

Preface. As a condition of submitting a Bid/Offer/Proposal or responding to any method of source selection under Guam's Procurement Law for the purpose of entering into a contract with the Office of the Governor of Guam, this Declaration requires all Bidders/Offerors/Prospective Contractors to make disclosures of ownership, influence, commissions, gratuities, kickbacks, and conflicts of interest occurring **during the 365 calendar days preceding the publication of this solicitation and until award of a contract**. This includes the duty to disclose **any changes** to the facts disclosed herein throughout the solicitation process; and if the entity submitting this Declaration is awarded a contract, the duty to disclose **any changes** to the facts disclosed herein **continues throughout the life of the contract, including any extensions or renewals**.

A. I, the undersigned, being first duly sworn, depose and say that I am an authorized representative of the Bidder/Offeror/Prospective Contractor and that (please check and fill out all that apply):

The Bidder/Offeror/Prospective Contractor is an individual with a business license, and all decisions are by, and all profit is for, that same individual, with principal place of business street address being: _____

The Bidder/Offeror/Prospective Contractor is a business or artificial person (as defined in 1 GCA § 715 or 5 GCA §§ 5030(n) or 5233(b)), and is a sole proprietorship owned entirely (100%) by _____, with principal place of business street address being: _____

The Bidder/Offeror/Prospective Contractor is a business or artificial person (as defined in 1 GCA § 715 or 5 GCA §§ 5030(n) or 5233(b)), and is owned by the following multiple individuals. Note: owners of more than 10% are statutorily required to be listed below, but other owners of smaller percentage are encouraged to be listed as well.

Name of Owner	Principal Place of Business Street Address	% of Interest
_____	_____	_____
_____	_____	_____
_____	_____	_____

One or more of the more-than-10% owners listed above is a business or artificial person. Any more-than-25% owners of such a business or artificial person are listed below per 5 GCA § 5233. Note: any less-than-25% owners of such a business or artificial person is encouraged to also be listed below.

Name of >10% Owner Business or Artificial Person:

Names of owners of the >10% Owner Business or Artificial Person ("Second Tier Owner")	Owner's Principal Place of Business Street Address	% of Interest

funds are to be used in the payment of the contract related to the Bid/Offer/Proposal/Prospective Contract for which this Declaration is submitted, are as follows (if none, please so state):

Name	Principal Place of Business Street Address
_____	_____
_____	_____

- F. Regardless of any ownership interest, the following individuals have the power to control the performance of the contract or to control the Bidder/Offeror/Prospective Contractor, directly or indirectly:

Name	Principal Place of Business Street Address
_____	_____
_____	_____

- G. Until award of the contract, and throughout the term of any contract awarded to the Bidder/Offeror/Prospective Contractor represented herein, I agree to promptly make any disclosures not made previously and update changes in ownership, identities of owners and other required information, interests, compensation or conflicts of the persons required to be disclosed herein. I understand that failure to comply with this requirement shall constitute a material breach of contract.

- H. I hereby declare under penalty of perjury under the laws of Guam that the foregoing is true and correct.

Executed on: _____ (date)

Signature of one of the following:
Bidder/Offeror/Prospective Contractor, if a licensed individual
Owner of sole proprietorship Bidder/Offeror/Prospective Contractor
Partner, if the Bidder/Offeror/Prospective Contractor is a partnership
Officer, if the Bidder/Offeror/Prospective Contractor is a corporation

**Section VI. DECLARATION RE: NO GRATUITIES OR
KICKBACKS (AG Form 004)**

_____ [state name of declarant signing below], declares that:

1. The name of the offering firm or individual is _____ [state name of Offeror company or Offeror]. Declarant is _____ [state one of the following: the Offeror, a partner of the Offeror, an officer of the Offeror] making the foregoing identified bid or Proposal.
2. To the best of declarant's knowledge, neither declarant, nor any of the Offeror's officers, representatives, agents, subcontractors, or employees have violated, or are violating the prohibition against gratuities and kickbacks set forth in 2 GAR Division 4 § 11107(e). Further, declarant promises, on behalf of Offeror, not to violate the prohibition against gratuities and kickbacks as set forth in 2 GAR Division 4 § 11107(e).
3. To the best of declarant's knowledge, neither declarant, nor any of the Offeror's officers, representatives, agents, subcontractors, or employees have offered, given, or agreed to give, any government of Guam employee or former government employee, any payment, gift, kickback, gratuity, or offer of employment in connection with Offeror's Proposal. violated, or are violating the prohibition against gratuities and kickbacks set forth in 2 GAR Division 4 § 11107(e).
4. I make these statements on behalf of myself as a representative of the Offeror, and on behalf of the Offeror's officers, representatives, agents, subcontractors, and employees.

I certify under penalty of perjury under the laws of Guam that the foregoing is true and correct.

Executed on: _____ (date)

Signature of one of the following:

Offeror, if the offeror is an individual;
Partner, if the offeror is a partnership;
Officer, if the offeror is a corporation

**Section VIII. DECLARATION RE: COMPLIANCE WITH U.S.
DOL WAGE DETERMINATION (AG Form 006)**

Procurement No.: _____

Name of Offeror Company: _____

I, _____ hereby **certify under penalty of perjury:**

- (1) That I am _____ [*please select one: the Offeror, a partner of the Offeror, an officer of the Offeror*] making the bid or proposal in the foregoing identified procurement;
(2) That I have read and understand the provisions of 5 GCA § 5801 and § 5802 which read:

§ 5801. Wage Determination Established.

In such cases where the government of Guam enters into contractual arrangements with a sole proprietorship, a partnership or a corporation ("contractor") for the provision of a service to the government of Guam, and in such cases where the contractor employs a person(s) whose purpose, in whole or in part, is the direct delivery of service contracted by the government of Guam, then the contractor shall pay such employee(s) in accordance with the Wage Determination for Guam and the Northern Mariana Islands issued and promulgated by the U.S. Department of Labor for such labor as is employed in the direct delivery of contract deliverables to the government of Guam.

The Wage Determination most recently issued by the U.S. Department of Labor at the time a contract is awarded to a contractor by the government of Guam shall be used to determine wages, which shall be paid to employees pursuant to this Article. Should any contract contain a renewal clause, then at the time of renewal adjustments, there shall be made stipulations contained in that contract for applying the Wage Determination, as required by this Article, so that the Wage Determination promulgated by the U.S. Department of Labor on a date most recent to the renewal date shall apply.

§ 5802. Benefits.

In addition to the Wage Determination detailed in this Article, any contract to which this Article applies shall also contain provisions mandating health and similar benefits for employees covered by this Article, such benefits having a minimum value as detailed in the Wage Determination issued and promulgated by the U.S. Department of Labor, and shall contain provisions guaranteeing a minimum of ten (10) paid holidays per annum per employee.

- (3) That the Offeror is in full compliance with 5 GCA § 5801 and § 5802, as may be applicable to the procurement referenced herein;
(4) That I have attached the most recent wage determination applicable to Guam issued by the U.S. Department of Labor. [*INSTRUCTIONS - Please attach!*]

Signature

Section X. U.S. DEPARTMENT OF LABOR WAGE AND BENEFIT DETERMINATION (SCA)

"REGISTER OF WAGE DETERMINATIONS UNDER THE SERVICE CONTRACT ACT By direction of the Secretary of Labor		U.S. DEPARTMENT OF LABOR EMPLOYMENT STANDARDS ADMINISTRATION WAGE AND HOUR DIVISION WASHINGTON D.C. 20210
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Daniel W. Simms Director		Division of Wage Determinations		Wage Determination No.: 2015-5693 Revision No.: 15 Date Of Last Revision: 12/27/2021
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Note: Contracts subject to the Service Contract Act are generally required to pay at least the applicable minimum wage rate required under Executive Order 14026.

If the contract is entered into on or after January 30 2022 or the contract is renewed or extended (e.g. an option is exercised) on or after January 30 2022 Executive Order 14026 generally applies to the contract. The contractor must pay all covered workers at least \$15.00 per hour (or the applicable wage rate listed on this wage determination if it is higher) for all hours spent performing on that contract in 2022.

The applicable Executive Order minimum wage rate will be adjusted annually. Additional information on contractor requirements and worker protections under the Executive Orders is available at www.dol.gov/whd/govcontracts.

States: Guam Northern Marianas Wake Island

Area: Guam Statewide

Northern Marianas Statewide

Wake Island Statewide

Fringe Benefits Required Follow the Occupational Listing

OCCUPATION CODE - TITLE	FOOTNOTE	RATE
01000 - Administrative Support And Clerical Occupations		
01011 - Accounting Clerk I		13.57
01012 - Accounting Clerk II		15.23
01013 - Accounting Clerk III		17.04
01020 - Administrative Assistant		21.43
01035 - Court Reporter		17.40
01041 - Customer Service Representative I		11.51
01042 - Customer Service Representative II		12.94
01043 - Customer Service Representative III		14.12
01051 - Data Entry Operator I		12.15
01052 - Data Entry Operator II		13.25
01060 - Dispatcher Motor Vehicle		17.39
01070 - Document Preparation Clerk		13.85
01090 - Duplicating Machine Operator		13.85
01111 - General Clerk I		10.35

11360 - Window Cleaner	10.66
12000 - Health Occupations	
12010 - Ambulance Driver	18.23
12011 - Breath Alcohol Technician	18.23
12012 - Certified Occupational Therapist Assistant	25.01
12015 - Certified Physical Therapist Assistant	25.01
12020 - Dental Assistant	16.32
12025 - Dental Hygienist	36.12
12030 - EKG Technician	25.99
12035 - Electroneurodiagnostic Technologist	25.99
12040 - Emergency Medical Technician	18.23
12071 - Licensed Practical Nurse I	16.30
12072 - Licensed Practical Nurse II	18.23
12073 - Licensed Practical Nurse III	20.32
12100 - Medical Assistant	12.26
12130 - Medical Laboratory Technician	18.82
12160 - Medical Record Clerk	13.61
12190 - Medical Record Technician	17.77
12195 - Medical Transcriptionist	16.30
12210 - Nuclear Medicine Technologist	40.06
12221 - Nursing Assistant I	11.34
12222 - Nursing Assistant II	12.75
12223 - Nursing Assistant III	13.91
12224 - Nursing Assistant IV	15.61
12235 - Optical Dispenser	18.23
12236 - Optical Technician	16.30
12250 - Pharmacy Technician	15.49
12280 - Phlebotomist	16.30
12305 - Radiologic Technologist	25.33
12311 - Registered Nurse I	23.18
12312 - Registered Nurse II	28.36
12313 - Registered Nurse II Specialist	28.36
12314 - Registered Nurse III	34.32
12315 - Registered Nurse III Anesthetist	34.32
12316 - Registered Nurse IV	41.13
12317 - Scheduler (Drug and Alcohol Testing)	22.58
12320 - Substance Abuse Treatment Counselor	22.58
13000 - Information And Arts Occupations	
13011 - Exhibits Specialist I	21.20
13012 - Exhibits Specialist II	26.27
13013 - Exhibits Specialist III	32.13
13041 - Illustrator I	21.20
13042 - Illustrator II	26.27
13043 - Illustrator III	32.13
13047 - Librarian	29.09
13050 - Library Aide/Clerk	16.88
13054 - Library Information Technology Systems Administrator	26.27
13058 - Library Technician	16.64
13061 - Media Specialist I	18.96
13062 - Media Specialist II	21.20
13063 - Media Specialist III	23.63
13071 - Photographer I	18.96
13072 - Photographer II	21.20
13073 - Photographer III	26.27
13074 - Photographer IV	32.13
13075 - Photographer V	38.88
13090 - Technical Order Library Clerk	21.20
13110 - Video Teleconference Technician	18.96
14000 - Information Technology Occupations	
14041 - Computer Operator I	15.71
14042 - Computer Operator II	17.22
14043 - Computer Operator III	19.19
14044 - Computer Operator IV	21.33
14045 - Computer Operator V	23.62
14071 - Computer Programmer I	15.73
14072 - Computer Programmer II	19.50
	(see 1)
	(see 1)

23120 - Bicycle Repairer	15.61
23125 - Cable Splicer	19.59
23130 - Carpenter Maintenance	16.07
23140 - Carpet Layer	18.20
23160 - Electrician Maintenance	18.05
23181 - Electronics Technician Maintenance I	18.20
23182 - Electronics Technician Maintenance II	19.46
23183 - Electronics Technician Maintenance III	20.72
23260 - Fabric Worker	16.94
23290 - Fire Alarm System Mechanic	16.77
23310 - Fire Extinguisher Repairer	15.61
23311 - Fuel Distribution System Mechanic	20.72
23312 - Fuel Distribution System Operator	15.61
23370 - General Maintenance Worker	12.01
23380 - Ground Support Equipment Mechanic	23.84
23381 - Ground Support Equipment Servicer	19.47
23382 - Ground Support Equipment Worker	21.03
23391 - Gunsmith I	15.61
23392 - Gunsmith II	18.20
23393 - Gunsmith III	20.72
23410 - Heating Ventilation And Air-Conditioning Mechanic	17.50
23411 - Heating Ventilation And Air Contidioning Mechanic (Research Facility)	18.61
23430 - Heavy Equipment Mechanic	19.27
23440 - Heavy Equipment Operator	17.76
23460 - Instrument Mechanic	20.72
23465 - Laboratory/Shelter Mechanic	19.46
23470 - Laborer	11.37
23510 - Locksmith	19.46
23530 - Machinery Maintenance Mechanic	23.13
23550 - Machinist Maintenance	20.72
23580 - Maintenance Trades Helper	10.67
23591 - Metrology Technician I	20.72
23592 - Metrology Technician II	22.03
23593 - Metrology Technician III	23.33
23640 - Millwright	20.72
23710 - Office Appliance Repairer	19.46
23760 - Painter Maintenance	14.08
23790 - Pipefitter Maintenance	18.39
23810 - Plumber Maintenance	17.27
23820 - Pneudraulic Systems Mechanic	20.72
23850 - Rigger	20.72
23870 - Scale Mechanic	18.20
23890 - Sheet-Metal Worker Maintenance	17.35
23910 - Small Engine Mechanic	18.20
23931 - Telecommunications Mechanic I	19.76
23932 - Telecommunications Mechanic II	21.01
23950 - Telephone Lineman	18.24
23960 - Welder Combination Maintenance	18.31
23965 - Well Driller	21.13
23970 - Woodcraft Worker	20.71
23980 - Woodworker	15.61
24000 - Personal Needs Occupations	
24550 - Case Manager	15.01
24570 - Child Care Attendant	10.09
24580 - Child Care Center Clerk	13.25
24610 - Chore Aide	12.78
24620 - Family Readiness And Support Services Coordinator	15.01
24630 - Homemaker	16.12
25000 - Plant And System Operations Occupations	
25010 - Boiler Tender	20.72
25040 - Sewage Plant Operator	21.59
25070 - Stationary Engineer	20.72
25190 - Ventilation Equipment Tender	14.29
25210 - Water Treatment Plant Operator	21.59

30492 - Unexploded Ordnance (UXO) Technician II	30.98
30493 - Unexploded Ordnance (UXO) Technician III	37.13
30494 - Unexploded (UXO) Safety Escort	25.60
30495 - Unexploded (UXO) Sweep Personnel	25.60
30501 - Weather Forecaster I	25.57
30502 - Weather Forecaster II	31.09
30620 - Weather Observer Combined Upper Air Or Surface Programs	(see 2) 20.77
30621 - Weather Observer Senior	(see 2) 23.08
31000 - Transportation/Mobile Equipment Operation Occupations	
31010 - Airplane Pilot	30.98
31020 - Bus Aide	8.15
31030 - Bus Driver	10.66
31043 - Driver Courier	9.69
31260 - Parking and Lot Attendant	9.91
31290 - Shuttle Bus Driver	11.65
31310 - Taxi Driver	11.41
31361 - Truckdriver Light	10.59
31362 - Truckdriver Medium	11.61
31363 - Truckdriver Heavy	14.64
31364 - Truckdriver Tractor-Trailer	14.64
99000 - Miscellaneous Occupations	
99020 - Cabin Safety Specialist	15.10
99030 - Cashier	9.63
99050 - Desk Clerk	9.70
99095 - Embalmer	25.60
99130 - Flight Follower	25.60
99251 - Laboratory Animal Caretaker I	23.38
99252 - Laboratory Animal Caretaker II	25.54
99260 - Marketing Analyst	21.54
99310 - Mortician	25.60
99410 - Pest Controller	14.61
99510 - Photofinishing Worker	13.45
99710 - Recycling Laborer	17.32
99711 - Recycling Specialist	23.38
99730 - Refuse Collector	16.40
99810 - Sales Clerk	9.87
99820 - School Crossing Guard	17.27
99830 - Survey Party Chief	23.01
99831 - Surveying Aide	13.08
99832 - Surveying Technician	17.00
99840 - Vending Machine Attendant	23.38
99841 - Vending Machine Repairer	29.78
99842 - Vending Machine Repairer Helper	23.38

Note: Executive Order (EO) 13706 Establishing Paid Sick Leave for Federal Contractors applies to all contracts subject to the Service Contract Act for which the contract is awarded (and any solicitation was issued) on or after January 1 2017. If this contract is covered by the EO the contractor must provide employees with 1 hour of paid sick leave for every 30 hours they work up to 56 hours of paid sick leave each year. Employees must be permitted to use paid sick leave for their own illness injury or other health-related needs including preventive care; to assist a family member (or person who is like family to the employee) who is ill injured or has other health-related needs including preventive care; or for reasons resulting from or to assist a family member (or person who is like family to the employee) who is the victim of domestic violence sexual assault or stalking. Additional information on contractor requirements and worker protections under the EO is available at www.dol.gov/whd/govcontracts.

Additionally because job titles vary widely and change quickly in the computer industry job titles are not determinative of the application of the computer professional exemption. Therefore the exemption applies only to computer employees who satisfy the compensation requirements and whose primary duty consists of:

(1) The application of systems analysis techniques and procedures including consulting with users to determine hardware software or system functional specifications;

(2) The design development documentation analysis creation testing or modification of computer systems or programs including prototypes based on and related to user or system design specifications;

(3) The design documentation testing creation or modification of computer programs related to machine operating systems; or

(4) A combination of the aforementioned duties the performance of which requires the same level of skills. (29 C.F.R. 541.400).

2) AIR TRAFFIC CONTROLLERS AND WEATHER OBSERVERS - NIGHT PAY & SUNDAY PAY: If you work at night as part of a regular tour of duty you will earn a night differential and receive an additional 10% of basic pay for any hours worked between 6pm and 6am. If you are a full-time employed (40 hours a week) and Sunday is part of your regularly scheduled workweek you are paid at your rate of basic pay plus a Sunday premium of 25% of your basic rate for each hour of Sunday work which is not overtime (i.e. occasional work on Sunday outside the normal tour of duty is considered overtime work).

**** HAZARDOUS PAY DIFFERENTIAL ****

An 8 percent differential is applicable to employees employed in a position that represents a high degree of hazard when working with or in close proximity to ordnance explosives and incendiary materials. This includes work such as screening blending dying mixing and pressing of sensitive ordnance explosives and pyrotechnic compositions such as lead azide black powder and photoflash powder. All dry-house activities involving propellants or explosives. Demilitarization modification renovation demolition and maintenance operations on sensitive ordnance explosives and incendiary materials. All operations involving re-grading and cleaning of artillery ranges.

A 4 percent differential is applicable to employees employed in a position that represents a low degree of hazard when working with or in close proximity to ordnance (or employees possibly adjacent to) explosives and incendiary materials which involves potential injury such as laceration of hands face or arms of the employee engaged in the operation irritation of the skin minor burns and the like; minimal damage to immediate or adjacent work area or equipment being used. All operations involving unloading storage and hauling of ordnance explosive and incendiary ordnance material other than small arms ammunition. These differentials are only applicable to work that has been specifically designated by the agency for ordnance explosives and incendiary material differential pay.

**** UNIFORM ALLOWANCE ****

If employees are required to wear uniforms in the performance of this contract

- 1) When preparing the bid the contractor identifies the need for a conformed occupation(s) and computes a proposed rate(s).

- 2) After contract award the contractor prepares a written report listing in order the proposed classification title(s) a Federal grade equivalency (FGE) for each proposed classification(s) job description(s) and rationale for proposed wage rate(s) including information regarding the agreement or disagreement of the authorized representative of the employees involved or where there is no authorized representative the employees themselves. This report should be submitted to the contracting officer no later than 30 days after such unlisted class(es) of employees performs any contract work.

- 3) The contracting officer reviews the proposed action and promptly submits a report of the action together with the agency's recommendations and pertinent information including the position of the contractor and the employees to the U.S. Department of Labor Wage and Hour Division for review (See 29 CFR 4.6(b)(2)(ii)).

- 4) Within 30 days of receipt the Wage and Hour Division approves modifies or disapproves the action via transmittal to the agency contracting officer or notifies the contracting officer that additional time will be required to process the request.

- 5) The contracting officer transmits the Wage and Hour Division's decision to the contractor.

- 6) Each affected employee shall be furnished by the contractor with a written copy of such determination or it shall be posted as a part of the wage determination (See 29 CFR 4.6(b)(2)(iii)).

Information required by the Regulations must be submitted on SF-1444 or bond paper.

When preparing a conformance request the ""Service Contract Act Directory of Occupations"" should be used to compare job definitions to ensure that duties requested are not performed by a classification already listed in the wage determination. Remember it is not the job title but the required tasks that determine whether a class is included in an established wage determination. Conformances may not be used to artificially split combine or subdivide classifications listed in the wage determination (See 29 CFR 4.152(c)(1))."

Section XI. SUBCONTRACTOR UTILIZATION FORM

RFP NO. _____

PROJECT TITLE:

NAME OF PRIME OFFEROR:

E-MAIL ADDRESS:

Section XII. CONFLICT-OF-INTEREST (COI) DISCLOSURE FORM
RFP-Office of the Governor-2022-001

Offerors under Contract or proposing to enter into a Contract with the Office of the Governor of Guam or the government of Guam must comply with the "Conflict-of-Interest Guidelines" attached to this solicitation. The definitions of terms used in this COI Disclosure Form shall be those provided in the Conflict-of-Interest Guidelines (note that "Public Employee" includes all government of Guam employees and Office of the Governor of Guam employees).

This COI Disclosure Form is submitted in response to:

- The Office of the Governor RFP# _____ [or] IFB# _____ (check only one)
- Contract # _____ (if applicable)
- Changes to COI Disclosure Form previously submitted for RFP # _____, IFB # _____ (check only one), or Contract # _____ (if applicable)

This COI Disclosure Form must be signed in ink by an authorized representative of Offeror to certify that it is correct. An Offeror's certification that its disclosure form is correct includes the disclosure by its Associates and Subcontractors.

My signature certifies that as disclosed on or attached to the present form:

- (a) the Offeror's disclosures are complete, accurate, and not misleading.
- (b) the Offeror has provided the COI Guidelines to all Associates and Subcontractors (if any) and this form includes or has attached any required COI disclosures from those sources.

I hereby certify that I am authorized to sign this COI Disclosure Form as an Authorized Representative for the Offeror identified below:

Complete Legal Name of Offeror: _____

Address: _____

Telephone: _____

Fax No: _____

Signature: _____ **Date:** _____

Please answer all questions "Yes", "No" or "N/A" (if uncertain answer "Yes.") If the answer to any of the questions is "Yes," then use the applicable "Comments" fields to:

- (a) furnish all relevant facts that are necessary to make the response complete, accurate, and not misleading; and
- (b) identify any actions that must be taken to avoid, neutralize, or mitigate such conflict of interest (e.g., communications barriers, restraint or restriction upon future contracting activities, or other precaution)

Please add additional sheets as necessary to respond to the "Comments" field.

- 1. a) Is any Associate of the Offeror a former employee of the government of Guam within the last year? No Yes

9. Have Subcontractors or other Associates furnished COI Disclosure Forms, separate from the present form, which included conflicts or potential conflicts of interest? (If yes, attach the disclosures.) No Yes N/A **Comments:**
10. If the prospective Contract/WOC includes personal services for the purpose of administering, managing, monitoring, inspecting, evaluating compliance with or otherwise overseeing a public contract, is the Offeror or an Associate or an Affiliate of the Offeror a party to the subject public contract? No Yes N/A **Comments:**
11. Has the Offeror or any Associate of the Offeror entered into personal services contract(s) with the government of Guam for the purpose of advising or assisting in developing specifications, a scope or statement of work, an invitation to bid, a request for proposals or other solicitation documents and materials related to this procurement?
No Yes **Comments:**

Space for Additional Comments to any questions above (please list question number and corresponding comment):

(COI FORM for Relatives and Former Government Employees - Roles and Signatures listing is located on the next page)

Section XIII. CONFLICT-OF-INTEREST GUIDELINES

Offerors shall follow these Conflict-of-Interest (COI) Guidelines when submitting any Proposal in response to a federally funded government solicitation or procurement or when entering into any federally funded Contract with the government of Guam. The Contractor shall follow these COI Guidelines throughout the period during which the Proposal/Bid is open or the Contract is in effect. An Offeror shall provide the COI Guidelines and associated COI Disclosure Form to all of its Subconsultants and Subcontractors at any tier of a Proposal or Contract and shall ensure that the Offeror and each of its Subconsultants or Subcontractors make any disclosures required by these guidelines or as required by a specific Procurement or Contract. The government of Guam will follow and apply these COI Guidelines when conducting government procurements.

1. Definitions.

The definitions that apply to these COI Guidelines and the government's COI Disclosure Form are at the end of this document.

2. Required Disclosures.

Submittal of a Correct and signed COI Disclosure Form is required if any of the following apply (note that for the purposes of these COI Guidelines "Public Employee" includes all government of Guam or federal government employees):

- an Offeror or any of its Associates have any Apparent, Potential or Actual Conflicts of Interest per these COI guidelines or per the criteria of any COI Form included as part of a Procurement or Contract;
- a Procurement or Contract document specifically requires submittal of a COI Disclosure Form (e.g., if the prospective Project includes preparation of an Environmental Impact Statement or Environmental Assessment, submittal of COI Disclosure Forms is always required.);
- an Offeror has any changes to its staffing or organization (whether before or after entering into a Contract) that result in an Apparent, Potential or Actual Conflict-of-Interest per these guidelines or per the criteria of any COI form associated with a particular Procurement or Contract. Any such changes shall be disclosed within 10 business days via submittal of a complete and signed COI Disclosure Form.
- the response to any of the following questions is "yes" (with respect to a Procurement or current Contract with The Office of the Governor):
 1. Is any Associate of the Offeror a former employee of the government (within the last year)?
 2. Is any Associate of the Offeror a Relative or Member of the Household of a current employee of the government who had or may have a role in this Procurement, Authorization of the Contract, Contract administration, or oversight of the Contractor's performance?

The COI Disclosure Form is attached to the solicitation as a mandatory form that must be signed and submitted with Offeror's Proposal.

3. Governing Standards.

Both Guam and federal laws govern disclosure and management of conflicts of interest in contracting processes under a federally funded procurement. The disclosure requirements of these COI Guidelines apply to all government contracting activities {Architectural and Engineering (A&E) and non-A&E, public improvements, goods, and trade services} without regard to which particular federal or Guam laws govern the activity. There are also Standards of Conduct Policies for conflicts of interest regarding current government employees, and the employment of former government employees, which are applicable to this procurement, and are explained below.

Standards of Conduct Policy Regarding Former Government Employees

When employees of firms which compete for or have Contracts with the government come to work for the government, and when the government employees go to work for firms which compete for or have Contracts with the government, a Potential Conflict-of-Interest may exist.

Use of a former government employee by an Offeror on the same, or substantially similar Procurement, for which the employee performed a role or function for the government, unless mitigated to the satisfaction of the government, is prohibited for a period of one year following separation of employment with the government. Roles and functions of particular concern include drafting specifications or statements of work, reviewing or scoring a bid or proposal, authorizing service or assigning work, awarding a Contract, administering a Contract, or overseeing Contractor's performance. The government may determine that the role or Procurement is not substantially similar because of differences in location of the Project or work, because of the type and method of Procurement, because the employee did not participate personally or substantially in the procurement, because the role performed was minor in nature, such as a technical sufficiency review, or because the Civil Service Commission has granted the employee an applicable waiver. Examples of mitigation that may, in appropriate situations, be acceptable to the government include separation of certain decision-making functions concerning the Project, not using the employee in preparation of proposals but allowing them to perform work on the Project, and not having the employee have direct contact with the government staff formerly under his/her supervision.

For each Procurement, Offerors shall disclose to the government the identification of any of Offeror's employee(s) that had been employed by the government within the twelve-month period prior to the submission date for the Proposal or bid. Each Offeror's disclosure shall include a signed statement by the former government employee of their proposed role for the Offeror in the particular Procurement and any resulting Contract. The knowing failure of an Offeror to disclose such relationship or to remedy such potential violation will result in the rejection of the Offeror's Proposal or cancellation of any awarded Contract with the government as well as constituting grounds for cancellation of any Offeror's pre-qualification status, or designation of an Offeror as ineligible for future Procurements as a non-responsible bidder or offeror. (Also see below regarding the ban on any direct beneficial or financial interest.)

(d) Selling to the Territory After Termination of Employment is Prohibited. It shall be a breach of ethical standards for any former employee, unless the former employee's last annual salary did not exceed Twelve Thousand Dollars (\$12,000.00), to engage in selling or attempting to sell supplies, services other than personal services, or construction to the Territory for ninety (90) days following the date employment ceased.

The term sell as used herein means signing a bid, proposal, or contract; negotiating a contract, contracting any employee for the purpose of obtaining, negotiating or discussing changes in specifications, price, cost allowances or other terms of a contract; settling disputes concerning performance of a contract; or any other liaison activity with a view toward the ultimate consummation of a sale although the actual contract therefor is subsequently negotiated by another person; provided, however, that this Section is not intended to preclude a former employee from accepting employment with private industry solely because the former employee's employer is a contractor with this Territory, nor shall a former employee be precluded from serving as a consultant to this Territory."

- 4 GCA § 15201 states: "No employee shall solicit, accept, or receive, directly or indirectly, any gift valued singly or in the aggregate from a single source in excess of \$200, whether in the form of money, prize, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, when a reasonable person would infer that the gift is intended to influence the employee in the performance of that individual's official duties or is intended as a reward for any official action on that individual's part."

- 4 GCA § 15204 (a), (b), (c), and (d) provide: "No employee shall use or attempt to use an official position to secure or grant unwarranted privileges, exemptions, advantages, contracts, or treatment, for himself or herself, a spouse, children, or others, including but not limited to the following:

- (a) seeking other employment or contract for services by the use or attempted use of the individual's office or position;

- (b) accepting, receiving, or soliciting compensation for the performance of official duties or responsibilities except as provided by law;

- (c) using government time, equipment, or other facilities for private business purposes;

- (d) soliciting, selling, or otherwise engaging in a financial transaction with a subordinate or a person or business whom the employee inspects or supervises in official capacity."

- 4 GCA § 15205 (a), (b), (c), (d), and (e) provide: "Conflicts of Interest.

- (a) No employee shall take any official action directly affecting:

- (1) business or other undertaking in which the employee has a financial interest; or

- (2) private undertaking in which the employee is engaged as legal counsel, advisor, consultant, representative, or other agency capacity. A department head who is unable to be disqualified on any matter described in item (1) or (2) of this Subsection may be in violation of this Subsection even if the individual has complied with the disclosure requirements of § 15208; and a person whose position on a board, commission or committee is mandated by statute, resolution or executive order to have particular qualifications shall only be prohibited from taking official action that directly and specifically affects a business or undertaking in which such person has a financial interest; provided that the financial interest is related to the member's particular qualifications.

with the public agency for whom the person had worked. Sharing in the general profits of the Offeror (such as a year-end bonus for overall corporate profits) is likely not a direct beneficial financial interest, however, a bonus or other compensation paid just on the basis of the public contract would be subject to the prohibition.

Standards of Conduct for Offerors and Contractors, and Organizational Conflicts of Interest Policy

It is the policy of the government to avoid, neutralize, or mitigate organizational conflicts of interest that might exist for all procurements. Each individual contracting situation shall be examined on the basis of its particular facts and the nature of the proposed contract. The exercise of common sense, good judgment, and sound discretion is required in both the decision on whether a significant potential conflict exists and, if it does, the development of an appropriate means for resolving it. The principles underlying this policy are: (1) preventing the existence of conflicting roles that might bias an Offeror's judgment; and (2) Preventing unfair competitive advantage. In addition to the other situations described in these COI Guidelines, an unfair competitive advantage exists where an Offeror competing for award of any government contract possesses: (1) proprietary information that was obtained from a Public Employee without proper authorization; or (2) source selection information that is relevant to the contract but is not available to all competitors, and such information would assist that Offeror in obtaining the contract.

The following situations constitute organizational conflicts of interest. This listing is not exhaustive:

- A conflict of interest exists when an Offeror that provides systems engineering and technical direction for a system is awarded a contract to supply the system or any of its major components; or is a subcontractor or consultant to a supplier of the system or any of its major components; even if the Offeror did not have overall contractual responsibility for the system's development, its integration, assembly, and checkout, or its production. In this example, systems engineering includes a combination of substantially all of the following activities: determining specifications, identifying and resolving interface problems, developing test requirements, evaluating test data, and supervising design. Technical direction includes a combination of substantially all of the following activities: developing work statements, determining parameters, directing other contractors' operations, and resolving technical controversies. In performing these activities, a contractor occupies a highly influential and responsible position in determining a system's basic concepts and supervising their execution by other contractors. Therefore, this Offeror should not be in a position to make decisions favoring its own products or capabilities.
- A conflict of interest exists when an Offeror develops, prepares, furnishes, or drafts any specifications, requirements, statements of work, scope of services, invitations for bids, or requests for proposals related to a solicitation covering non-developmental items, to be used in a competitive procurement, and also submits a proposal or bid to be allowed to furnish these items, either as a prime contractor or as a subcontractor, for a reasonable period of time including, at least, the duration of the initial contract.
- If a single contractor develops, prepares, furnishes, or drafts any specifications, requirements, statements of work, scope of services, invitations for bids, or requests for

development contractor has a competitive advantage, it is an unavoidable one that is not considered unfair; hence this is not considered an organizational conflict of interest.

- It is not an organizational conflict of interest for Offerors that furnish, at government request, specifications or data regarding a product they provide, even though the specifications or data may have been paid for separately or in the price of the product.
- It is not an organizational conflict of interest where Offerors, acting as industry representatives, help government agencies prepare, refine, or coordinate specifications, regardless of source, provided this assistance is supervised and controlled by government representatives.

It is further the policy of the government to restrict Offeror's use of confidential or proprietary information obtained from previous affiliations with the government or the Office of the Governor when competing for government contracts. When a contractor requires proprietary information to perform a government contract and can use the leverage of the contract to obtain it, the contractor may gain an unfair competitive advantage unless restrictions are imposed. These restrictions protect the information and encourage companies to provide it when necessary for contract performance. They are not intended to protect information: (1) furnished voluntarily without limitations on its use; or (2) available to the government or contractor from other sources without restriction.

In addition, a contractor that gains access to proprietary information of other companies in performing advisory and assistance services for the government must agree with the other companies to protect their information from unauthorized use or disclosure for as long as it remains proprietary and refrain from using the information for any purpose other than that for which it was furnished. The Offeror shall provide the Office of the Governor with copies of these agreements and ensure that they are properly executed.

Contractors also obtain proprietary and source selection information by acquiring the services of marketing consultants which, if used in connection with an acquisition, may give the contractor an unfair competitive advantage. Contractors should make inquiries of marketing consultants to ensure that the marketing consultant has provided no unfair competitive advantage, and must disclose these relationships to the Office of the Governor on the COI Disclosure Form.

Specific Federal Standards—Procurements Related to Design-Build and Design-Bid-Build

Pursuant to 23 USC § 112(b)(3), the FHWA has promulgated administrative rules that affect federally funded Design-Build procurements and related procurements. These rules, which are in Chapter 23 of the CFR pt. 636, are used as the basis for The Office of the Governor's guidelines on the subject and specifically regulate both Organizational and Individual Conflicts of Interest. The government's COI Guidelines incorporate a number of concepts from these federal provisions.

The primary rule governing Organizational Conflicts of Interest in Design-Build transactions is 23 CFR § 636.116. This rule affects not only Design-Build procurements, but also "any contract for engineering services, inspection or technical support in the administration of the Design-Build contract." Following is a summary of this federal rule (The government of Guam's COI Guidelines apply this rule to design-bid-build and non-A&E activities as well):

(b) such services included only Low-Level Documents and did not include development of instructions to offerors or evaluation criteria for the RFP;

(c) such services did not provide the Offeror with access to or knowledge of government confidential or inside information that could provide an unfair competitive advantage with respect to the Procurement;

(d) the prior Contract and information provided to the Offeror in the performance of its services are either irrelevant to the Procurement or are available on an equal and timely basis to all Offerors;

(e) the work product from the Offeror incorporated into or relevant to the Procurement is available through Public Disclosure on an equal and timely basis to all Offerors; and

(f) any environmental documents prepared by the Offeror have been determined to be objective, and that the government demonstrated independent decision-making authority during the environmental process.

In such instances where the government is satisfied in the manner described above, the government may still, in its sole discretion, restrict the scope of Procurement services for which the Offeror shall be eligible to perform in order to further the intent and goals of these COI Guidelines.

Public Disclosure of services or products is an important consideration in determining if an Organizational Conflict-of-Interest exists. All COI Disclosure Forms will be considered public records, as permitted under Guam's Procurement Law.

5. COI Disclosure Process.

An Offeror shall certify its compliance with these COI Guidelines at the time of submitting a Proposal to the government, during the Procurement Process, and during the time of performance of any awarded Contract with the government. If submittal of COI Disclosure Form(s) is required per these COI Guidelines or a specific Procurement or Contract, an Offeror shall represent the correctness of a completed COI Disclosure Form. If an Offeror has any changes to its staffing or organization (whether before or after entering a Contract) that result in an Actual, Apparent or Potential Conflict-of-Interest (Individual or Organizational) per these COI Guidelines or per the criteria of any COI form associated with a particular Procurement or Contract, any such changes shall be disclosed within ten (10) business days via submittal of a Correct and signed COI Disclosure Form.

An Offeror shall assure that any COI Disclosure Form it submits includes any information required to be disclosed by its Subcontractors and other Associates, on behalf of the Offeror. An Offeror may submit either the Subcontractors' separate COI Disclosure Forms or incorporate Subcontractor information into its own COI Disclosure Form. The disclosure required with the proposal applies the prime and all proposed Subcontractors that are identified or anticipated at the time of proposal submission.

The identification, assessment, and management of Actual or Potential Conflicts of Interest are joint tasks among the government, the Offeror and the Offeror's team. An Offeror must work together with the government in an atmosphere of candor and accountability during the period of negotiation or performance of the Contract with the government. The government makes the final determination as to the adequacy of any COI disclosures or COI management plan offered by the Offeror.

company under common ownership with a major electronics manufacturer desires to bid. The government initially assesses this situation as an Organizational Conflict-of-Interest, because it cannot know in advance whether the hardware products of this electronics manufacturer would be used in the Project, and the government informs potential Offerors of its concern related to this type of conflict via addendum to the RFP. In its proposal, the company offers no mitigating facts or organizational plans that address the government's concerns about the conflict. Depending on the particular facts, the government determines that the company has an actual conflict of interest.

4. The government seeks advice of an industry advisory committee to formulate the specifications for an information technology (IT) RFP. An IT Offeror that participated in the advisory committee wishes to submit a proposal in response to the RFP. Depending on the particular facts, the government might determine that the role of the Offeror was to represent the industry in the context of a public meeting where other Offerors were invited to submit comments, and that the Offeror therefore does not have an Organizational Conflict-of-Interest.
5. The government contracts with an A&E Offeror to develop "low-level" documents prior to establishing a schedule for a RFP in which the "low level" documents, still under development, will be used by prospective Offerors. The A&E Offeror has attended the pre-proposal meeting and wishes to propose on the RFP. The government determines that the company has a potential Organizational Conflict-of-Interest because of the fact that the low-level documents have not been made public and the Offeror will still be developing the documents during the solicitation. The company then mitigates the potential conflict of interest by suspending development of new reports during the open period of the solicitation and making all data and information sources available on a government website prior to the RFP release. The government determines that the potential conflict has been adequately managed and the Offeror will not be disqualified from submitting a proposal or being part of the proposing team.
6. The government contracts with a consulting Offeror to assist the government in the development of an RFP and sample Contract for a Design-Build Procurement for construction of certain Transportation Projects. The Offeror has close contact with the government decision-makers in the development of the evaluation criteria for the RFP and the proposed Contract terms, and that information is shared throughout the Offeror with all management and technical personnel. The Offeror will not be able to submit a proposal in the design-build Procurement, or participate as a team member with an Offeror submitting a proposal in response to the RFP.
7. The government seeks comprehensive program management services for a series of Transportation Projects. Prior to release of the RFP, the government shared its interpretation of the applicable conflict of interest requirements with the industry. One of the proposing Offerors has a related entity with a planned interest in future design-build construction work related to the transportation program. The COI Disclosure Form does not clearly state whether the related entity is a subsidiary, major partner, Subcontractor, or affiliate of a Subcontractor. The proposing Offeror describes its intent to restrict the flow of information concerning construction Projects to the related entity and thereby to its affiliate construction company but does not clarify how much information will be shared between the principal and its Subcontractors and affiliates or the controls placed on the principal Subcontractor-

“Affiliate” (of an Offeror) means a person or entity that, directly or indirectly through one or more intermediaries, controls, is controlled by, or is under common control of the Offeror.

“Apparent Conflict-of-Interest” means that an individual or Offeror may reasonably be perceived to have an Actual Conflict-of-Interest or a Potential Conflict-of-Interest.

“Associate” (of the Offeror) means an employee, executive, director, key project personnel, consultant, contractor, or Subcontractor, or any immediate family member of the foregoing.

“Authorization” (of the Contract). A public contract is authorized by a Public Employee if the Public Employee participated substantially in the procurement selection process or performed a significant role in the selection of an Offeror or the execution of the Contract. A significant role includes recommending approval or signing of the Contract, including serving as a reference, recommending selection or serving on a selection committee or team, or having the final authorizing authority for the Contract.

“Bidder” means a legally operating business entity submitting a bid in response to a Procurement solicitation.

“Conflict-of-Interest” or “COI” means an Individual Conflict-of-Interest or Organizational Conflict-of-Interest and includes an Actual, Potential, or Apparent Conflict-of-Interest.

“COI Disclosure Form” means a manually signed disclosure of any Actual Conflict-of-Interest, Apparent Conflict-of-Interest or Potential Conflict-of-Interest documented in the form of the government’s COI Disclosure Form.

“COI Guidelines” refers to this document and all references herein.

“Contract” means an Agreement, Contract, Purchase Request (PR), Work Order Contract (WOC), Purchase Order (PO), or any other type agreement with the government, regardless of what it may be called, for the procurement or disposal of supplies, services, or construction.

“Contractor” means a legally operating business entity that has been awarded a contract in response to a Procurement.

“Correct” means, in the context of determining the accuracy of a COI Disclosure Form, that the form, in all material respects, is complete, accurate, not misleading, and does not omit any material information.

“Offeror” means a Proposer or Bidder under a Procurement solicitation, a consultant or contractor under a Contract, or a Subcontractor at any tier of a Proposer, consultant, or contractor, and any partner or member of any of the foregoing. An Offeror includes all persons, individual or corporate, without regard to form of legal entity, and any partner or member of any of the foregoing.

“Member of the Household” (of the Public Employee) means any person who resides with the Public Employee.

“Individual Conflict-of-Interest” means that an individual has a conflict of interest because of a financial interest, gift, or other activities or relationships with other persons including but not limited to individuals with whom the individual has business, familial or household relationships.

"Public Employee" means any person who is serving the government of Guam or any of its political subdivisions or any other governmental body as defined in 5 GCA § 5125 as an elected official, appointed official, employee, agent, or otherwise, irrespective of whether the person is compensated for the services. (For the purposes of these COI Guidelines, all government of Guam and federal government employees are considered Public Employees under this definition.)

"Relative" (of a Public Employee) means:

- the Public Employee's spouse or domestic partner;
- the children, siblings, spouses of siblings or parents of the Public Employee or the Public Employee's spouse; or
- any individual for whom the Public Employee has a legal support obligation or for whom the Public Employee provides benefits arising from the Public Employee's public employment or from whom the Public Employee receives benefits arising from that individual's employment.

"Subcontractor" means a contractor or subcontractor at any tier lower than the awarded Contractor.

**Section XV. CERTIFICATION REGARDING LOBBYING FORM
STANDARD FORM-LLL (SF-LLL)**

Approved by OMB

0348-0046

Disclosure of Lobbying Activities

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure)

1. Type of Federal Action: a. contract ___ b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	2. Status of Federal Action: a. bid/offer/application ___ b. initial award c. post-award	3. Report Type: a. initial filing ___ b. material change For material change only: Year _____ quarter _____ Date of last report _____
4. Name and Address of Reporting Entity: ___ Prime ___ Subrecipient Tier _____, if Known: Congressional District, if known:	5. If Reporting Entity in No. 4 is Subrecipient, Enter Name and Address of Prime: Congressional District, if known:	
6. Federal Department/Agency:	7. Federal Program Name/Description: CFDA Number, if applicable: _____	
8. Federal Action Number, if known:	9. Award Amount, if known: \$	
10. a. Name and Address of Lobbying Registrant <i>(if individual, last name, first name, MI):</i>	b. Individuals Performing Services <i>(including address if different from No. 10a)</i> <i>(last name, first name, MI):</i>	
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.	Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____	
Federal Use Only	Authorized for Local Reproduction Standard Form - LLL (Rev. 7-97)	

SECTION XVI. POLICY# OTECH-POL2021-002


**IT SYSTEM DEVELOPMENT REQUIREMENTS & SECURITY
ASSESSMENT STANDARDS**

**** PLEASE FIND THE CURRENT POLICY DETAILS AT THE LINK
BELOW.
POLICY OVERVIEW AND INTRODUCTION ARE INCLUDED IN
THIS SECTION****

<https://otech.guam.government/wp-otech-content/uploads/2022/01/OTECH-POL2021-002-IT-System-Development-Requirement-Security-Assessment-Standards-Final-mod-1.20.2022.pdf>



Revision History

Date of Change	Responsible	Summary of Change
June 2021	ValidUSA	Draft Template
June 2021	OTECH Systems Support	Update policy
August 2021	CTO, DPM	Review draft, approve and disseminate
January 2022	CTO	Corrected format and typo errors
January 2022	OTECH Systems Support	Add Review & Internal Audit section
January 2022	CTO  <hr/> OTECH CTO, Frank LG Lujan, Jr. Date: January 20, 2022	Review and Approve policy updates for dissemination.

Introduction

The Office of Technology (OTECH) is responsible for safeguarding all GovGuam Information Systems. Security must be considered at all stages of life cycle of an information system (i.e., feasibility, planning, development, implementation, maintenance, and retirement) to:

- a. Ensure conformance with all appropriate security requirements,
- b. Protect sensitive information throughout its life cycle,
- c. Facilitate efficient implementation of security controls,
- d. Prevent the introduction of new risks when the system is modified, and
- e. Ensure proper removal of data when the system is retired.

This policy provides guidance to ensure that systems security is considered during the acquisition, development and maintenance and testing stages of an information system’s life cycle.

Third-Party Security Control Requirements

The intention of this guideline is to provide security control requirements for all GovGuam Third-Party vendors and contractors who provide external information system services to GovGuam Agencies. These standards not only cover network services, but should also extend to the people, processes, and technology required by the hosted information system.

All providers of external information system services are required to comply with the following organizational information security requirements, and organization-defined security controls in accordance with applicable state and federal laws, Executive Orders, directives, polices, regulations, standards, and guidance.

Third-Party vendors and/or contractors, hereafter referred to as “Contractor”, are required to submit quarterly security audit reports to ensure continued security control compliance as detailed in the requirements below.



Grant and Cooperative Agreement

ITEM NO. (A)	ITEM OR SERVICE (Include Specifications and Special Instructions) (B)	QUANTITY (C)	UNIT (D)	ESTIMATED COST	
				UNIT PRICE (E)	AMOUNT (F)
00010	<p>CFDA Number: 15.875 DUNS Number: 778904292 Header Text: Funding from the CARES Act to prepare, prevent and respond to COVID-19 Legacy Doc #: DO Delivery: 09/30/2021 Admin Office: DOI, Office of Insular Affairs, OIA 1849 C St. NW Mail Stop 2429 Washington DC 20240 Delivery Location Code: 0008351517 DOI OFFICE OF THE SECRETARY 7401 W Mansfield Ave Denver CO 80235-2212 US</p> <p>Account Assignm: K G/L Account: 6100.411G0 Business Area: D000 Commitment Item: 411G00 Cost Center: DI7DC000GU Functional Area: DTC000001.1T0000 Fund: 201D0412HS Fund Center: DI7DC000GU Project/WBS: DG.30X01 PR Acct Assign: 01 Period of Performance: 04/15/2020 to 09/30/2021</p> <p>TAP-Guam-2020-1</p> <p>Obligated Amount: \$12,039,565.00</p> <p>The total amount of award: \$12,039,565.00. The obligation for this award is shown in box 13B.</p>			12,039,565.00	

- b. Any substantial change in the scope of work or project budget must be submitted to the Grant Manager. The project revisions shall not be implemented until the OIA Grant Manager sends written approval to grantee. If a construction activity is involved and the grantee proposes a substantial change to the scope of work or if significant new circumstances or information emerge, OIA will determine whether supplemental environmental documentation must be prepared to comply with NEPA and all other environmental laws and regulations. This determination must be made prior to OIA approval of any project revisions.

The OIA Grant Manager must be informed in writing of any changes to the proposed project schedule that are likely to cause substantial delays to the project's completion.

5. Conflicts of Interest

a. Applicability

- i. This section intends to ensure that non-Federal entities and their employees take appropriate steps to avoid conflicts of interest in their responsibilities under or with respect to Federal financial assistance agreements.
- ii. In the procurement of supplies, equipment, construction, and services by recipients and by sub-recipients, the conflict of interest provisions in 2 CFR 200.318 apply.

b. Requirements

- i. Non-Federal entities must avoid prohibited conflicts of interest, including any significant financial interests that could cause a reasonable person to question the recipient's ability to provide impartial, technically sound, and objective performance under or with respect to a Federal financial assistance agreement.
- ii. In addition to any other prohibitions that may apply with respect to conflicts of interest, no key official of an actual or proposed recipient or sub-recipient, who is substantially involved in the proposal or project, may have been a former Federal employee who, within the last one (1) year, participated personally and substantially in the evaluation, award, or administration of an award with respect to that recipient or sub-recipient or in development of the requirement leading to the funding announcement.
- iii. No actual or prospective recipient or sub-recipient may solicit, obtain, or use non-public information regarding the evaluation, award, or administration of an award to that recipient or sub-recipient or the development of a Federal financial assistance opportunity that may be of competitive interest to that recipient or sub-recipient.

c. Notification

- i. Non-Federal entities, including applicants for financial assistance awards, must disclose in writing any conflict of interest to the DOI awarding agency or pass-through entity in accordance with 2 CFR 200.112, Conflicts of interest.
- ii. Recipients must establish internal controls that include, at a minimum, procedures to identify, disclose, and mitigate or eliminate identified conflicts of interest. The recipient is responsible for notifying the Financial Assistance Officer in writing of any conflicts of interest that may arise during the life of the award, including those that have been reported by sub-recipients.

d. **Restrictions on Lobbying.** Non-Federal entities are strictly prohibited from using funds under this grant or cooperative agreement for lobbying activities and must provide the required certifications and disclosures pursuant to 43 CFR Part 18 and 31 USC 1352.

e. **Review Procedures.** The Financial Assistance Officer will examine each conflict of interest disclosure on the basis of its particular facts and the nature of the proposed grant or cooperative agreement, and will determine whether a significant potential conflict exists and, if it does, develop an appropriate means for resolving it.

f. **Enforcement.** Failure to resolve conflicts of interest in a manner that satisfies the Government may be cause for termination of the award. Failure to make required disclosures may result in

to identify the project and funders, as appropriate. The graphic and language should be included for all programs, projects, assistance, activities, and public communications, including news articles, partially or fully funded by the Office of Insular Affairs. The U.S. flag may replace or be used in conjunction with the Department of the Interior, Office of Insular Affairs seal. If the seal is displayed, it must remain intact and unchanged, and may only be displayed using either the standard color scheme or a single color that complements the background where it appears. The U.S. flag and language should be publicly displayed on the final product. The OIA grant manager should be contacted for an electronic version of the U.S. flag and Office of Insular Affairs seal if needed.

10. Special terms and conditions for grant TAP-Guam-2020-1 (D20AP00048)

- a. With each drawdown that is submitted, a detailed budget should be included that will show how the funds were utilized. Advances will be approved as long as the required information is submitted. OIA grant managers may require additional documentation such as receipts for our files.
- b. With each drawdown that is submitted, you should indicate how the drawdown supports Guam's Pandemic Plan. With the first drawdown, please include a copy of Guam's Pandemic Plan or a status update on the completion of a Pandemic Plan. OIA may require submission of the completed Pandemic Plan prior to payment of drawdowns.
- c. If Guam does not require the full amount awarded for COVID-19, OIA should be notified prior to the expiration of the grant.

11. Contact Information

- a. Recipient grant manager:
Mr. Lester Carlson
Director
Guam Bureau of Budget and Management Research
lester.carlson@bbmr.guam.gov
- b. OIA grant manager:
Hailey McCoy
Grants Management Specialist
Office of Insular Affairs
U.S. Department of the Interior
1849 C Street, NW - MS 3117
Washington, DC 20240
Phone: 202-513-7746
Hailey_McCoy@ios.doi.gov

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Full Name of the Offeror's or Company Name	Email Address	Authorized Representatives' Name	
Data Management Resources, LLC.	ataitague@dmrpacific.com	Aly Taitague	
Next Generation Information Integrators	vince.munoz@nextgensys.com	Vincent M Munoz	
Isle Technica	bcepeda@ucguam.com	Bryon Cepeda	
SSFM International	jduenas@ssfm.com	Joseph Duenas	
Accela	gdamron@accela.com	Greg Damron	Business Dev
GovBuilt	robert@govbuilt.com	Robert Disberger	VI
FC Benavente Planners	felouben@gmail.com	Felix Benavente	
Sanford Technology Group	robertc@stggum.com	Robert A. Cruz	
Ledge Light Technologies, Inc.	vpangelinan@ledgelight.com	Victor D. Pangelinan	
The Guam Daily Post	haidee@postguam.com	Haidee Gilbert	
Innovate! Inc.	proposals@innovateteam.com	Michele Carneiro	
Avocette Technologies Inc.	Stewart.Jack@avocette.com	Stewart Jack, Executive Vice President	
Governful	nathan@governful.com	Nathan Benson	Principal I
Pacific Digital Consulting	delia@pacificdigitalconsulting.net	Delia De Castro	
Strategic Asia Pacific Partners	eabaldemor@sappinc.net	Esther Flor A. Baldemor	

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REQUEST FOR PROPOSALS
RFP Number: GOV 2022-001

Office of the Governor
Amendment No. 001



2/14/2022

Office of the Governor
513 West Marine Corps Drive
Ricardo J. Bordallo Governor's Complex
Hagåtña, Guam 96910

REQUEST FOR PROPOSALS
RFP Number: GOV 2022-001

Office of the Governor
Amendment No. 002



3/5/2022

Office of the Governor
513 West Marine Corps Drive
Ricardo J. Bordallo Governor's Complex
Hagåtña, Guam 96910

REQUEST FOR PROPOSALS
RFP Number: GOV 2022-001

Office of the Governor
Amendment No. 003



5/27/2022

Office of the Governor
513 West Marine Corps Drive
Ricardo J. Bordallo Governor's Complex
Hagåtña, Guam 96910

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AMENDMENT DISTRIBUTION LOG
REQUEST FOR PROPOSALS #RFP GOV 2022-001

The Office of the Governor recommends that all prospective proposers keep their contact information current with the agency to ensure they receive any notices regarding any changes or updates to the RFP. The Office of the Governor shall not be liable for failure to provide notice of any amendment to any party who did not register contact information.

OFFEROR'S NAME and POINT OF CONTACT:	E-MAIL ADDRESS:	Amendment #:	DATE OF TRANSMISSION OF RFP AMENDMENT:
Data Management Resources, LLC. - Aly Taitague	ataitague@dmrpacific.com	1	Mon, Feb 14, 2022 at 4:49 PM
Next Generation Information Integrators - Vincent M Munoz	vince.munoz@nextgensys.com	1	Mon, Feb 14, 2022 at 4:49 PM
Isle Technica - Bryon Cepeda	bcepeda@ucguam.com	1	Mon, Feb 14, 2022 at 4:49 PM
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The Guam Daily Post - Haidee Gilbert	haidee@postguam.com	1	Mon, Feb 14, 2022 at 4:49 PM

GOV RFP 2022-001 Amendment 003

Matthew Santos <matthew.santos@bsp.guam.gov>

Fri, May 27, 2022 at 10:57 AM

To: "procurement@guam.gov" <procurement@guam.gov>

Bcc: "ataitague@dmrpacific.com" <ataitague@dmrpacific.com>, Vincent Munoz <vince.munoz@nextgensys.com>, Bryon Cepeda <bcepeda@ucguam.com>, "Joseph W. Duenas" <jduenas@ssfm.com>, Greg Damron <gdamron@accela.com>, Robert Disberger <robert@govbuilt.com>, Felix Benavente <felouben@gmail.com>, "robertc@stggguam.com" <robertc@stggguam.com>, "vpangelinan@ledgelight.com" <vpangelinan@ledgelight.com>, "haidee@postguam.com" <haidee@postguam.com>, Innovate Proposals <proposals@innovateteam.com>, Stewart Jack <Stewart.Jack@avocette.com>, Nathan Benson <nathan@governful.com>, Delia De Castro <delia@pacificdigitalconsulting.net>, "eabaldemor@sappinc.net" <eabaldemor@sappinc.net>, "bids@dmrpacific.com" <bids@dmrpacific.com>

Hafa Adai!

The procurement for GOV RFP 2022-001 is proceeding forward.

The attached amendment is hereby made to the Request for Proposal RFP-GOV-2022-001 for the Procurement of Professional Services to provide a Licensing and Permitting System to the Government of Guam.

This amendment extends the submission deadline and the tentative date for the offeror presentation to begin.



Matthew Santos

Bureau of Statistics & Plans


PO Box 2950

Hagåtña, Guam 96910

Office: 671.475.9670

Matthew.Santos@BSP.Guam.Gov

www.BSP.Guam.Gov

 **GOV RFP 2022-01 RFP Amendment 3 with Cover Sheet 5272022.pdf**
136K

GOV RFP 2022-001

2 messages

matthew.santos.bsp@guam.gov <matthew.santos.bsp@guam.gov>
To: eabaldemor@sappinc.net, procurement@guam.gov

Thu, Mar 17, 2022 at 1:44 PM

Esther

Please find Amendment 1 and 2 for the RFP.

I have also attached the responses to questions that were submitted before the deadline as well.




The amendments attached apply to the RFP version that was picked up at my office.

Thanks



Matthew Santos
Bureau of Statistics & Plans
PO Box 2950
Hagåtña, Guam 96910
Office: 671.475.9670
Matthew.Santos@BSP.Guam.Gov
www.BSP.Guam.Gov

3 attachments

-  **GOV RFP 2022-01 RFP Amendment 1 2142022.pdf**
230K
-  **GOV RFP 2022-01 RFP Amendment 2.pdf**
137K
-  **GOV RFP 2022-001 Responses to All Questoins Submitted Before Deadline.pdf**
505K

Esther Flor A. Baldemor <eabaldemor@sappinc.net>
To: Matthew Santos <matthew.santos@bsp.guam.gov>, procurement@guam.gov

Fri, Mar 18, 2022 at 6:51 PM

Acknowledged.

Thank you Matthew.

Esther Baldemor

[Quoted text hidden]

AMENDMENT DISTRIBUTION LOG
REQUEST FOR PROPOSALS #RFP GOV 2022-001

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Data Management Resources, LLC. - Aly Taitague	bids@dmrpacific.com	002	Sat. Mar 5, 2022, 11:57 AM
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Governful - Nathan Benson	nathan@governful.com	002	Sat. Mar 5, 2022, 11:57 AM
Pacific Digital Consulting - Delia De Castro	delia@pacificdigitalconsulting.net	002	Sat. Mar 5, 2022, 11:57 AM
Strategic Asia Pacific Partners - Esther Flor A. Baldemor	eabaldemor@sappinc.net	002	Thurs. Mar 17, 2022, 1:44 PM

GOV RFP 2022-001 Amendment 002

matthew.santos.bsp@guam.gov <matthew.santos.bsp@guam.gov>

Sat, Mar 5, 2022 at 11:57 AM

To: procurement@guam.gov

Bcc: bids@dmrpacific.com, Vincent Munoz <vince.munoz@nextgensys.com>, bcepeda@ucguam.com, jduenas@ssfm.com, Greg Damron <gdamron@accela.com>, Robert Disberger <robert@govbuilt.com>, felouben@gmail.com, Robert Cruz <robertc@stgguam.com>, Victor Pangelinan <vpangelinan@ledgelight.com>, Haidee Eugenio Gilbert <haidee@postguam.com>, proposals@innovateteam.com, Stewart Jack <Stewart.Jack@avocette.com>, Nathan Benson <nathan@governful.com>, Delia DeCastro <delia@pacificdigitalconsulting.net>

Hafa Adali

The attached amendment is hereby made to the Request for Proposal RFP-GOV-2022-001 for the Procurement of Professional Services to provide a Licensing and Permitting System to the Government of Guam.



Matthew Santos

Bureau of Statistics & Plans


PO Box 2950

Hagåtña, Guam 96910

Office: 671.475.9670

Matthew.Santos@BSP.Guam.Gov

www.BSP.Guam.Gov

 **GOV RFP 2022-01 RFP Amendment 2 352022.pdf**
137K

GOV RFP 2022-001

2 messages

matthew.santos.bsp@guam.gov <matthew.santos.bsp@guam.gov>
To: eabaldemor@sappinc.net, procurement@guam.gov

Thu, Mar 17, 2022 at 1:44 PM

Esther

Please find Amendment 1 and 2 for the RFP.

I have also attached the responses to questions that were submitted before the deadline as well.

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Thanks

**Matthew Santos****Bureau of Statistics & Plans**




PO Box 2950

Hagåtña, Guam 96910

Office: 671-475.9670

Matthew.Santos@BSP.Guam.Gov

www.BSP.Guam.Gov

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To: Matthew Santos <matthew.santos@bsp.guam.gov>, procurement@guam.gov

Fri, Mar 18, 2022 at 6:51 PM

Acknowledged.

Thank you Matthew.

Esther Baldemor

[Quoted text hidden]

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Strategic Asia Pacific Partners - Esther Flor A. Baldemor	eabaldemor@sappinc.net	003	Friday, May 27, 2022, 11:57 AM

GOV RFP 2022-001 Amendment 003

1 message

Matthew Santos <matthew.santos@bsp.guam.gov>

Fri, May 27, 2022 at 10:57 AM

To: "procurement@guam.gov" <procurement@guam.gov>

Bcc: "ataitague@dmrpacific.com" <ataitague@dmrpacific.com>, Vincent Munoz <vince.munoz@nextgensys.com>, Bryon Cepeda <bcepeda@ucguam.com>, "Joseph W. Duenas" <jduenas@ssfm.com>, Greg Damron <gdamron@accela.com>, Robert Disberger <robert@govbuilt.com>, Felix Benavente <felouben@gmail.com>, "robertc@stgguam.com" <robertc@stgguam.com>, "vpangelinan@ledgelight.com" <vpangelinan@ledgelight.com>, "haidee@postguam.com" <haidee@postguam.com>, Innovate Proposals <proposals@innovateteam.com>, Stewart Jack <Stewart.Jack@avocette.com>, Nathan Benson <nathan@governful.com>, Delia De Castro <delia@pacificdigitalconsulting.net>, "eabaldemor@sappinc.net" <eabaldemor@sappinc.net>, "bids@dmrpacific.com" <bids@dmrpacific.com>

Hafa Adai!

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This amendment extends the submission deadline and the tentative date for the offeror presentation to begin.

**Matthew Santos****Bureau of Statistics & Plans**


PO Box 2950

Hagåtña, Guam 96910

Office: 671.475.9670

Matthew.Santos@BSP.Guam.Gov

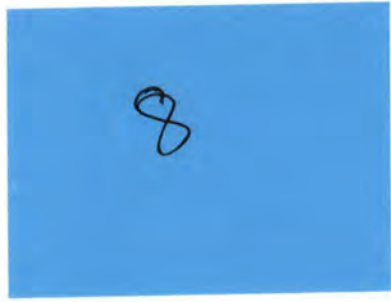
www.BSP.Guam.Gov

 **GOV RFP 2022-01 RFP Amendment 3 with Cover Sheet 5272022.pdf**

136K



7



RFP-Office of the Governor- 2022-001 – Licensing and Permitting System (Attention Matthew Santos)

'Janet Majocho' via Procurement <procurement@guam.gov>
Reply-To: Janet Majocho <Janet.Majocho@avocette.com>
To: "procurement@guam.gov" <procurement@guam.gov>

Fri, Feb 11, 2022 at 5:01 AM

Good Morning Matthew, on page 43 of the RFP, D. Organizational Units the following paragraph appears:

Several agencies are expected to utilize the Licensing and Permit System. Those agencies are listed below. Please refer to the appendix to the processes and forms the government of Guam intends to automate through this project

I do not see the appendix referenced here, can you please direct me accordingly. Thank you in advance for your assistance.

Kind regards,

Janet Majocho
Proposal Coordinator
Direct Line: 1.778.401.2879



—
You received this message because you are subscribed to the Google Groups "Procurement" group.
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Matthew Santos <matthew.santos@bsp.guam.gov>

Access to website

10 messages

Stewart Jack <Stewart.Jack@avocette.com>
To: Matthew Santos <matthew.santos@bsp.guam.gov>

Tue, Feb 15, 2022 at 3:50 AM

Hi Matthew,

I am unable to access your website as your security protocols are blocking access from Canada. Is it possible to get access to the bid site?

Kind regards,

Stewart Jack

Executive Vice President

+ office 1.250.220.3129

+ mobile 1.250.213.7002



Matthew Santos <matthew.santos@bsp.guam.gov>
To: Stewart Jack <Stewart.Jack@avocette.com>

Thu, Feb 17, 2022 at 9:26 AM

Hi Stewart

Can you please send me a screenshot of what you are seeing so I can forward it to our IT department.

For anything specific to the bid please email procurement@guam.gov.

Thanks



Matthew Santos

Bureau of Statistics & Plans

PO Box 2950

Hagåtña, Guam 96910

Office: 671.475.9670

Matthew.Santos@BSP.Guam.Gov

www.BSP.Guam.Gov

[Quoted text hidden]

Stewart Jack <Stewart.Jack@avocette.com>
To: Matthew Santos <matthew.santos@bsp.guam.gov>

Thu, Feb 17, 2022 at 9:29 AM

Hi Matthew,

Here is the error message that I am getting from your website. Our technical team tells me that it is coming from your servers.

Regards,



Matthew Santos <matthew.santos@bsp.guam.gov>

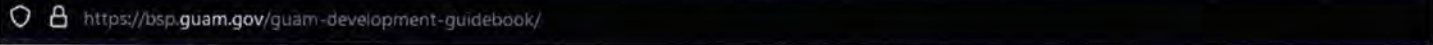
RFP-GOV-2022-001 - Amendment 1

Greg Damron <gdamron@accela.com>
To: Matthew Santos <matthew.santos@bsp.guam.gov>, "procurement@guam.gov" <procurement@guam.gov>
Cc: Bryanna Vandenberg <bvandenberg@accela.com>

Tue, Feb 15, 2022 at 3:55 AM

Hi Matt,

When I go to the link provided in the PDF (<https://bsp.guam.gov/guam-development-guidebook/>) I get this result:



<https://bsp.guam.gov/guam-development-guidebook/>

No Results Found

The page you requested could not be found. Try refining your search, or use the navigation above to locate the post.

Can you send me an updated version of the most recent PDF or a link to see the updates?

Thank You,

-greg

From: Matthew Santos <matthew.santos@bsp.guam.gov>
Sent: Sunday, February 13, 2022 11:49 PM
To: procurement@guam.gov
Subject: RFP-GOV-2022-001 - Amendment 1

CAUTION: This email originated outside our organization; please use caution.

[Quoted text hidden]

 GOV RFP 2022-01 RFP Amendment 1 2142022.pdf



Matthew Santos <matthew.santos@bsp.guam.gov>

RFP-GOV-2022-001 - Amendment 1

Vincent Munoz <vince.munoz@nextgensys.com>
To: Matthew Santos <matthew.santos@bsp.guam.gov>
Cc: procurement@guam.gov

Tue, Feb 22, 2022 at 2:48 AM

Hafa Adai Matthew,

Lately, I've seen the RFP's require the acknowledgment of amendments received, typically by replying to the email which they were sent. In a recent government RFP, I've seen the government document in their amendment notification emails that the vendor reply their acknowledgment that they received the amendment. That's the reason I previously acknowledged the receipt of the amendment.

Second, I tried to retrieve the link documented in amendment 1 actually has some special characters in the link, it is correct as displayed on the pdf. But if you click the link or copy it, you'll find that there are special characters embedded in the link that is not visible. so users pressing the link from the pdf or copying it straight of the pdf will get a 404 error message returned. I went to the BSP home page and found the "2020 Guidebook to Development Requirements on Guam" with the same link of course.



No Results Found

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CONFIDENTIALITY. The information contained in this transmission is advice intended exclusively for the proper use by the intended addressees and may contain confidential and/or privileged material. If you received this information in error, you are requested to inform the sender and/or addressee immediately and permanently delete and/or destroy the material. Please note that no confidentiality or privilege is waived or lost by any mis-transmission.

On Mon, Feb 14, 2022 at 4:53 PM Matthew Santos <matthew.santos@bsp.guam.gov> wrote:
[Quoted text hidden]

--

You received this message because you are subscribed to the Google Groups "Procurement" group.
To unsubscribe from this group and stop receiving emails from it, send an email to procurement+unsubscribe@guam.gov.



Matthew Santos <matthew.santos@bsp.guam.gov>

20220225: RFP-Office of the Governor-2022-001 - Questions

3 messages

'Aly Taitague' via Procurement <procurement@guam.gov>
Reply-To: Aly Taitague <aly.taitague@dmrpacific.com>
To: procurement@guam.gov
Cc: bids@dmrpacific.com

Fri, Feb 25, 2022 at 3:37 PM

Good Afternoon,

Please see attached for DMR's Questions to RFP-Office of the Governor-2022-001 Procurement of Professional Services for the Government of Guam Licensing and Permitting System.

Regards,

--

Aly Taitague

Data Management Resources, LLC.

891 Army Dr.

Tano DMR Bldg, Ste. 100

Barrigada, Guam 96913


Direct: 671.647.3674 x8013

Facs: 671.477.3677

email: ataitague@dmrpacific.com

--

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 **3xgtuotvbis.pdf**
5753K

Matthew Santos <matthew.santos@bsp.guam.gov>

Mon, Feb 28, 2022 at 1:04 PM

Draft To: Jon Junior M Calvo <jon.calvo@guam.gov>, "Stephanie G. Flores" <stephanie.flores@guam.gov>

Matthew Santos
Bureau of Statistics & Plans
PO Box 2950



February 25, 2022

The Office of the Governor
Matthew Santos
513 West Marine Corps Drive, Ricardo J. Bordallo Governor's Complex
Hagåtña, Guam 96910
Email: procurement@guam.gov

RE: RFP-Office of the Governor-2022-001

Dear Mr. Santos:

Relative to the above referenced Request for Proposal, Data Management Resources, LLC. (DMR) submits the following questions:

1. Ref. RFP Page 1: The cover page for RFP-OOG-2022-001 indicates a submission deadline of "March 25, 2022, 5:00 P.M."; page 6 lists time as 4:00 P.M.
 - a. Please confirm the correct time for the deadline.
2. Ref. RFP Page 5: "Any renewal of the contract for continued services will not be subject to negotiation and shall be on the same terms and conditions and pricing as in effect under the existing contract."
 - a. The Initial Term is defined as five (5) years, with a renewal or extension period of an additional five (5) years (page 4). Is the Government requiring the vendor to provide a fixed price proposal for a ten (10) year period without adjustments for costs or inflation?
 - b. Is the Government requiring the vendor to submit two separate price proposals, one for the Initial Term and one for the Renewal Term?
3. Ref. RFP Page 5: "Unless cancelled for lack of funds, terminated, renewed, or extended prior to expiration, the contract shall expire at the end of the Initial Term or at the end of any subsequent Renewal Term, or any No Cost Extension term exercised by the government of Guam."
 - a. Is it the Government's assertion that it has the ability to cancel the contract for lack of funds, after the vendor has performed services?
 - b. Is it the Government's assertion that it has the ability to cancel the contract for lack of funds, before the vendor has performed services?
 - c. On what basis, other than lack of funds, is the Government stating that it may terminate the contract?
4. Ref. RFP Page 8: "No more than three (4) personnel shall be allowed to conduct the presentation in two (2) hours or less."
 - a. Please clarify, is it three or four personnel?
 - b. Does "conduct" as used herein restrict the presence of other vendor personnel?
 - c. What is the reason for restricting vendor personnel?
 - d. Is the Government restricting the presence of Government personnel in the presentation?
 - e. How many representatives of the Government will be present for the presentation?



- b. If financial resources includes real property holdings, identify the statutory authority requiring the disclosure of private, confidential and proprietary information unrelated to the performance of services.
 - c. If financial resources includes identification of financial institution information, identify the statutory authority requiring the disclosure of private and confidential information unrelated to the performance of services?
 - d. Will a letter of financial stability from a financial institution suffice under this section requiring "Disclosure of financial resources"?
 - e. Is the Government requiring vendors to own or control a minimum amount of resources to participate in this procurement?
 - f. If so, what is the minimum amount of resources required to participate in procurements for the Government?
 - g. What weight of the 15 point allocation for Availability and Capacity of Offeror in the Evaluation Factors, does the vendor's financial resources have?
9. Ref. RFP Page 18: "Profit must be identified and itemized as a separate element of the price in the cost schedule pursuant to 2 CFR § 200.324."
- a. Is Guam a State or non-federal entity under U.S. Department of Interior Grant Award No. D20AP00048?

2 CFR § 300.324(b) provides:

The non-Federal entity must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

2 CFR § 200.317 further provides the applicable provisions to the Procurements by states, as follows:

When procuring property and services under a Federal award, a State must follow the same policies and procedures it uses for procurements from its non-Federal funds. The State will comply with §§ 200.321, 200.322, and 200.323 and ensure that every purchase order or other contract includes any clauses required by § 200.327. All other non-Federal entities, including subrecipients of a State, must follow the procurement standards in §§ 200.318 through 200.327.

2 CFR § 200.1 defines Guam as a "State," as opposed to a non-federal entity.

10. Ref. RFP Page 19: "Pursuant to 2 CFR § 200.324(b), if the Offeror is selected for negotiations, Office of the Governor and the Offeror "must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. Offeror's Price Proposal must include profit as a separate line item in its proposed budget and pricing."



12. Ref. RFP Page 23: "The selected Contractor will work under the direction of the Office of the Governor and the Office of Technology. The Office of Technology is the designated Project Manager pursuant to 5 GCA § 12.107."
 - a. Is there a current person assigned as Project Manager?
 - b. Is the Grant Manager, as identified in Section XVII, the "Project Manager"?
 - c. Is the Chief of Staff of the Office of the Governor the "Project Manager"?
 - d. What is the role of the Project Manager with regard to decision-making authority?
 - e. Will the Project Manager have the authority to sign the acceptance of deliverables?
13. Ref. RFP Page 24: . . . "the Project Manager and authorized consultants/designees will review and make recommendations to the Office of the Governor regarding the amounts due the awarded contractor."
 - a. What is the role of the "authorized consultants/designees" in RFP-OOG-2022-001?
 - b. Is the Office of the Governor by the Chief of Staff the one with authority to sign the acceptance of deliverables?
14. Ref. RFP Page 27: "Any contract awarded under this RFP is subject to the availability of certified funds. The Procurement Officer will notify the Contractor on a timely basis whether the funds are, or are not, available for the continuation of the contract for each succeeding fiscal period."
 - a. Based upon the limited availability known to the Government under U.S. Department of Interior Grant Award No. D20AP00048, is the Government asserting unavailability of funds after September 30, 2022?
15. Ref. RFP Page 37: "All directions within the scope of the RFP and the awarded contract will be issued by the Chief of Staff of the Office of the Governor and the Offerors and any awarded Contractor shall not accept such direction from others. Information provided by other governmental agencies or entities which seemingly conflicts with information provided by the Office of the Governor in this solicitation will be discussed with the Chief of Staff of the Office of the Governor immediately."
 - a. This section appears in conflict with the role of the Project Manager. If the Governor's Chief of Staff is the primary authoritative contact for the project, what is the role of OTECH as Project Manager?
16. Ref. RFP Page 41: General Information: The objective of the project is to "streamline and modernize the government of Guam's licensing and permitting processes."
 - a. Is the Licensing and Permitting system expected to replace the existing processes currently in place for the issuance of the identified licenses and permits?
 - b. Is the Licensing and Permitting System intended to replace the existing systems at each of the identified departments for issuance of the identified licenses and permits?
 - c. Please identify and provide detail on each of the processes that need to be streamlined.
 - d. If the existing license/permit systems will not be replaced, is the new Licensing and Permitting system expected to interact with or accommodate data/applications processed through the existing systems? If so, please specify scope of data sharing/integration.
17. Ref. RFP Page 41: General System Needs: Permitting. Administer and issue a variety of permit types and account for all appropriate fees.



- b. If existing, please specify vendor and solution.
24. Ref. RFP Page 44, Section F. Inspections and Clearances – “The System should include all internal clearance forms and inspection checklists applicable to business license applications, building permit, and occupancy permits.”
- a. Please provide samples of each of the required internal clearance forms and inspection checklists for each of the departments listed.
25. Ref. RFP Page 45: “For on-premise solution . . .”
- a. If vendor opts to provide an on-premise solution, please identify the location for the on-premise equipment.
 - b. If vendor opts to provide an on-premise solution, is the Government requiring ownership of the equipment?
 - c. If vendor opts to provide an on-premise solution, is the Government requiring the vendor to maintain the equipment for the full term of the contract?
 - d. If vendor opts to provide an on-premise solution, is the Government requiring a warranty on the equipment for ten (10) years, both the Initial Term and Renewal Term?
 - e. If the Government does not renew for the Renewal Term of five (5) additional years, will the Government accept a proposal that does not carry any warranty on the equipment for the Renewal Term?
26. Ref. RFP Page 45-46: “The government of Guam intends to streamline its licensing and permitting operating procedures wherever possible, and the Vendor’s capability to advise and assist as necessary during System implementation will be considered in evaluating proposals.”
- a. Under which evaluation factor does this evaluation fall?
27. Ref. RFP Page 46: Training.
- a. How many system administrators will require training?
 - b. How many users will be included in the core group to be trained?
 - c. Will the Government be providing the facility for training?
28. Ref. RFP Page 47: “data conversion efforts”
- a. Is data conversion a required deliverable for this project?
 - b. If so, what data is required to be converted?
29. Ref RFP Page 47: “Assess current business processes of the government of Guam for business license applications and land use, building, sanitary, fire, and occupancy permits... Execute customization plan and update internal government of Guam licensing and permit processing procedures.”
- a. Is the Licensing and Permitting System intended to replace all existing Government of Guam processes for issuing business licenses and permits?
 - b. Is the Licensing and Permitting System intended to replace any existing systems at each of the identified departments for issuance of the identified licenses and permits?



36. How much of the SMEs' time will be dedicated to the project?
37. Assuming the Government elects to continue the contract for the Renewal Term, which agency of the Government will be responsible for the funding of the Licensing and Permitting system?
38. Please confirm that the latest edition of the "Guidebook to Development Requirements on Guam" referenced in Amendment 1 is from 2020.
39. Will the Government allow vendors to submit follow-up questions on responses received from the Government?

The Government has indicated it will provide responses to written questions within a reasonable time prior to the submission due date for Proposals. Please advise when are responses expected to be issued to offerors?

If the Government is not able to distribute responses at least three weeks prior to proposal submission deadline, we respectfully request an extension in the proposal submission deadline to allow for adequate proposal preparation time upon receipt of the Government's responses.

We look forward to the Government's responses so that we may respond appropriately to the RFP.

Sincerely,

Richard C. Taitano

9

REQUEST FOR PROPOSALS
RFP Number: GOV 2022-001

Office of the Governor
Responses to All Questions



3/5/2022

Office of the Governor
513 West Marine Corps Drive
Ricardo J. Bordallo Governor's Complex
Hagåtña, Guam 96910

Feb 22, 2022, 2:48 AM

Lately, I've seen the RFP's require the acknowledgment of amendments received, typically by replying to the email which they were sent. In a recent government RFP, I've seen the government document in their amendment notification emails that the vendor reply their acknowledgment that they received the amendment. That's the reason I previously acknowledged the receipt of the amendment.

Second, I tried to retrieve the link documented in amendment 1 actually has some special characters in the link, it is correct as displayed on the pdf. But if you click the link or copy it, you'll find that there are special characters embedded in the link that is not visible, so users pressing the link from the pdf or copying it straight of the pdf will get a 404 error message returned. I went to the BSP home page and found the "2020 Guidebook to Development Requirements on Guam" with the same link of course.

Response to First Statement: Under Guam's Procurement Rules and Regulations, acknowledgment of amendments is not mandatory for Requests for Proposals (RFP's), unless the language of the RFP requires acknowledgment. Under the rules, acknowledgment of amendments is only mandatory for amendments to Invitations for Bids (IFB's). 2 GAR, Div. 4 § 3109(c)(6) and (j)(1). This RFP did not require acknowledgment of amendments.

Response to Second Statement: The web address found in the amendment is correct, copy and paste the text for the url and paste it in your browser as a working alternative to clicking on a link automatically generated by the PDF viewer you are using.

Feb 22, 2022, 2:42 PM

OFFEROR tried to use the link provided in the Amendment 1 for RFP-GOV-2022-001, however it's giving us error: no results found.

Please kindly send us the correct link. Also please make sure to use OFFEROR Registered email address:

The web address found in the amendment is correct, copy and paste the text for the url and paste it in your browser as a working alternative to clicking on a link automatically generated by the PDF viewer you are using.

Feb 24, 2022, 6:11 AM

We have the following questions with regards to the RFP

In order to provide license pricing we would like to know:
 How many users are anticipated in each of the departments who will use the system?
 How many users would use the system in more that one department or business area?
 How many users would use the system from a mobile device only?
 In order to provide license pricing for Electronic Plan review we would like to know how many users would be using the Electronic Plan Review features of the system?

Table 1: Response to

	Total Users	Electronic Plan Review Users	Mobil Users	Users by Application								
				Business License Application	Clearing/Grading Permit	Building Construction Permit	Building Occupancy Permit	Zone Change, Split Zone, and Summary Zone Change, Zone Variance/Subdivision Variance	Tentative and Final Development Plans	Conditional Use Permit	Sanitary Permit	Activities, Materials, and Use Permit (AKA Operations Permit)
Bureau of Statistics and Plans	2	2						2	2	2		
Contractor's License Board	2											
Department of Agriculture	2	2	2		2	2		2	2	2		
Department of Land Management	10	10	5	5	10	5	5	5	5	5		
Department of Public Health & Social Services	4	4	4	4		4	4			4	4	
Department of Public Works	12	12	5	8	5	7	7	2	2	2		
Guam Fire	14	14	10	7		7	7					14

"	<p>5. Ref. RFP Page 8: "No other materials, items, promotional materials, products, or similar items may be submitted, given, or provided to the Office of the Governor or the Office of the Governor Evaluation Team by any Offeror at any time before, during, or after the formal presentations, and at any time prior to contracting."</p> <p>a. At the request of the Office of the Governor and before the publication of RFP-OOG-2022-001, in 2021, OFFEROR presented a permitting solution, to members of the Office of the Governor. Does this restriction apply to any presentations conducted before the publication of RFP-OOG-2022-001?</p> <p>b. If the restriction is applied to pre-publication of RFP-OOG-2022-001, please identify the basis and authority for such restriction.</p>	<p>Response to 5(a): The government of Guam is required to conduct market research prior to issuing soliciting goods and services utilizing federal funds. 2 CFR §§ 200.319, 320, 324, 403, 404. This market research is used to plan the procurement. 2 GAR, Div. 4, §§ 4104 and 4108. The procurement record contains: "brochures and submittals of potential vendors, manufacturers or contractors, and all drafts, signed and dated by the draftsman and other papers or materials used in the development of specifications 5 GCA § 5249(d).</p> <p>Response to 5(b): No.</p> <p>Response to 5(c): Not applicable.</p>
"	<p>6. Ref. RFP Page 11: "The use of standard product documentation, including user manuals and technical maintenance manuals, is encouraged."</p> <p>a. What is the definition of "standard product documentation"?</p> <p>b. Is "encouraged" as used herein synonymous with "required"?</p> <p>c. Is custom documentation created specifically for the Government discouraged or prohibited?</p> <p>d. Is "standard product documentation" an evaluation factor?</p> <p>e. If so, under which evaluation factor can a vendor expect this to be applied?</p>	<p>Response to 5(a): Documentation that applies to the out of the box system use, administration and configuration.</p> <p>Response to 5(b): No.</p> <p>Response to 5(c): No.</p> <p>Response to 5(d): Yes.</p> <p>Response to 5(e): Quality of Offeror's Product and Live Demonstration</p>
"	<p>7. Ref. RFP Page 13: "As part of the written Proposal, Offerors shall submit a brief explanation of why the Offeror is available or will be available and has the capacity to provide the services listed in the Scope of Services. The explanation shall address how the Offeror's current workload can accommodate the addition of a contract this type; the Offeror's current or demonstrated available resources, and how the Offer will implement Quality Assurance/Quality Control measures."</p> <p>a. The "Availability and Capacity to Perform" a contract, and the "Ability, Qualifications, Experience and Quality of Personnel, IT Systems and Facilities" are interrelated. What specific information is RFP-OOG-2022-001 requiring independent of the skill level, availability and identification of the vendor and its personnel necessary to perform the Contract?</p> <p>b. How will the specific information required be utilized in the Evaluation of the proposals submitted?</p> <p>c. Is participation in this procurement process insufficient to confirm availability to perform?</p> <p>d. Define "internal quality and cost-control measures."</p> <p>e. Define "internal quality and cost-control procedures."</p>	<p>Response to 7(a): The Merriam-Webster Online Dictionary defines "available" as: 1: present or ready for immediate use 2a: ACCESSIBLE, OBTAINABLE 2b: free and able to do something at a particular time https://www.merriam-webster.com/dictionary/available</p> <p>The Merriam-Webster Online Dictionary defines "experience" as: 1a: direct observation of or participation in events as a basis of knowledge 1b: the fact or state of having been affected by or gained knowledge through direct observation or participation 2a: practical knowledge, skill, or practice derived from direct observation of or participation in events or in a particular activity 2b: the length of such participation https://www.merriam-webster.com/dictionary/experience</p> <p>The current availability of the personnel and resources of a vendor is not the same as the past experience and qualifications of a vendor.</p> <p>Response to 7(b): Please see RFP, Section I, Paragraphs N, P, and S.</p> <p>Response to 7(c): Please see RFP, Section I, Paragraph N.</p> <p>Response to 7(d): The Merriam-Webster Online Dictionary defines "quality control" as: an aggregate of activities (such as design analysis and inspection for defects) designed to ensure adequate quality especially in manufactured products https://www.merriam-webster.com/dictionary/quality%20control</p> <p>The Merriam-Webster Online Dictionary defines "cost control" as: use by management of cost analyses and their interpretation in corrective measures toward increasing efficiency and economy of operation https://www.merriam-webster.com/dictionary/cost%20control</p> <p>Response to 7(e): See Response to 7(d).</p>
"	<p>8. Ref. RFP Page 14: "Provide a disclosure of financial resources sufficient to demonstrate an ability to complete this Project."</p> <p>a. Define "Disclosure of financial resources."</p>	<p>Response to 8(a): "Contracts must be awarded to the <u>responsible</u> offeror whose proposal is most advantageous to the non-Federal entity, with price and other factors considered." 2 CFR § 200.320(b)(2)(iii)(emphasis added). "The non-Federal entity must award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to</p>

	<p>pricing." Because Guam is a "State" as defined by the CFR, why is the Office of the Governor utilizing sections inapplicable to States and applicable only to non-federal entities? 200 CFR § 300.324(b) provides: The non-Federal entity must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work. § 200.317 provides the applicable provisions to the Procurements by states, as follows: When procuring property and services under a Federal award, a State must follow the same policies and procedures it uses for procurements from its non-Federal funds. The State will comply with §§ 200.321, 200.322, and 200.323 and ensure that every purchase order or other contract includes any clauses required by § 200.327. All other non-Federal entities, including subrecipients of a State, must follow the procurement standards in §§ 200.318 through 200.327. 2 CFR § 200.1 defines Guam as a "State," as opposed to a non-federal entity. b. If 2 CFR § 200.324 is inapplicable to Guam, what authority under Guam law is the Government relying upon to require negotiation of profit? c. If this is a COTS solution, are vendors expected to provide their COGS plus profit margin?</p>	
<p>"</p>	<p>11. Ref. RFP Page 20: "These funds are currently available from the U.S. Department of Interior Grant Award No. D20AP00048 until the end of FY 2022. The Office of the Governor's obligation under any proposed contract is contingent upon the availability of funds from which payment for contract purposes can be made. (See also Section II, General) a. Government of Guam public documents identify Department of Revenue and Taxation (ORT) - Business License and Permit Center (Project #16) under U.S. Department of Interior Grant Award No. D20AP00048 at http://jbbmr.guam.gov/wp-bbmr-content/uploads/2021/10/FY2021-GOVGUAM-Federa1-Stimulus-Assistance-Programs-Update-Report-CARES-ACT-COV1D-19-As-of-9-30-21.pdf The information provided indicates that the funding for the grant being utilized in this proposal expires on September 30, 2022. If funding for RFP-OOG-2022-001 expires at the end of fiscal year 2022, what reassurances do vendors have that the Government is acting in good faith to certify fund availability for the Initial Term, and five (5) year renewal periods referenced in the proposal? b. If funding for RFP-OOG-2022-001 is not provided beyond September 30, 2022 under this grant, has the Government certified other funds available for this procurement? c. Does execution of the contract between the vendor and the Government require that the Government certify funds availability for the entire contract award amount?</p>	<p>Response to 11(a): See 5 GCA § 5237(a): "funds are available for the first fiscal period at the time of contracting. Payment and performance obligations for succeeding fiscal periods shall be subject to the availability and appropriation of funds therefor." Response to 11(b): See Response to 11(a). Response to 11(c): See Response to 11(a).</p>
<p>"</p>	<p>12. Ref. RFP Page 23: "The selected Contractor will work under the direction of the Office of the Governor and the Office of Technology. The Office of Technology is the designated Project Manager pursuant to 5 GCA § 12.107." a. Is there a current person assigned as Project Manager? b. Is the Grant Manager, as identified in Section XVII, the "Project Manager"? c. Is the Chief of Staff of the Office of the Governor the "Project Manager"?</p>	<p>Response to 12(a): The Chief of Staff is the Procurement Officer for this procurement. By law, the Procurement Officer is the person "authorized to enter into and administer contracts." 5 GCA § 5030(p). Pursuant to Guam's Procurement Law, this is the only person who may make determinations regarding the contract, adjustments in prices, time of performance, or other contract provisions, changes in the work within the scope of the contract, variations occurring between estimated quantities of work in a contract and actual quantities, suspension of work, remedies for delay or non-performance, and termination of the contract. 5 GCA §§ 5030, 5306 and 5307.</p>

	<p>c. Please identify and provide detail on each of the processes that need to be streamlined.</p> <p>d. If the existing license/permit systems will not be replaced, is the new Licensing and Permitting system expected to interact with or accommodate data/applications processed through the existing systems? If so, please specify scope of data sharing/integration.</p>	<p>services offered in the Proposal. Please describe your planned approach to addressing the needs of the government of Guam within your solution, related to creating, configuring, and/or modifying business process models and workflows for the needed permitting and licensing transactions. Address any approaches you have successfully used in the past with regard to addressing other clients' needs.</p> <p>Response to 16(b): See Response to 16(a).</p> <p>Response to 16(c): See RFP Section III, Scope of Services.</p> <p>Response to 16(d): See Response to 16(a).</p>
"	<p>17. Ref. RFP Page 41: General System Needs: Permitting. Administer and issue a variety of permit types and account for all appropriate fees.</p> <p>a. Does the Department of Public Works currently have an automated system for the issuance of the permits identified in the RFP?</p> <p>b. Does the Department of Land Management currently have an automated system for the issuance of the permits identified in the RFP?</p> <p>c. Does the Guam Seashore Protection Commission currently have an automated system for the issuance of the permits identified in the RFP?</p> <p>d. Does the Guam Land Use Commission currently have an automated system for the issuance of the permits identified in the RFP?</p> <p>e. Does the Department of Public Health and Social Services currently have an automated system for the issuance of the permits identified in the RFP?</p> <p>f. Does the Guam Fire Department currently have an automated system for the issuance of the permits identified in the RFP?</p>	<p>Response to 17(a): No</p> <p>Response to 17(b): No</p> <p>Response to 17(c): No</p> <p>Response to 17(d): No</p> <p>Response to 17(e): No</p> <p>Response to 17(f): No</p>
"	<p>18. Ref. RFP Page 41: Licensing. Process applications, administer and issue business licenses.</p> <p>a. Is the Licensing and Permitting system expected to replace the Department of Revenue and Taxation's existing system for the application, administration and issuance of business licenses?</p>	<p>Response to 18(a): Each Offeror is responsible for proposing and designing its own unique solution to the government of Guam's needs that will offer the best value services to the government of Guam. The Office of the Governor has developed lists of goals and factors desired for the desired licensing and permitting System, which are contained in the Scope of Services for the RFP; however, the information provided in the Scope of Services of the RFP, and any listings of goals and factors are not definitive. These informational items are merely provided as guidelines for Offerors in crafting their Proposals.</p> <p>Offerors are encouraged to offer their own opinions and suggestions regarding the Scope of Services for the System, equipment, and Services in their Proposals. Offerors shall provide a detailed description of the benefits and quality of any resources, equipment, platforms, applications, and/or services Offeror intends to offer to the government of Guam. Points are awarded and Offerors are ranked based on the quality of the solution and services offered in the Proposal. Please describe your planned approach to addressing the needs of the government of Guam within your solution, related to creating, configuring, and/or modifying business process models and workflows for the needed permitting and licensing transactions. Address any approaches you have successfully used in the past with regard to addressing other clients' needs.</p>
"	<p>19. Ref. RFP Page 41. - Mobile usage. "View, schedule and modify inspections and record notes while in the field from mobile devices (e.g., tablets and/or cell phones). The solution must be compatible with iOS, Android, and Windows operation systems."</p> <p>a. Do the designated government users currently use mobile devices for work processes?</p> <p>b. Who are the administrators of these devices?</p>	<p>Response to 19(a): Not through any type of system.</p> <p>Response to 19(b): Not applicable.</p>
"	<p>20. Ref. RFP Page 42. Long-term archiving</p> <p>a. What are the government's retention policies for each of the associated permitting/licensing processes?</p> <p>b. What is the minimum required retention period?</p> <p>c. What is the maximum retention period?</p>	<p>Response to 20(a): For record retention, please review Title 5 GCA, Chapter 20, Article 6, Records Management Act, and Title 2 GAR, Div. 2, Chapter 10, Records Management Rules and Regulations; see also Executive Order 80-03, and the Department of Administration's Records Management Handbook.</p> <p>Response to 20(b): See Response to 20(a).</p> <p>Response to 20(b): See Response to 20(a).</p>
"	<p>21. Ref. RFP Page 42: GIS Integration "GIS integration. Provide the ability to integrate permitting and licensing with the existing government of Guam ESRI GIS systems based upon regularly updated land pins."</p>	<p>Response to 21(a):</p> <p>a. The purpose of this requirement is:</p> <ul style="list-style-type: none"> • leverage the Government's existing enterprise license with ESRI

	<p>b. Is the Licensing and Permitting System intended to replace any existing systems at each of the identified departments for issuance of the identified licenses and permits?</p> <p>c. If the existing license/permit systems will not be replaced, is the new Licensing and Permitting system expected to interact with or accommodate data/applications processed through the existing systems? If so, please specify scope of data sharing/integration.</p>	<p>services Offeror intends to offer to the government of Guam. Points are awarded and Offerors are ranked based on the quality of the solution and services offered in the Proposal. Please describe your planned approach to addressing the needs of the government of Guam within your solution, related to creating, configuring, and/or modifying business process models and workflows for the needed permitting and licensing transactions. Address any approaches you have successfully used in the past with regard to addressing other clients' needs.</p> <p>Response to 29(b): See Response to 29(a). The licensing and permitting system is intended to be a single system for processing new application online, and issuing new certificates, permits or licenses associated with those new applications.</p> <p>Currently "new" business license, permit and land use applications are not processed through a system, thus there is no system to replace.</p> <p>Response to 29(c): See Response to 29(a).</p>																																																																																										
<p>"</p>	<p>30. Ref. RFP Page 47: "Test and verify acceptable performance levels at two times the anticipated initial volumes of data input, online access, and report generation."</p> <p>a. Please provide at least 5 years of historical processing statistics for each of the following prior to 2020:</p> <ul style="list-style-type: none"> i. Number of business licenses issued annually ii. Number of clearing/grading permits issued annually iii. Number of building construction permits issued annually iv. Number of building occupancy permits issued annually v. Number of Zone Change, Split Zone, and Summary Zone Change, Zone Variance/Subdivision Variance permits issued annually vi. Number of Tentative and Final Development Plans issued annually vii. Number of Conditional Use permits issued annually viii. Number of sanitary permits issued annually ix. Number of Activities, Materials, and User permits issued annually 	<p>Response to 30(a)(i-ix): can be found below:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2"></th> <th colspan="5" style="text-align: center;">By Fiscal Year (October to September)</th> </tr> <tr> <th style="text-align: left;">Agency Owner</th> <th style="text-align: left;">Licenses and Permits</th> <th>2020</th> <th>2019</th> <th>2018</th> <th>2017</th> <th>2016</th> </tr> </thead> <tbody> <tr> <td rowspan="2" style="text-align: center;">Department of Revenue and Tax (DRT)</td> <td style="text-align: left;">i.New Business License Application</td> <td style="text-align: center;">578</td> <td style="text-align: center;">3,726</td> <td style="text-align: center;">3,464</td> <td style="text-align: center;">2,820</td> <td style="text-align: center;">2,292</td> </tr> <tr> <td colspan="6"></td> </tr> <tr> <td rowspan="4" style="text-align: center;">Department of Public Works</td> <td style="text-align: left;">ii.Clearing/Grading Permit</td> <td style="text-align: center;">79</td> <td style="text-align: center;">163</td> <td style="text-align: center;">63</td> <td style="text-align: center;">60</td> <td rowspan="4" style="text-align: center; vertical-align: middle;">Not Available at the Time of This Response will provide once the information becomes available</td> </tr> <tr> <td style="text-align: left;">iii.Building Construction Permit</td> <td style="text-align: center;">623</td> <td style="text-align: center;">1,078</td> <td style="text-align: center;">1,172</td> <td style="text-align: center;">1,118</td> </tr> <tr> <td style="text-align: left;">iv.Building Occupancy Permit</td> <td style="text-align: center;">309</td> <td style="text-align: center;">346</td> <td style="text-align: center;">354</td> <td style="text-align: center;">301</td> </tr> <tr> <td colspan="6"></td> </tr> <tr> <td style="text-align: center;">Department of Land Management</td> <td style="text-align: left;">v.Zone Change, Split Zone, and Summary Zone Change, Zone Variance/Subdivision Variance</td> <td style="text-align: center;">4</td> <td style="text-align: center;">6</td> <td style="text-align: center;">10</td> <td style="text-align: center;">10</td> <td rowspan="3" style="text-align: center; vertical-align: middle;">Not Available at the Time of This Response will provide once the information becomes available</td> </tr> <tr> <td style="text-align: center;">Guam Seashore Protection</td> <td style="text-align: left;">vi.Tentative and Final Development Plans</td> <td style="text-align: center;">3</td> <td style="text-align: center;">5</td> <td style="text-align: center;">9</td> <td style="text-align: center;">9</td> </tr> <tr> <td style="text-align: center;">Guam Land Use Commission</td> <td style="text-align: left;">vii.Conditional Use Permit</td> <td style="text-align: center;">4</td> <td style="text-align: center;">10</td> <td style="text-align: center;">3</td> <td style="text-align: center;">4</td> </tr> <tr> <td style="text-align: center;">Department of Public Health & Social Services</td> <td style="text-align: left;">viii.Sanitary Permit</td> <td style="text-align: center;">2,948</td> <td style="text-align: center;">3,370</td> <td style="text-align: center;">3,247</td> <td style="text-align: center;">3,212</td> <td style="text-align: center;">3,300</td> </tr> <tr> <td colspan="7"></td> </tr> <tr> <td style="text-align: center;">Guam Fire Department</td> <td style="text-align: left;">ix.Activities, Materials, and Use Permit (GFD Operations Permit)</td> <td style="text-align: center;">1,270</td> <td style="text-align: center;">2,126</td> <td style="text-align: center;">2,087</td> <td style="text-align: center;">1,012</td> <td style="text-align: center;">2,176</td> </tr> </tbody> </table>			By Fiscal Year (October to September)					Agency Owner	Licenses and Permits	2020	2019	2018	2017	2016	Department of Revenue and Tax (DRT)	i.New Business License Application	578	3,726	3,464	2,820	2,292							Department of Public Works	ii.Clearing/Grading Permit	79	163	63	60	Not Available at the Time of This Response will provide once the information becomes available	iii.Building Construction Permit	623	1,078	1,172	1,118	iv.Building Occupancy Permit	309	346	354	301							Department of Land Management	v.Zone Change, Split Zone, and Summary Zone Change, Zone Variance/Subdivision Variance	4	6	10	10	Not Available at the Time of This Response will provide once the information becomes available	Guam Seashore Protection	vi.Tentative and Final Development Plans	3	5	9	9	Guam Land Use Commission	vii.Conditional Use Permit	4	10	3	4	Department of Public Health & Social Services	viii.Sanitary Permit	2,948	3,370	3,247	3,212	3,300								Guam Fire Department	ix.Activities, Materials, and Use Permit (GFD Operations Permit)	1,270	2,126	2,087	1,012	2,176
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Department of Land Management	v.Zone Change, Split Zone, and Summary Zone Change, Zone Variance/Subdivision Variance	4	6	10	10	Not Available at the Time of This Response will provide once the information becomes available																																																																																						
Guam Seashore Protection	vi.Tentative and Final Development Plans	3	5	9	9																																																																																							
Guam Land Use Commission	vii.Conditional Use Permit	4	10	3	4																																																																																							
Department of Public Health & Social Services	viii.Sanitary Permit	2,948	3,370	3,247	3,212	3,300																																																																																						
Guam Fire Department	ix.Activities, Materials, and Use Permit (GFD Operations Permit)	1,270	2,126	2,087	1,012	2,176																																																																																						

"	38. Please confirm that the latest edition of the "Guidebook to Development Requirements on Guam" referenced in Amendment 1 is from 2020.	Response to 38: Yes, hence the year associated with the title. The third paragraph of the 1 st section of the Guidebook states: "This update is current as of March 2020"
"	39. Will the Government allow vendors to submit follow-up questions on responses received from the Government?	Response to 39: No.

10

Written answers DISTRIBUTION LOG
REQUEST FOR PROPOSALS #RFP GOV 2022-001

OFFEROR'S NAME and POINT OF CONTACT:	E-MAIL ADDRESS:	DATE OF TRANSMISSION OF RFP AMENDMENT:
Data Management Resources, LLC. - Aly Taitague	bids@dmrpacific.com	Sat. Mar 5, 2022, 11:57 AM
Next Generation Information Integrators - Vincent M Munoz	vince.munoz@nextgensys.com	Sat. Mar 5, 2022, 11:57 AM
Isle Technica - Bryon Cepeda	bcepeda@ucguam.com	Sat. Mar 5, 2022, 11:57 AM
SSFM International - Joseph Duenas	jduenas@ssfm.com	Sat. Mar 5, 2022, 11:57 AM
Accela - Greg Damron	gdamron@accela.com	Sat. Mar 5, 2022, 11:57 AM
GovBuilt - Robert Disberger	robert@govbuilt.com	Sat. Mar 5, 2022, 11:57 AM
FC Benavente Planners - Felix Benavente	felouben@gmail.com	Sat. Mar 5, 2022, 11:57 AM
Sanford Technology Group - Robert A. Cruz	robertc@stgguam.com	Sat. Mar 5, 2022, 11:57 AM
Ledge Light Technologies, Inc. - Victor D. Pangelinan	vpangelinan@ledgelight.com	Sat. Mar 5, 2022, 11:57 AM
The Guam Daily Post - Haidee Gilbert	haidee@postguam.com	Sat. Mar 5, 2022, 11:57 AM
Innovate! Inc. - Michele Carneiro	proposals@innovateteam.com	Sat. Mar 5, 2022, 11:57 AM
Governful - Nathan Benson	nathan@governful.com	Sat. Mar 5, 2022, 11:57 AM
Pacific Digital Consulting - Delia De Castro	delia@pacificdigitalconsulting.net	Sat. Mar 5, 2022, 11:57 AM
Strategic Asia Pacific Partners - Esther Flor A. Baldemor	eabaldemor@sappinc.net	Thurs. Mar 17, 2022, 1:44 PM

GOV RFP 2022-001 Responses to All Questions, Comments, or Requests for Information

matthew.santos.bsp@guam.gov <matthew.santos.bsp@guam.gov>

Sat, Mar 5, 2022 at 11:57 AM

To: procurement@guam.gov

Bcc: bids@dmrpacific.com, Vincent Munoz <vince.munoz@nextgensys.com>, bcepeda@ucguam.com, jduenas@ssfm.com, Greg Damron <gdamron@accela.com>, Robert Disberger <robert@govbuilt.com>, felouben@gmail.com, Robert Cruz <robertc@stgguam.com>, Victor Pangelinan <vpangelinan@ledgelight.com>, Haidee Eugenio Gilbert <haidee@postguam.com>, proposals@innovateteam.com, Stewart Jack <Stewart.Jack@avocette.com>, Nathan Benson <nathan@governful.com>, Delia DeCastro <delia@pacificdigitalconsulting.net>

Hafa Adai!

Attached are the responses to all requests for information, comments or questions received from potential offerors before the submission deadline.



Matthew Santos

Bureau of Statistics & Plans


PO Box 2950

Hagåtña, Guam 96910

Office: 671.475.9670

Matthew.Santos@BSP.Guam.Gov

www.BSP.Guam.Gov

 **GOV RFP 2022-001 Responses to All Questions Submitted Before Deadline.pdf**
505K

GOV RFP 2022-001

2 messages

matthew.santos.bsp@guam.gov <matthew.santos.bsp@guam.gov>
To: eabaldemor@sappinc.net, procurement@guam.gov

Thu, Mar 17, 2022 at 1:44 PM

Esther

Please find Amendment 1 and 2 for the RFP.

I have also attached the responses to questions that were submitted before the deadline as well.




The amendments attached apply to the RFP version that was picked up at my office.

Thanks



Matthew Santos
Bureau of Statistics & Plans
PO Box 2950
Hagåtña, Guam 96910
Office: 671.475.9670
Matthew.Santos@BSP.Guam.Gov
www.BSP.Guam.Gov

3 attachments

-  **GOV RFP 2022-01 RFP Amendment 1 2142022.pdf**
230K
-  **GOV RFP 2022-01 RFP Amendment 2.pdf**
137K
-  **GOV RFP 2022-001 Responses to All Questoins Submitted Before Deadline.pdf**
505K

Esther Flor A. Baldemor <eabaldemor@sappinc.net>
To: Matthew Santos <matthew.santos@bsp.guam.gov>, procurement@guam.gov

Fri, Mar 18, 2022 at 6:51 PM

Acknowledged.

Thank you Matthew.

Esther Baldemor

[Quoted text hidden]



12

13

14

15

16

17

18

20220207: Request for Proposal RFP-GOV-2022-001

4 messages

'Aly Taitague' via Procurement <procurement@guam.gov>
Reply-To: Aly Taitague <aly.taitague@dmrpacific.com>
To: Procurement@guam.gov
Cc: bids@dmrpacific.com

Mon, Feb 7, 2022 at 8:57 AM

Good Morning Matthew,

DMR would like to inquire about the Request for Proposal RFP-GOV-2022-001, when will the copy of the solicitation be available online?

Thank you for your time. Have a wonderful Monday.

Regards,

--

Aly Taitague

Data Management Resources, LLC.

891 Army Dr.

Tano DMR Bldg. Ste. 100

Barrigada, Guam 96913

Direct: 671.647.3674 x8013

Facs: 671.477.3677

email: ataitague@dmrpacific.com

--

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matthew.santos.bsp@guam.gov <matthew.santos.bsp@guam.gov>
To: Aly Taitague <aly.taitague@dmrpacific.com>
Cc: Procurement@guam.gov, bids@dmrpacific.com

Mon, Feb 7, 2022 at 9:12 AM

Hi Aly

Only the instructions are available online <https://governor.guam.gov/request-for-proposals-rfp/>. Please provide the following information to officially register and you will be sent a digital copy.

| *Full Name of the Offeror's or Company Name:*

| *Authorized Representatives' Name and Title for the RFP:*

| *Email Address*

| *Telephone Number*

| *Fax Number*



Matthew Santos
Bureau of Statistics & Plans
PO Box 2950
Hagåtña, Guam 96910
Office: 671.475.9670
Matthew.Santos@BSP.Guam.Gov

[Quoted text hidden]

Aly Taitague <aly.taitague@dmrpacific.com>
Reply-To: Aly Taitague <aly.taitague@dmrpacific.com>
To: Matthew Santos <matthew.santos@bsp.guam.gov>
Cc: Procurement@guam.gov, bids@dmrpacific.com

Mon, Feb 7, 2022 at 9:19 AM

Hi Matthew,

Thank you for letting me know. Please see below for DMR's Register Information.

Bid Registration Details:

Company: Data Management Resources, LLC.
Address: 891 Army Drive, Ste. 100
Barrigada, Guam 96913
Phone: 671-647-3674
Fax: 671-477-3677
Email: bids@dmrpacific.com
Primary Contact: Richard Taitano
Title: CEO
Alt. Contact: Roy Taimanglo
Title: Dir. Of Sales & Business Dev.

[Quoted text hidden]

Matthew Santos <matthew.santos.bsp@guam.gov>
To: Aly Taitague <aly.taitague@dmrpacific.com>
Cc: Procurement@guam.gov, bids@dmrpacific.com

Mon, Feb 7, 2022 at 9:22 AM

Hafa Adai,

Your organization has been officially registered. I have attached RFP-GOV-2022-02, Procurement of Professional Services to Provide the Government of Guam a Licensing and Permitting System.

Let me know if you have questions or concerns. Please kindly acknowledge receipt of this email and RFP packet.

Best regards,



Matthew Santos
Bureau of Statistics & Plans
PO Box 2950
Hagåtña, Guam 96910
Office: 671.475.9670
Matthew.Santos@BSP.Guam.Gov
www.BSP.Guam.Gov

[Quoted text hidden]

GOV RFP 2022-001 Final 272022 With Grant Terms.pdf
2359K

RFP-GOV-2022-001 Procurement of Professional Services to provide a Licensing and Permitting System to the Government of Guam

2 messages

Vincent Munoz <vince.munoz@nextgensys.com>
To: procurement@guam.gov

Mon, Feb 7, 2022 at 10:01 AM

Full Name of the Offeror's or Company Name: Next Generation Information Integrators

Authorized Representatives' Name and Title for the RFP: Vincent M Munoz

Email Address: vince.munoz@nextgensys.com

Telephone Number: (671)689-5432

Fax Number: (671) 646-3449

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matthew.santos.bsp@guam.gov <matthew.santos.bsp@guam.gov>
To: Vincent Munoz <vince.munoz@nextgensys.com>
Cc: procurement@guam.gov

Mon, Feb 7, 2022 at 10:16 AM

Hafa Adai,

Your organization has been officially registered. I have attached RFP-GOV-2022-02, Procurement of Professional Services to Provide the Government of Guam a Licensing and Permitting System.


Let me know if you have questions or concerns. Please kindly acknowledge receipt of this email and RFP packet.

Best regards,



Matthew Santos
Bureau of Statistics & Plans
PO Box 2950
Hagåtña, Guam 96910
Office: 671.475.9670
Matthew.Santos@BSP.Guam.Gov
www.BSP.Guam.Gov

[Quoted text hidden]

 **GOV RFP 2022-001 Final 272022 With Grant Terms.pdf**
2359K





Matthew Santos <matthew.santos@bsp.guam.gov>

RFP-GOV-2022-02 posting for notices.guam.gov

2 messages

matthew.santos.bsp@guam.gov <matthew.santos.bsp@guam.gov> Mon, Feb 7, 2022 at 9:30 AM
To: Frank Lujan <frank.lujan@otech.guam.gov>, "Nicole B. Nelson" <nicole.nelson@otech.guam.gov>, "Stephanie G. Flores" <stephanie.flores@guam.gov>, Jon Junior M Calvo <jon.calvo@guam.gov>, Roy Gamboa <roy.gamboa@guam.gov>

Hi Frank

Can you please have the following posted on notices.guam.gov. It is for the Governor's Office RFP (<https://governor.guam.gov/request-for-proposals-rfp/> today.) Thanks

Title: "RFP-GOV-2022-001 Procurement of Professional Services to provide a Licensing and Permitting System to the Government of Guam."

Post:

"Copies of the solicitation will be available on Monday, February 7, 2022 to Thursday at 513 West Marine Corps Drive, Ricardo J. Bordallo Governor's Complex, Hagåtña, Guam 96910, from 9:00am to 5:00pm, Monday through Friday, until March 18, 2022.

To request an electronic copy of the RFP, please email the following information to Matthew Santos at procurement@guam.gov to register your company:

- Full Name of the Offeror's or Company Name:
- Authorized Representatives' Name and Title for the RFP:
- Email Address
- Telephone Number
- Fax Number

Upon registration, you will be sent an electronic copy of RFP-GOV-2022-001"



Matthew Santos
 Bureau of Statistics & Plans
 PO Box 2950
 Hagåtña, Guam 96910
 Office: 671.475.9670
Matthew.Santos@BSP.Guam.Gov
www.BSP.Guam.Gov

Nicole Nelson <Nicole.Nelson@otech.guam.gov> Mon, Feb 7, 2022 at 2:23 PM
To: Matthew Santos <matthew.santos@bsp.guam.gov>, Frank Lujan <Frank.Lujan@otech.guam.gov>, "Stephanie G. Flores" <stephanie.flores@guam.gov>, Jon Calvo <jon.calvo@guam.gov>, Roy Gamboa <roy.gamboa@guam.gov>, Logan Reyes <logan.reyes@guam.gov>

Hi Matt,

This is posted. For future Public Notice Portal posts, Logan does them for OOG and DRT.

Best regards,
Nicole

Nicole B. Nelson

Systems and Programming Administrator
Government of Guam, Office of Technology (OTECH)

211 Aspinall Ave, Hagatña, GUAM 96910
PO BOX 844, Hagatña, GUAM 96932
nicole.nelson@otech.guam.gov

From: Matthew Santos <matthew.santos@bsp.guam.gov>
Sent: Monday, February 7, 2022 9:30 AM
To: Frank Lujan <Frank.Lujan@otech.guam.gov>; Nicole Nelson <Nicole.Nelson@otech.guam.gov>; Stephanie G. Flores <stephanie.flores@guam.gov>; Jon Calvo <jon.calvo@guam.gov>; Roy Gamboa <roy.gamboa@guam.gov>
Subject: RFP-GOV-2022-02 posting for notices.guam.gov

[Quoted text hidden]



Request for electronic copy: RFP-GOV-2022-001 Procurement of Professional Services to provide a Licensing and Permitting System to the Government of Guam.

3 messages

'Joseph W. Duenas' via Procurement <procurement@guam.gov>

Mon, Feb 7, 2022 at 11:15 AM

Reply-To: "Joseph W. Duenas" <jduenas@ssfm.com>

To: "procurement@guam.gov" <procurement@guam.gov>

Hafa Adai Mr. Matthew Santos,

We are respectfully requesting an electronic copy of the RFP in today's newspaper and the website announcement below.

Our information is as follows:

1. Company Name: SSFM International
2. Authorized Representative: Joseph Duenas/ Title of RFP
3. Title for the RFP: RFP-GOV-2022-001 Procurement for Professional Services to provide a Licensing and Permitting System to the Government of Guam
4. Email Address: jduenas@ssfm.com
5. Telephone Number: 671.646.7736
6. Fax Number: 671.300.7738

REQUEST FOR PROPOSALS (RFP)

RFP-GOV-2022-001 Procurement of Professional Services to provide a Licensing and Permitting System to the Government of Guam.

Copies of the solicitation will be available on Monday, February 7, 2022 to Thursday at 513 West Marine Corps Drive, Ricardo J. Bordallo Governor's Complex, Hagåtña, Guam 96910, from 9:00am to 5:00pm, Monday through Friday, until March 18, 2022.

To request an electronic copy of the RFP, please email the following information to Matthew Santos at procurement@guam.gov to register your company:

Full Name of the Offeror's or Company Name:

Authorized Representatives' Name and Title for the RFP:

Email Address

Telephone Number

Fax Number

Upon registration, you will be sent an electronic copy of RFP-GOV-2022-001

Best regards,

Joseph Duenas, ENV SP | Pacific Area Manager



Innovate | Adapt | Sustain

215 Rojas Street, Suite 213 | Harmon, Guam 96913
T 671.646.7736 | F 671.300.7738
jduenas@ssfm.com | www.ssfm.com

SSFM Receives Three APA, Hawai'i Chapter Awards

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matthew.santos.bsp@guam.gov <matthew.santos.bsp@guam.gov>
To: "Joseph W. Duenas" <jduenas@ssfm.com>
Cc: "procurement@guam.gov" <procurement@guam.gov>

Mon, Feb 7, 2022 at 11:22 AM

Hafa Adai,

Your organization has been officially registered. I have attached RFP-GOV-2022-02, Procurement of Professional Services to Provide the Government of Guam a Licensing and Permitting System.

Let me know if you have questions or concerns. Please kindly acknowledge receipt of this email and RFP packet.

Best regards,



Matthew Santos
Bureau of Statistics & Plans
PO Box 2950
Hagåtña, Guam 96910
Office: 671.475.9670
Matthew.Santos@BSP.Guam.Gov
www.BSP.Guam.Gov

[Quoted text hidden]

GOV RFP 2022-001 Final 272022 With Grant Terms.pdf
2359K

Joseph W. Duenas <jduenas@ssfm.com>
To: Matthew Santos <matthew.santos@bsp.guam.gov>
Cc: "procurement@guam.gov" <procurement@guam.gov>

Mon, Feb 7, 2022 at 3:25 PM

Thank you!

From: Matthew Santos <matthew.santos@bsp.guam.gov>
Sent: Monday, February 7, 2022 11:22 AM
To: Joseph Duenas <jduenas@ssfm.com>
Cc: procurement@guam.gov
Subject: Re: Request for electronic copy: RFP-GOV-2022-001 Procurement of Professional Services to provide a Licensing and Permitting System to the Government of Guam.

Email received from EXTERNAL sender. Confirm the content is safe prior to opening attachments or links.

[Quoted text hidden]

RFP Request RFP-GOV-2022-001 Procurement of Professional Services to provide a Licensing and Permitting System to the Gov't of Guam

2 messages

Greg Damron <gdamron@accela.com>
To: "procurement@guam.gov" <procurement@guam.gov>
Cc: Matthew Santos <matthew.santos@bsp.guam.gov>, Bryanna Vandenberg <bvandenberg@accela.com>

Tue, Feb 8, 2022 at 2:36 AM

Hello,

I am officially requesting a copy of the RFP for **RFP-GOV-2022-001 Procurement of Professional Services to provide a Licensing and Permitting System to the Government of Guam.**

All info requesting is in my signature below except a fax which is (925) 659-3201.

Thank You,

	<p>Greg Damron Business Development Executive M: 602.350.0437 E: gdamron@accela.com</p>
---	--



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matthew.santos.bsp@guam.gov <matthew.santos.bsp@guam.gov>
To: Greg Damron <gdamron@accela.com>
Cc: "procurement@guam.gov" <procurement@guam.gov>, Bryanna Vandenberg <bvandenberg@accela.com>

Tue, Feb 8, 2022 at 9:16 AM

Hafa Adai,

Your organization has been officially registered. I have attached RFP-GOV-2022-02,; Procurement of Professional Services to Provide the Government of Guam a Licensing and Permitting System.

Let me know if you have questions or concerns. Please kindly acknowledge receipt of this email and RFP packet.

Best regards,



Matthew Santos
Bureau of Statistics & Plans
PO Box 2950
Hagåtña, Guam 96910
Office: 671.475.9670
Matthew.Santos@BSP.Guam.Gov
www.BSP.Guam.Gov

[Quoted text hidden]

Registration and request for RFP-GOV-2022-001

4 messages

Bryon Cepeda <bcepeda@ucguam.com>
To: procurement@guam.gov

Mon, Feb 7, 2022 at 3:46 PM

Isle Technica

Bryon Cepeda - RFP-GOV-2022-001

bcepeda@ucguam.com

671-777-0099

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matthew.santos.bsp@guam.gov <matthew.santos.bsp@guam.gov>
To: Bryon Cepeda <bcepeda@ucguam.com>
Cc: procurement@guam.gov

Mon, Feb 7, 2022 at 3:47 PM

Bryan
Are you registering Umbrella Corp.Guam? If not please provide the company you are both representing and registering.

Thanks



Matthew Santos
Bureau of Statistics & Plans
PO Box 2950
Hagåtña, Guam 96910
Office: 671.475.9670
Matthew.Santos@BSP.Guam.Gov
www.BSP.Guam.Gov

[Quoted text hidden]

Bryon Cepeda <bcepeda@ucguam.com>
To: Matthew Santos <matthew.santos@bsp.guam.gov>

Mon, Feb 7, 2022 at 7:35 PM

Hi Matthew

Isle Technica is the business name registering
[Quoted text hidden]

matthew.santos.bsp@guam.gov <matthew.santos.bsp@guam.gov>
To: Bryon Cepeda <bcepeda@ucguam.com>, procurement@guam.gov

Tue, Feb 8, 2022 at 9:16 AM

Hafa Adai,

Your organization has been officially registered. I have attached RFP-GOV-2022-02, Procurement of Professional Services to Provide the Government of Guam a Licensing and Permitting System.

Let me know if you have questions or concerns. Please kindly acknowledge receipt of this email and RFP packet.

Best regards,



Matthew Santos
Bureau of Statistics & Plans
PO Box 2950
Hagåtña, Guam 96910
Office: 671.475.9670
Matthew.Santos@BSP.Guam.Gov
www.BSP.Guam.Gov

[Quoted text hidden]



Memorandum: RFP NO. GOV-2022-01 Procurement of Professional Services

1 message

Kathleen C. Cepeda <kathleen.cepada@guam.gov>
To: Adelup Only <adelup@guam.gov>
Cc: Jon Calvo <jon.calvo@guam.gov>, Alice Tajeron <alice.tajeron@guam.gov>
Bcc: Procurement@guam.gov

Tue, Feb 8, 2022 at 11:35 AM

Hafa Adai,

Please find attached memorandum from the Chief of Staff, regarding RFP No. GOV-2022-01 Procurement of Professional Services to Provide Government of Guam a Licensing and Permitting System.

Thank you,



Kathleen Cepeda
Executive Assistant to the Chief of Staff
Office of the Governor of Guam
(671) 472-8931 | governor.guam.gov

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 2022.02.08 Memorandum COS to ADELUP STAFF re RFP No. GOV-2022-01.pdf
33K

RFP for Licensing and Permitting System to the Government of Guam

3 messages

Robert Disberger <robert@govbuilt.com>

Tue, Feb 8, 2022 at 5:54 AM

To: "procurement@guam.gov" <procurement@guam.gov>

Hello Matthew,

I would like to request an electronic copy of the RFP for Licensing and Permitting.

GovBuilt

Robert Disberger VP of Sales

robert@govbuilt.com

785.556.0110

If you need anything else, please let me know.

Thanks,

Robert

Robert Disberger | GovBuilt

VP of Sales | Co-owner

p: 785-556-0110

govbuilt.com

*Cloud Permitting and Licensing Software for the Next Generation*

--

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matthew.santos.bsp@guam.gov <matthew.santos.bsp@guam.gov>

Tue, Feb 8, 2022 at 9:17 AM

To: Robert Disberger <robert@govbuilt.com>

Cc: "procurement@guam.gov" <procurement@guam.gov>

Hafa Adai,

Your organization has been officially registered. I have attached RFP-GOV-2022-02, Procurement of Professional Services to Provide the Government of Guam a Licensing and Permitting System.

Let me know if you have questions or concerns. Please kindly acknowledge receipt of this email and RFP packet.

Best regards,

**Matthew Santos**

Bureau of Statistics & Plans

PO Box 2950

Hagåtña, Guam 96910

Office: 671.475.9670

Matthew.Santos@BSP.Guam.Gov

www.BSP.Guam.Gov

[Quoted text hidden]

Robert Disberger <robert@govbuilt.com>
To: Matthew Santos <matthew.santos@bsp.guam.gov>
C: "procurement@guam.gov" <procurement@guam.gov>

Wed, Feb 9, 2022 at 12:05 AM

Hello Matthew,

Thank you for getting us registered. I'm looking forward to working through the RFP.

Thanks,

Robert

Robert Disberger | GovBuilt

VP of Sales | Co-owner

p: 785-556-0110

govbuilt.com



Cloud Permitting and Licensing Software for the Next Generation

From: Matthew Santos <matthew.santos@bsp.guam.gov>
Sent: Monday, February 7, 2022 5:17 PM
To: Robert Disberger <robert@govbuilt.com>
C: "procurement@guam.gov"
Subject: Re: RFP for Licensing and Permitting System to the Government of Guam

Hafa Adai,

Your organization has been officially registered. I have attached RFP-GOV-2022-02,; Procurement of Professional Services to Provide the Government of Guam a Licensing and Permitting System.

Let me know if you have questions or concerns. Please kindly acknowledge receipt of this email and RFP packet.

Best regards,

Matthew Santos
Bureau of Statistics & Plans
PO Box 2950
Hagåtña, Guam 96910
Office: 671.475.9670
Matthew.Santos@BSP.Guam.Gov
www.BSP.Guam.Gov

On Tue, Feb 8, 2022 at 5:54 AM Robert Disberger <robert@govbuilt.com> wrote:

Hello Matthew,

I would like to request an electronic copy of the RFP for Licensing and Permitting.

GovBuilt

Robert Disberger VP of Sales

robert@govbuilt.com

785.556.0110

If you need anything else, please let me know.

Thanks,

Robert

Robert Disberger | GovBuilt

VP of Sales | Co-owner

p: 785-556-0110

govbuilt.com



Cloud Permitting and Licensing Software for the Next Generation

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RFP-GOV-2022-001 Procurement of Professional Services to provide a Licensing and Permitting System to the Government of Guam.

3 messages

Victor Pangelinan <vpangelinan@ledgelight.com>
To: "procurement@guam.gov" <procurement@guam.gov>
Cc: Femi Bajomo <fbajomo@ledgelight.com>, MaryAnn Callejo <mcallejo@ledgelight.com>

Tue, Feb 8, 2022 at 5:04 PM

Hafa Adai Mr. Matthew Santos,

On behalf of Ledge Light Technologies, I am requesting an electronic copy of the RFP-GOV-2022-001.

Please find the information below needed for our company to register:

Company Name: Ledge Light Technologies, Inc.

Authorized Representatives: Victor D. Pangelinan, General Manager
Femi Bajomo, PresidentEmail Address: vpangelinan@ledgelight.com
fbajomo@ledgelight.comTelephone Number: Office: 671-477-5483
V Pangelinan Cell: 671-727-8427
F Bajomo Cell: 671-727-8437

Fax Number: 671-646-8255

Thank you for the business opportunity.

Regards,

Victor Pangelinan
Victor Pangelinan
General Manager
Ledge Light Technologies, Inc.
414 West Soledad Avenue, Suite 801, GCIC Bldg.
Hagatna, Guam 96910
Office: 671-477-5483
Mobile: 671-727-8427
Fax: 671-646-8255

have received this message in error, please delete this e-mail and all files transmitted with it from your system and immediately notify Ledge Light Technologies by sending a reply e-mail to the sender of this message. Thank you for your cooperation.

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matthew.santos.bsp@guam.gov <matthew.santos.bsp@guam.gov>

Wed, Feb 9, 2022 at 12:18 PM

To: Victor Pangelinan <vpangelinan@ledgelight.com>

Cc: "procurement@guam.gov" <procurement@guam.gov>, Femi Bajomo <fbajomo@ledgelight.com>, MaryAnn Callejo <mcallejo@ledgelight.com>

Hafa Adai,

Your organization has been officially registered. I have attached RFP-GOV-2022-02,: Procurement of Professional Services to Provide the Government of Guam a Licensing and Permitting System.

Let me know if you have questions or concerns. Please kindly acknowledge receipt of this email and RFP packet.

Best regards,



Matthew Santos

Bureau of Statistics & Plans

PO Box 2950


Hagåtña, Guam 96910

Office: 671.475.9670

Matthew.Santos@BSP.Guam.Gov

www.BSP.Guam.Gov

[Quoted text hidden]

 **GOV RFP 2022-001 Final 272022 With Grant Terms.pdf**
2371K

Victor Pangelinan <vpangelinan@ledgelight.com>

Wed, Feb 9, 2022 at 12:33 PM

To: Matthew Santos <matthew.santos@bsp.guam.gov>

Cc: "procurement@guam.gov" <procurement@guam.gov>, Femi Bajomo <fbajomo@ledgelight.com>, MaryAnn Callejo <mcallejo@ledgelight.com>

Hafa Adai Mr. Santos,

This is to acknowledge receipt of your email and RFP Packet. Thank you.

Best regards,

[Quoted text hidden]

RFP-GOV-2022-001

3 messages

Robert Cruz <robertc@stgguaam.com>
Reply-To: robertc@stgguaam.com
To: procurement@guam.gov

Wed, Feb 9, 2022 at 12:26 PM

Full Name of the Offeror's or Company Name:

Sanford Technology Group

Authorized Representatives' Name and Title for the RFP:

Robert A. Cruz
Director, Sales and Services

Email Address

robertc@stgguaam.com

Telephone Number

671-647-0220 x201

Fax Number

671-647-0800

Best regards,



Robert Cruz Office: (671) 647-0220 x201
Director, Sales and Services Mobile: (671) 687-8718
Sanford Technology Group FAX: (671) 647-0800
335 South Marine Corps Drive email: robertc@stgguaam.com
Tamuning, Guam 96913 web: www.stgguaam.com

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matthew.santos.bsp@guam.gov <matthew.santos.bsp@guam.gov>
To: robertc@stgguaam.com, procurement@guam.gov

Wed, Feb 9, 2022 at 4:12 PM

Hafa Adai,

Your organization has been officially registered. I have attached RFP-GOV-2022-02, Procurement of Professional Services to Provide the Government of Guam a Licensing and Permitting System.

Let me know if you have questions or concerns. Please kindly acknowledge receipt of this email and RFP packet.


Best regards,

Matthew Santos



Bureau of Statistics & Plans
PO Box 2950
Hagåtña, Guam 96910
Office: 671.475.9670
Matthew.Santos@BSP.Guam.Gov
www.BSP.Guam.Gov

[Quoted text hidden]

 **GOV RFP 2022-001 Final 272022 With Grant Terms.pdf**
2359K

Robert Cruz <robertc@stgg Guam.com>
Reply-To: robertc@stgg Guam.com
To: Matthew Santos <matthew.santos@bsp.guam.gov>, procurement@guam.gov

Wed, Feb 9, 2022 at 5:36 PM

Hi Matthew,

Confirming receipt of packet for RFP-GOV-2022-01.

[Quoted text hidden]



Matthew Santos <matthew.santos@bsp.guam.gov>

RFP-GOV-2022-001

2 messages

Felix Benavente <felouben@gmail.com>

Fri, Feb 11, 2022 at 11:12 AM

To: "procurement@guam.gov" <procurement@guam.gov>

Cc: Felix Benavente <felouben@gmail.com>, Raymond Benavente <gmgusa@yahoo.com>

Hafa Adai Mr. Matt Santos, As advised please send a copy of the RFP-GOV-2022-0001. To: Company Name: FC Benavente, Planners, Title: Mr. Felix C. Benavente, Principal, Email: felouben@gmail.com, Telephone No.: 671-988-7911, Fax No.: None. Esta, thank you and stay safe
Felix C. Benavente

Sent from Mail for Windows

--

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matthew.santos.bsp@guam.gov <matthew.santos.bsp@guam.gov>

Fri, Feb 11, 2022 at 11:22 AM

To: Felix Benavente <felouben@gmail.com>

Cc: "procurement@guam.gov" <procurement@guam.gov>, Felix Benavente <felouben@gmail.com>, Raymond Benavente <gmgusa@yahoo.com>

Hafa Adai,

Your organization has been officially registered. I have attached RFP-GOV-2022-02, Procurement of Professional Services to Provide the Government of Guam a Licensing and Permitting System.

Let me know if you have questions or concerns. Please kindly acknowledge receipt of this email and RFP packet.

Best regards,



Matthew Santos

Bureau of Statistics & Plans

PO Box 2950

Hagåtña, Guam 96910

Office: 671.475.9670

Matthew.Santos@BSP.Guam.Gov

www.BSP.Guam.Gov

[Quoted text hidden]

GOV RFP 2022-001 Final 272022 With Grant Terms.pdf
2371K





Matthew Santos <matthew.santos@bsp.guam.gov>

RFP-Office of the Governor- 2022-001 – Licensing and Permitting System (Attention Matthew Santos)

'Janet Majocho' via Procurement <procurement@guam.gov>
Reply-To: Janet Majocho <Janet.Majocho@avocette.com>
To: "procurement@guam.gov" <procurement@guam.gov>

Fri, Feb 11, 2022 at 5:01 AM

Good Morning Matthew, on page 43 of the RFP, D. Organizational Units the following paragraph appears:

Several agencies are expected to utilize the Licensing and Permit System. Those agencies are listed below. Please refer to the appendix to the processes and forms the government of Guam intends to automate through this project

I do not see the appendix referenced here, can you please direct me accordingly. Thank you in advance for your assistance.

Kind regards,

Janet Majocho
Proposal Coordinator
Direct Line: 1.778.401.2879

Avocette

--
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RFP-GOV-2022-001 Procurement of Professional Services to provide a Licensing and Permitting System to the Government of Guam.

2 messages

Innovate Proposals <proposals@innovateteam.com>
To: procurement@guam.gov
Cc: Travis Bock <tbock@innovateteam.com>

Sat, Feb 12, 2022 at 2:09 AM

Innovate! Inc. (Innovate) kindly requests an electronic copy of RFP-GOV-2022-001. Thank you!

- Full Name of the Offeror's or Company Name: **Innovate! Inc.**
- Authorized Representatives' Name and Title for the RFP: **Michele Carneiro, Proposal Manager**
- Email Address: **proposals@innovateteam.com**
- Telephone Number: **571 319 2212**
- Fax Number: **703 922 9002**

--
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To unsubscribe from this group and stop receiving emails from it, send an email to procurement+unsubscribe@guam.gov.

matthew.santos.bsp@guam.gov <matthew.santos.bsp@guam.gov>
To: Innovate Proposals <proposals@innovateteam.com>
Cc: procurement@guam.gov, Travis Bock <tbock@innovateteam.com>

Mon, Feb 14, 2022 at 4:53 PM

Hafa Adai,

Your organization has been officially registered. I have attached RFP-GOV-2022-01 and Amendment #1 for the Procurement of Professional Services to Provide the Government of Guam a Licensing and Permitting System.

Let me know if you have questions or concerns. Please kindly acknowledge receipt of this email and RFP packet.

Best regards,




Matthew Santos
Bureau of Statistics & Plans
PO Box 2950
Hagåtña, Guam 96910
Office: 671.475.9670
Matthew.Santos@BSP.Guam.Gov
www.BSP.Guam.Gov

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2 attachments

 **GOV RFP 2022-01 RFP Amendment 1 2142022.pdf**
228K

 **GOV RFP 2022-001 Final 272022 With Grant Terms.pdf**
2371K



Access to website

10 messages

Stewart Jack <Stewart.Jack@avocette.com>
To: Matthew Santos <matthew.santos@bsp.guam.gov>

Tue, Feb 15, 2022 at 3:50 AM

Hi Matthew,

I am unable to access your website as your security protocols are blocking access from Canada. Is it possible to get access to the bid site?

Kind regards,

Stewart Jack
Executive Vice President
+ office 1.250.220.3129
+ mobile 1.250.213.7002



matthew.santos.bsp@guam.gov <matthew.santos.bsp@guam.gov>
To: Stewart Jack <Stewart.Jack@avocette.com>

Thu, Feb 17, 2022 at 9:26 AM

Hi Stewart

Can you please send me a screenshot of what you are seeing so I can forward it to our IT department.

For anything specific to the bid please email procurement@guam.gov.

Thanks



Matthew Santos
Bureau of Statistics & Plans
PO Box 2950
Hagåtña, Guam 96910
Office: 671.475.9670
Matthew.Santos@BSP.Guam.Gov
www.BSP.Guam.Gov

[Quoted text hidden]

Stewart Jack <Stewart.Jack@avocette.com>
To: Matthew Santos <matthew.santos@bsp.guam.gov>

Thu, Feb 17, 2022 at 9:29 AM

Hi Matthew,

Here is the error message that I am getting from your website. Our technical team tells me that it is coming from your servers.

Regards,
Stewart

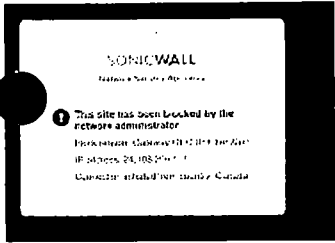
Stewart Jack
Executive Vice President
+ office 1.250.220.3129
+ mobile 1.250.213.7002



From: Matthew Santos <matthew.santos@bsp.guam.gov>
Sent: Wednesday, February 16, 2022 3:26 PM
To: Stewart Jack <Stewart.Jack@avocette.com>
Subject: Re: Access to website

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

[Quoted text hidden]



55K

matthew.santos.bsp@guam.gov <matthew.santos.bsp@guam.gov>
To: Frank Lujan <frank.lujan@otech.guam.gov>, "Nicole B. Nelson" <nicole.nelson@otech.guam.gov>

Thu, Feb 17, 2022 at 9:36 AM

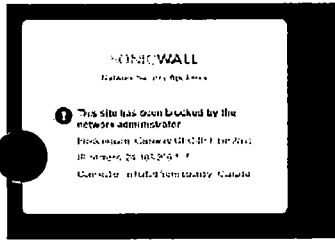
See email below. It seems to me that it is his network blocking our site and not our site blocking Canada. Please advise.

Thanks



Matthew Santos
Bureau of Statistics & Plans
PO Box 2950
Hagåtña, Guam 96910
Office: 671.475.9670
Matthew.Santos@BSP.Guam.Gov
www.BSP.Guam.Gov

[Quoted text hidden]



Capture.JPG
55K

Frank Lujan <Frank.Lujan@otech.guam.gov>
To: roman palomo <roman.palomo@otech.guam.gov>, Adrian Atalig <Adrian.Atalig@dphss.guam.gov>, Beatrice Santos <Bea.Santos@otech.guam.gov>, "Christine A. Baza" <Christine.Baza@dphss.guam.gov>, Christine San Agustin <Christine.SanAgustin@otech.guam.gov>, Gerard Calvo <Gerard.Calvo@otech.guam.gov>, Jennie Quintans <jennie.quintans@otech.guam.gov>, Nicole Nelson <Nicole.Nelson@otech.guam.gov>, Shirley Munoz <Shirley.Munoz@otech.guam.gov>, Victoria LG Foreman <Victoria.Foreman@otech.guam.gov>
Cc: Matthew Santos <matthew.santos@bsp.guam.gov>

Thu, Feb 17, 2022 at 10:29 AM

Roman,

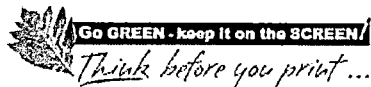
Please proceed with unblocking Canada from our GEO filter list on the firewall.

Senseramente,



Frank L.G. Lujan, Jr.
Chief Technology Officer
Government of Guam - Office of Technology
211 Aspinall Avenue
PO Box 884, Hagåtña, GUAM 96932
frank.lujan@otech.guam.gov
Office: 671.635.4500
Mobile: 671.488.5240

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From: roman palomo <roman.palomo@otech.guam.gov>
Sent: Thursday, February 17, 2022 10:27 AM
To: Frank Lujan <Frank.Lujan@otech.guam.gov>; Adrian Atalig <Adrian.Atalig@dphss.guam.gov>; Beatrice Santos <Bea.Santos@otech.guam.gov>; Christine A. Baza <Christine.Baza@dphss.guam.gov>; Christine San Agustin <Christine.SanAgustin@otech.guam.gov>; Gerard Calvo <Gerard.Calvo@otech.guam.gov>; Jennie Quintans <jennie.quintans@otech.guam.gov>; Nicole Nelson <Nicole.Nelson@otech.guam.gov>; Shirley Munoz <Shirley.Munoz@otech.guam.gov>; Victoria LG Foreman <Victoria.Foreman@otech.guam.gov>
Subject: Re: Access to website

We can unblock. I don't think we'll have an issue.

Roman M. Palomo

Government of Guam - Office of Technology

211 Aspinall Avenue

PO Box 884, Hagatna, Guam 96932

roman.palomo@otech.guam.gov

Office: 671.635.4503

Mobile: 671.483.1496

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From: Frank Lujan <Frank.Lujan@otech.guam.gov>
Sent: Thursday, February 17, 2022 9:47 AM
To: Adrian Atalig <Adrian.Atalig@dphss.guam.gov>; Beatrice Santos <Bea.Santos@otech.guam.gov>; Christine A. Baza <Christine.Baza@dphss.guam.gov>; Christine San Agustin <Christine.SanAgustin@otech.guam.gov>; Gerard Calvo <Gerard.Calvo@otech.guam.gov>; Jennie Quintans <jennie.quintans@otech.guam.gov>; Nicole Nelson <Nicole.Nelson@otech.guam.gov>; roman palomo <roman.palomo@otech.guam.gov>; Shirley Munoz <Shirley.Munoz@otech.guam.gov>; Victoria LG Foreman <Victoria.Foreman@otech.guam.gov>
Subject: FW: Access to website

Roman,

Please review the attached. I would like to consider unblocking Canada. What is your advice?

Senseramente,



Frank L.G. Lujan, Jr.
Chief Technology Officer
Government of Guam - Office of Technology
211 Aspinall Avenue

PO Box 884, Hagatña, GUAM 96932

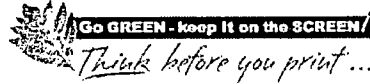
frank.lujan@otech.guam.gov

Office: 671.635.4500

Mobile: 671.488.5240

Let's take a moment to appreciate all the hard work, Dedication and Sacrifice of all Heroes Fighting (COVID-19), God bless you. Stay Safe

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[Quoted text hidden]

Thanks

[Quoted text hidden]
[Quoted text hidden]
[Quoted text hidden]

[Quoted text hidden]

roman palomo <roman.palomo@otech.guam.gov> Thu, Feb 17, 2022 at 10:32 AM
To: Frank Lujan <Frank.Lujan@otech.guam.gov>, Adrian Atalig <Adrian.Atalig@dphss.guam.gov>, Beatrice Santos <Bea.Santos@otech.guam.gov>, "Christine A. Baza" <Christine.Baza@dphss.guam.gov>, Christine San Agustin <Christine.SanAgustin@otech.guam.gov>, Gerard Calvo <Gerard.Calvo@otech.guam.gov>, Jennie Quintans <Jennie.Quintans@otech.guam.gov>, Nicole Nelson <Nicole.Nelson@otech.guam.gov>, Shirley Munoz <Shirley.Munoz@otech.guam.gov>, Victoria LG Foreman <Victoria.Foreman@otech.guam.gov>
Cc: Matthew Santos <matthew.santos@bsp.guam.gov>

Done.

Roman M. Palomo
Government of Guam - Office of Technology
211 Aspinall Avenue
PO Box 884, Hagatna, Guam 96932
roman.palomo@otech.guam.gov
Office: 671.635.4503
Mobile: 671.483.1496

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From: Frank Lujan <Frank.Lujan@otech.guam.gov>
Sent: Thursday, February 17, 2022 10:29 AM
To: roman palomo <roman.palomo@otech.guam.gov>; Adrian Atalig <Adrian.Atalig@dphss.guam.gov>; Beatrice Santos <Bea.Santos@otech.guam.gov>; Christine A. Baza <Christine.Baza@dphss.guam.gov>; Christine San Agustin <Christine.SanAgustin@otech.guam.gov>; Gerard Calvo <Gerard.Calvo@otech.guam.gov>; Jennie Quintans <jennie.quintans@otech.guam.gov>; Nicole Nelson <Nicole.Nelson@otech.guam.gov>; Shirley Munoz <Shirley.Munoz@otech.guam.gov>; Victoria LG Foreman <Victoria.Foreman@otech.guam.gov>
Cc: Matthew Santos <matthew.santos@bsp.guam.gov>
Subject: RE: Access to website

[Quoted text hidden]

Frank Lujan <Frank.Lujan@otech.guam.gov>
To: Matthew Santos <matthew.santos@bsp.guam.gov>

Thu, Feb 17, 2022 at 10:36 AM

Matt,

Please communicate with Mr. Jack to try to access the site again.

[Quoted text hidden]

matthew.santos.bsp@guam.gov <matthew.santos.bsp@guam.gov>
To: Frank Lujan <Frank.Lujan@otech.guam.gov>

Thu, Feb 17, 2022 at 11:32 AM

Thank you!!



Matthew Santos

Bureau of Statistics & Plans

PO Box 2950

Hagåtña, Guam 96910

Office: 671.475.9670

Matthew.Santos@BSP.Guam.Gov

www.BSP.Guam.Gov

[Quoted text hidden]

matthew.santos.bsp@guam.gov <matthew.santos.bsp@guam.gov>
To: Stewart Jack <Stewart.Jack@avocette.com>

Thu, Feb 17, 2022 at 11:55 AM

try now



Matthew Santos

Bureau of Statistics & Plans

PO Box 2950

Hagåtña, Guam 96910

Office: 671.475.9670

Matthew.Santos@BSP.Guam.Gov

www.BSP.Guam.Gov

[Quoted text hidden]

Stewart Jack <Stewart.Jack@avocette.com>
To: Matthew Santos <matthew.santos@bsp.guam.gov>

Thu, Feb 17, 2022 at 2:29 PM

Thank you Matthew, it is working now.

Stewart Jack

Executive Vice President

+ office 1.250.220.3129

+ mobile 1.250.213.7002

From: Matthew Santos <matthew.santos@bsp.guam.gov>

Sent: Wednesday, February 16, 2022 5:55 PM

[Quoted text hidden]

[Quoted text hidden]





Matthew Santos <matthew.santos@bsp.guam.gov>

RFP-Office of the Governor- 2022-001

5 messages

'Stewart Jack' via Procurement <procurement@guam.gov>
Reply-To: Stewart Jack <Stewart.Jack@avocette.com>
To: "procurement@guam.gov" <procurement@guam.gov>

Thu, Feb 24, 2022 at 6:11 AM

Dear Matthew,
We have the following questions with regards to the RFP

In order to provide license pricing we would like to know:

1. How many users are anticipated in each of the departments who will use the system?
2. How many users would use the system in more that one department or business area?
3. How many users would use the system from a mobile device only?

In order to provide license pricing for Electronic Plan review we would like to know how many users would be using the Electronic Plan Review features of the system?

Regards,
Stewart

Stewart Jack
Executive Vice President
+ office 1.250.220.3129
+ mobile 1.250.213.7002

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matthew.santos.bsp@guam.gov <matthew.santos.bsp@guam.gov>
To: Stewart Jack <Stewart.Jack@avocette.com>
Cc: procurement@guam.gov

Thu, Feb 24, 2022 at 8:13 AM

Stewart

Can you please register your company and yourself as the authorized representative so I can respond to your questions.

Your last question had to do with a regional restriction on our website so I was able to respond.

Thanks
Matt
[Quoted text hidden]

Stewart Jack <Stewart.Jack@avocette.com>
To: Matthew Santos <matthew.santos@bsp.guam.gov>
Cc: "procurement@guam.gov" <procurement@guam.gov>

Thu, Feb 24, 2022 at 8:33 AM

Thank You Matthew,
I had thought that we were registered.

Regards,
Stewart

Stewart Jack
Executive Vice President
+ office 1.250.220.3129
+ mobile 1.250.213.7002

From: Matthew Santos <matthew.santos@bsp.guam.gov>
Sent: Wednesday, February 23, 2022 2:13 PM





Matthew Santos <matthew.santos@bsp.guam.gov>

The Guam Daily Post request for a copy of the RFP-GOV-2022-001 Procurement of Professional Services to provide a Licensing and Permitting System to the Government of Guam
9 messages

Haidee Eugenio Gilbert <haidee@postguam.com>
To: "procurement@guam.gov" <procurement@guam.gov>

Mon, Feb 7, 2022 at 2:39 PM

Hafa Adai Mr. Santos,

I am Haidee Gilbert, reporter with The Guam Daily Post.

As a member of the media, I am requesting a copy of the following:

RFP-GOV-2022-001 Procurement of Professional Services to provide a Licensing and Permitting System to the Government of Guam

Thank you very much.

Warmest regards,

Haidee Eugenio Gilbert

Reporter

The Guam Daily Post

(671) 977-7686

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--
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matthew.santos.bsp@guam.gov <matthew.santos.bsp@guam.gov>
To: Jessica Toft <jtoft@oagguam.org>

Mon, Feb 7, 2022 at 2:47 PM

Please advise.
[Quoted text hidden]

matthew.santos.bsp@guam.gov <matthew.santos.bsp@guam.gov>
To: Haidee Eugenio Gilbert <haidee@postguam.com>, procurement@guam.gov

Tue, Feb 8, 2022 at 10:25 AM

Hafa Adai,

The Guam Daily Post has been officially registered. I have attached RFP-GOV-2022-02.; Procurement of Professional Services to Provide the Government of Guam a Licensing and Permitting System.

Please kindly acknowledge receipt of this email and RFP packet.

Best regards,



Matthew Santos
Bureau of Statistics & Plans
PO Box 2950
Hagåtña, Guam 96910
Office: 671.475.9670
Matthew.Santos@BSP.Guam.Gov
www.BSP.Guam.Gov

[Quoted text hidden]



RFP Registration

3 messages

Nathan Benson <nathan@governful.com>
To: "procurement@guam.gov" <procurement@guam.gov>

Thu, Feb 24, 2022 at 3:08 PM

Hafa Adai Mr. Matthew Santos,

Emailing to register for the registration of RFP-GOV-2022-001.

- | Full Name of the Offeror's or Company Name: Governful, LLC
- | Authorized Representatives' Name and Title for the RFP: Nathan Benson, Principal
- | Email Address: nathan@governful.com
- | Telephone Number: 670-285-2583
- | Fax Number: None

Thank you!

Nathan Benson
Principal Project Manager @ Governful
670-285-2583
WhatsApp/Signal: 971-800-1565
nathan@governful.com
"LEADING THE CNMI GOVERNMENT'S DIGITAL TRANSFORMATION"

--
You received this message because you are subscribed to the Google Groups "Procurement" group.
To unsubscribe from this group and stop receiving emails from it, send an email to procurement+unsubscribe@guam.gov.

matthew.santos.bsp@guam.gov <matthew.santos.bsp@guam.gov>
To: Nathan Benson <nathan@governful.com>, procurement@guam.gov

Fri, Feb 25, 2022 at 7:41 AM

Hafa Adai,

Your organization has been officially registered. I have attached RFP-GOV-2022-01 and Amendment #1 for the Procurement of Professional Services to Provide the Government of Guam a Licensing and Permitting System.

Let me know if you have questions or concerns. Please kindly acknowledge receipt of this email and RFP packet.



Best regards,



Matthew Santos
Bureau of Statistics & Plans
PO Box 2950
Hagåtña, Guam 96910
Office: 671.475.9670

[Quoted text hidden]

2 attachments

-  **GOV RFP 2022-01 RFP Amendment 1 2142022.pdf**
228K
-  **GOV RFP 2022-001 Final 272022 With Grant Terms.pdf**
2371K

Nathan Benson <nathan@governful.com>
To: Matthew Santos <matthew.santos@bsp.guam.gov>, "procurement@guam.gov" <procurement@guam.gov>

Fri, Feb 25, 2022 at 9:25 AM

Thank you!

Principal Project Manager @ Governful

670-285-2583

WhatsApp/Signal: 971-800-1565

nathan@governful.com

"LEADING THE CNMI GOVERNMENT'S DIGITAL TRANSFORMATION"

From: Matthew Santos <matthew.santos@bsp.guam.gov>

Sent: Friday, February 25, 2022 7:41 AM

To: Nathan Benson <nathan@governful.com>; procurement@guam.gov <procurement@guam.gov>

Subject: Re: RFP Registration

[Quoted text hidden]

RFP-GOV-2022-001 - Amendment 1

11 messages

matthew.santos.bsp@guam.gov <matthew.santos.bsp@guam.gov> Mon, Feb 14, 2022 at 4:49 PM

To: procurement@guam.gov
Bcc: ataitague@dmrpfacific.com, Vincent Munoz <vince.munoz@nextgensys.com>, Bryon Cepeda <bcepeda@ucguam.com>, "Joseph W. Duenas" <jduenas@ssfm.com>, Greg Damron <gdamron@accela.com>, Robert Disberger <robert@govbuilt.com>, Felix Benavente <felouben@gmail.com>, robertc@stggguam.com, Victor Pangelinan <vpangelinan@ledgellight.com>, Haidee Eugenio Gilbert <haidee@postguam.com>, procurement@guam.gov

Hafa Adai!

The attached amendment is hereby made to the Request for Proposal RFP-GOV-2022-001 for the Procurement of Professional Services to provide a Licensing and Permitting System to the Government of Guam.



Matthew Santos
Bureau of Statistics & Plans
PO Box 2950
Hagåtña, Guam 96910
Office: 671.475.9670
Matthew.Santos@BSP.Guam.Gov
www.BSP.Guam.Gov

 **GOV RFP 2022-01 RFP Amendment 1 2142022.pdf**
228K

Greg Damron <gdamron@accela.com> Tue, Feb 15, 2022 at 3:55 AM
To: Matthew Santos <matthew.santos@bsp.guam.gov>, "procurement@guam.gov" <procurement@guam.gov>
Cc: Bryanna Vandenberg <bvandenberg@accela.com>

Hi Matt,

When I go to the link provided in the PDF (<https://bsp.guam.gov/guam-development-guidebook/>) I get this result:



No Results Found

The page you requested could not be found. Try refining your search, or use the navigation above to locate the post.

Thank You,

-greg

From: Matthew Santos <matthew.santos@bsp.guam.gov>
Sent: Sunday, February 13, 2022 11:49 PM
To: procurement@guam.gov
Subject: RFP-GOV-2022-001 - Amendment 1

CAUTION: This email originated outside our organization; please use caution.

[Quoted text hidden]

 **GOV RFP 2022-01 RFP Amendment 1 2142022.pdf**
228K

Vincent Munoz <vince.munoz@nextgensys.com>
To: Matthew Santos <matthew.santos@bsp.guam.gov>
Cc: procurement@guam.gov

Tue, Feb 22, 2022 at 2:29 AM

I acknowledge receipt of this amendment via email.

CONFIDENTIALITY. The information contained in this transmission is advice intended exclusively for the proper use by the intended addressees and may contain confidential and/or privileged material. If you received this information in error, you are requested to inform the sender and/or addressee immediately and permanently delete and/or destroy the material. Please note that no confidentiality or privilege is waived or lost by any mis-transmission.

[Quoted text hidden]

Vincent Munoz <vince.munoz@nextgensys.com>
To: Matthew Santos <matthew.santos@bsp.guam.gov>
Cc: procurement@guam.gov

Tue, Feb 22, 2022 at 2:48 AM

Hafa Adai Matthew,

Lately, I've seen the RFP's require the acknowledgment of amendments received, typically by replying to the email which they were sent. In a recent government RFP, I've seen the government document in their amendment notification emails that the vendor reply their acknowledgment that they received the amendment. That's the reason I previously acknowledged the receipt of the amendment.

Second, I tried to retrieve the link documented in amendment 1 actually has some special characters in the link, it is correct as displayed on the pdf. But if you click the link or copy it, you'll find that there are special characters embedded in the link that is not visible. so users pressing the link from the pdf or copying it straight of the pdf will get a 404 error message returned. I went to the BSP home page and found the "2020 Guidebook to Development Requirements on Guam" with the same link of course.

 No Results Found

No Results Found

Microsoft Word document

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On Mon, Feb 14, 2022 at 4:53 PM Matthew Santos <matthew.santos@bsp.guam.gov> wrote:
[Quoted text hidden]

--
You received this message because you are subscribed to the Google Groups "Procurement" group.
To unsubscribe from this group and stop receiving emails from it, send an email to procurement+unsubscribe@guam.gov.

Aly Taitague <aly.taitague@dmrpacific.com>
Reply-To: Aly Taitague <aly.taitague@dmrpacific.com>
To: Matthew Santos <matthew.santos@bsp.guam.gov>, procurement@guam.gov
Cc: bids@dmrpacific.com

Tue, Feb 22, 2022 at 8:59 AM

Good Morning Matthew,

Please see attached for DMR's Acknowledgment of Amendment 1 for RFP-GOV-2022-001 for Procurement of Professional Services to provide a Licensing and Permitting System to the Government of Guam.

Regards,

--

Aly Taitague

Data Management Resources, LLC.

891 Army Dr.

Tano DMR Bldg. Ste. 100

Barrigada, Guam 96913

Direct: 671.647.3674 x8013

Facs: 671.477.3677

email: ataitague@dmrpacific.com

From: Matthew Santos [mailto:matthew.santos@bsp.guam.gov]
Sent: Monday, February 14, 2022 4:49 PM
To: procurement@guam.gov
Subject: RFP-GOV-2022-001 - Amendment 1

Hafa Adai!

[Quoted text hidden]

 oketfqoqswe.pdf
245K

matthew.santos.bsp@guam.gov <matthew.santos.bsp@guam.gov>
To: Jessica Toft <jtoft@oagguam.org>

Tue, Feb 22, 2022 at 2:33 PM

Do I need to respond to this?
[Quoted text hidden]

Aly Taitague <aly.taitague@dmrpacific.com>
Reply-To: Aly Taitague <aly.taitague@dmrpacific.com>
To: Matthew Santos <matthew.santos@bsp.guam.gov>, procurement@guam.gov
Cc: bids@dmrpacific.com

Tue, Feb 22, 2022 at 2:42 PM

Good Afternoon Matthew,

DMR tried to use the link provided in the Amendment 1 for RFP-GOV-2022-001, however it's giving us error: no results found.
Please kindly send us the correct link. Also please make sure to use DMR's Registered email address: bids@dmrpacific.com.

Thank you. Have a nice day.

Regards,

--

Aly Taitague

Data Management Resources, LLC.

891 Army Dr.

Tano DMR Bldg. Ste. 100

Barrigada, Guam 96913

Direct: 671.647.3674 x8013

Fax: 671.477.3677

email: ataitague@dmrpacific.com

From: Matthew Santos [mailto:matthew.santos@bsp.guam.gov]
Sent: Monday, February 14, 2022 4:49 PM
To: procurement@guam.gov
Subject: RFP-GOV-2022-001 - Amendment 1

Hafa Adai!

[Quoted text hidden]

Jessica Toft <jtoft@oagguam.org>
To: Matthew Santos <matthew.santos@bsp.guam.gov>

Tue, Feb 22, 2022 at 3:52 PM

Hi Matt,

I don't see a question presented in that email. I do not think you need to respond. You should check the link and make sure it works; and fix anything that needs fixing, if at all. But other than that, no response is needed. You should include this e-mail in the Procurement Record (as with all emails or communications with all possible Offerors) in the communication record behind Tab 18; but you don't need to include it with the Questions and Answers that you will provide later to all prospective Offerors (and which will go behind Tabs 8 and 9, because he isn't asking any questions. Sincerely,

Jessica Toft
Assistant Attorney General

Office of the Attorney General
Solicitor Division
500 S. Marine Corps Drive, Suite 802
Hagåtña, Guam 96913
Tel: 475-3324 ext. 3033

CONFIDENTIALITY NOTICE: This email and any files transmitted with it may be legally privileged and confidential and is intended solely for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any review, dissemination or copying of this email, or taking any action in reliance on the contents of this information is strictly prohibited. If you received this transmission in error, please notify us immediately by e-mail or telephone to arrange for the return of this email and any files to us or to verify it has been deleted from your system.

[Quoted text hidden]

Aly Taitague <aly.taitague@dmrpacific.com>
Reply-To: Aly Taitague <aly.taitague@dmrpacific.com>
To: Matthew Santos <matthew.santos@bsp.guam.gov>, procurement@guam.gov
Cc: bids@dmrpacific.com

Thu, Feb 24, 2022 at 1:24 PM

Good Afternoon Matthew,

Kindly following up on our request of correct link from Amendment 1 for RFP-GOV-2022-001, DMR sent an email on Feb 22, 2022 at 2:42PM, also shown below.

Hope to hear from you soon. Have a great day.

[Quoted text hidden]

Hafa Adai!

[Quoted text hidden]

matthew.santos.bsp@guam.gov <matthew.santos.bsp@guam.gov>
To: Aly Taitague <aly.taitague@dmrpacific.com>
Cc: procurement@guam.gov, bids@dmrpacific.com

Thu, Feb 24, 2022 at 6:55 PM

You attempting to click from a pdf via your browser? This sometimes results in special characters being added to the link that are not actually characters in the hyper link found in document.



Matthew Santos
Bureau of Statistics & Plans
PO Box 2950
Hagåtña, Guam 96910
Office: 671.475.9670
Matthew.Santos@BSP.Guam.Gov

[Quoted text hidden]

Fri, Feb 25, 2022 at 3:18 PM

Aly Taitague <aly.taitague@dmrpacific.com>
Reply-To: Aly Taitague <aly.taitague@dmrpacific.com>
To: Matthew Santos <matthew.santos@bsp.guam.gov>
Cc: procurement@guam.gov, bids@dmrpacific.com

Good Afternoon Matthew,

Acknowledged.

Thank you. Enjoy the rest of your Friday.

Regards,

--

Aly Taitague
Data Management Resources, LLC.
891 Army Dr.
Tano DMR Bldg. Ste. 100
Barrigada, Guam 96913
Direct: 671.647.3674 x8013
Facs: 671.477.3677

email: ataitague@dmrpacific.com

From: Matthew Santos [mailto:matthew.santos@bsp.guam.gov]
Sent: Thursday, February 24, 2022 6:56 PM
To: Aly Taitague <aly.taitague@dmrpacific.com>
Cc: procurement@guam.gov; bids@dmrpacific.com
Subject: Re: RFP-GOV-2022-001 - Amendment 1

Are you attempting to click from a pdf via your browser? This sometimes results in special characters being added to the link that are not actually characters in the hyper link found in document.

[Quoted text hidden]



LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT GOVERNOR

UFISINAN I MAGA'HĀGAN GUĀHAN
OFFICE OF THE GOVERNOR OF GUAM

MEMORANDUM

TO: All Employees, Office of the Governor

FROM: Chief of Staff, Office of the Governor

RE: RFP No. GOV-2022-01 re: Procurement of Professional Services to Provide the Government of Guam a Licensing and Permitting System

SUBJECT: Request For Proposal RFP-GOV-2022-02

Hafa Adai. On behalf of the Office of the Governor, I am informing the staff that the Office of the Governor will be receiving proposals for the Procurement of Professional Services to provide a Licensing and Permitting System to the Government of Guam under RFP-GOV-2022-001. In order to comply with Guam's Procurement Law, all employees are prohibited from discussing this matter with anyone that is employed outside the Office of the Governor or the Single Point of Contact.

Should any of you receive inquiries regarding the RFP for whatever reason, you are instructed to inform the person making the contact (including phone calls) that no discussion of the procurement is permitted, and to direct the person to email Matthew Santos at procurement@guam.gov as he is the designated Single Point of Contact for documentation in the Procurement Record.

Any communication between employees and the members of the public are to be immediately reported to the Single Point of Contact for documentation in the Procurement Record. This documentation is required by law.

Your cooperation in this matter is greatly appreciated.

Procurement Officer
Chief of Staff
Jon Junior M Caivo





Matthew Santos <matthew.santos@bsp.guam.gov>

RE: 20220225: RFP-Office of the Governor-2022-001 - Questions

2 messages

'Aly Taitague' via Procurement <procurement@guam.gov>
Reply-To: Aly Taitague <aly.taitague@dmrpacific.com>
To: procurement@guam.gov
Cc: bids@dmrpacific.com

Fri, Feb 25, 2022 at 4:42 PM

Good Afternoon,

Kindly requesting acknowledgment of receipt of questions submitted in previous email below.

Regards,

--

Aly Taitague

Data Management Resources, LLC.

891 Army Dr.

Tano DMR Bldg. Ste. 100

Barrigada, Guam 96913

Direct: 671.647.3674 x8013

Facs: 671.477.3677

email: ataitague@dmrpacific.com

From: Aly Taitague [mailto:aly.taitague@dmrpacific.com]
Sent: Friday, February 25, 2022 3:37 PM
To: 'procurement@guam.gov' <procurement@guam.gov>
Cc: 'bids@dmrpacific.com' <bids@dmrpacific.com>
Subject: 20220225: RFP-Office of the Governor-2022-001 - Questions

Good Afternoon,

Please see attached for DMR's Questions to RFP-Office of the Governor-2022-001 Procurement of Professional Services for the Government of Guam Licensing and Permitting System.

Regards,

--

Aly Taitague

Data Management Resources, LLC.

891 Army Dr.

Tano DMR Bldg. Ste. 100

Barrigada, Guam 96913

Direct: 671.647.3674 x8013

Facs: 671.477.3677

email: ataitague@dmrpacific.com

--

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matthew.santos.bsp@guam.gov <matthew.santos.bsp@guam.gov>
To: Aly Taitague <aly.taitague@dmrpacific.com>
Cc: procurement@guam.gov, bids@dmrpacific.com

Fri, Feb 25, 2022 at 5:00 PM

acknowledging receipt for the questions received Friday, February 25, 2022 3:37 PM



Matthew Santos

Bureau of Statistics & Plans

PO Box 2950

Hagåtña, Guam 96910

Office: 671.475.9670

Matthew.Santos@BSP.Guam.Gov

www.BSP.Guam.Gov

[Quoted text hidden]



Matthew Santos <matthew.santos@bsp.guam.gov>

20220225: RFP-Office of the Governor-2022-001 - Questions

2 messages

'Aly Taitague' via Procurement <procurement@guam.gov>
Reply-To: Aly Taitague <aly.taitague@dmrpacific.com>
To: procurement@guam.gov
Cc: bids@dmrpacific.com

Fri, Feb 25, 2022 at 3:37 PM

Good Afternoon,

Please see attached for DMR's Questions to RFP-Office of the Governor-2022-001 Procurement of Professional Services for the Government of Guam Licensing and Permitting System.

Regards,

--

Aly Taitague

Data Management Resources, LLC.

891 Army Dr.

Tano DMR Bldg. Ste. 100

Barrigada, Guam 96913

Direct: 671.647.3674 x8013

Facs: 671.477.3677

email: ataitague@dmrpacific.com

--


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 [3xgtuotvbis.pdf](#)
5753K

matthew.santos.bsp@guam.gov <matthew.santos.bsp@guam.gov>
To: "Stephanie G. Flores" <stephanie.flores@guam.gov>

Mon, Feb 28, 2022 at 1:12 PM

[Quoted text hidden]

 [3xgtuotvbis.pdf](#)
5753K





Matthew Santos <matthew.santos@bsp.guam.gov>

RFP-GOV-2022-001 Procurement of Professional Services to provide a Licensing and Permitting System to the Government of Guam (attention Matthew Santos)

3 messages

'Janet Majocho' via Procurement <procurement@guam.gov>
Reply-To: Janet Majocho <Janet.Majocho@avocette.com>
To: "procurement@guam.gov" <procurement@guam.gov>
Cc: Stewart Jack <Stewart.Jack@avocette.com>

Thu, Feb 24, 2022 at 8:50 AM

Good Afternoon Matthew, please register Avocette Technologies for the above-referenced RFP.

Avocette Technologies Inc.

Representative: Stewart Jack, Executive Vice President

Email: Stewart.Jack@avocette.com

Phone: 1-250-220-3129

Fax: 1-604-395-6004

Please let me know if you require anything further.

Kind regards,

Janet Majocho
Proposal Coordinator
Direct Line: 1.778.401.2879



--
You received this message because you are subscribed to the Google Groups "Procurement" group.
To unsubscribe from this group and stop receiving emails from it, send an email to procurement+unsubscribe@guam.gov.

'Janet Majocho' via Procurement <procurement@guam.gov>
Reply-To: Janet Majocho <Janet.Majocho@avocette.com>
To: "procurement@guam.gov" <procurement@guam.gov>
Cc: Stewart Jack <Stewart.Jack@avocette.com>

Tue, Mar 1, 2022 at 5:00 AM

Good Morning Matthew, can you confirm Avocette has been registered for the above-referenced opportunity. Thank you,

Kind regards

[Quoted text hidden]
[Quoted text hidden]

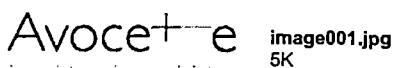
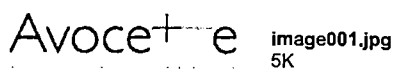
matthew.santos.bsp@guam.gov <matthew.santos.bsp@guam.gov>
To: Janet Majocho <Janet.Majocho@avocette.com>
Cc: procurement@guam.gov, Stewart Jack <Stewart.Jack@avocette.com>

Tue, Mar 1, 2022 at 6:31 AM

Yes. I can also confirm receipt of your organization's questions. We will be providing answers to all questions submitted before the deadline this week.

Matt
[Quoted text hidden]

3 attachments



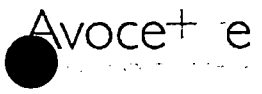


image001.jpg
5K





Matthew Santos <matthew.santos@bsp.guam.gov>

RFP-GOV-2022-001

4 messages

Delia DeCastro <delia@pacificdigitalconsulting.net>
To: procurement@guam.gov

Thu, Mar 3, 2022 at 7:28 AM

Hafa adail
I would like to request for an electronic copy of the subject RFP.
My phone number is (671) 486-3767 My fax number is (671) 472-1417

Respectfully

You received this message because you are subscribed to the Google Groups "Procurement" group.
To unsubscribe from this group and stop receiving emails from it, send an email to procurement+unsubscribe@guam.gov.

Delia DeCastro <delia@pacificdigitalconsulting.net>
To: procurement@guam.gov

Thu, Mar 3, 2022 at 10:47 AM

Hafa adail
Kindly following up on this request.
Respectfully,
Delia

On Mar 3, 2022, at 7:28 AM, Delia DeCastro <delia@pacificdigitalconsulting.net> wrote:

Hafa adail!
[Quoted text hidden]
[Quoted text hidden]

Delia DeCastro <delia@pacificdigitalconsulting.net>
To: procurement@guam.gov

Thu, Mar 3, 2022 at 1:47 PM

Pacific Digital Consulting Delia De Castro
Business Development Manager
[Quoted text hidden]

matthew.santos.bsp@guam.gov <matthew.santos.bsp@guam.gov>
To: Delia DeCastro <delia@pacificdigitalconsulting.net>, procurement@guam.gov

Thu, Mar 3, 2022 at 2:00 PM

Hafa Adai,

Your organization has been officially registered. I have attached RFP-GOV-2022-01 and Amendment #1 for the Procurement of Professional Services to Provide the Government of Guam a Licensing and Permitting System.

Let me know if you have questions or concerns. Please kindly acknowledge receipt of this email and RFP packet.

Best regards,



Matthew Santos
Bureau of Statistics & Plans
PO Box 2950
Hagåtña, Guam 96910
Office: 671.475.9670
Matthew.Santos@BSP.Guam.Gov
www.BSP.Guam.Gov

[Quoted text hidden]

2 attachments

GOV RFP 2022-01 RFP Amendment 1 2142022.pdf
230K

GOV RFP 2022-001 Final 272022 With Grant Terms.pdf
2386K



RFP GOV 2022-001 Questions

4 messages

matthew.santos.bsp@guam.gov <matthew.santos.bsp@guam.gov>
To: Frank Lujan <frank.lujan@otech.guam.gov>, "Stephanie G. Flores" <stephanie.flores@guam.gov>
Cc: procurement@guam.gov

Thu, Mar 3, 2022 at 2:54 PM

Frank

Questions that apply to your additions to the RFP can be found below. We intend to answer all questions by EOD tomorrow so if you can provide your answers before than that would be great.

Thanks

Ref. RFP Page 45: "For on-premise solution ... "

- a. If vendor opts to provide an on-premise solution, please identify the location for the onpremise equipment.
- b. If vendor opts to provide an on-premise solution, is the Government requiring ownership of the equipment?
- c. If vendor opts to provide an on-premise solution, is the Government requiring the vendor to maintain the equipment for the full term of the contract?
- d. If the vendor opts to provide an on-premise solution, is the Government requiring a warranty on the equipment for ten (10) years, both the Initial Term and Renewal Term?
- e. If the Government does not renew for the Renewal Term of five (5) additional years, will the Government accept a proposal that does not carry any warranty on the equipment for the Renewal Term?



Matthew Santos
Bureau of Statistics & Plans
PO Box 2950
Hagåtña, Guam 96910
Office: 671.475.9670
Matthew.Santos@BSP.Guam.Gov
www.BSP.Guam.Gov

Frank Lujan <Frank.Lujan@otech.guam.gov>
To: Matthew Santos <matthew.santos@bsp.guam.gov>, "Stephanie G. Flores" <stephanie.flores@guam.gov>
Cc: "procurement@guam.gov" <procurement@guam.gov>

Fri, Mar 4, 2022 at 6:52 AM

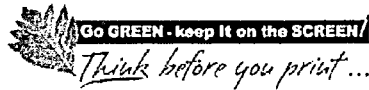
Thank you, Matt. I will have the responses out before COB today.

Senseramente,



Frank L.G. Lujan, Jr.
Chief Technology Officer
Government of Guam - Office of Technology
211 Aspinall Avenue
PO Box 884, Hagåtña, GUAM 96932
frank.lujan@otech.guam.gov
Office: 671.635.4500
Mobile: 671.488.5240

Let's take a moment to appreciate all the hard work, Dedication and Sacrifice of all Heroes Fighting (COVID-19), God bless you. Stay Safe



[Quoted text hidden]

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Frank Lujan <Frank.Lujan@otech.guam.gov>
To: Matthew Santos <matthew.santos@bsp.guam.gov>, "Stephanie G. Flores" <stephanie.flores@guam.gov>
Cc: "procurement@guam.gov" <procurement@guam.gov>

Fri, Mar 4, 2022 at 8:35 AM

Ref. RFP Page 45: "For on-premise solution ... "

- a. If vendor opts to provide an on-premise solution, please identify the location for the on-premise equipment. **THE PRIMARY LOCATION WOULD BE AT DRT DATA CENTER IN BARRIGADA. THE REPLICATION LOCATION WOULD BE AT THE OTECH DATA CENTER IN HAGATNA.**
- b. If vendor opts to provide an on-premise solution, is the Government requiring ownership of the equipment? **NO**
- c. If vendor opts to provide an on-premise solution, is the Government requiring the vendor to maintain the equipment for the full term of the contract? **YES**
- d. If the vendor opts to provide an on-premise solution, is the Government requiring a warranty on the equipment for ten (10) years, both the Initial Term and Renewal Term? **THE VENDOR IS TO MAINTAIN OR WARRANT ALL ON PREMISE EQUIPMENT FOR THE FULL TERM, INCLUDING RENEWALS.**
- e. If the Government does not renew for the Renewal Term of five (5) additional years, will the Government accept a proposal that does not carry any warranty on the equipment for the Renewal Term? **VENDOR IS REQUIRED TO MAINTAIN ALL ON PREMISE EQUIPMENT FOR THE FULL TERM, INCLUDING ANY RENEWALS.**

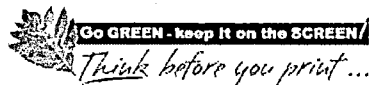
Senseramente,



Frank L.G. Lujan, Jr.
 Chief Technology Officer
 Government of Guam - Office of Technology
 211 Aspinall Avenue
 PO Box 884, Hagatña, GUAM 96932
 frank.lujan@otech.guam.gov
 Office: 671.635.4500
 Mobile: 671.488.5240

Let's take a moment to appreciate all the hard work, Dedication and Sacrifice of all Heroes Fighting (COVID-19), God bless you. Stay Safe

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From: Matthew Santos <matthew.santos@bsp.guam.gov>
Sent: Thursday, March 3, 2022 2:54 PM
To: Frank Lujan <Frank.Lujan@otech.guam.gov>; Stephanie G. Flores <stephanie.flores@guam.gov>

Cc: procurement@guam.gov
Subject: RFP GOV 2022-001 Questions

Frank

[Quoted text hidden]

--
[Quoted text hidden]

matthew.santos.bsp@guam.gov <matthew.santos.bsp@guam.gov>
To: Frank Lujan <Frank.Lujan@otech.guam.gov>
Cc: "Stephanie G. Flores" <stephanie.flores@guam.gov>, procurement@guam.gov

Fri, Mar 4, 2022 at 9:14 AM

Thank you!
[Quoted text hidden]

4 attachments



image001.jpg
4K



Go GREEN - keep it on the SCREEN! image002.png
Think before you print ... 20K



image001.jpg
4K



Go GREEN - keep it on the SCREEN! image002.png
Think before you print ... 20K



Determination to Amend Request

1 message

Kathleen C. Cepeda <kathleen.cepada@guam.gov>
To: Procurement@guam.gov

Tue, Mar 8, 2022 at 3:42 PM

Hafa Adai Matt,

Please find attached amendment No. 002 as requested.

Thank you,




Kathleen Cepeda
Executive Assistant to the Chief of Staff
Office of the Governor of Guam
(671) 472-8931 | governor.guam.gov

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 2022.03.04 JJC to Procurement Record re RFP# GOV 2022-001 Amendment No. 002 Determination to Amend RFP.pdf
50K





Matthew Santos <matthew.santos@bsp.guam.gov>

GOV RFP 2022-001

2 messages

matthew.santos.bsp@guam.gov <matthew.santos.bsp@guam.gov>
To: eabaldemor@sappinc.net, procurement@guam.gov

Thu, Mar 17, 2022 at 1:44 PM

Esther

Please find Amendment 1 and 2 for the RFP.

I have also attached the responses to questions that were submitted before the deadline as well.

The amendments attached apply to the RFP version that was picked up at my office.

Thanks



Matthew Santos
Bureau of Statistics & Plans
PO Box 2950
Hagåtña, Guam 96910
Office: 671.475.9670
Matthew.Santos@BSP.Guam.Gov
www.BSP.Guam.Gov

3 attachments

GOV RFP 2022-01 RFP Amendment 1 2142022.pdf
230K

GOV RFP 2022-01 RFP Amendment 2.pdf
137K

GOV RFP 2022-001 Responses to All Questoins Submitted Before Deadline.pdf
505K

Esther Flor A. Baldemor <eabaldemor@sappinc.net>
To: Matthew Santos <matthew.santos@bsp.guam.gov>, procurement@guam.gov

Fri, Mar 18, 2022 at 6:51 PM

Acknowledged.

Thank you Matthew.

Esther Baldemor

[Quoted text hidden]



Registration question: RFP-GOV-2022-001

4 messages

Ed Arriola, Jr. <edarriolajr@gmail.com>
To: procurement@guam.gov

Mon, Mar 21, 2022 at 8:13 AM

Good morning Mr. Santos,
Is there a deadline to register a company for RFP-GOV-2022-001?
Thank you,
Ed

--
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matthew.santos.bsp@guam.gov <matthew.santos.bsp@guam.gov>
To: "Ed Arriola, Jr." <edarriolajr@gmail.com>

Mon, Mar 21, 2022 at 8:24 AM

How do I respond to this? Do I just register them and send them rfp, amendments, and responses to questions?
[Quoted text hidden]

matthew.santos.bsp@guam.gov <matthew.santos.bsp@guam.gov>
To: "Ed Arriola, Jr." <edarriolajr@gmail.com>

Mon, Mar 21, 2022 at 5:47 PM

Sorry Mr Arriola, for my delayed response. I had to seek guidance due to the suspension of this procurement.

In Request for Proposals-Office of the Governor-2022-001, the Single Point of Contact has received a document stating that it is a protest. The submission date for Proposals in Request for Proposals-Office of the Governor-2022-001 is hereby suspended until further notice.

Since the procurement has been suspended we cannot accept registrations at this time.



Matthew Santos
Bureau of Statistics & Plans
PO Box 2950
Hagåtña, Guam 96910
Office: 671.475.9670
Matthew.Santos@BSP.Guam.Gov
www.BSP.Guam.Gov

[Quoted text hidden]

Ed Arriola, Jr. <edarriolajr@gmail.com>
To: Matthew Santos <matthew.santos@bsp.guam.gov>

Tue, Mar 22, 2022 at 10:36 AM

Thanks for the reply, Matthew.
Regards,
Ed
[Quoted text hidden]





Matthew Santos <matthew.santos@bsp.guam.gov>

Procurement Protest, RFP-Office of the Governor-2022-001

Jacqueline Terlaje <jterlaje@terlajelaw.com>

Sat, Mar 19, 2022 at 11:32 AM

To: "procurement@guam.gov" <procurement@guam.gov>

Cc: Richard Taitano <richard.taitano@dmrpacific.com>, Jon Junior Calvo <jon.calvo@guam.gov>, "frank.lujan@otech.guam.gov" <frank.lujan@otech.guam.gov>

Hafa Adai. Please see enclosed.

Senseramente,

JACQUELINE TAITANO TERLAJE

LAW OFFICE OF

JACQUELINE TAITANO TERLAJE, P.C.

284 West Chalan Santo Papa

Hagåtña, Guam 96910

Telephone 671.648.9001

Facsimile 671.648.9002

info@terlajelaw.com

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 19Mar22 Protest-signed.pdf
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Matthew Santos <matthew.santos@bsp.guam.gov>

GOV RFP 2022-001 Responses to All Questions, Comments, or Requests for Information

matthew.santos.bsp@guam.gov <matthew.santos.bsp@guam.gov>

Sat, Mar 5, 2022 at 11:57 AM

To: procurement@guam.gov

Bcc: bids@dmrpacific.com, Vincent Munoz <vince.munoz@nextgensys.com>, bcepeda@ucguam.com, jduenas@ssfm.com, Greg Damron <gdamron@accela.com>, Robert Disberger <robert@govbuilt.com>, felouben@gmail.com, Robert Cruz <robertc@stggguam.com>, Victor Pangelinan <vpangelinan@ledgeight.com>, Haidee Eugenio Gilbert <haidee@postguam.com>, proposals@innovateteam.com, Stewart Jack <Stewart.Jack@avocette.com>, Nathan Benson <nathan@governful.com>, Delia DeCastro <delia@pacificdigitalconsulting.net>

Hafa Adai!

Attached are the responses to all requests for information, comments or questions received from potential offerors before the submission deadline.



Matthew Santos

Bureau of Statistics & Plans


PO Box 2950

Hagåtña, Guam 96910

Office: 671-475-9670

Matthew.Santos@BSP.Guam.Gov

www.BSP.Guam.Gov

 GOV RFP 2022-001 Responses to All Questions Submitted Before Deadline.pdf
505K





Matthew Santos <matthew.santos@bsp.guam.gov>

GOV RFP 2022-001 Responses to All Questions, Comments, or Requests for Information

Delia DeCastro <delia@pacificdigitalconsulting.net>
To: Matthew Santos <matthew.santos@bsp.guam.gov>
Cc: procurement@guam.gov


Sat, Mar 5, 2022 at 1:58 PM

Acknowledged receipt.

Sent from my iPhone

On Mar 5, 2022, at 11:57 AM, Matthew Santos <matthew.santos@bsp.guam.gov> wrote:

[Quoted text hidden]

 **GOV RFP 2022-001 Responses to All Questoins Submitted Before Deadline.pdf**
505K



Ltr dated Apr. 8, 2022

3 messages

LEGAL ASST <legal@terlajelaw.com>

Fri, Apr 8, 2022 at 4:42 PM

To: "procurement@guam.gov" <procurement@guam.gov>

Cc: RCT <richard.taitano@dmrpacific.com>, "stephanie.flores@guam.gov" <stephanie.flores@guam.gov>, "jtoft@oagguam.org" <jtoft@oagguam.org>, Jon Junior Calvo <jon.calvo@guam.gov>, Jacqueline Terlaje <jterlaje@terlajelaw.com>, ADMIN DESK <info@terlajelaw.com>

Hafa Adai, Mr. Santos.

Please see the enclosed letter from Attorney Jacqueline Terlaje dated today, April 8, 2022.

Si Yu'os Ma'ase,

Tatiana Agustin

Legal Assistant

LAW OFFICE OF
JACQUELINE TAITANO TERLAJE, P.C.
284 West Chalan Santo Papa
Hagåtña, Guam 96910
Telephone 671.648.9001
Facsimile 671.648.9002
info@terlajelaw.com

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
matthew.santos.bsp@guam.gov <matthew.santos.bsp@guam.gov>
To: Joshua F Tenorio <Joshua.tenorio@guam.gov>

Fri, Apr 8, 2022 at 4:55 PM



Matthew Santos
Bureau of Statistics & Plans
PO Box 2950
Hagåtña, Guam 96910
Office: 671.475.9670
Matthew.Santos@BSP.Guam.Gov
www.BSP.Guam.Gov

[Quoted text hidden]

 **8Apr22 Ltr Ofc of the Governor.pdf**
148K

matthew.santos.bsp@guam.gov <matthew.santos.bsp@guam.gov>
To: Leslie Travis <leslie.travis@guam.gov>

Fri, Apr 8, 2022 at 4:55 PM

Matthew Santos
Bureau of Statistics & Plans
PO Box 2950
Hagåtña, Guam 96910



Office: 671.475.9670
Matthew.Santos@BSP.Guam.Gov
www.BSP.Guam.Gov

----- Forwarded message -----

From: **LEGAL ASST** <legal@terlajelaw.com>


Date: Fri, Apr 8, 2022 at 4:43 PM

Subject: Ltr dated Apr. 8, 2022

To: procurement@guam.gov <procurement@guam.gov>

Cc: RCT <richard.taitano@dmrpacific.com>, stephanie.flores@guam.gov <stephanie.flores@guam.gov>, jtoft@oagguam.org <jtoft@oagguam.org>, Jon Junior Calvo <jon.calvo@guam.gov>, Jacqueline Terlaje <jterlaje@terlajelaw.com>, ADMIN DESK <info@terlajelaw.com>

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 **8Apr22 Ltr Ofc of the Governor.pdf**
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Request for Proposals-Office of the Governor-2022-001; Suspension of Submission of Proposal Deadline Until Further Notice

2 messages

matthew.santos.bsp@guam.gov <matthew.santos.bsp@guam.gov>

Mon, Mar 21, 2022 at 5:14 PM

To: procurement@guam.gov

Cc: Jon Junior M Calvo <jon.calvo@guam.gov>

Bcc: bids@dmrPacific.com, Vincent Munoz <vince.munoz@nextgensys.com>, bcepeda@ucguam.com, jduenas@ssfm.com, Greg Damron <gdamron@accela.com>, Robert Disberger <robert@govbuilt.com>, felouben@gmail.com, Robert Cruz <robertc@stgguam.com>, Victor Pangelinan <vpangelinan@ledgelight.com>, Haidee Eugenio Gilbert <haidee@postguam.com>, proposals@innovateteam.com, Stewart Jack <Stewart.Jack@avocette.com>, Nathan Benson <nathan@governful.com>, Delia DeCastro <delia@pacificdigitalconsulting.net>, eabaldemor@sappinc.net, Jessica Toft <jtoft@oagguam.org>, Leslie Travis <leslie.travis@guam.gov>

In the Request for Proposals-Office of the Governor-2022-001, the Single Point of Contact has received a document stating that it is a protest.

The submission date for Proposals in Request for Proposals-Office of the Governor-2022-001 is hereby suspended until further notice.

**Matthew Santos****Bureau of Statistics & Plans**

PO Box 2950

Hagåtña, Guam 96910

Office: 671.475.9670

Matthew.Santos@BSP.Guam.Gov

www.BSP.Guam.Gov

Vincent Munoz <vince.munoz@nextgensys.com>

Fri, May 27, 2022 at 10:45 AM

To: Matthew Santos <matthew.santos@bsp.guam.gov>

Cc: procurement@guam.gov, Jon Junior M Calvo <jon.calvo@guam.gov>

Hafa Adai,

Has there been any updates on the Request for Proposals-Office of the Governor-2022-001? The last notification we received was on Mar 21, 2022 stating that the submission date for the proposals was suspended until further notice.

Si Yu'us Ma'ase

Vincent Munoz

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[Quoted text hidden]



Procurement Protest, RFP-Office of the Governor-2022-001

Jacqueline Terlaje <jterlaje@terlajelaw.com>

Mon, Mar 21, 2022 at 3:13 PM

To: "procurement@guam.gov" <procurement@guam.gov>

Cc: Richard Taitano <richard.taitano@dmrpacific.com>, Jon Junior Calvo <jon.calvo@guam.gov>, "frank.lujan@otech.guam.gov" <frank.lujan@otech.guam.gov>

Kindly acknowledge receipt of the Protest dated March 19, 2022, and forwarded as set forth in the email dated March 19, 2022.

Senseramente,

JACQUELINE TAITANO TERLAJE

LAW OFFICE OF

JACQUELINE TAITANO TERLAJE, P.C.

284 West Chalan Santo Papa

Hagåtña, Guam 96910

Telephone 671.648.9001

Facsimile 671.648.9002

info@terlajelaw.com

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From: Jacqueline Terlaje

Sent: Saturday, March 19, 2022 11:32 AM

To: procurement@guam.gov

Cc: Richard Taitano <richard.taitano@dmrpacific.com>; Jon Junior Calvo <jon.calvo@guam.gov>; frank.lujan@otech.guam.gov

Subject: Procurement Protest, RFP-Office of the Governor-2022-001

Hafa Adai. Please see enclosed.

[Quoted text hidden]

[Quoted text hidden]

 19Mar22 Protest-signed.pdf

320K





Matthew Santos <matthew.santos@bsp.guam.gov>

Procurement Protest, RFP-Office of the Governor-2022-001

matthew.santos.bsp@guam.gov <matthew.santos.bsp@guam.gov>

Mon, Mar 21, 2022 at 3:17 PM

To: Jacqueline Terlaje <jterlaje@terlajelaw.com>

Cc: "procurement@guam.gov" <procurement@guam.gov>, Richard Taitano <richard.taitano@dmrpacific.com>, Jon Junior Calvo <jon.calvo@guam.gov>,

"frank.lujan@otech.guam.gov" <frank.lujan@otech.guam.gov>, Jessica Toft <jtoft@oaggua.org>

Bcc: Leslie Travis <leslie.travis@guam.gov>

Acknowledging receipt of the Protest submitted Mar 19, 2022, 11:32 AM.



Matthew Santos

Bureau of Statistics & Plans

PO Box 2950

Hagåtña, Guam 96910

Office: 671.475.9670

Matthew.Santos@BSP.Guam.Gov

www.BSP.Guam.Gov

[Quoted text hidden]



Matthew Santos <matthew.santos@bsp.guam.gov>

Procurement Protest, RFP-Office of the Governor-2022-001

Jacqueline Terlaje <jterlaje@terlajelaw.com>
To: "procurement@guam.gov" <procurement@guam.gov>
Cc: Richard Taitano <richard.taitano@dmrpacific.com>, Jon Junior Calvo <jon.calvo@guam.gov>, "frank.lujan@otech.guam.gov" <frank.lujan@otech.guam.gov>, LEGAL ASST <legal@terlajelaw.com>

Fri, Apr 22, 2022 at 10:01 AM

Hafa Adai. I am requesting a status on the protest referenced below, as more than 30 days have elapsed. Your kind response is requested.

[Quoted text hidden]
[Quoted text hidden]

Procurement Protest, RFP-Office of the Governor-2022-001

Jon Junior Calvo <jon.calvo@guam.gov>

Fri, Apr 22, 2022 at 11:20 AM

To: Jacqueline Terlaje <jterlaje@terlajelaw.com>

Cc: "procurement@guam.gov" <procurement@guam.gov>, Richard Taitano <richard.taitano@dmrpfacific.com>, "frank.lujan@otech.guam.gov" <frank.lujan@otech.guam.gov>, LEGAL ASST <legal@terlajelaw.com>

Hafa Adai Atty. Terlaje,

I just returned to the office and will follow-up on the status of this protest.

Thanks,
Jon

[Quoted text hidden]



GOV RFP 2022-001 Amendment 003

7 messages

Matthew Santos <matthew.santos@bsp.guam.gov>

Fri, May 27, 2022 at 10:57 AM

To: "procurement@guam.gov" <procurement@guam.gov>
Bcc: "ataitague@dmrpacific.com" <ataitague@dmrpacific.com>, Vincent Munoz <vince.munoz@nextgensys.com>, Bryon Cepeda <bcepeda@ucguam.com>, "Joseph W. Duenas" <jduenas@ssfm.com>, Greg Damron <gdamron@accela.com>, Robert Disberger <robert@govbuilt.com>, Felix Benavente <felouben@gmail.com>, "robertc@stgguam.com" <robertc@stgguam.com>, "vpangelinan@ledgelight.com" <vpangelinan@ledgelight.com>, "haidee@postguam.com" <haidee@postguam.com>, Innovate Proposals <proposals@innovateteam.com>, Stewart Jack <Stewart.Jack@avocette.com>, Nathan Benson <nathan@governful.com>, Delia De Castro <delia@pacificdigitalconsulting.net>, "eabaldemor@sappinc.net" <eabaldemor@sappinc.net>, "bids@dmrpacific.com" <bids@dmrpacific.com>

Hafa Adai!

The procurement for GOV RFP 2022-001 is proceeding forward.

The attached amendment is hereby made to the Request for Proposal RFP-GOV-2022-001 for the Procurement of Professional Services to provide a Licensing and Permitting System to the Government of Guam.

This amendment extends the submission deadline and the tentative date for the offeror presentation to begin.

**Matthew Santos**

Bureau of Statistics & Plans


PO Box 2950

Hagåtña, Guam 96910

Office: 671.475.9670

Matthew.Santos@BSP.Guam.Gov

www.BSP.Guam.Gov

 **GOV RFP 2022-01 RFP Amendment 3 with Cover Sheet 5272022.pdf**
136K

Greg Damron <gdamron@accela.com>

Fri, May 27, 2022 at 11:03 AM

To: Matthew Santos <matthew.santos@bsp.guam.gov>

Thanks Matt.

So, I am assuming no action needs to be taken from me with these updates?

-greg

From: Matthew Santos <matthew.santos@bsp.guam.gov>**Sent:** Thursday, May 26, 2022 5:58 PM**To:** procurement@guam.gov**Subject:** GOV RFP 2022-001 Amendment 003**CAUTION:** This email originated outside our organization; please use caution.

[Quoted text hidden]

Vincent Munoz <vince.munoz@nextgensys.com>

Fri, May 27, 2022 at 11:11 AM

To: Matthew Santos <matthew.santos@bsp.guam.gov>

Cc: "procurement@guam.gov" <procurement@guam.gov>

Hafa Adai Matthew,

Thank you for your prompt response.

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[Quoted text hidden]


Matthew Santos <matthew.santos@bsp.guam.gov>
To: Logan Reyes <logan.reyes@guam.gov>

Fri, May 27, 2022 at 11:36 AM

Can you post the amendment to the RFP on RFP page? You can also remove my privileges since I was able to get the iframe to embed correctly.
Matt

----- Forwarded message -----

From: **Matthew Santos** <matthew.santos@bsp.guam.gov>
Date: Fri, May 27, 2022 at 10:57 AM
Subject: GOV RFP 2022-001 Amendment 003
To: procurement@guam.gov <procurement@guam.gov>
[Quoted text hidden]
[Quoted text hidden]

 **GOV RFP 2022-01 RFP Amendment 3 with Cover Sheet 5272022.pdf**
136K

Logan Reyes <logan.reyes@guam.gov>
To: Matthew Santos <matthew.santos@bsp.guam.gov>

Tue, Jun 7, 2022 at 4:57 PM

Sorry Matt, I overlooked this. Posting now.
[Quoted text hidden]

Matthew Santos <matthew.santos@bsp.guam.gov>
To: Logan Reyes <logan.reyes@guam.gov>

Tue, Jun 7, 2022 at 5:07 PM

No worries I still had access and posted it since it was time sensitive.

[Quoted text hidden]

Logan Reyes <logan.reyes@guam.gov>
To: Matthew Santos <matthew.santos@bsp.guam.gov>

Wed, Jun 8, 2022 at 9:56 AM

I noticed the link was for amendment 3 was still showing amendment 2, so I updated.
[Quoted text hidden]

19

20



Matthew Santos <matthew.santos@bsp.guam.gov>

Procurement Protest, RFP-Office of the Governor-2022-001

18 messages

Jacqueline Terlaje <jterlaje@terlajelaw.com>

Sat, Mar 19, 2022 at 11:32 AM

To: "procurement@guam.gov" <procurement@guam.gov>

Cc: Richard Taitano <richard.taitano@dmrpacific.com>, Jon Junior Calvo <jon.calvo@guam.gov>,

"frank.lujan@otech.guam.gov" <frank.lujan@otech.guam.gov>

Hafa Adai. Please see enclosed.

Senseramente,

JACQUELINE TAITANO TERLAJE

LAW OFFICE OF

JACQUELINE TAITANO TERLAJE, P.C.

284 West Chalan Santo Papa

Hagåtña, Guam 96910

Telephone 671.648.9001

Facsimile 671.648.9002

info@terlajelaw.com

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--
You received this message because you are subscribed to the Google Groups "Procurement" group.
To unsubscribe from this group and stop receiving emails from it, send an email to procurement+unsubscribe@guam.gov.

19Mar22 Protest-signed.pdf
320K

Matthew Santos <matthew.santos@bsp.guam.gov>

Sat, Mar 19, 2022 at 12:22 PM

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

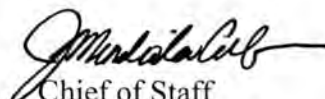
UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM


March 22, 2022

TO: Attorney General
FROM: Chief of Staff, Office of the Governor
SUBJECT: GOV RFP 2022-001 Protest Notification to the Attorney General.

Pursuant to 2 GAR, Div. 4 Section 9101(c)(4), I am submitting a copy of a document submitted to the Single Point of Contact stating it is a protest.

Sincerely,


Chief of Staff
Jon Junior M Calvo

 3/22/22
@1140

March 19, 2022

VIA EMAIL procurement@guam.gov

THE OFFICE OF THE GOVERNOR

Matthew Santos

513 West Marine Corps Drive, Ricardo J. Bordallo Governor's Complex
Hagåtña, Guam 96910

Re: RFP-Office of the Governor-2022-001

Hafa Adái, Mr. Santos.

This firm represents Data Management Resources, LLC. ("DMR"), relative to RFP-Office of the Governor-2022-001 issued on February 7, 2022 (hereinafter "RFP-2022-001").

On February 25, 2022, DMR, as a prospective offeror to the RFP, submitted questions to the RFP to resolve questions related to specifications required (hereinafter "Specification Questions"). On Saturday, March 5, 2022, incomplete responses to the RFP were provided to DMR via email at 11:58 a.m. (hereinafter "Responses")

DMR, as a prospective offeror and aggrieved by the method of source selection, hereby submits its protest, pursuant to § 5425 of Title 5, Guam Code Annotated on the basis that failure to clearly describe minimum specifications by its incomplete response to the questions submitted violate Guam law, and is non-compliant with the obligations imposed by the U.S. Department of the Interior – Office of Insular Affairs, Grant and Cooperative Agreement D20AP0048 (hereinafter "Grant").

Responses provided to the Specification Questions are either non-responsive, or completely fail to clearly describe the minimum requirements and/or specifications under the RFP. Where the RFP or Responses omit clear description in its specifications, the government's conduct is unduly restricting the prospective offerors ability to present a cost effective proposal which meets the needs of the RFP.

- I. **Responses to the Specifications Questions submitted by DMR do not clearly describe specifications required under the RFP; inaccurate and inadequate information violate Guam's law and policy in procurement.**

The provisions of Guam Procurement Law require the specifications of all government procurements to "encourage competition", and must "clearly describe" the performance requirements expected of the offerors.

Address any approaches you have successfully used in the past with regard to addressing other clients' needs.

b. Is the Licensing and Permitting System intended to replace the existing systems at each of the identified departments for issuance of the identified licenses and permits?

Response to 16(b): See Response to 16(a).

c. Please identify and provide detail on each of the processes that need to be streamlined.

Response to 16(c): See RFP Section III, Scope of Services.

d. If the existing license/permit systems will not be replaced, is the new Licensing and Permitting system expected to interact with or accommodate data/applications processed through the existing systems? If so, please specify scope of data sharing/integration.

Response to 16(d): See Response to 16(a).

As set forth above, the Responses do not provide any clear description of the licensing and permitting process currently in use to adequately inform prospective offerors of the required deliverables and expectations of performance. Rather, in Response to Specification Question No. 16, the Responses require the offeror to give an "opinion and suggestions" on a process not clearly defined by the RFP or the Responses. Furthermore, in response to Specification Question No. 39, "Will the Government allow vendors to submit follow-up questions on responses received from the Government?" the Response was "No."

The RFP and Responses do not provide any clear description of the process required to be streamlined, and do not identify any scope of data sharing/integration. The failure to adequately describe the licensing and permitting system it seeks adversely affects and compromises the competition required under Guam law.

Specification Question No. 28 submitted inquired as follows:
Ref. RFP Page 47: "data conversion efforts".

a. Is data conversion a required deliverable for this project?

Response to 28(a): See RFP, Section III, Paragraphs A and L.

b. If so, what data is required to be converted?

Response to 28(b): See Response to 28(a).

The Responses do not provide any specific system information, type of data, and scope of data. Importantly, the Responses further do not confirm or disavow "data conversion" as a deliverable, while at

- c. If the existing license/permit systems will not be replaced, is the new Licensing and Permitting system expected to interact with or accommodate data/applications processed through the existing systems? If so, please specify scope of data sharing/integration.

Response to 29(c): See Response to 29(a).

System information is critical to the development of a proposal to the RFP. While the Responses describe the Scope of Services as “lists of goals and factors desired for the desired licensing and permitting System” and explains that the “listings of goals and factors are not definitive. These informational items are merely provided as guidelines,” the Scope of Services and Responses do not clearly describe what systems and information are minimally required to be included in the offers submitted. By failing to clearly describe the required function expected by offers and failing to respond to Specification Questions, the government is creating an environment of unfair competition.

DMR further submits this protest based upon the Responses’ failure to accurately reflect the current automation environment of the stakeholder agency. In particular, the prospective offeror is aware that the Department of Revenue and Taxation has an automated system referred to as the “Business Module of the Guam Tax System.” The inaccurate information and failure to disclose known systems deprives the prospective offeror of information necessary to develop a “single system,” which integrates and converts data, as requested by the government. The lack of clear description places the prospective offerors at a significant disadvantage.

Specification Question No. 17 submitted inquired as follows:

Ref. RFP Page 41: General System Needs: Permitting. Administer and issue a variety of permit types and account for all appropriate fees.

- a. Does the Department of Public Works currently have an automated system for the issuance of the permits identified in the RFP?

Response to 17(a): No

- b. Does the Department of Land Management currently have an automated system for the issuance of the permits identified in the RFP?

Response to 17(b): No

- c. Does the Guam Seashore Protection Commission currently have an automated system for the issuance of the permits identified in the RFP?

Response to 17(c): No

- d. Does the Guam Land Use Commission currently have an automated system for the issuance of the permits identified in the RFP?

Response to 17(d): No

Response to 11(a): See 5 GCA § 5237(a): “funds are available for the first fiscal period at the time of contracting. Payment and performance obligations for succeeding fiscal periods shall be subject to the availability and appropriation of funds therefor.”

- b. If funding for RFP-OOG-2022-001 is not provided beyond September 30, 2022 under this grant, has the Government certified other funds available for this procurement?

Response to 11(b): See Response to 11(a).

- c. Does execution of the contract between the vendor and the Government require that the Government certify funds availability for the entire contract award amount?

Response to 11(c): See Response to 11(a).

5 GCA § 5003. Requirement of Good Faith. This Chapter requires all parties involved in the negotiation, performance, or administration of territorial contracts to act in good faith. Notwithstanding that Guam law provides the Government the ability to cancel contracts where funding is unavailable after the first fiscal year, DMR, as a prospective offeror protests the requirement under the RFP for a minimum five (5) year contract, where the Government of Guam is fully aware that its funding availability does not exceed one (1) year. DMR further protests any bad faith entry into a contract for more than one (1) year, where the Government asserts that it has the ability to terminate the contract without cause at any time. Additionally, the RFP requires that the offeror provide a minimum five (5) year warranty on any equipment provided under its offer. The requirement of a minimum warranty period without any assertion of obligation to pay the offeror after the first year constitutes bad faith, and places an unreasonable condition upon the specifications of the proposal.

Specification Question No. 20 submitted inquired as follows:

Ref. RFP Page 42. Long-term archiving

- a. What are the government's retention policies for each of the associated permitting/licensing processes?

Response to 20(a): For record retention, please review Title 5 GCA, Chapter 20, Article 6, Records Management Act, and Title 2 GAR, Div. 2, Chapter 10, Records Management Rules and Regulations; see also Executive Order 80-03, and the Department of Administration's Records Management Handbook.

- b. What is the minimum required retention period?

Response to 20(b): See Response to 20(a).

- c. What is the maximum retention period?

Response to 20(b): See Response to 20(a).

Minimum system integration, conversion and retention are not clearly described by the RFP or the Responses. 5 G.C.A. § 20601 et. seq. does not provide any minimum or maximum information. Additionally, 2 GARR § 10113 provides:

- (3) Noncompetitive pricing practices between firms or between affiliated companies;
- (4) Noncompetitive contracts to consultants that are on retainer contracts;
- (5) Organizational conflicts of interest;
- (6) Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement; and
- (7) Any arbitrary action in the procurement process.

Specification Question No. 25 submitted inquired as follows:

Ref. RFP Page 45: “For on-premise solution ... “

- d. If vendor opts to provide an on-premise solution, is the Government requiring a warranty on the equipment for ten (10) years, both the Initial Term and Renewal Term?

Response to 25(d): The chosen vendor is to maintain or warrant all on-premise equipment for the full term of the contract, including renewals.

- e. If the Government does not renew for the Renewal Term of five (5) additional years, will the Government accept a proposal that does not carry any warranty on the equipment for the Renewal Term?

Response to 25(e): The chosen vendor is required to maintain all on-premise equipment for the full term of the contract, including renewals.

The Responses further provided the following information in response to Specification Question 11(a):

Response to 11(a): See 5 GCA § 5237(a): “funds are available for the first fiscal period at the time of contracting. Payment and performance obligations for succeeding fiscal periods shall be subject to the availability and appropriation of funds therefor.”

Based upon the requirement of warranty coverage beyond a one (1) year period, the Government is placing a minimum warranty coverage for ten (10) years while renouncing its obligation to maintain funds available for the warranty period. This requirement is not only an unreasonable condition for a prospective offeror to qualify to do business, but is an arbitrary act in the procurement process based upon the Government’s rejection of its obligations to comply with a five (5) year initial term, and five (5) year renewal term.

Specification Question No. 8 submitted inquired as follows:

Ref. RFP Page 14: “Provide a disclosure of financial resources sufficient to demonstrate an ability to complete this Project.”

- a. Define “Disclosure of financial resources.”

Response to 8(a): “Contracts must be awarded to the responsible offeror whose proposal is most advantageous to the non-Federal entity, with price and other factors considered.” 2 CFR § 200.320(b)(2)(iii)(emphasis added). “The non-Federal entity must

DMR protests the Responses failure to identify the minimum financial obligations required to participate in this RFP. While setting forth the statutory authority, the Response fails to identify the minimum financial obligation while definitively stating that “if the disclosure provided is found to be insufficient by the government of Guam.”

Based on the Response, there is obviously a standard being utilized by the Government in determining the minimum financial disclosure, and absent a clearly described value that would qualify an offeror to participate in this RFP, the act is arbitrary. The refusal to disclose the minimum obligations imposed by the RFP to determine the standard of “financial capacity to perform,” and what is determined “sufficient” versus “insufficient,” is an unreasonable condition which not only places an unreasonable requirement on an offeror to qualify to do business, but is arbitrary action in the refusal to identify and disclose the standard being applied.

Based on the foregoing, on behalf of Data Management Resources, LLC, I respectfully submit this PROCUREMENT PROTEST, pursuant to 5 G.G.A. § 5425 and within the time periods described therein, and request that you keep me informed of the status of the resolution of these matters.

Sincerely,


JACQUELINE TAITANO TERLAJE

cc: **Richard C. Taitano**, CEO Data Management Resources, LLC.

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

VIA E-MAIL: jterlaje@terlajelaw.com; bids@dmrpacific.com

NAME: Data Management Resources, LLC; Jacqueline Taitano Terlaje, Attorney for Data Management Resources, LLC

DATE: May 24, 2022

RE: Decision on Letter of Protest filed by Data Management Resources, LLC on March 19, 2022 for Request for Proposals RFP-Office of the Governor of Guam-2022-001, re: Procurement of Professional Services for the government of Guam Licensing and Permitting System

DECISION ON LETTER OF PROTEST #1

Pursuant to 2 GAR, Div. 4 § 9101(g), the Office of the Governor of Guam ("Office of the Governor") hereby issues its decision on the matters raised in a letter stating that it is a "protest" ("Letter of Protest") sent by Data Management Resources, LLC ("DMR") via e-mail transmission to Matthew Santos on March 19, 2022. The Office of the Governor of Guam hereby denies the Letter of Protest.

DMR LETTER OF PROTEST COMPLAINTS

1. Responses to the Specifications Questions submitted by DMR do not clearly describe specifications required under the RFP; inaccurate and inadequate information violate Guam's law and policy in procurement.
2. RFP and Responses impose unreasonable conditions and impose arbitrary action in violation of Standard Terms and Conditions by the U.S. Department of Interior.

DMR LETTER OF PROTEST REQUESTED REMEDIES

DMR makes no request for remedies in the Letter of Protest.

REQUESTS FOR PROPOSALS VS. INVITATIONS FOR BIDS

An Invitation for Bids ("IFB") is issued when all of the product and contract requirements can be adequately defined in the solicitation, and price is the primary consideration. 5 GCA § 5211(b) and (g); and 2 CFR 200.320(b)(1)(i)(C) and (ii)(B).

A Request for proposals ("RFP") is issued when the government has a need for professional services involving a high level of technical knowledge, expertise, and judgment. 5 GCA §§ 5121(a) and 5216(b); *see also Fleet Services, Inc. v. Department of Administration*, 2006 Guam 6, ¶¶ 27-

29. The qualifications of each offeror are the primary consideration, rather than price. 5 GCA § 5216(b) and (c); 2 CFR 200.320(b)(2)(i) and (iii).

These two procurement methods are also known as “competitive sealed bids” and “competitive proposals.” The competitive sealed bidding method is synonymous with the Invitation for Bid procedure, 5 GCA § 5211 and 2 CFR § 200.320(b)(1), and the competitive proposals method is synonymous with the Request for Proposals procedure, 2 GAR, Div. 4 § 3114(f) and 2 CFR 200.320(b)(2)(i).

“The Invitation for Bids shall include the following: ... the purchase description” 2 GAR, Div. 4 § 3109(c)(2)(B). “Unless the context requires otherwise, the terms specification and purchase description are used interchangeably” within the Guam Procurement Regulations. 2 GAR, Div. 4 § 4101(a)(4). Purchase descriptions and specifications in an IFB are firm, fixed requirements that can be measured and quantified. “Only objectively measurable criteria which are set forth in the Invitation for Bids shall be applied in determining the lowest bidder.” 2 GAR, Div. 4 § 3109(n)(4).

In competitive sealed bidding, the products, goods, or services being procured are capable of being specifically described so that submitted bids can be evaluated against the IFB purchase description. 2 GAR, Div. 4 § 3109(n). The terms and conditions in an IFB are nonnegotiable. “The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;” the IFB must include all mandatory, statutory, special, and contractual terms and conditions required by the procuring agency. 5 GCA § 5211(b).

Bids shall be evaluated based on the requirements set forth in the Invitation for Bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award *shall be objectively measurable*, such as discounts, transportation costs, and total or life cycle costs.

5 GCA § 5211(e)(emphasis added).

Accordingly, bids submitted in response to an IFB must “conform in all material respects to the Invitation for Bids.” 2 GAR, Div. 4, § 3115(e)(3)(A)(ii); 2 GAR, Div. 4 § 3109(n)(2); and 5 GCA § 5201(g). A bid will be rejected as “unacceptable by reason of its failure to meet the requirements of the specifications or permissible alternates or other acceptability criteria set forth in the Invitation for Bids.” 2 GAR, Div. 4, § 3115(e)(3)(A)(ii). Because all bids must objectively match the IFB purchase description/specifications, each bidding vendor produces the same or a similar product; therefore, the primary factor that separates acceptable bids is the cost of the product offered. 2 GAR, Div. 4 § 3109(n)(1).

In contrast, an RFP’s description of the need of the government does not consist of an inflexible, nonnegotiable “purchase description” or a precise set of specifications. 2 GAR, Div. 4 § 3114(f)(1). Under federal law, “[s]uch description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the

qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. *Detailed product specifications should be avoided if at all possible.*" 2 CFR § 200.319(d)(1)(emphasis added). Guam's Procurement Law states: "[t]he Request for Proposals shall describe the services required, list the type of information and data required of each offeror, and state the relative importance of particular qualifications." 5 GCA § 5216(c). The RFP's required description of its project or need consists of: "a description of the work involved;" 2 GAR, Div. 4 § 3114(f)(1)(B). This is generally called a "scope of work" or "scope of services."

Flexibility in the RFP's description of the government's needs is a crucial component of the RFP process, such that an RFP's description of the work or services involved may be changed even *after* offerors have already submitted proposals in response to the RFP: "the territory's stated requirements may be revised or clarified after proposals are submitted." 2 GAR, Div. 4 § 3115(e)(3)(B).

This flexibility in the RFP process extends to offerors' proposals as well. "Unless the solicitation states otherwise, proposals need not be unconditionally accepted without alteration or correction," *Id.* Whereas "[b]ids shall be unconditionally accepted without alteration or correction," except in very limited circumstances, 5 GCA § 5211(e) and (f); "[p]roposals may be modified or withdrawn at any time prior to the conclusion of discussions." 2 GAR, Div. 4 § 3114(i)(3). During evaluation of the proposals the government may even conduct discussions with the offerors who have submitted proposals in order to: "(A) determine in greater detail such offeror's qualifications, and (B) explore with the offeror the scope and nature of the required services, the offeror's proposed method of performance, and the relative utility of alternative methods of approach." 2 GAR, Div. 4 § 3114(i)(1).

As a result, offerors' proposals are not evaluated on the exactness with which they "meet[] the requirements and criteria set forth" 2 GAR, Div. 4 § 3109(n)(1); instead, each offeror's experience, knowledge, performance, availability, and approach are the primary factors upon which each proposal is judged. 2 GAR, Div. 4 § 3114(f)(2). The offerors are evaluated on the subjective quality and merit of their work and abilities, and their planned solution for the government; not on a particular product or price. The offerors' proposals do not need to exactly match "specifications," and do not need to be exhaustively particularized; rather, each offeror's response to the RFP shall describe: "a plan giving *as much detail as is practical* explaining how the services will be performed" 2 GAR, Div. 4 § 3114(f)(1)(H)(v) (emphasis added).

Because the quality of the professional services offered is paramount, a firm fixed price based on objective criteria is generally not considered as an evaluation factor at the proposal stage of the RFP process. Price is eventually considered, but is negotiated, and is not required to be the lowest price available; it need only be determined to be "fair and reasonable." 5 GCA § 5216(e); and 2 GAR, Div. 4 § 3114(l).

In summary, the government issues an IFB when it has assessed its needs and has already determined the solution to those needs. The government then clearly and objectively defines the solution so that bidders can provide that specific solution at the lowest price.

In comparison, the government issues an RFP when it has discovered that it has an issue or need, but does not have the personnel or expertise to determine the solution on its own. 2 GAR, Div. 4 § 3114(c)(2). Instead, the government determines that it needs to obtain the services of a qualified professional who will exercise significant professional judgment to develop a solution to the government's need. *Id.* The government then describes the issue or need without narrowly defining the solution, and without imposing restrictive parameters, so that offerors can provide their own innovative solutions to the government's need, using their expertise and professional skill. This is the process that the Office of the Governor has followed in this procurement. DMR's Letter of Protest does not challenge Office of the Governor's use of the RFP process for this procurement.

STATEMENT OF FINDINGS:

The Office of the Governor of Guam makes the following findings:

I. DMR complains that responses to the "Specifications Questions" submitted by DMR do not clearly describe specifications required under the RFP; inaccurate and inadequate information violate Guam's law and policy in procurement.

1. Question No. 16 (a), (b), (c), and (d):
 - (a) Is the Licensing and Permitting system expected to replace the existing processes currently in place for the issuance of the identified licenses and permits?
 - (b) Is the Licensing and Permitting System intended to replace the existing systems at each of the identified departments for issuance of the identified licenses and permits?
 - (c) Please identify and provide detail on each of the processes that need to be streamlined.
 - (d) If the existing license/permit systems will not be replaced, is the new Licensing and Permitting system expected to interact with or accommodate data/applications processed through the existing systems? If so, please specify scope of data sharing/integration.

As stated in the RFP, "[t]he objective of this Request for Proposals is to obtain professional services ("Services") to *design and implement* a state-of-the-art system ("System") to *streamline* and *modernize* the government of Guam's licensing and permitting processes." RFP-Office of the Governor of Guam-2022-001("RFP"), Section III, Scope of Services, ¶A, General Scope of Services (emphases added).

This requires offerors to "[a]ssess current business processes of the government of Guam for business license applications and land use, building, sanitary, fire, and occupancy permits," and

“[a]nalyze requirements and plan necessary customization, modification, and data conversion efforts.” RFP, Section III, ¶L. “The government of Guam intends to streamline its licensing and permitting operating procedures wherever possible, and the Vendor’s capability to advise and assist as necessary during System implementation will be considered in evaluating proposals.” RFP, Section III, ¶I.

The answer provided to DMR’s Question #16 contains the following instruction: “[p]lease describe your planned approach to addressing the needs of the government of Guam within your solution related to creating, configuring, and/ or modifying business process models and workflows for the needed permitting and licensing transactions. Address any approaches you have successfully used in the past with regard to addressing other clients’ needs.” RFP Questions and Answers, Answer to Question #16(a) (March 4, 2022).

The RFP and answers to questions provided by the Office of the Governor clearly inform all offerors that they are expected to assess and analyze the current existing processes, and use their significant business judgment to determine whether the processes currently in place will need to be replaced as part of the solution offered in their proposals. DMR’s complaint does not constitute a valid objection to the RFP process.

2. Question No. 28(a) and (b):
 - (a) Is data conversion a required deliverable for this project?
 - (b) If so, what data is required to be converted?

The RFP informs offerors that they will be asked to “[a]nalyze requirements and plan necessary customization, modification, and data conversion efforts” and “[c]reate any required data conversion software. RFP, Section III, ¶L. The answers to questions provided referred offerors to this subsection of the RFP. RFP Questions and Answers, Answer to Question #28(a) (March 4, 2022).

The RFP and answers to questions provided by the Office of the Governor clearly inform all offerors that they are expected to assess and analyze the current existing processes, and use their significant business judgment to determine the extent and method of any necessary data conversion as part of the solution offered in their proposals. DMR’s complaint does not constitute a valid objection to the RFP process.

3. Question No. 29(a), (b), and (c):
 - (a) Is the Licensing and Permitting System intended to replace all existing Government of Guam processes for issuing business licenses and permits?
 - (b) Is the Licensing and Permitting System intended to replace any existing systems at each of the identified departments for issuance of the identified licenses and permits?
 - (c) If the existing license/permit systems will not be replaced, is the new Licensing and Permitting system expected to interact with or accommodate data/

applications processed through the existing systems? If so, please specify scope of data sharing/integration.

Question #29 merely reiterates the questions contained in Question #16. The RFP asks offerors to “[a]ssess current business processes of the government of Guam for business license applications and land use, building, sanitary, fire, and occupancy permits,” and “[a]nalyze requirements and plan necessary customization, modification, and data conversion efforts.” RFP, Section III, ¶L. “The government of Guam intends to streamline its licensing and permitting operating procedures wherever possible, and the Vendor’s capability to advise and assist as necessary during System implementation will be considered in evaluating proposals.” RFP, Section III, ¶I.

The answer provided to DMR’s Question #16 contains the following instruction: “[p]lease describe your planned approach to addressing the needs of the government of Guam within your solution related to creating, configuring, and/ or modifying business process models and workflows for the needed permitting and licensing transactions. Address any approaches you have successfully used in the past with regard to addressing other clients’ needs.” RFP Questions and Answers, Answer to Question #16(a) (March 4, 2022).

The RFP and answers to questions provided by the Office of the Governor clearly inform all offerors that they are expected to assess and analyze the current processes, and use their significant business judgment to determine whether the processes currently in place will need to be replaced as part of the solution offered in their proposals. DMR’s complaint does not constitute a valid objection to the RFP process.

4. Question No. 17(a), (b), (c), (d), (e), and (f):
 - (a) Does the Department of Public Works currently have an automated system for the issuance of the permits identified in the RFP?
 - (b) Does the Department of Land Management currently have an automated system for the issuance of the permits identified in the RFP?
 - (c) Does the Guam Seashore Protection Commission currently have an automated system for the issuance of the permits identified in the RFP?
 - (d) Does the Guam Land Use Commission currently have an automated system for the issuance of the permits identified in the RFP?
 - (e) Does the Department of Public Health and Social Services currently have an automated system for the issuance of the permits identified in the RFP?
 - (f) Does the Guam Fire Department currently have an automated system for the issuance of the permits identified in the RFP?

DMR complains that the “failure to accurately reflect the current automation environment of the stakeholder agencies. In particular, the prospective offeror is aware that the Department of Public Health and Social Services has an automated system referred to as the "PH/Pro-D-E-H".” DMR Letter of Protest, p. 7 (March 19, 2022).

This “PH/Pro-D-E-H” automated system was not included in the RFP or the answers provided on March 4, 2022 because it is not part of the Scope of Services for this Request for Proposals, and is not intended to be addressed by offerors in their proposals. DMR is not prejudiced by this alleged missing information.

5. Question No. 11(a), (b), and (c):
- (a) Government of Guam public documents identify Department of Revenue and Taxation (ORT) - Business License and Permit Center (Project #16) under U.S. Department of Interior Grant Award No. D20AP00048 at <http://ljbbmr.guam.gov/wp-bbmr-content/uploads/2021/10/FY2021-GOVGUAM-Federal-Stimulus-Assistance-Programs-Update-Report-CARES-ACT-COVID-19-As-of-9-30-21.pdf> The information provided indicates that the funding for the grant being utilized in this proposal expires on September 30, 2022. If funding for RFP-OOG-2022-001 expires at the end of fiscal year 2022, what reassurances do vendors have that the Government is acting in good faith to certify fund availability for the Initial Term, and five (5) year renewal periods referenced in the proposal?
 - (b) If funding for RFP-OOG-2022-001 is not provided beyond September 30, 2022 under this grant, has the Government certified other funds available for this procurement?
 - (c) Does execution of the contract between the vendor and the Government require that the Government certify funds availability for the entire contract award amount?

There is no obligation of the government to maintain funds available for the entire contract award amount. 5 GCA § 5237(a). It is illegal for the government to obligate funds in excess or in advance of appropriation. 5 GCA § 22401. This statute states in relevant parts:

No officer or employee of the government of Guam, including the Governor of Guam, shall: (1) Make or authorize any expenditure from, or *create or authorize any obligation under, any appropriation or fund in excess of the amount available therein*, or for other than an authorized purpose; (2) Commence, *continue*, or proceed with any operational activity, construction, improvement, *contract, or obligation* without an appropriation or fund for the payment thereof; or *after any such appropriation or fund is exhausted*; (3) *Involve the government of Guam in any contract or other obligation*, for the payment of money for any purpose, *in advance of the appropriation* made for such purpose;

5 GCA § 22401(a)(1), (2), and (3)(emphases added).

The RFP clearly states what the law requires: “[a]ny contract awarded under this RFP is subject to the availability of certified funds.” RFP, Section II, ¶B; and 5 GCA § 5237(a). DMR’s complaint does not constitute a valid objection to the RFP process.

6. Question No. 20 (a), (b), and (c):

- (a) What are the government's retention policies for each of the associated permitting/licensing processes?
- (b) What is the minimum required retention period?
- (c) What is the maximum retention period?

The answers provided on March 4, 2022, inform the offerors as to where they may locate this information. The Office of the Governor does not maintain records retention schedules or information in its possession. As directed by the citations provided in the answer to Question #20(a), the Department of Administration maintains all records retention schedules for the government of Guam agencies and instrumentalities, and these records are publicly available to the offerors. 5 GCA § 20605; 2 GAR, Div. 2, §§ 10109(i), 10122, and 10140(d); 5 GCA § 10102(d); Records Management Handbook, Records Disposition, p. 16; and RFP Questions and Answers, Answer to Question #20(a) (March 4, 2022). DMR and all other potential offerors may obtain these public documents for themselves at any time.

II. DMR complains that the RFP and Responses impose unreasonable conditions and impose arbitrary action in violation of Standard Terms and Conditions by the U.S. Department of Interior.

This section of the Letter of Protest does not raise complaints about the method of source selection, solicitation or award of a contract as provided in the law. *See* 5 GCA § 5425(a). Further, although the Letter of Protest claims violations of the Department of Interior Standard Award Terms and Conditions, no violations of these standard terms and conditions (which can be located at <https://www.doi.gov/sites/doi.gov/files/uploads/doi-standard-award-terms-and-conditions-effective-december-2-2019-revised-june-19-2020.pdf>) are cited in the allegations. Instead, DMR refers to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Part 200); therefore, the Office of the Governor will address the complaints under this governing federal law.

1. Question No. 25(d) and (e); and Response to Question No. 11(a):

25(d) If vendor opts to provide an on-premise solution, is the Government requiring a warranty on the equipment for ten (10) years, both the Initial Term and Renewal Term?

25(e) If the Government does not renew for the Renewal Term of five (5) additional years, will the Government accept a proposal that does not carry any warranty on the equipment for the Renewal Term?

Response to 11(a) See 5 GCA § 5237(a): “funds are available for the first fiscal period at the time of contracting. Payment and performance obligations for succeeding fiscal periods shall be subject to the availability and appropriation of funds therefor.”

DMR argues:

Based upon the requirement of warranty coverage beyond a one (1) year period, the Government is placing a minimum warranty coverage for ten (10) years while renouncing its obligation to maintain funds available for the warranty period. This requirement is not

only an unreasonable condition for a prospective offeror to qualify to do business, but is an arbitrary act in the procurement process based upon the Government's rejection of its obligations to comply with a five (5) year initial term, and five (5) year renewal term.

DMR Letter of Protest (March 19, 2022).

The government of Guam is not placing a minimum warranty coverage of ten (10) years on any selected vendor while renouncing its obligation to maintain funds available for the warranty period.

There is no ten-year minimum warranty coverage placed on any selected vendor. The term of the contract is not ten years. The RFP clearly states that the initial term of the contract expires after 5 years, but the contract may also be "cancelled for lack of funds, terminated, renewed, or extended prior to expiration ..." RFP, Section I, ¶B(1) and (3). "All renewals, extensions, Renewal Terms, or No Cost Extension Terms are subject to the availability of funds." RFP, Section I, ¶B(3). If the term of the contract ends for any reason, the contractors are under no further contractual obligations to the government of Guam, except as required by law. *See* 2 GAR, Div. 4, § 6101(8) and (10)(b)(upon termination of a contract, "[t]he contractor shall incur no further obligations in connection with the terminated work and on the date set in the notice of termination the contractor will stop work to the extent specified. The contractor shall also terminate outstanding orders and subcontracts as they relate to the terminated work."); *see also* 5 GCA § 5237(c) ("When funds are not appropriated or otherwise made available to support continuation of performance in a subsequent fiscal period, the contract shall be cancelled and the contractor shall be reimbursed for the reasonable value of any non-recurring costs incurred but not amortized in the price of the supplies or services delivered under the contract."); *see also* RFP, Section II, ¶B.

There is no obligation of the government to maintain funds available for the term of the contract. 5 GCA § 5237(a). It is illegal for the government to obligate funds in excess or in advance of appropriation. 5 GCA § 22401. This statute states in relevant parts:

No officer or employee of the government of Guam, including the Governor of Guam, shall: (1) Make or authorize any expenditure from, or *create or authorize any obligation under, any appropriation or fund in excess of the amount available therein*, or for other than an authorized purpose; (2) Commence, *continue*, or proceed *with any operational activity, construction, improvement, contract, or obligation* without an appropriation or fund for the payment thereof; or *after any such appropriation or fund is exhausted*; (3) *Involve the government of Guam in any contract or other obligation*, for the payment of money for any purpose, *in advance of the appropriation* made for such purpose;

5 GCA § 22401(a)(1), (2), and (3)(emphases added).

The RFP clearly states what the law requires: "[a]ny contract awarded under this RFP is subject to the availability of certified funds." RFP, Section II, ¶B; and 5 GCA § 5237(a).

The government's obligation is to "notify the Contractor on a timely basis whether the funds are, or are not, available for the continuation of the contract for each succeeding fiscal period." 2 GAR, Div. 4, § 3121(e)(1)(D). "In the event that funds are not available for any succeeding fiscal period, the contract shall be cancelled; however, this does not affect either Party's right to terminate under the termination clauses of the contract." RFP, Section II, ¶B; and 5 GCA § 5237(c). This language is required by law to be stated in the RFP. 2 GAR, Div. 4, § 3121(e)(1)(C).

DMR fails to allege any injury caused by the RFP's inclusion of the language required by law. The RFP only imposes the requirements of Guam's Procurement Law and Guam's Procurement Rules and Regulations, and therefore, its terms are not unreasonable, arbitrary, or capricious.

2. Question No. 8(a), (b), (c), (d), (e), (f), and (g):
 - (a) Define "Disclosure of financial resources."
 - (b) If financial resources includes real property holdings, identify the statutory authority requiring the disclosure of private, confidential and proprietary information unrelated to the performance of services.
 - (c) If financial resources includes identification of financial institution information, identify the statutory authority requiring the disclosure of private and confidential information unrelated to the performance of services?
 - (d) Will a letter of financial stability from a financial institution suffice under this section requiring "Disclosure of financial resources"?
 - (e) Is the Government requiring vendors to own or control a minimum amount of resources to participate in this procurement?
 - (f) If so, what is the minimum amount of resources required to participate in procurements for the Government?
 - (g) What weight of the 15 point allocation for Availability and Capacity of Offeror in the Evaluation Factors, does the vendor's financial resources have?

The Office of the Governor provided the Guam and federal statutory and regulatory requirements for financial disclosures in the RFP and in the answers provided to DMR's questions.

The RFP requests each offeror to "[p]rovide a disclosure of financial resources sufficient to demonstrate an ability to complete this Project." This is required pursuant to 2 CFR § 200.320(b)(2)(iii). "The non-Federal entity must award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources." 2 CFR § 200.318(h); *see also* 2 CFR § 200.14 and 2 GAR, Div. 4 § 3116(b)(2)(A)(i).

The answers provided in response to DMR's questions informed the potential offerors that the offerors should use their own judgment in providing this information. "Each Offeror is to

determine the content of a sufficient financial disclosure in accordance with 2 GAR, Div. 4 § 3116(b)(3), and if the disclosure provided is found to be insufficient by the government of Guam, the government of Guam may request additional information. *Id.*" RFP Questions and Answers, Answer to Question #8(a) (March 4, 2022).

There is no penalty imposed on any offeror for supplying insufficient information in response to this request. Offerors are not prohibited from submitting proposals, nor are they disqualified from participation in the procurement for submitting insufficient information. If the Office of the Governor determines that insufficient information has been submitted, then the offeror will be requested to submit more information, in accordance with the law. DMR was informed of this. *Id.*

DMR fails to allege any injury. The RFP only imposes the requirements of Guam's Procurement Law and the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Part 200); therefore, its terms are not unreasonable, arbitrary, or capricious.

CONCLUSIONS:

The Office of the Governor of Guam denies the Letter of Protest on the following bases:

1. The Letter of Protest fails to comply with the filing requirements for all protests. All protests "shall be filed in duplicate" and are "considered filed when received by ... the head of a Purchasing Agency." 2 GAR, Div. 4 § 9101(c)(1). The protest must be filed in writing, and "the envelope should be labeled 'Protest.'" 2 GAR, Div. 4 § 9101(c)(3). In addition, "[t]he written protest shall include as a minimum the following: (a) the name and address of the protestor;" 2 GAR, Div. 4 § 9101(c)(3)(a).

The Letter of Protest was sent via e-mail to Matthew Santos, who is the Single Point of Contact for RFP-Office of the Governor-2022-001. It was not filed in an envelope labeled as a "Protest." It was not filed with the head of the Purchasing Agency. It was not filed in duplicate, and it did not include the address of the protestor. Therefore, the Letter of Protest was improperly submitted.

2. The Letter of Protest was untimely submitted. "Protests filed after the 14 day period shall not be considered." 2 G.A.R. § 9109(b)(1). The RFP was published on February 7, 2022, containing its Scope of Services and all alleged defective terms to which DMR objects. DMR registered for, and was sent a copy of the RFP on February 7, 2022 at 9:19 a.m. ChST. February 7, 2022 is the date that DMR was on notice that the RFP included these allegedly defective terms. These terms have not changed. As such, the Letter of Protest was submitted well beyond the 14-day time period of when DMR first knew or should have known of the facts giving rise to its complaints. 5 GCA § 5425(a) and 2 GAR, Div. 4 § 9101(c)(1); *see also In the Appeal of ASC Trust Corporation*, OPA-PA-09-010

(finding that the fourteen-day clock begins when a party first becomes aware of facts giving rise to the protest).

3. DMR failed to exhaust administrative remedies prior to submitting its Letter of Protest. "Complainants should seek resolution of their complaints initially with the Procurement Officer or the office that issued the solicitation." 2 GAR, Div. 4 § 9101(b). "It is the territory's policy, consistent with [the Guam Procurement Act], to try to resolve all controversies by mutual agreement without litigation. In appropriate circumstances, informal discussions between the parties can aid in the resolution of differences by mutual agreement and are encouraged." 2 GAR, Div. 4 § 9103(1). Failure to exhaust administrative remedies deprives a party of standing to pursue its claims. *DFS Guam L.P. v. The A.B. Won Pat International Airport Authority, Guam, et. al*, Superior Court Civil Case No. CV0685-13 (Dec. & Order, July 19, 2013). DMR never attempted to seek informal resolution of its complaints with Office of the Governor prior to submitting its Letter of Protest. DMR has never discussed or requested any remedy or resolution of its complaints with Office of the Governor by mutual agreement; and even in its Letter of Protest, DMR has not requested any remedy or resolution of its complaints.
4. DMR is not aggrieved pursuant to 5 GCA § 5425(a) or 2 GAR, Div. 4 § 9101(a)(1)(a). In order to pursue a protest, DMR must have standing. When standing is at issue, "the relevant inquiry is whether, assuming justiciability of the claim, the plaintiff has shown an injury to himself that is likely to be redressed by a favorable decision." *Simon v. E. Kentucky Welfare Rights Org.*, 426 U.S. 26, 38 (1976). Under 5 GCA § 5245(a): "[a]ny actual or prospective bidder, offeror, or contractor who may be aggrieved in connection with the method of source selection, solicitation or award of a contract, may protest to ... the head of the purchasing agency." Therefore, in order to protest, DMR must be "aggrieved" by the alleged violations of law. 5 GCA § 5425(a).

DMR's Letter of Protest was filed prior to the submission of proposals due date of the RFP. DMR argues that the information contained in the RFP "compromises the offeror's ability to meet the minimum obligations expected of its proposal." DMR Letter of Protest, p. 9 (March 19, 2022). However, DMR fails to show how any of the alleged defective terms of the RFP could or would prevent DMR from submitting a Proposal telling Office of the Governor about its qualifications; including its business information, technical training and education, specific and general experience, qualifications and ability, personnel, products and facilities, availability, plan to perform, financial resources, or record of past performance. 2 GAR, Div. 4, § 3114(f)(1)(H) and (f)(2); and RFP, Section I, ¶¶ K, L, M, N, O, P, Q, and R. All of the information sought concerning DMR's business is in DMR's possession. Further, the RFP informed DMR of its ability to modify any proposal submitted, even after submission, if needed for "clarification, to assure full understanding and responsiveness to the solicitation requirements, as permitted under Guam's Procurement Law and Guam's Procurement Rules and Regulations." RFP, Section II, ¶Q and ¶R; *see also* RFP, Section I, ¶I; *see also* RFP Questions and Answers,

Answer to Question #8(a) (March 4, 2022). If more information is necessary in the proposal, that may be remedied after receipt of proposals.

DMR further complains that the information in the RFP “is unduly restricting the prospective offerors (sic) ability to present a cost effective proposal which meets the needs of the RFP.” DMR Letter of Protest, p. 1 (March 19, 2022). As stated in this RFP, price is not an evaluation factor at the proposal stage of this RFP process. Price is not considered until after proposals are evaluated and a best qualified offeror is chosen. The “cost-effectiveness” of DMR’s proposal is not a consideration at this stage of the procurement process, and therefore, does not affect DMR’s ability to provide a proposal that addresses all of the evaluation factors stated in this RFP. A price proposal for the professional services offered will only be submitted by the offeror chosen for negotiations, and a “fair and reasonable” price will eventually be negotiated with a chosen offeror, at the negotiations stage of the procurement. RFP, Section I, ¶X.

This procurement was issued through a Request for Proposals, not an Invitation for Bids. In accordance with Guam’s Procurement Rules and Regulations, proposals will not be rejected unless “the proposals ultimately (*that is, after any opportunity has passed for altering or clarifying the proposal*) fails (sic) to meet the announced requirements of the territory in some material respect; ...” 2 GAR, Div. 4 § 3115(e)(1)(B)(ii)(emphasis added). None of the complaints raised operate to prevent DMR from submitting a proposal in response to the RFP. Proposals will not be rejected or disqualified as non-responsive for an initial failure to provide information. If any clarifications are needed, the Office of the Governor will afford the offerors an opportunity to modify or clarify the proposals. *Id.*; 2 GAR, Div. 4 § 3114(i)(3); and 2 GAR, Div. 4 § 3116(b)(2)(B). DMR has suffered no injury, and is not aggrieved by the alleged violations.

DMR further fails to show that it is aggrieved by any possible violations of the Department of Interior Standard Award Terms and Conditions. If the Office of the Governor violates any of the Department of Interior Standard Award Terms and Conditions or the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards imposed by virtue of receipt of a federal award, all penalties and remedies for non-compliance are imposed on the Office of the Governor, as the non-Federal entity Recipient of the federal award funds. *See* 2 CFR § 200.339, Remedies for Non-compliance; 2 CFR § 200.340(a)(1), Termination (“The Federal award may be terminated in whole or in part as follows: By the Federal awarding agency or pass-through entity, if a non-Federal entity fails to comply with the terms and conditions of a Federal award”); *see also* 2 CFR §§ 200.341, 200.342, 200.343, and 200.208. None of the complaints raised operate to penalize DMR or prevent DMR from participating in a federally funded Request for Proposals solicitation. DMR has suffered no injury, and is not aggrieved by the alleged violations.

5. The Letter of Protest has no merit. In order to sustain a protest, it must be determined that the solicitation “is in violation of law.” 2 GAR, Div. § 9104(a)(1); and 5 GCA § 5450.

DMR's Letter of Protest fails to allege any violations of the laws or rules governing the competitive proposals or Requests for Proposals procedure. DMR alleges violations of the Invitation for Bids and competitive sealed bids process. This is not applicable to this procurement.

DMR's Letter of Protest further alleges no specific violations of any specific provisions of the Department of Interior Standard Award Terms and Conditions or the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, and fails to raise complaints about the method of source selection, solicitation or award of a contract as provided in the law. *See* 5 GCA § 5425(a). DMR complains that the Office of the Governor has included terms in the RFP which are unreasonable and/or arbitrary, but the law requires these terms to be included in the RFP. DMR fails to show any language or provision which has been violated, and fails to show any prejudice stemming from any such violation.

6. DMR has not requested redress or remedy for the alleged defects in the RFP. 2 GAR, Div. 4 § 9105 and 5 GCA § 5451. "If prior to award it is determined that a solicitation or proposed award of a contract is in violation of law, then the solicitation or proposed award shall be: (a) cancelled; or (b) revised to comply with the law." 5 GCA § 5451. DMR does not request revision of the RFP, nor does it request cancellation of the RFP. Even if the Letter of Protest were to be sustained, there is no request for a remedy that can be granted, and therefore, no "injury ... that is likely to be redressed by a favorable decision." *Simon v. E. Kentucky Welfare Rights Org.*, 426 U.S. 26, 38 (1976).
7. DMR's Letter of Protest is frivolous and was made solely to disrupt and delay the procurement process. 5 GCA § 5425(h)(1) and 2 GAR, Div. 4 § 9101(g)(2). "Frivolous" means "groundless, without justification, and without merit." *People of Guam v. Carl T.C. Gutierrez*, Sup. Ct. Case No. CRA 04-0004, Order (May 5, 2005); *see also Harrah's Club v. Van Slitter*, 902 F.2d 774, 777 (9th Cir. 1990) ("A frivolous appeal is defined as one in which the result is obvious, or where the appellants' claims are utterly meritless"). There is no merit to any of DMR's complaints regarding the RFP process. DMR was not prevented from submitting a proposal, and is not aggrieved. Further, DMR did not submit its Letter of Protest to seek a certain remedy or redress any of its issues. DMR did not even attempt to resolve any concerns it may have had informally or through mutual agreement, without submitting a protest. DMR submitted its Letter of Protest prior to proposal submission and award to trigger the automatic stay provisions of 5 GCA § 5425 and 2 GAR, Div. 4, § 9101(g), to halt any award of a contract under Federal Award funding set to expire on September 30, 2022, and thereby disrupt the procurement process.

DMR's letter of protest is untimely and improperly submitted and does not meet the requirements of a valid procurement protest. DMR has failed to exhaust administrative remedies prior to submitting its Letter of Protest. DMR is not aggrieved by any alleged violations and lacks standing to protest. Further, DMR's letter of protest lacks merit, and fails to request any redress. It is frivolous and was filed for the purpose of delay and disruption of the procurement process.

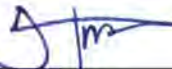
Office of the Governor of Guam

Request for Proposals RFP-Office of the Governor of Guam-2022-001, re: Procurement of Professional Services for the government of Guam Licensing and Permitting System

Decision on Letter of Protest #1; May 24, 2022

Page 15 of 15

Pursuant to 5 GCA § 5425(c) this decision on the letter of protest is final and conclusive. Protestor is advised that it has the right to administrative and judicial review.



Venido Torres
Procurement Officer
Office of the Governor



Matthew Santos <matthew.santos@bsp.guam.gov>

Ltr dated Apr. 8, 2022

3 messages

LEGAL ASST <legal@terlajelaw.com>

Fri, Apr 8, 2022 at 4:42 PM

To: "procurement@guam.gov" <procurement@guam.gov>

Cc: RCT <richard.taitano@dmrpacific.com>, "stephanie.flores@guam.gov" <stephanie.flores@guam.gov>, "jtoft@oagguam.org" <jtoft@oagguam.org>, Jon Junior Calvo <jon.calvo@guam.gov>, Jacqueline Terlaje <jterlaje@terlajelaw.com>, ADMIN DESK <info@terlajelaw.com>

Hafa Adai, Mr. Santos.

Please see the enclosed letter from Attorney Jacqueline Terlaje dated today, April 8, 2022.

Si Yu'os Ma'ase,


Tatiana Agustin

Legal Assistant

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 **8Apr22 Ltr Ofc of the Governor.pdf**
148K

Matthew Santos <matthew.santos@bsp.guam.gov>

Fri, Apr 8, 2022 at 4:55 PM

April 8, 2022

VIA EMAIL procurement@guam.gov

THE OFFICE OF THE GOVERNOR

Matthew Santos

513 West Marine Corps Drive, Ricardo J. Bordallo Governor's Complex
Hagåtña, Guam 96910

Re: RFP-Office of the Governor-2022-001, Second Protest

Håfa Adai, Mr. Santos.

This firm represents Data Management Resources, LLC. ("DMR"), relative to RFP-Office of the Governor-2022-001 issued on February 7, 2022 (hereinafter "RFP-2022-001"). On March 19, 2022, DMR submitted its Protest on numerous grounds. DMR has received no response to the issues raised in the March 19, 2022 Protest.

DMR now submits a Second Procurement Protest on the following grounds:

§ 5141(b) of Title 5 Guam Code Annotated requires all Government of Guam personnel tasked with responsibility of purchasing or otherwise procuring goods or services to receive training in the Guam Community College Procurement Program. DMR is in possession of information that the Office of the Governor has engaged in arbitrary conduct detrimental to RFP-2022-001. Specifically, Government of Guam employee Matthew Santos, is identified as the Single Point of Contact for RFP-2022-001. *See* RFP-2022-001, p. 5 Section E; p 7, Section H. Matthew Santos is also identified as the Author for RFP-2022-001. *See* RFP-2022-001, p. 5 Section O.

Based upon the response from the Guam Community College Procurement Program, dated March 28, 2022, the Office of the Governor and the Guam State Clearinghouse has engaged in arbitrary conduct due to its failure to ensure compliance with Guam Procurement Code, as the Guam Community College Procurement College has no record of the completion of procurement training of Government of Guam employee, Matthew C. Santos.

5 GCA § 5141(b) provides:

Mandatory Certification and Continuing Education. Notwithstanding any other provision of law or this Chapter and effective October 1, 2016, all government of Guam personnel tasked with the responsibility of purchasing or otherwise procuring goods, or services, or construction, including those employed by agencies with authority to conduct their own procurement, as well as any person within the Office of Public Accountability responsible for administering procurement appeals or auditing of the purchasing activities

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

April 11, 2022

TO: Attorney General
FROM: Chief of Staff, Office of the Governor
SUBJECT: GOV RFP 2022-001 Protest Notification to the Attorney General.

Pursuant to 2 GAR, Div. 4 Section 9101(c)(4), I am submitting a copy of a document submitted Fri, Apr 8, 2022 at 4:42 PM to the Single Point of Contact stating it is a protest.

Sincerely,

Chief of Staff
Jon Junior M Calvo

April 8, 2022

VIA EMAIL procurement@guam.gov

THE OFFICE OF THE GOVERNOR

Matthew Santos

513 West Marine Corps Drive, Ricardo J. Bordallo Governor's Complex
Hagåtña, Guam 96910

Re: RFP-Office of the Governor-2022-001, Second Protest

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LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA E. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HĀGAN GUĀHAN
OFFICE OF THE GOVERNOR OF GUAM

VIA E-MAIL: jterlaje@terlajelaw.com; bids@dmrpacific.com

NAME: Data Management Resources, LLC; Jacqueline Taitano Terlaje, Attorney for Data Management Resources, LLC

DATE: May 24, 2022

RE: Decision on Letter of Protest filed by Data Management Resources, LLC on April 8, 2022 for Request for Proposals RFP-Office of the Governor of Guam-2022-001, re: Procurement of Professional Services for the government of Guam Licensing and Permitting System

DECISION ON LETTER OF PROTEST #2

Pursuant to 2 GAR, Div. 4 § 9101(g), the Office of the Governor of Guam ("Office of the Governor") hereby issues its decision on the matters raised in a letter stating that it is a "protest" ("Letter of Protest") sent by Data Management Resources, LLC ("DMR") via e-mail transmission to Matthew Santos on April 8, 2022. The Office of the Governor of Guam hereby denies the Letter of Protest.

DMR LETTER OF PROTEST COMPLAINTS

- I. The Office of the Governor has engaged in arbitrary action in violation of 2 CFR § 200.319 and in violation of the Guam Procurement Code due to its failure to ensure that the Single Point of Contact for RFP-Office of the Governor of Guam-2022-001 (RFP) and contributor to the Scope of Services, Matthew Santos, has received training pursuant to 5 GCA 5141(b).

DMR LETTER OF PROTEST REQUESTED REMEDIES

DMR makes no request for remedies in the Letter of Protest.

HISTORY AND BACKGROUND OF 5 GCA § 5141

Bill 201-32 (COR) as amended, lapsed into law on February 14, 2014 as Public Law 32-131, and was codified as 5 GCA § 5141. In relevant portion, 5 GCA § 5141(b) states:

Mandatory Certification and Continuing Education. Notwithstanding any other provision of law or this Chapter and effective October 1, 2016, all government of Guam personnel tasked with the responsibility of purchasing or otherwise procuring goods, or services, or construction, including those employed by agencies with authority to conduct their own procurement, as well as any person within the Office of Public Accountability responsible for administering

procurement appeals or auditing of the purchasing activities of the government of Guam, must receive the training and continuing education to the extent required under this Section and offered by the College in consultation with the Guam Procurement Advisory Council. A government of Guam employee who is required to receive the training may not participate in purchases by the employing agency unless the employee has received the required training or received equivalent training from a national association recognized by the College and the Guam Procurement Advisory Council, which shall be the judge of equivalency. The equivalent training may count toward the continuing education requirements of this Section, as determined by the College, in consultation with the Guam Procurement Advisory Council.

5 GCA § 5141(b).

This section requires certain described government employees to receive procurement training through the courses established by the Guam Community College (GCC). However, this subsection does not set forth by title the employees who are required to receive the training. This issue has been raised on several occasions throughout the law's history.

The Office of the Attorney General of Guam previously noted the ambiguities inherent throughout the language of 5 GCA § 5141 with regard to the employees who are required to attend the training. Attorney General Letter to Guam Community College, August 14, 2014, (attached as Attachment 1). Particularly, the Office observed:

[T]he law fails to identify the persons required to become certified by using job descriptions or classifications that actually exist within the job classification system now in effect in the Executive branch of the government of Guam. As a result, it is unclear which government employees in which job classifications are required to gain certification. For this reason, it is feared that the law will not be able to achieve the noteworthy and necessary objective intended by its adoption.

Attorney General Letter to GCC, August 14, 2014, p.1, ¶ 3.

This was not the first time this ambiguity was noticed and mentioned. On November 14, 2013, prior to passage of the law, the Committee on General Government Operations and Cultural Affairs (the Committee) convened a public hearing to receive and consider testimony concerning the proposed law. The Committee Report Digest issued from that hearing reports that during testimony, Senator Mike Limtiaco, referring to subsections (h) and subsequent of Bill No. 201-32, asked if the job categories listed in the bill, such as "level-one purchaser," are specific job classifications within the Government of Guam. Bill No. 201-32 (COR) as substituted, *Committee Report*, Committee on General Government Operations and Cultural Affairs, January 27, 2014, Committee Report Digest, p. 6. Attorney John Thomas Brown, who was testifying on behalf of the bill, replied that he was only in charge of curriculum development and instruction, and that

GCC would be able to answer that question. *Id.* However, no representative from GCC answered this question. *Id.* No one present during the testimony answered this question. *Id.* Senator Limtiaco then suggested that the issue could be resolved on the floor by the Legislature of Guam. *Id.*

The General Services Agency (GSA) also raised the issue of this deficiency in its written testimony submitted regarding the bill. As part of GSA's "Revised Comments on Bill 201-13" submitted to the Committee on October 17, 2013, in an attempt to address this issue, the Chief Procurement Officer urged that a new section should be added to the bill stating: "The Department of Administration shall develop or amend the Government of Guam compensation schedule and job specifications for buyer positions to reflect the new minimum requirements imposed by this Act." *Id.* at p. 2, ¶ 4. The bill was not revised to include this language.

This issue was never addressed. No amendments to the bill were made changing the language or provisions to specify the personnel job classifications or positions within the Government of Guam that would be required to attend the GCC trainings, and it subsequently passed as P.L. 32-131 with no modification to these ambiguous provisions.

STATEMENT OF FINDINGS:

The Office of the Governor of Guam makes the following findings:

I. DMR complains that the Office of the Governor has engaged in arbitrary action in violation of 2 CFR § 200.319 and in violation of the Guam Procurement Code due to its failure to ensure that the Single Point of Contact for RFP-Office of the Governor of Guam-2022-001 ("RFP"), Matthew Santos, has received training pursuant to 5 GCA 5141(b).

Requirements of 5 GCA § 5141(b)

The statute sets forth two classes of personnel within the government of Guam who are required to attend the training described under 5 GCA § 5141: 1) any person in the Office of Public Accountability responsible for procurement appeals or auditing government of Guam purchases; and 2) "all government of Guam personnel *tasked with the responsibility of purchasing or otherwise procuring goods, or services, or construction*, including those employed by agencies with authority to conduct their own procurement...." 5 GCA § 5141(b)(emphasis added).

This Letter of Protest raises complaints concerning the latter category of personnel, specifically with regard to executive agency or line agency personnel.

With regard to general executive agency personnel, in 2014, the Office of the Attorney General stated that implementation of 5 GCA § 5141(b) would be difficult and problematic because the law did not particularly and expressly list the job titles of the personnel that would be required to attend the trainings. AG Letter to GCC, August 14, 2014, *see* Attachment 1. The law does not state that any particular position named in the Guam Code or the Department of Administration compensation or classification schedules must attend the trainings; nor does 5 GCA § 5141(b) state

that any of the particular positions mentioned within the other subsections of the statute (such as “level-one purchaser,” “level-two purchaser,” etc.) must attend the trainings. *See* 5 GCA § 5141(b), (h), (i), and (j).

The drafters of this statute chose not to list any job titles or classifications of any administrative positions within the government of Guam who are required to attend the training under this subsection. Instead, the drafters chose to use a functional description to define the personnel who would be required to attend the training. The law states that all government of Guam personnel “tasked with the responsibility” for conducting procurements are required to attend the trainings. 5 GCA § 5141(b). The defining characteristic of personnel who must attend these trainings is that they are the persons “responsible” for conducting procurements. *Id.*

The individual agencies, departments, and instrumentalities of the executive branch do not have the authority or responsibility to conduct their own procurements. 5 GCA §§ 5120 and 5125. 5 GCA § 5141(b) explicitly acknowledges that only certain agencies have the authority to conduct their own procurements. *Id.* Guam has adopted a centralized procurement system, and the Chief Procurement Officer of the General Services Agency is vested with the duty, responsibility, and authority to “procure or supervise the procurement of *all* supplies and services needed by the Territory.” 5 GCA §§ 5110 and 5113 (emphasis added). Similarly, the Director of Public Works is vested with the duty, responsibility, and authority to “procure or supervise the procurement of *all* construction needed by the Territory.” 5 GCA § 5113 (emphasis added). These two officers are the “Principal Contracting Officers” for the government of Guam, in whom all procurement authority is centralized. *Id.*, and 5 GCA § 5120 (“all rights, powers, duties, and authority relating to the procurement of supplies, services, and construction...are hereby transferred to the Policy Office and the Chief Procurement Officer and the Director of Public Works...”). Only certain exceptions exist to this centralized system of procurement.

5 GCA § 5121 constitutes an exception to the centralization of procurement authority; allowing each executive branch agency to procure its own professional services. This exception is made for the procurement of professional services, and does not extend to the procurement of goods or construction over the small purchase threshold amounts. *Id.*; and 5 GCA § 5213.

Whenever an agency procures its own professional services, the Chief Procurement Officer’s authority and responsibility for conducting the procurement is delegated to a single official within the agency. 5 GCA § 5114(a) and (b); *see also* Comment to 5 GCA § 5120. This official, who is now responsible for the procurement of professional services for the agency is formally identified as the “Procurement Officer” under Guam’s Procurement Law. 5 GCA § 5121(c). The “Procurement Officer” is defined as “any person duly authorized to enter into and administer contracts and make written determinations with respect thereto. The term also includes an authorized representative acting within the limits of authority.” 5 GCA § 5030(p). 5 GCA § 5121(c) specifically designates the “Procurement Officer” of an agency as the only person authorized to execute contracts on behalf of the agency.

Accordingly, the “Procurement Officer” is the only person within an agency who is empowered to conduct procurements on behalf of individual agencies by way of the authority vested in him/her through the Chief Procurement Officer or the Director of Public Works. The Procurement Officer is the only person with the authority to enter into contracts, and with discretion over contract awards. 5 GCA §§ 5121(c), 5114(b), and 4 GCA § 13102(a). All official procurement documents, written determinations, and record items must be executed on behalf of the agency by the agency’s Procurement Officer, because only this official has this authority and responsibility. 5 GCA §§ 5030(p) and 5121(c); *see also* 5 GCA §§ 5249 and 5250. Government employees who administratively handle or conduct routine functions for agency procurements are not responsible for, and do not have the authority to conduct the procurements.

The “Procurement Officer” is the only general personnel title identified in the Guam Code¹ with the responsibility for conducting procurements on behalf of the individual agencies and instrumentalities of the government of Guam described under 5 GCA § 5030(k). The Procurement Officer must be the head of the agency or other duly appointed procurement official. 5 GCA §§ 5114(b), 5 GCA § 5121(c), and 4 GCA § 13102(a)(4). 5 GCA § 5125 affirms: “...the Director of each such governmental body or other above named(sic) body shall be substituted wherever there is reference to the Public Policy Office, Chief Procurement Officer or Director of Public Works...” 5 GCA 5125. Multiple procurement statutes list the “head of the purchasing agency” as the only person who is allowed to exercise the statutory powers of the Chief Procurement Officer on behalf of an agency conducting its own procurement. *See* 5 GCA §§ 5008, 5127, 5150, 5211, 5214, 5215, 5216, 5219, 5236, 5350, 5425, 5426, 5427, 5707. The only generalized position/personnel title identified in the Guam Procurement Law that is “tasked with the responsibility of purchasing or otherwise procuring goods, services, or construction...” on behalf of the respective agencies is the “Procurement Officer” of each individual agency, department, or instrumentality. 5 GCA § 5141; 5 GCA §§ 5114 and 5125.

The description in 5 GCA § 5141(b) does not use language that is applicable to any person who merely assists in procurements or performs administrative functions. The description does not state that “any person who participates or assists in procurement” must receive the training, or that “any person who is tasked with any administrative procurement duties” must receive the training. Whenever a legislative body or rule-making body or uses or does not use a specific term, there is a presumption the use or non-use was purposeful. *Russello v. United States*, 464 U.S. 16, 23 (1983) (“Where [a legislative body] includes particular language in one section of a statute but omits it in another ... it is generally presumed that [the legislative body] acts intentionally and purposely in

¹ Other specifically identified individuals and entities have specific grants of authority to conduct certain procurement activities. The Chief Procurement Officer, the Director of the Department of Public Works, the Guam Power Authority Board of Directors, the Board of Directors of the Guam Preservation Trust, and other named entities/individuals within certain governmental entities enumerated by specific statutes are granted the authority to procure supplies and services within their respective statutory designations. *See, e.g.*, 5 GCA § 5110, *et seq.*; and 5 GCA § 5125. The “Procurement Officer” or “Director” is the only generalized government-wide position title within the non-autonomous executive branch line agencies or departments (generally described under 5 GCA § 5030(k)) that is otherwise named in the statutes, and granted this authority.

the disparate inclusion or exclusion.”). The statute specifically uses the contextual language of “the responsibility of purchasing or otherwise procuring...” in describing the job duties of those personnel who are required to receive the training. 5 GCA § 5141(b). “Words and phrases are construed according to the context and the approved usage of language; but technical words and phrases, and such others as may have acquired a peculiar and appropriate meaning in law, or are defined in the succeeding section, are to be construed according to such peculiar and appropriate meaning or definition.” 1 GCA § 724. “[R]esponsibility of purchasing” is what defines the role of the personnel who are subject to the training requirements of this law.

2 GAR, Div. 4 § 2103, establishing the qualifications for a Chief Procurement Officer is instructive as to the responsibilities and training of Procurement Officers, who receive their authority from the Chief Procurement Officer:

...[T]he Chief Procurement Officer is a part of the Department of Administration, the Guam Procurement Law places procurement responsibilities with this Chief Procurement Officer, rather than with the Director of Administration, who still remains his superior. *Nonetheless, the Chief Procurement Officer must make the decisions and, to this end, it is he, not the Director of Administration, who must have the qualifications in the specialized area of public procurement.*

2 GAR, Div. 4 § 2103 (emphasis added).

Procurement responsibilities lie with the person who must make the ultimate decisions for each procurement; and therefore, it is the person who makes the decisions for each procurement and who “is tasked with responsibility” for the procurement who must have the required training and qualifications in the specialized area of public procurement. The statutorily granted decision-making authority and responsibility for conducting professional service procurements for the agencies is assigned only to the “Procurement Officer” of each agency, and cannot be delegated to other employees. 5 GCA § 5114(b); and 5 GCA § 5125.

5 GCA § 5141(j) further identifies the “responsible head of procurement” for each agency as the person who conducts procurements on behalf of the agency, and requires anyone serving in this capacity to complete training under subsection (j). 5 GCA § 5141(j). 5 GCA § 5249 refers to “the responsible procurement officer” as the officer who must certify and maintain the procurement record for each procurement. Guam’s Procurement Law repeatedly denotes each agency’s Procurement Officer as the person who is responsible for each agency procurement. The person who directs and oversees each procurement is the person “tasked with the responsibility” for conducting the procurements for an agency, or is the “responsible head of procurement” for the agency. This person is the “Procurement Officer,” and this is the person who is required to attend or receive training in the specialized area of procurement. 5 GCA § 5141(b) and (j).

Finally, the prohibition of 5 GCA 5141(h) states in relevant portion: “no person shall serve in the capacity of a level-one purchaser, and no person shall sign for any procurement requisition,

without the Certificate of Enrichment (Basic) provided by the College.” 5 GCA § 5141(h). The prohibition of subsection (i) states that “no person shall serve in the capacity of a level-two purchaser” without the Certificate of Enrichment (Advanced), but does not contain a specific task description or job description which is prohibited under its provisions. 5 GCA § 5141(i). The Procurement Officer is the only person who may sign contracts or other purchasing documents on behalf of a purchasing agency, unless specifically designated and approved for standard form contracts. 5 GCA § 5030(p) and (b); 2 GAR, Div. § 2112(c). Matthew Santos has not performed any of these functions for the RFP.

Any person, including consultants, experts, architects, designers, and other non-governmental personnel, may assist in the preparation of a Scope of Services for a procurement. 2 GAR, Div. 4 §§ 4105 and 4107(a). “When persons other than territorial personnel prepare specification (sic), the territory shall not be relieved from the comment and review requirements of this Chapter.” The Procurement Officer may authorize such other persons to prepare a Scope of Services when there is no conflict of interest, and “provided such officer retains the authority to finally approve the specifications.” 2 GAR, Div. 4 § 4103(a)(2)(a) and (b). Only the Procurement Officer is authorized to provide final review and approval of any Scope of Services. 2 GAR, Div. 4 §§ 4105 and 4107(a); *see also* 2 GAR, Div. 4 § 4102(b)(2)(a)(iii),(iv), and (v); (b)(2)(b)(iv); and (b)(2)(c)(i).

Any person may assist in the drafting of a Scope of Services, but such persons are not ultimately responsible for the Scope of Services, and are not required to attend the training set forth under 5 GCA § 5141(b). Only the person “responsible” for the procurement and the Scope of Services contained in the procurement is required to attend this training. 5 GCA § 5141(b).

Matthew Santos is not the Procurement Officer for this RFP. Matthew Santos is not responsible for the procurement or award of any contract under this RFP. Matthew Santos performs an administrative function as the Single Point of Contact for offerors for the RFP, and has no discretion or “responsibility of purchasing or otherwise procuring” any professional services under this RFP. Matthew Santos’ government title is not “level-one purchaser” or “level-two purchaser,” and he has not “sign[ed] for any procurement requisition.” 5 GCA § 5141(h) and (i). Matthew Santos is not required to attend the training set forth under 5 GCA § 5141(b) for providing assistance in the drafting of the Scope of Services of the RFP. 2 GAR, Div. 4 §§ 4105 and 4107(a); *see also* 2 GAR, Div. 4 §§ 4102 and 4103. The Procurement Officer reviewed and approved the final Scope of Services and exercised all authority and responsibility therefor. *Ids.*; and 5 GCA § 5141(b). Matthew Santos is not required to attend the training set forth under 5 GCA § 5141(b) in either his capacity as the Single Point of Contact or as a contributing drafter of the Scope of Services. The Procurement Officer is responsible for the conduct and award of a contract under this RFP, and the Procurement Officer has executed and maintained all required official record documents for this RFP. The Procurement Officer reviewed and provided final approval of the Scope of Services for the RFP. The Procurement Officer has made all required decisions concerning the conduct of this RFP, and has signed all procurement documents requiring signature. Accordingly, there is no “arbitrary conduct” of this RFP.

Finally, DMR fails to allege any injury from the conduct of this procurement. The Procurement Officer has performed all responsible required functions of this RFP, and therefore, the conduct of this RFP is not unreasonable or arbitrary. Further, DMR alleges violations of 2 CFR § 200.319, but to ensure effective competition, this regulation specifically requires that “the non-Federal entity must not preclude potential bidders from qualifying during the solicitation period.” 2 CFR § 200.319(e). DMR fails to allege or show how the inclusion of Matthew Santos as the Single Point of Contact or contributor of the Scope of Services, or other conduct of this RFP has precluded DMR from qualifying or taking any action with respect to the RFP, including receiving notice, registering, participating, submitting questions, or submitting a proposal to the RFP. DMR has not been prevented from taking any action with respect to this RFP, and is therefore, not “aggrieved” by the conduct of this RFP.

CONCLUSIONS:

The Office of the Governor of Guam denies the Letter of Protest on the following bases:

1. The Letter of Protest fails to comply with the filing requirements for all protests. All protests “shall be filed in duplicate” and are “considered filed when received by ... the head of a Purchasing Agency.” 2 GAR, Div. 4 § 9101(c)(1). The protest must be filed in writing, and “the envelope should be labeled ‘Protest.’” 2 GAR, Div. 4 § 9101(c)(3). In addition, “[t]he written protest shall include as a minimum the following: (a) the name and address of the protestor;” 2 GAR, Div. 4 § 9101(c)(3)(a).

The Letter of Protest was sent via e-mail to Matthew Santos, who is merely the Single Point of Contact for RFP-Office of the Governor-2022-001. It was not filed in an envelope labeled as a “Protest.” It was not filed with the head of the Purchasing Agency/the Procurement Officer. It was not filed in duplicate, and it did not include the address of the protestor. Therefore, the Letter of Protest was improperly submitted.

2. The Letter of Protest was untimely submitted. “Protests filed after the 14 day period shall not be considered.” 2 G.A.R. § 9109(b)(1). The RFP was published on February 7, 2022, containing its designation of Matthew Santos as the Single Point of Contact, and his involvement in drafting the Scope of Services, to which DMR objects. DMR registered for, and was sent a copy of the RFP on February 7, 2022 at 9:19 a.m. ChST. February 7, 2022 is the date that DMR was on notice that the RFP included this allegedly arbitrary conduct. As such, the Letter of Protest was submitted well beyond the 14-day time period of when DMR first knew or should have known of the facts giving rise to its complaints. 5 GCA § 5425(a) and 2 GAR, Div. 4 § 9101(c)(1); *see also In the Appeal of ASC Trust Corporation*, OPA-PA-09-010 (finding that the fourteen-day clock begins when a party first becomes aware of facts giving rise to the protest).

3. DMR failed to exhaust administrative remedies prior to submitting its Letter of Protest. "Complainants should seek resolution of their complaints initially with the Procurement Officer or the office that issued the solicitation." 2 GAR, Div. 4 § 9101(b). "It is the territory's policy, consistent with [the Guam Procurement Act], to try to resolve all controversies by mutual agreement without litigation. In appropriate circumstances, informal discussions between the parties can aid in the resolution of differences by mutual agreement and are encouraged." 2 GAR, Div. 4 § 9103(1). Failure to exhaust administrative remedies deprives a party of standing to pursue its claims. *DFS Guam L.P. v. The A.B. Won Pat International Airport Authority, Guam, et. al*, Superior Court Civil Case No. CV0685-13 (Dec. & Order, July 19, 2013). DMR never attempted to seek informal resolution of its complaints with Office of the Governor prior to submitting its Letter of Protest. DMR has never discussed or requested any remedy or resolution of its complaints with Office of the Governor by mutual agreement; and even in its Letter of Protest, DMR has not requested any remedy or resolution of its complaints.
4. DMR is not aggrieved pursuant to 5 GCA § 5425(a) or 2 GAR, Div. 4 § 9101(a)(1)(a). In order to pursue a protest, DMR must have standing. When standing is at issue, "the relevant inquiry is whether, assuming justiciability of the claim, the plaintiff has shown an injury to himself that is likely to be redressed by a favorable decision." *Simon v. E. Kentucky Welfare Rights Org.*, 426 U.S. 26, 38 (1976). Under 5 GCA § 5245(a): "[a]ny actual or prospective bidder, offeror, or contractor who may be aggrieved in connection with the method of source selection, solicitation or award of a contract, may protest to ... the head of the purchasing agency." Therefore, in order to protest, DMR must be "aggrieved" by the alleged violations of law. 5 GCA § 5425(a).

DMR's Letter of Protest was filed prior to the submission of proposals due date of the RFP. DMR fails to show how any of the alleged arbitrary conduct of the RFP could or would prevent DMR from taking any action with regard to the procurement, including submission of a proposal. DMR fails to show that it is aggrieved by any possible violations of 5 GCA § 5141(b). None of the complaints raised operate to penalize DMR or prevent DMR from participating in this federally funded Request for Proposals solicitation. DMR has suffered no injury, and is not aggrieved by the alleged violations.

5. The Letter of Protest has no merit. In order to sustain a protest, it must be determined that the solicitation "is in violation of law." 2 GAR, Div. § 9104(a)(1); and 5 GCA § 5450. DMR's Letter of Protest fails to show that Matthew Santos is the person "tasked with the responsibility of purchasing or otherwise procuring goods, or services, or construction" for this RFP. 5 GCA § 5141(b). Matthew Santos is not a "level-one purchaser" or a "level-two purchaser" and he does not sign procurement requisitions. Matthew Santos did not provide the final approval of the Scope of Services. Matthew Santos is the administrative Single Point of Contact for this RFP, and does not have the responsibility or authority to sign documents, maintain the procurement record, make procurement decisions, or award a contract under this RFP. Matthew Santos is not required to attend the training set forth

under 5 GCA 5141(b), and there is no violation of law. DMR's Letter of Protest further fails to show any prejudice stemming from any alleged violation, and fails to show that it was prevented from qualifying to participate in this RFP by any conduct of the Office of the Governor.

6. DMR has not requested redress or remedy for the alleged defects in the conduct of the RFP. 2 GAR, Div. 4 § 9105 and 5 GCA § 5451. "If prior to award it is determined that a solicitation or proposed award of a contract is in violation of law, then the solicitation or proposed award shall be: (a) cancelled; or (b) revised to comply with the law." 5 GCA § 5451. DMR does not request revision of the RFP, nor does it request cancellation of the RFP. Even if the Letter of Protest were to be sustained, there is no request for a remedy that can be granted, and therefore, no "injury ... that is likely to be redressed by a favorable decision." *Simon v. E. Kentucky Welfare Rights Org.*, 426 U.S. 26, 38 (1976).
7. DMR's Letter of Protest is frivolous and was made solely to disrupt and delay the procurement process. 5 GCA § 5425(h)(1) and 2 GAR, Div. 4 § 9101(g)(2). "Frivolous" means "groundless, without justification, and without merit." *People of Guam v. Carl T.C. Gutierrez*, Sup. Ct. Case No. CRA 04-0004, Order (May 5, 2005); see also *Harrah's Club v. Van Slitter*, 902 F.2d 774, 777 (9th Cir. 1990) ("A frivolous appeal is defined as one in which the result is obvious, or where the appellants' claims are utterly meritless"). There is no merit to any of DMR's complaints regarding the RFP process. DMR was not prevented from submitting a proposal or taking any other action, and is not aggrieved. Further, DMR did not submit its Letter of Protest to seek a certain remedy or redress any of its issues. DMR did not even attempt to resolve any concerns it may have had informally or through mutual agreement, without submitting a protest. DMR submitted its Letter of Protest prior to proposal submission and award to trigger the automatic stay provisions of 5 GCA § 5425 and 2 GAR, Div. 4, § 9101(g), to halt any award of a contract under Federal Award funding set to expire on September 30, 2022, and thereby disrupt the procurement process.

DMR's letter of protest is untimely and improperly submitted and does not meet the requirements of a valid procurement protest. DMR has failed to exhaust administrative remedies prior to submitting its Letter of Protest. DMR is not aggrieved by any alleged violations and lacks standing to protest. Further, DMR's letter of protest lacks merit, and fails to request any redress. It is frivolous and was filed for the purpose of delay and disruption of the procurement process. Pursuant to 5 GCA § 5425(c) this decision on the letter of protest is final and conclusive. Protestor is advised that it has the right to administrative and judicial review.



Venido Torres
Procurement Officer
Office of the Governor

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LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

MEMORANDUM

Date: October 18, 2021
To: Director, Department of Administration
From: Chief of Staff, Office of the Governor
Subject: Request for Availability of Personnel for Services

The Office of the Governor is proposing a project to automate the application processes for the following agencies:

Agency Owner	Licenses and Permits
Department of Revenue and Tax (DRT)	Business License Application
Department of Public Works	Clearing/Grading Permit
	Building Construction Permit
	Building Occupancy Permit
Department of Land Management (Guam Seashore Protection, Guam Land Use Commission)	Zone Change, Split Zone, and Summary Zone Change, Zone Variance/Subdivision Variance
	Tentative and Final Development Plans
	Conditional Use Permit
Department of Public Health & Social Services	Sanitary Permit
Guam Fire Department	Activities, materials, use

The Office of the Governor intends for the Government Line Agencies to use an existing system that is commercially available, and proven to operate effectively over time. This system should be from a Vendor who has demonstrated long-term viability as a company and a long-term commitment to customers through regular product enhancements and on-going support.

The Office of the Governor understands that even the most comprehensive and sophisticated solutions will require some configuration to meet the operational and regulatory requirements that are unique to the Government of Guam. Thus, the government seeks to procure the professional services from a vendor that will provide a proven, effective, and carefully structured approach to implementation of the chosen system. In this context, implementation refers to all efforts required to provide a complete and functioning

October 18, 2021

Page 2

system and to prepare the Government of Guam to use it effectively. This includes technology and implementation planning, detailed design, interfaces, software integration, designing minimal software modifications, testing, training, data conversion, end user and technical documentation, project management, implementation change management, and post-implementation support.

Since professional services are a part of this project, The Office of the Governor is requesting that the Department of Administration report on the availability of personnel and resources to provide the services for this project, including government employees, retirees and representatives who have expertise in this particular field.

For the Office of The Governor to issue its Determination of Need pursuant to 5 GCA § 5249(e) and 2 GAR, Div. 4, §3114(c), it needs to ensure that a reasonable inquiry of available personnel has been conducted. This involves DOA's personnel services division to report on the availability of such personnel who are qualified and capable of providing the same professional services that the Government intends to procure. Please respond as soon as possible to this request.

Senseramente,


JON JUNIOR M. CALVO



EDWARD M. BIRN
 Director (Direktot)
 BERNADINE C. GINES
 Deputy Director (Sigundo Direktot)

**DEPARTMENT OF
 ADMINISTRATION**
 DIPATTAMENTON ATMENESTRASION
 DIRECTOR'S OFFICE
 (Ufisinan Direktot)
 Telephone (Telifon): (671) 475-1101/1250



LOURDES A. LEON GUERRERO
 Governor (Maga'håga)
 JOSHUA F. TENORIO
 Lt. Governor (Sigundo Maga'åhi)

November 5, 2021

HRD NO.: 21-1145

MEMORANDUM

To: Chief of Staff, Office of the Governor
 From: Director, Department of Administration
 Subject: Request for Availability of Personnel for Services
RE: Automated Application Process Project

Buenas yan Håfa Adai! This is in response to your memorandum, dated October 18, 2021, requesting from our office a written determination on the availability of personnel and professional services to initiate the proposed project to automate application processes for the following line agencies: Department of Revenue and Taxation (DRT), Department of Public Works (DPW), Department of Land Management (DLM), Department of Public Health & Social Services (DPHSS) and Guam Fire Department (GFD) as depicted in your request.

In accordance with the provisions of 2 GAR, Div. 4, §3114(c), our office performed a review and analysis of the above subject referenced, in an effort to ascertain the availability of personnel and resources within our government of Guam line agencies, to perform software integration, modification and implementation to enhance the existing system for long-term efficiency. Our review concludes that we do not have the personnel or resources readily available within our line agencies to perform the professional or specialized services to enhance the automated application process as summarized in your memo.

Therefore, your office may proceed with the request for proposal for professional services and expertise to provide technology and implementation planning, software integration, technical documentation, training, etc. on the above subject referenced.

Should you have any questions or require further information, please do not hesitate to contact our Classification and Pay Branch at 475-1201/1265 or 1131. **Dångkolo na Agradesimiento!**


 FOR: EDWARD M. BIRN

sm
 11/8/21

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA E. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HĀGAN GUĀHAN
OFFICE OF THE GOVERNOR OF GUAM

DETERMINATION OF NEED FOR CONTRACT FOR PROFESSIONAL SERVICES

December 6, 2021

MEMORANDUM

TO: Procurement Record

FROM: Procurement Officer

RE: RFP No. GOV-2022-01 re: Procurement of Professional Services to Provide the Government of Guam a Licensing and Permitting System

SUBJECT: Determination Regarding Need to Use Competitive Selection Procedures

STATEMENT OF FINDINGS:

1. This Determination of Need is issued pursuant to 5 GCA § 5249(e) and 2 GAR, Div. 4, §3114(c), which require a written Determination of Need justifying the use of competitive selection procedures.
2. The Office of the Governor is required to implement a system to automate its licensing and permitting, in order satisfy Government of Guam's line agency objectives of streamlining its processes and bringing the application process for the public online.
3. Implementing a permitting and licensing system require technical and specialized skills and experience, all of which is best done by a professional firm.
4. On behalf of the Government of Guam, the Office of the Governor (GOV) is seeking a vendor to provide a Licensing and Permitting System to the Government of Guam. The intent is to procure a configurable, scalable, system that can meet the current and future needs of the government.
5. The Government of Guam intends to use an existing system that is commercially available, and proven to operate effectively over time. This system should be from a Vendor who has demonstrated long-term viability as a company and a long-term commitment to customers through regular product enhancements and on-going support.
6. The Office of the Governor understands that even the most comprehensive and sophisticated solutions will require some configuration to meet the operational and regulatory requirements that are unique to the Government of Guam. Thus, the government seeks to procure the

professional services from a vendor that will provide a proven, effective, and carefully structured approach to implementation. In this context, implementation refers to all efforts required to provide a complete and functioning system and to prepare the Government of Guam to use it effectively. This includes technology and implementation planning, detailed design, interfaces, software integration, designing minimal software modifications, testing, training, data conversion, end user and technical documentation, project management, implementation change management, and post-implementation support.

7. The application process for new Guam business licenses and permits in scope are primarily manual and paper-based processes. This applies to both the applicant's and the internal processes. This makes those processes inefficient, and turnaround times less than ideal.
8. Land use, licensing, and permitting are often interdependent of each other. Having a system that is designed to both process new applications and validate and reference any licensing, clearances, or permits that are prerequisites to them would significantly simplify the processes both for the public and for internal Government staff assigned to them.
9. The line agency License and Permits the Government intends to bring online are as followed:

Agency Owner	Licenses and Permits
Department of Revenue and Tax (DRT)	Business License Application
	Clearing/Grading Permit
Department of Public Works	Building Construction Permit
	Building Occupancy Permit
Department of Land Management (Guam Seashore Protection, Guam Land Use Commission)	Zone Change, Split Zone, and Summary Zone Change, Zone Variance/Subdivision Variance
	Tentative and Final Development Plans
	Conditional Use Permit
Department of Public Health & Social Services	Sanitary Permit
Guam Fire Department	Activities, materials, use

10. A reasonable inquiry has been conducted, including requesting the personnel department to report on the availability of such personnel. On November 5, 2022, The Department of Administration determined that the Government of Guam Line Agencies do not have resources readily available to perform the services required under the proposed contract.

11. Therefore, the Office of the Governor needs the assistance of software developer or IT company, that can both supply the system and provide specialized resources to successfully bring the Government of Guam Business Licenses and Permit application processes online.
12. The Government of Guam is seeking vendors with extensive experience with transforming government licensing and permitting from their manual and paper-based processes to automated and digital processes.
13. Therefore, the Office of the Governor intends to issue an RFP to solicit services under a negotiated contract that allows a company to configure their commercially available License and Permit system for the Government of Guam because the in-house capabilities of the Government of Guam's line agencies do not have the specialized skillsets, competencies, and experience. Since the nature of the project requires specialized expertise and experience, it is more economical to engage these services by contract, and such a contract is in the public interest.
14. The estimated total cost over the life of this contract is \$1,351,000
15. Funding is available for this contract.

CONCLUSIONS:


1. The Chief of Staff has determined that the Office of the Governor has a need to acquire the services specified in 2 GAR, Div. 4, §3114(a).
2. The Office of the Governor finds that it is necessary to issue a Request for Proposals ("RFP") to obtain proposals from prospective companies to provide a configured Licensing and Permitting System to the Government of Guam that will result in the following:
 - A system that can successfully process and automate digital applications for Guam Business Licenses and applicable permits
 - Staff that is trained to use it. This includes the digital processing any clearances required to approve them.
 - The ability to concurrently review and process applications
 - Increased Government efficiency and quality of work
 - Faster turnaround times in application processing for permits and licenses which will result in companies opening and development/construction beginning faster.
 - Improved customer service from the Agencies issuing the Business Licenses and Permits in-scope
3. The Office of the Governor proposes to allow the vendor to provide implementation services for a minimum term of 12 months.

4. A contract will be prepared once negotiations with the successful offeror have concluded. Since the contract will require the offeror to carry out various responsibilities, including, but not limited to those listed below, proposals must indicate concurrence with paying the costs for and carrying out the major responsibilities listed below:

- Providing a business license and permit system with:
 - A public web portal for the public to submit applications
 - An internal system to process applications and manage licenses and permits once approved.
- Assessment of current business processes of GovGuam for business license applications and land use, building, sanitary, fire, and occupancy permits.
- Analysis of requirements and plan necessary customization, modification, and data conversion efforts.
- A customization plan and update internal Government of Guam licensing and permit processing procedures.
- Data conversion when applicable.
- Testing and demonstration of planned functionality using completed software.
- Testing and verification of acceptable performance levels at two times the anticipated initial volumes of data input, online access, and report generation. Tune system as needed.
- Performing any final activities necessary to complete implementation.
- Monitoring and support during the rollout of the system to the public.
- Go Live Support – The vendor will provide support and fix and system issues for the public and for any internal system tasks
- Engagement Project Management Deliverables.
- Source Documentation. In addition to the Assessment and the Strategic Plan, the Selected Respondent must provide all raw materials or Source Documentation used to draft the core deliverables of this engagement. This includes, but is not limited to, notes from interviews, survey results, product or service quotes, etc.
- The Selected Respondent must work with GovGuam to develop and maintain the following Project Management Deliverables related to this project during the course of the engagement:
 - Project Management Plan
 - Project Schedule
 - Project issues and Risk Logs
 - Weekly Project Status Reports

The proposed contract will leave room for open competition after a reasonable amount of time has passed under the circumstances.

5. The Office of the Governor has developed, and fully intends to implement, a written plan for utilizing these services, which will be included in the contractual statement of work.



Procurement Officer
Chief of Staff
Jon Junior M Calvo



UFISINAN I MAGA'HĀGAN GUĀHAN
OFFICE OF THE GOVERNOR OF GUAM

DETERMINATION TO USE MULTI-YEAR CONTRACT

12/6/2021

MEMORANDUM

TO: Procurement Record

FROM: Procurement Officer

RE: RFP No. GOV-2022-01 re: Procurement of Professional Services to Provide the Government of Guam a Licensing and Permitting System

SUBJECT: Determination regarding multi-year contracts pursuant to 5 GCA § 5327(b)

STATEMENT OF FINDINGS:

1. The Procurement Law provides at 5 GCA 5327(b) that prior to using a multi-year contract, the Government of Guam must make a written determination: (a) that the estimated requirements cover the period of the contract; (b) that the furnishing of long-term services is required to meet the Government's needs; and (c) that such contract serves the best interests of Guam by encouraging competition or by promoting economy in government procurement.
2. The Office of the Governor (GOV) intends to modernize the licensing and permitting process for line agencies by procuring a Licensing and Permitting System to automate the application process and digitally manage license and permit records. The intent is to procure a configurable, scalable, system that can meet the current and future needs of the government.
3. Professional services will be required since some configuration and customization are necessary to meet the operational and regulatory requirements that are unique to the Government of Guam. This will involve technology and implementation planning, detailed design, interfaces, software integration, designing minimal software modifications, testing, training, data conversion, end user and technical documentation, project management, implementation change management, and post-implementation support.

4. The line agency License and Permits the Government intends to bring online are as followed:

Agency Owner	Licenses and Permits
Department of Revenue and Tax (DRT)	Business License Application
Department of Public Works	Clearing/Grading Permit
	Building Construction Permit
	Building Occupancy Permit
Department of Land Management (Guam Seashore Protection, Guam Land Use Commission)	Zone Change, Split Zone, and Summary Zone Change, Zone Variance/Subdivision Variance
	Tentative and Final Development Plans
	Conditional Use Permit
Department of Public Health & Social Services	Sanitary Permit
Guam Fire Department	Activities, materials, use

5. The professional or professional firm selected will gain unique and invaluable knowledge and experience during its first year of the contract which will serve the Government best if the professional or professional firm is able to repeat the performance of its services to the government of Guam.

6. Competition will be fostered by use of a multi-term contract, because firms which are not willing or able to compete because of the high start-up costs or capital investment in the project will be encouraged to participate in the competition when they are assured of recouping such costs during the period of contract performance.

7. If the contract with the selected professional or professional firm is for more than one year, the Office of the Governor will not have to conduct a procurement for the services annually, which can be a protracted and expensive undertaking; therefore, the cost and burden of contract solicitation, award, and administration of the procurement may be reduced.

STATEMENT OF CONCLUSIONS:

1. The Office of the Governor has determined that scope and scale of this project will require a time frame that will surpass a full fiscal period.

2. The Office of the Governor determines that the vendor or firm selected will be contracted for minimum period of 12 months. These estimated requirements cover the period of the contract and are required to meet the Government's needs for the project.
3. The Office of the Governor determines that special production of definite quantities or the furnishing of long-term services are required to meet territorial needs; and a multi-term contract will serve the best interest of the territory by encouraging effective competition or otherwise promoting economies in territory procurement.
4. The Office of the Governor determines that a multi-term contract with the selected professional or professional firm will best serve the Government's needs by encouraging effective competition and allowing the selected professional or professional firm to absorb high start-up costs and ensure that a sufficient amount of time is available for testing, post implementation support and training.
5. The Office of the Governor also determines that the offer of a multi-term contract best serves the Government's needs to ensure that the transition to automated processes for its' business license and permits are done correctly, and that the system is proven and tested sufficiently before it is rolled out to the public.
6. The Office of the Governor also determines that a multi-year contract best serves the Government's needs because it will promote economy in the Government's procurement for this project and save the line agencies of the Government of Guam time, labor, and other precious resources by avoiding unnecessary or duplicative procurements for these professional services annually, and the cost and burden of contract solicitation, award, and administration of the procurement will be reduced.



Procurement Officer

Jon Junior M Calvo

Chief of Staff, Office of the Governor

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HĀGAN GUĀHAN
OFFICE OF THE GOVERNOR OF GUAM

DETERMINATION TO USE INSTALLMENT PAYMENTS

MEMORANDUM

TO: Procurement Record
FROM: Procurement Officer
DATE: 12/6/21
RE: RFP No. GOV 2022-01
re: Procurement of Professional Services to Provide the Government of Guam a Licensing and Permitting System
SUBJECT: Determination to Use Installment Payments

STATEMENT OF FINDINGS:

1. This Determination for Installment Payments is issued pursuant to 2 GARR, Div. 4, § 3106, which requires written determination when a proposed contract solicitation will allow installment payments.
2. It is in the Office of the Governor's best interest to offer progressive installment payments for this particular project. This type of payment is offered to achieve economy and not to avoid budgetary restraints. The Chief of Staff has ensured that statutory or other prohibitions are not violated by use of installment provisions and that all budgetary, funding, or other required prior approvals are obtained.

I have caused this determination to be placed within the procurement file for solicitation

Jon Junior M Calvo
Chief of Staff, Office of the Governor



UFISINAN I MAGA'HĀGAN GUĀHAN
OFFICE OF THE GOVERNOR OF GUAM

DETERMINATION TO USE MULTI-YEAR CONTRACT

12/6/2021

MEMORANDUM

TO: Procurement Record

FROM: Procurement Officer

RE: RFP No. GOV-2022-01 re: Procurement of Professional Services to Provide the Government of Guam a Licensing and Permitting System

SUBJECT: Determination regarding multi-year contracts pursuant to 5 GCA § 5327(b)

STATEMENT OF FINDINGS:

1. The Procurement Law provides at 5 GCA 5327(b) that prior to using a multi-year contract, the Government of Guam must make a written determination: (a) that the estimated requirements cover the period of the contract; (b) that the furnishing of long-term services is required to meet the Government's needs; and (c) that such contract serves the best interests of Guam by encouraging competition or by promoting economy in government procurement.
2. The Office of the Governor (GOV) intends to modernize the licensing and permitting process for line agencies by procuring a Licensing and Permitting System to automate the application process and digitally manage license and permit records. The intent is to procure a configurable, scalable, system that can meet the current and future needs of the government.
3. Professional services will be required since some configuration and customization are necessary to meet the operational and regulatory requirements that are unique to the Government of Guam. This will involve technology and implementation planning, detailed design, interfaces, software integration, designing minimal software modifications, testing, training, data conversion, end user and technical documentation, project management, implementation change management, and post-implementation support.

4. The line agency License and Permits the Government intends to bring online are as followed:

Agency Owner	Licenses and Permits
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Department of Public Works	Clearing/Grading Permit
	Building Construction Permit
	Building Occupancy Permit
Department of Land Management (Guam Seashore Protection, Guam Land Use Commission)	Zone Change, Split Zone, and Summary Zone Change, Zone Variance/Subdivision Variance
	Tentative and Final Development Plans
	Conditional Use Permit
Department of Public Health & Social Services	Sanitary Permit
Guam Fire Department	Activities, materials, use

5. The professional or professional firm selected will gain unique and invaluable knowledge and experience during its first year of the contract which will serve the Government best if the professional or professional firm is able to repeat the performance of its services to the government of Guam.

6. Competition will be fostered by use of a multi-term contract, because firms which are not willing or able to compete because of the high start-up costs or capital investment in the project will be encouraged to participate in the competition when they are assured of recouping such costs during the period of contract performance.

7. If the contract with the selected professional or professional firm is for more than one year, the Office of the Governor will not have to conduct a procurement for the services annually, which can be a protracted and expensive undertaking; therefore, the cost and burden of contract solicitation, award, and administration of the procurement may be reduced.

STATEMENT OF CONCLUSIONS:

1. The Office of the Governor has determined that scope and scale of this project will require a time frame that will surpass a full fiscal period.

2. The Office of the Governor determines that the vendor or firm selected will be contracted for minimum period of 12 months. These estimated requirements cover the period of the contract and are required to meet the Government's needs for the project.
3. The Office of the Governor determines that special production of definite quantities or the furnishing of long-term services are required to meet territorial needs; and a multi-term contract will serve the best interest of the territory by encouraging effective competition or otherwise promoting economies in territory procurement.
4. The Office of the Governor determines that a multi-term contract with the selected professional or professional firm will best serve the Government's needs by encouraging effective competition and allowing the selected professional or professional firm to absorb high start-up costs and ensure that a sufficient amount of time is available for testing, post implementation support and training.
5. The Office of the Governor also determines that the offer of a multi-term contract best serves the Government's needs to ensure that the transition to automated processes for its' business license and permits are done correctly, and that the system is proven and tested sufficiently before it is rolled out to the public.
6. The Office of the Governor also determines that a multi-year contract best serves the Government's needs because it will promote economy in the Government's procurement for this project and save the line agencies of the Government of Guam time, labor, and other precious resources by avoiding unnecessary or duplicative procurements for these professional services annually, and the cost and burden of contract solicitation, award, and administration of the procurement will be reduced.



Procurement Officer

Jon Junior M Calvo

Chief of Staff, Office of the Governor

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

DATE: December 13, 2021
TO: Frank Lujan, Chief Information Officer, Office of Technology
FROM: Chief of Staff, Office of the Governor
SUBJECT: The Government of Guam Licensing and Permitting System Project Proposal

Hafa Adai,

Pursuant to 5 GCA § 12.108, I am hereby submitting the project proposal for the Government of Guam Licensing and Permitting System on behalf of the Government of Guam. The attached proposal is for your review, input, and approval.

Please feel free to contact me if you have any questions or concerns.

Sincerely,

Jon Junior M Calvo
Chief of Staff, Office of the Governor

Business License and Permit System Project Proposal

I. Business Case Plan with Cost Benefit Analysis

Currently the Government of Guam's Line Agency application processes related to land use, permitting and business licenses are manual and paper intensive. This applies to both the applicant's (public's) and the internal government processes. This makes those processes inefficient, and turnaround times less than ideal.

Land use approvals, licensing, and permitting are often interdependent of each other. For example a business licenses for a certain type of business may depend on the land use or zoning of the property the business will conduct business, or a building permit will require the proper zoning before it can be approved. Having a system that is designed to process new applications and automate the internal review, clearances and routing of those applications would significantly simplify the process both for everyone and increase the efficiency and quality of work for the Government Agencies responsible for them.

Despite the pandemic, Guam is seeing a surge in development, and this trend should continue for the next 4 to 5 years. This makes it imperative for the Government to support businesses and individuals involved with these developments. Streamlining the land use, business license, and permitting processes through automation would be the best way to do this. Delays related to the approval process for these applications delay economic activity, and the island of Guam cannot afford this. Especially since these projects are critical to Guam's Economic recovery.

Due to the pandemic, local funds were not available to procure a system. To address this, the Office of the Governor requested to allocate \$1,500,000 of it's TAP Covid-19 award to fund a business licensing and permit system. Of that \$1.5M, \$1,35M is dedicated to procure a commercially available system from a vendor that can also provide professional services to configure, test, train, and support the Government of Guam.

II. Business Process Analysis

A business process analysis has been conducted by both the Guam Permit Taskforce, the BLPC Government Agencies, and by the Bureau of Statistics and Plans. In addition to this analysis, the Bureau of Statistics and Plans produced the Guidebook for Development Requirements, that details the current processes for the public and for Government agencies that are involved.

<https://bsp.guam.gov/guam-development-guidebook/>

III. System Requirements

- A. The Government of Guam line agencies intend to procure a system that is commercially available for land management and planning, permitting, and licensing. Once configured, the system shall fulfill the following requirements at a minimum:
- i. **Permitting.** Administer and issue a variety of permit types and account for all appropriate fees.
 - ii. **Licensing.** Process applications, administer and issue business licenses
 - iii. **Process Automation:** automated workflows, intelligent routing, and concurrent application review by multiple departments. Notifications should be included throughout the licensing and permitting process for both public users and department users. This includes notifications instructing internal users and public users to take specific actions, providing status updates to public users, and providing confirmation of completion for the various steps.
 - iv. **Electronic Plan Review:** Functionality to allow both the public and the agencies to upload documents or digital plans. Upon upload the agencies should have the ability to comment and markup plans for revisions, and submit approvals. This function should also include version control where changes are tracked and annotated.
 - v. **License, Permit, and Clearance Integration:** Allow for the linking of other applications or existing licenses, permits, or clearances where the permit or license is interdependent of them e.g. The Business License Track of new Sanitary Permit issuance
 - vi. **Inspection tracking and scheduling.** Allow automatic creation of specific inspection types based on permit applications. Provide calendaring functionality that allows creation of a daily schedule from inspection requests. Allow real time inspection results to be available to all users including via e-mail to the permit holder.
 - vii. **Digital License, Permit, Notice and Clearance Document Generation:** the solution should have the ability to generate digitally signed License, Permit, Notice and Clearance PDFs.
 - viii. **Searching.** The solution must be searchable by multiple data fields including, but not limited to, address, tax map number, applicant, business name (dba), permit number, and business license number.
 - ix. **Reporting.** The solution must generate reports using combinations of the data elements.
 - x. **Land management and tracking.** Ability to manage permits and licenses based on Guam Land PINs (Parcel Identification Number), addresses, zoning, code and geographic areas.
 - xi. **Mobile usage.** View, schedule and modify inspections and record notes while in the field from mobile devices (e.g. tablets and/or cell phones). The solution must be compatible with iOS, Android, and Windows operation systems.
 - xii. **GIS integration.** Provide the ability to integrate permitting and licensing with the existing GovGuam ESRI GIS systems based upon regularly updated land pins.
 - xiii. **Internal user management.** Solutions must allow for administrative users and plan review/inspection users with an ability to easily control user access.
 - xiv. **Long-term archiving.** All records (digital documents, non-financial transaction

data, etc.) produced should be able to be maintained and easily distributed, during and after transactions are finished, as long as required by law and GovGuam department regulations or internal policies.

B. Public Facing Requirements

- i. **Public Portal.** Ability to provide a public portal for applicants to view licensing and permitting or other ancillary information handled by the solution. The online application must include the following parts:
 - 1. Application submittal
 - 2. Status of application or clearances associated with the application
 - 3. Compute and pay fees
 - 4. Request inspections
 - 5. View inspection results
 - 6. Ability to easily link and search permits
 - 7. Ability to view, print, and download approved and paid permits, licenses and clearances.
 - 8. Allow the public user to view and manage multiple license applications, permits, or land use applications.

- ii. **Application workflow.** Provide a workflow status that is clear to both public and internal users.

- iii. **Payment processing.** Software must facilitate online payment processing through a secure third party

C. System Users

Several agencies are expected to utilize the Licensing and Permit System. Those agencies are listed below. Please refer to the appendix to the processes and forms the Government of Guam intends to automate through this project:

License and Permit Application Owners and Clearance Users	Autonomous Agency Users (For Clearance Purposes)
Department of Revenue and Tax (DRT) Guam Environmental Protection Agency Department of Public Works Department of Agriculture Department of Land Management Guam Land Use Commission (DLM) The Guam Historic Resources Division Department of Parks and Recreation	Guam Power Authority Guam Waterworks Authority

Department of Public Health & Social Services Professional Engineers, Architects and Land Surveyors (PEALS) Board Contractor's License Board Guam Fire Department Bureau of Statistics and Plans	
--	--

D. Licenses And Permits In Scope

The License and Permit System should support a full range of types. The Government Agencies and their respective Licenses and Permits that the solution applies to shall include the following:

Agency Owner	Licenses and Permits
Department of Revenue and Tax (DRT)	Business License Application
Department of Public Works	Clearing/Grading Permit
	Building Construction Permit
	Building Occupancy Permit
Department of Land Management Guam Seashore Protection Guam Land Use Commission	Zone Change, Split Zone, and Summary Zone Change, Zone Variance/Subdivision Variance
	Tentative and Final Development Plans
	Conditional Use Permit
Department of Public Health & Social Services	Sanitary Permit
Guam Fire Department	Activities, materials, use

E. Inspections And Clearances

The system should include all internal clearance forms and inspection checklists applicable to business license applications, building permit, and occupancy permits. The internal forms and checklists apply to the following departments:

- Department of Revenue and Taxation (DRT)
- Guam Environmental Protection Agency (GEPA)
- Department of Public Works (DPW)
- Department of Agriculture (DoAg)
- Department of Land Management (DLM)
- Guam Land Use Commission (GLUC-DLM)
- The Guam Historic Resources Division Department of Parks and Recreation
- Department of Public Health & Social Services
- Professional Engineers, Architects and Land Surveyors (PEALS) Board
- Contractors' License Board
- Guam Fire Department

IV. Proposed development plan and project management structure

As part of the Scope of Work are Engagement Project Management Deliverables.

The Selected offeror must work with GovGuam to develop and maintain the following Project Management Deliverables related to this project during the course of the engagement.

- Project Management Plan
- Project issues and Risk Logs
- Weekly Project Status Reports

The selected offeror will also be expected to provide implementation services to:

1. Assess current business processes of GovGuam for business license applications and land use, building, sanitary, fire, and occupancy permits.
2. Analyze requirements and plan necessary customization, modification, and data conversion efforts.
3. Execute customization plan and update internal Government of Guam licensing and permit processing procedures.
4. Create any required data conversion software.
5. Test and demonstrate planned functionality using completed software.
6. Test and verify acceptable performance levels at two times the anticipated initial volumes of data input, online access, and report generation. Tune system as needed.
7. Perform any final activities necessary to complete implementation
8. Begin operational use of new system.
9. After implementation, tune system as needed.

V. Business goals and measurement criteria

The business goals for this project will include:

- Processing a majority of the applications for land use, business licenses and permits online
- Improve turn around times for applications, reviews and any necessary reviews
- Increase efficiency at the department level but also between the departments responsible for reviews, inspections, clearances and approvals.

The primary metric for measuring the success of this project will be the time in which applications will be processed. It is assumed that document control and management, and streamlined processing and workflow will be a result of the automation, so the transition from paper based processes will be a significant improvement immediately seen once a system is successfully deployed.

VI. Proposed resource or funding plan

This project is already funded through Guam's Technical Assistance Program (TAP) COVID-19 grant awarded to the Governors Office. The Department of Interior approved \$1.5 million of the \$12 million awarded to Guam for the procurement of a business license and permit system, and for any other associated costs. This includes hardware for the agencies to use the system, servers (if necessary), bid advertisements, and for the professional services contract associated with the system.

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HĀGAN GUĀHAN
OFFICE OF THE GOVERNOR OF GUAM

MEMORANDUM

TO: Chief Information Officer, Office of Technology (OTECH)
FROM: Chief of Staff, Office of the Governor
SUBJECT: Procurement of Professional Services for Request for Proposal GOV 2022-001

Hafa Adai! Pursuant to 5 GCA § 12.110, I am hereby submitting the draft Request for Proposals (RFP) to procure Professional Services to Provide Professional Services for the Government of Guam a Licensing and Permitting System on behalf of Office of the Governor. The attached draft RFP is submitted for your review and evaluation of the suitability of the information technology and telecommunications equipment and related services contained in the Scope of Services section of the RFP.

Although the Office of Technology has ten (10) calendar days to provide its comments or recommendations for the information technology and telecommunications equipment and related services contained in the Scope of Services for the RFP, please respond as soon as possible to this request.

Time is of the essence for the issuance of this RFP pursuant to the terms of the federal funding for the project. Also, the Scope of Services for this RFP is nearly identical to the Scope of Services that was part of the Project Proposal previously submitted to you as required under 5 GCA § 12.108. Finally, the information technology and telecommunications equipment and related services contained in the Scope of Services are mandated by the terms and conditions of Federal Award/Contract No. D20AP00048/TAP COVID-19, such that this project should not require an additional lengthy review.

Should you have any questions, please feel free to contact me at (671) 472-8931 or by email at jon.calvo@guam.gov. Thank you for your time and attention to this submission.

A handwritten signature in blue ink, appearing to read "Jon Junior M Calvo".

Jon Junior M Calvo
Chief of Staff, Office of the Governor
Director

Attachment: Draft Request for Proposals, RFP GOV 2022-001



OFFICE OF TECHNOLOGY
(UFISINAN TEKNOLOGIA)
GOVERNMENT OF GUAM
(GUBETNOMENTON GUAHAN)

Post Office Box 884 • Hagåtña, Guam 96932



Lourdes A. Leon Guerrero
Governor

Joshua F. Tenorio
Lieutenant Governor

Frank LG Lujan, Jr
Chief Technology Officer

Beatrice A Santos
Data Processing Manager

January 20, 2022

MEMORANDUM

To: Chief of Staff, Office of the Governor
From: Chief Technology Officer
Subject: The Government of Guam Licensing and Permitting System Project Proposal

Buenas yan Háfa Adai!

After careful review of the 94-page proposal document RFP2022 001, pursuant to 5 GCA Chapter 1 § 12.108 (a) (b), please use this memo as my approval to move forward with the efforts to procure a cloud-based business license and permitting solution with the recommended modifications made to the attachments included with this memorandum.

Please let me know if you have any questions or concerns.

Senseramente,

Frank LG Lujan, Jr.
Chief Technology Officer

Attachment: via email

1. Word document - 22012 GOV RFP 2021-1 OTECH DRAFT BLPC Ver 1.1.docx
2. PDF - 22012 GOV RFP 2021-1 OTECH DRAFT BLPC Ver 1.1.pdf

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HĀGAN GUĀHAN
OFFICE OF THE GOVERNOR OF GUAM

Procurement of Professional Services for the Government of Guam Licensing and
Permitting System

Request for Proposal: GOV RFP 2022-001

Request for Proposal: GOV RFP 2022-001

ISSUED BY:	Office of the Governor 513 West Marine Corps Drive Ricardo J. Bordallo Governor's Complex Hagatna, Guam 96910
PROPOSAL NO:	RFP-GOV-2022-01
ISSUE DATE:	December 15, 2021
DEADLINE:	Chamorro Standard Time

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Office of the Governor
513 West Marine Corps Drive
Ricardo J. Bordallo Governor's Complex
[Hagatna Hagåtña](#), Guam 96910

Office of the Governor Division:
Guam State Clearinghouse

Section I. INSTRUCTIONS TO OFFERORS

A. TABLE OF CONTENTS OF INSTRUCTIONS TO OFFERORS

These Instructions to Offerors contain the following lettered paragraphs:

Table of Contents of Instructions to Offerors

- B.A. Purpose
- C.B. Type of Contract to be Offered and Term
- D.C. Installment Payments
- E.D. Request for Proposals Package and Forms
- F.E. Submission of Proposals and Due Date
- G.F. Pre-Proposal Conference/Site Visit
- H.G. No Pre-Proposal Discussions with Offerors
- I.H. Questions/Communications with Offerors Prior to Proposal Submission and Single Point of Contact
- J.I. Other Communications
- K.J. Offeror Presentations with Product Demonstration
- L.K. Proposal Format and Content
- M.L. Plan for Performing the Services
- N.M. Ability, Qualifications, Experience, and Quality of Personnel, IT Systems, Equipment, and Facilities
- O.N. Availability and Capacity of Offeror to Perform
- P.O. Offeror's Record of Performance on Similar Projects
- Q.P. Offeror's General Experience and General Past Performance
- R.Q. Age and Size of Offeror's Business
- S.R. Quality of Offerors ~~Commercial~~ Product Demonstration
- T.S. Evaluation Factors for Proposals
- U.T. Request for Non-Disclosure of Confidential Data
- V.U. Multiple, Alternate, or Late Proposals
- W.V. All or None Proposals
- X.W. Amendments to Request for Proposals
- Y.X. Price Proposals
- Z.Y. Cost or Pricing Data and Certification of Cost or Pricing Data [must be used if RFP is more than \$100,000]
- AA.Z. Status of Funding and Compliance with Funding Terms and Conditions
- BB.AA. Wage and Benefit Requirements
- CC.BB. Subcontractors
- DD.CC. Conflicts of Interest
- EE.DD. Disclosure of Major Shareholders
- FF.EE. Project Manager

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source. Any Renewal Term shall not be subject to ~~negotiation, but~~negotiation ~~but~~ shall be a continuation of the contract on the same terms, conditions, and pricing as in effect under the existing contract. All Renewal Terms are subject to the availability of additional funds.

3. Negotiated Extension Terms. At the sole option of the Office of the Governor, and upon satisfactory performance by the Contractor, the contract may be extended for any number of time period(s) determined to be in the best interests of the government of Guam, for a total of up to one (1) additional year (each being a "Negotiated Extension Term") for the purposes of providing any additional services or deliverables required by the U.S. Department of Interior, Office of Insular Affairs under Federal Award No. D20AP00048/TAP COVID-19.
4. No Cost Extension Terms. Any resulting contract is subject to the availability of funds under Federal Award No. D20AP00048 / TAP COVID-19. Should the awarded Contractor require additional time to complete any contract objectives, for good cause, and at the sole option of the Office of the Governor, the resulting contract may be extended for Extension Term of up to 6 months, as approved by the U.S. Department of Interior, Office of Insular Affairs with no additional obligation of any funds by Office of the Governor (each being a "No Cost Extension Term"). If the Office of the Governor selects to extend the contract, the Extension Term shall be exercised by the Office of the Governor in accordance with the applicable terms and conditions of 2 CFR Part 200 and any applicable terms and conditions of the Federal Award. The exercise of any No Cost Extension Term shall be documented through the execution of a written determination signed by the Procurement Officer and placed in the contract file prior to the end date of the period of performance of the Federal Award.

All Renewal Terms or No Cost Extension Terms are subject to the availability of funds. In no case shall any extensions or renewal to extend the total term of the contract beyond five (5) years. Unless cancelled for lack of funds, terminated, renewed, or extended prior to expiration, the contract shall expire at the end of the Initial term or at the end of any subsequent Renewal Term, any subsequent Negotiated Extension Term, or any No Cost Extension term exercised by the Office of the Governor.

A. PURPOSE

The Office of the Governor (GOV) is issuing this Request for Proposals (RFP) because it is seeking an experienced and qualified Offeror to provide professional Information Technology services ("Services") for the Government of Guam Licensing and Permitting System project ("Project"). The issuance of this RFP in no way constitutes a commitment by The Office of the Governor to award a contract.

The purpose of this RFP is to solicit proposals from a qualified entity, including off-island entities, to provide a Licensing and Permitting System to the Government of Guam. The intent is to procure a configurable, scalable, system that can meet the current and future needs of the government.

The Government of Guam intends to use an existing system that is available and proven to operate effectively over time. This system should be from a Vendor who has demonstrated long-term viability as a company and a long-term commitment to customers through regular product enhancements and on-going support.

members under Paragraph M, and exhibits) [NOTE: this number must match/include the total page limit set for each Paragraph]. See the Proposal Format and Content provisions for full instructions and minimum requirements for the content of the Proposal.

By submitting a Proposal in response to this solicitation, the Offeror agrees to accept and comply with the terms and conditions included in the attached sample contract, the terms and conditions incorporated in this RFP, and to be bound by all applicable federal law, the terms and conditions of any funding source, Guam's Procurement Law, and the Guam Procurement Rules and Regulations

The Offeror further agrees that the Proposal offer shall remain open and firm, and may not be withdrawn for one-hundred eighty (180) days after the conclusion of discussions. In no case will failure to inspect or review constitute grounds for a claim or for the withdrawal of a Proposal after opening. Proposals conditioned upon receiving award of both the contract being solicited in this RFP and another contract will be rejected as non-responsive.

Proposals must be received not later than Day of Friday, January 29, 2022 at 4:00 p.m., Chamorro Standard Time (C.S.T.). Proposals received after the closing time for receipt will not be considered. Office hours for receipt of Proposal are Monday through Friday (excluding Government of Guam Holidays), 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m. Proposals must be hand delivered, delivered by mail, or delivered by other courier service to:

Commented [Ms(1)]: Will update based on announcement date

Mailing Address:	Office of the Governor 513 West Marine Corps Drive, Ricardo J. Bordallo Governor's Complex, Hagatna, Guam 96910
Physical Address:	Office of the Governor 513 West Marine Corps Drive, Ricardo J. Bordallo Governor's Complex, Hagatna, Guam 96910

Each Offeror submitting a Proposal for any portion of the work covered by the RFP, the Proposal, or the Proposal Documents shall execute all required affidavits and certification forms, in the form provided with this RFP. Such affidavits and certification forms shall be attached to the Proposal. Any forms that are required to be notarized must be notarized no more than thirty (30) days prior to submission of the Proposal. Failure to submit all required forms may result in rejection of the Proposal.

G.E. PRE-PROPOSAL CONFERENCE/SITE VISIT

Office of the Governor may, at its discretion, conduct a pre-Proposal conference in accordance with 2 GAR Div 4. § 3114(g). In the event a pre-Proposal conference is scheduled, Office of the Governor will announce the time and place of the conference to all prospective offerors that have registered their contact information with the agency.

H.F. NO PRE-PROPOSAL DISCUSSIONS WITH OFFERORS

permitted in accordance with 2 GARR, Div. 4 § 3114(i) and/or 2 GARR, Div. 4 § 3116. (See also General Terms and Conditions, Clarification/Discussion of Proposals.)

Direct or indirect contact or communication concerning this RFP with any other Office of the Governor employees, other employees or representatives of the government of Guam who are participating in the solicitation process, or any other person participating in the solicitation process is strictly prohibited at all times during the solicitation process and prior to award of the contract, unless such contact or communication is specifically authorized by Guam's Procurement Law and Guam's Procurement Rules and Regulations.

K.I. OFFEROR PRESENTATIONS WITH PRODUCT DEMONSTRATION

Offerors will be allowed to make demonstrations of their system that is commercially available to the Evaluation Team, after submission of the Proposals. Key management and technical personnel will be expected to participate in presentations. No more than three (43) personnel shall be allowed to conduct the presentation in two (2) hours or less. The presentation shall demonstrate the Offeror's ~~commercial~~ product's ability to fulfill the requirements described in the RFP's Scope of Services, and Services and provide examples of what their product offers ~~out of the box~~.

The offeror will make their demonstrations virtually.

For the virtual presentations the Office of the Governor will use their ZOOM virtual meeting account. The offerors demonstration will be recorded for the procurement record and serve as part of their presentation submission .

No other materials, items, promotional materials, products, or similar items may be submitted, given, or provided to GOV or the GOV Evaluation Team by any Offeror at any time before, during, or after the formal presentations, and at any time prior to contracting. (Please also see the Prohibition of Gratuities, Kickbacks, and Favors in Section II, General Terms and Conditions, Paragraph I of this RFP.)

Offeror Presentations are tentatively scheduled for **(BASED ON PROCUREMENT ANNOUNCEMENT DATE AND SCHEDULE)**. All Offerors who submit a Proposal and register their contact information with GOV for this RFP will be notified of the exact date, time, and virtual meeting information to conduct their presentations.

L.J. PROPOSAL FORMAT AND CONTENT

Facsimile or E-mail submission of written Proposals will be accepted. If submitting a Proposal by e-mail, the subject line of the e-mail transmission shall contain the Offeror's name and the name of Offeror's authorized representative, along with the following caption: "Proposal for Government of Guam Licensing and Permitting System Upgrade System-No. GOV 2022-001".

If submitting a hard copy, Offerors shall submit their written Proposals and Proposal Documents in a sealed envelope to include one (1) original and five (5) copies. The outer envelope shall be marked in bold letters: "Proposal for Government of Guam Licensing

- A statement of the availability and capacity of the Offeror to perform the Services under this RFP;
- A listing of other contracts under which services similar in scope, size, or discipline were performed;
- A listing of any other contracts under which any services were performed within the last five (5) years; and
- A statement addressing any other factors deemed relevant to the RFP and stated as evaluation factors herein.

All Proposals must contain a concise narrative including a statement of qualifications addressing the aforementioned bulleted items, the evaluation criteria set forth in this solicitation, and information described in the Scope of Services. All costs associated with preparation of a Proposal in response to this RFP shall be solely the Offeror's responsibility. The Office of the Governor shall not be liable for any costs incurred by a potential Offeror in connection with this RFP. By submitting a Proposal, the Offeror expressly waives any right it may have against the Office of the Governor for any expenses incurred in connection with the preparation of its Proposal, unless otherwise entitled to such expenses by law.

All Proposals should follow and address each of the evaluation criteria and must be complete as to the requested information. Failure to follow the prescribed format or omission of required information may result in a lower score on evaluation and may result in rejection of the Proposal. Supporting graphical information, i.e., photos, drawings, illustrations may be provided to support the information given in the Proposal; such material will not be separately evaluated, but may be utilized as supporting documentation.

Price Proposals shall be submitted simultaneously with the written Proposal. The Price Proposal shall be submitted in another sealed envelope, separate from the written proposal. The outer envelope shall be marked in bold letters, "Price Proposal for Professional Services for the Government of Guam Licensing and Permitting System project, Request for Proposal: GOV RFP 2022-001." The envelope shall also be marked with the Offeror's name and the name of Offeror's authorized representative.

Cost or Pricing Data will be required from any Offeror selected to conduct contract negotiations, to be submitted prior to the negotiations. A Certification of the Cost or Pricing Data will also be required from the Offeror with whom a successful contract is negotiated. The Cost or Pricing Data and/or Certification of the Cost or Pricing Data shall be separately requested by Office of the Governor when required. Neither the Cost or Pricing Data nor a Certification of the Cost or Pricing Data shall be submitted with the Offeror's Proposal.

The following is a listing of all Proposal Documents that must be completed, signed and/or notarized if required, and included in the envelope with the written Proposals:

- Cover letter referencing RFP-GOV-2022-001 which lists the contents of the Proposal and all required information about the Offeror, as set forth in this Paragraph
- Offeror's Proposal addressing all informational items and factors required in the RFP

experience with other similar projects and any unique aspects of the Government of Guam's situation. This description should address configuration management, change orders, software quality assurance, and resources to respond to unanticipated conditions without delaying implementation beyond the proposed implementation date.

- Process Improvements / Adjustments

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In implementing the Government of Guam Licensing and Permitting System, the Government of Guam is willing to consider modifying its own internal processes to take advantage of system features it considers valuable.

Because it is very important for the Government of Guam to understand how flexible the system will be in allowing customization to fit the Government of Guam's best practices and needs, vendors should describe and demonstrate their proposed solution's ability to be flexible and be customized to fit established processes and reporting needs. Vendors should also describe any available capabilities to assist the Government of Guam to improve its internal procedures to take advantage of operational features of the proposed software product.

N.L. ABILITY, QUALIFICATIONS, EXPERIENCE, AND QUALITY OF PERSONNEL, IT SYSTEMS, AND FACILITIES

As part of the written Proposal, Offerors shall submit the qualifications and a brief work history of the identified personnel to be assigned to the Project, addressing, in particular, any proposed Project Manager and core Project staff or Key Personnel. The work history and qualifications shall not exceed (3) three pages per staff member. The Offeror shall also submit a detailed, but brief description of the following:

- Provide a Project Organizational Chart of designated or key personnel to be assigned to this Project with identification of their project roles and description of their area of responsibilities and the location of their office.
- Identify the Project principal, Project manager, assistant Project manager, key staff, subcontractors, and their qualifications and experience as it relates to this Project.
- List the Project Team, key personnel, and/or subcontractor experience on similar projects.
- Quantify the time commitment of key personnel or team members during the Project life cycle.
- Unique qualifications of key personnel or team members.
- Qualifications and relevant individual technical training, education, and experience including degree(s), year and discipline, and active registrations and licenses with number and jurisdiction. Include the description of the specific role performed by each individual on each project listed, highlighting projects of similar size and scope where the individual's role is similar to his/her role on this Project.
- Provide a detailed description of the resources, equipment, and facilities that are currently available to perform the Services or can be demonstrated to be available to perform the services at the time of contracting.

shall provide its past performance record on similar projects and that are intended to automate and streamline ~~Adult Correctional Agencies and Jails~~ Business License and Permit projects.

The offeror should demonstrate a track record of effective planning, scheduling and on-time delivery, and successful performance on its projects. Offeror should also demonstrate a track record of teamwork, cooperation, fair dealing, client service, and relationships of mutual trust and confidence. Emphasis should include the quality of work and timeliness of delivery. The submittal shall not exceed four (4) pages.

The Proposal shall include:

- A list of projects similar in scope and with emphasis on experience in systems for Business License and Permit ~~Adult Correctional Facilities and detention~~ centers.
- The list shall identify project name, project description, location, client references including contact name, address and telephone number, completion date, project budget, project role, type of services provided highlighting work performed similar in scope, and other pertinent information.
- A list of the Offeror's record of cost performance on these projects (i.e., original contract award amount versus final contract cost) and explain any cost deviations.
- A list of the Offeror's record of schedule performance (list original schedule versus final completion date) and explain any schedule deviations.
- A history of performance on projects similar in scope to this RFP that the Offeror was involved with over the past five (5) years. This description of Offeror's performance history should demonstrate Offeror's teamwork, cooperation, fair dealing, client service, and establishment of relationships of mutual trust and confidence.

Q.O. OFFEROR'S GENERAL EXPERIENCE AND PAST PERFORMANCE

As part of the written Proposal, the Offeror is required to provide proof to the Office of the Governor that it has delivered a quality work product in a majority of its areas of work and projects. The Office of the Governor is interested in Offeror's overall experience on Guam, other U.S. Territories, and the fifty (50) states. The Offeror shall provide its past performance record on any projects performed in the last five (5) years, for all projects which are not encompassed by the list required in the previous Paragraph. Offeror should demonstrate a track record of effective planning, scheduling and on-time delivery, and successful performance on its projects. Offeror should also demonstrate a track record of teamwork, cooperation, fair dealing, client service, and relationships of mutual trust and confidence. Emphasis should include the quality of work and timeliness of delivery. **This submittal shall not exceed three (3) pages.**

The Proposal shall include:

- A list of all projects performed in the **last five (5) years**, which are not included in the list required in the paragraph above for similar projects. This list shall identify project name, project description, location, client references including contact name, address and telephone number, completion date, project budget, project role, type of services provided highlighting work performed and other pertinent information.

<p>Ability, Qualifications, Experience, and Quality of Personnel, Equipment, and Facilities: Specialized experience and qualifications of designated Project personnel to perform the Services, as reflected by technical training and education, general experience, specific experience in providing the Services, and the qualifications and abilities of personnel proposed to be assigned to perform the Services. Specialized benefits and/or quality of the Offeror's resources, equipment, and/or any facilities Offeror intends to utilize to perform the Services.</p>	20 Points
<p>Availability and Capacity of Offeror: The Offeror's current capacity to successfully apply its skills and resources to perform and complete the Services on time and within budget at a level of quality expected by The Office of the Governor. This includes an evaluation of the resources, personnel, facilities, and equipment currently available to perform the Services or demonstrably available at the time of contracting, and an evaluation of the Project Organizational Chart to complete the Services.</p>	155 Points
<p>Offeror's Record of Past Performance on Similar Projects: The Offeror's specialized experience on projects similar in scope and type. Successful performance on projects that are similar in nature and scope. A demonstrated track record of effective planning, scheduling and on-time delivery performance on those similar projects. Successful performance of similar past projects. A demonstrated track record of teamwork, cooperation, fair dealing, client service and relationships of mutual trust and confidence.</p>	1020 Points
<p>Offeror's General Experience and Past Performance: The Offeror's general experience in all areas of its work. A demonstrated track record of effective planning, scheduling and on-time delivery performance on those schedules. Successful performance of all past projects. A demonstrated track record of teamwork, cooperation, fair dealing, client service and relationships of mutual trust and confidence.</p>	5 Points
<p>Age and Size of Offeror's Business: The age of the offeror's business and average number of employees over a previous period of time, as specified in Paragraph R.</p>	5 Points
<p>Quality of Offerors Commercial Product and Live Demonstration The quality of the Offeror's commercial-product and demonstration of their system product featuring the out of the box functionality that is applicable <u>and relevant</u> to Government Licensing and Permitting.</p> <p>The offeror's existing cyber security and support standards for their systems.</p> <p>If the system is SaaS-based, that operates in a cloud environment, the offeror's layers of security, and federal security compliance certifications FedRAMP.</p>	2040 Points
Total Points	100 Points

U.S. REQUEST FOR NON-DISCLOSURE OF CONFIDENTIAL DATA

At the time of submission of the Proposal, all Offerors are required to submit a Price Proposal. For all Price Proposals submitted with the Proposals, the Price Proposal shall be submitted in a separate, sealed envelope and marked as stated in Paragraph K of this Instructions to Offerors Section of the RFP.

All Price Proposals shall include a proposed Project budget addressing the entire time of performance only.

A unit price shall be given for each type of service, and such unit prices shall be the same throughout any resulting contract except to the extent price adjustments may be provided in the solicitation and resulting contract. All deliverables will be payable upon completion, delivery, approval, and acceptance by Office of the Governor. Monthly or other regularly scheduled deliverables should be itemized and priced by task. Regularly recurring monthly tasks, should each be listed as discrete items and the sum of all recurring monthly costs should equal the total monthly invoicing/pricing amount for regular recurring tasks. Travel expenses must be included in the Offeror's service rates and pricing (or the hourly rates which are built into the cost of the deliverable) and may not be billed or priced separately.

Any price adjustments must be agreed to by the Parties and shall be in accordance with the Price Proposal or any cost or pricing data submitted. Price adjustments in the Price Proposal may be considered as a result of documented changes in pricing of materials or labor.

Pursuant to 2 CFR § 200.324(b), if the Offeror is selected for negotiations, Office of the Governor and the Offeror "must negotiate profit as a separate element of the price for each contract in which there is no price competition and, in all cases, where cost analysis is performed." *Id.* Offeror's Price Proposal must include profit as a separate line item in its proposed budget and pricing.

Z.X. COST OR PRICING DATA AND CERTIFICATION OF COST OR PRICING DATA

Cost or Pricing Data will be required from any Offeror selected to conduct contract negotiations. The Cost or Pricing Data shall be submitted to Office of the Governor's Procurement Officer prior to beginning price negotiations at any reasonable time and in any reasonable manner requested by Office of the Governor. The Cost or Pricing Data documentation is separate from Offeror's Price Proposal; however, both the Price Proposal and the Cost or Pricing Data shall be submitted together, if requested in such manner. Such data shall be specifically identified in writing by the Offeror as Cost and/or Pricing Data. The Offeror is required to keep these data current until the negotiations are completed.

In addition, a Certification of the Cost or Pricing Data will also be required from the Offeror with whom a contract is successfully negotiated. The Certification of the Cost or Pricing Data shall be separately provided to the successful Offeror by Office of the Governor when required. The Offeror shall certify as soon as practicable after the agreement is reached on price that, to the best of the Offeror's knowledge and belief, the cost or pricing data submitted are accurate, complete, and current.

CC-AA. SUBCONTRACTORS

Subcontractor. A subcontractor is a person or entity who has a direct contract with the Offeror/Contractor or a higher tier subcontractor to perform a portion of the Services in this solicitation. It is strongly recommended that a local project manager be appointed for on-island support during implementation period.

2. **Award of Subcontracts and Other Contracts for Portions of the Services.**
 - a. All Offerors shall furnish in writing to The Office of the Governor the names of all known persons or entities (including those who are to furnish materials or equipment fabricated to a special design) proposed to provide subcontracting services on each principal portion of the Scope of Services by completing, signing, and attaching the Subcontractor Utilization Form to the Offeror's Proposal. The Office of the Governor may conduct discussions with the Offeror: (1) stating whether The Office of the Governor has reasonable objection to any such proposed person or entity; or (2) stating whether The Office of the Governor requires additional time for review or additional information concerning the utilization of a proposed person or entity. If the Offeror fails to submit this form with its Proposal, that Offeror may be disqualified. If this occurs The Office of the Governor will select the next highest ranked qualifying Offeror for negotiations.
 - b. The Office of the Governor, the government of Guam, and the U.S. Department of Interior reserve the rights to object to Offeror's utilization of any subcontractor and to require substitution of the subcontractor for cause. The Offeror shall not contract with a proposed person or entity to whom The Office of the Governor, the government of Guam, or the U.S. Department of Interior has made reasonable and timely objection. In the case of substitution or any other issue with subcontractors, the Offeror shall not be required to contract with anyone to whom the Offeror has made reasonable objection in writing to The Office of the Governor.
 - c. The Offeror shall not substitute a subcontractor, person or entity set forth in its Proposal or in the Subcontractor Utilization Form, located at Section XI of this RFP, unless Offeror has obtained the written consent of The Office of the Governor, or unless The Office of the Governor requires such substitution. Offeror must notify The Office of the Governor in writing prior to any termination or substitution of a subcontractor listed in the Proposal or Proposal Documents. Failure by the Offeror to follow these requirements shall constitute a material breach of the terms of this RFP, which may result in the termination of any awarded contract or other legally available remedies.
 - d. The Offeror shall provide written notification to the Director of the Office of Federal Contract Compliance Programs within ten (10) working days of award of any subcontract in excess of \$10,000 at any tier of services under the contract resulting from this solicitation. The notification shall list the name, address, and telephone number of the subcontractor; employer identification number; estimated dollar amount of the subcontract; estimated starting and completion dates of the subcontract; and the geographical area in which the subcontract is to be performed.

procurements. If a conflict of interest or potential conflict of interest is determined to exist, Office of the Governor will attempt to determine whether the conflict of interest can be avoided or mitigated. Before determining to withhold an award based on Conflict of Interest considerations, Office of the Governor shall notify the Offeror, provide the reasons therefor, and allow the Offeror a reasonable opportunity to respond.

All Offerors must complete and submit the Conflict of Interest (COI) Disclosure Form located at Section XII of this RFP with the Offeror's Proposal. Each disclosure of a qualifying potential conflict on the ~~Conflict of Interest~~ Conflict-of-Interest Disclosure Form shall include a signed statement by the current or former Office of the Governor employee of their role or proposed role for the Offeror in the particular Procurement and any resulting Contract on the "Relatives and Former Office of the Governor Employees - Roles and Signatures" page of the form. Failure to complete and submit the COI Disclosure Form may result in the rejection of the Proposal.

~~EE.CC.~~ DISCLOSURE OF MAJOR SHAREHOLDERS

As a condition of submitting a Proposal, any partnership, sole proprietorship, business entity, or corporation doing business with The Office of the Governor shall submit an Affidavit executed under oath that lists the name and address of any person/entity who has held more than ten percent (10%) of the outstanding interest or shares in said partnership, sole proprietorship or corporation at any time during the twelve (12) month period immediately preceding publication of the solicitation on the Affidavit Disclosing Ownership, Influence, Commissions and Conflicts of Interest attached to this RFP at Section IV. This Affidavit shall contain the number of shares or the percentage of all assets of such partnership, sole ~~proprietorship~~ proprietorship, or corporation, which have been held by each such person/entity during the preceding twelve (12) month period, and other ownership disclosures in accordance with Public Law 36-13. In addition, the Affidavit shall contain the name and address of any person/entity who has received or is entitled to receive a commission, ~~gratuity~~ gratuity, or other compensation for procuring or assisting in obtaining business related to the Proposal for the Offeror and shall also contain the amounts of any such commission, gratuity or other compensation, and shall list any required conflicts of interest. Any Offeror selected for negotiations must keep this Affidavit current through the date that a Notice of Award is issued in this procurement, and throughout any awarded contract, if the Offeror is awarded the contract. A Proposal from any Offeror listing a person with a potential conflict of interest on the Affidavit will be rejected. The Affidavit shall be open and available to the public inspection and copying. This Affidavit Disclosing Ownership, Influence, Commissions and Conflicts of Interest attached to this RFP must be completed and returned with the Offeror's Proposal. Failure to submit the Affidavit with the Offeror's Proposal shall be deemed nonresponsive and cause for rejection of the Proposal upon opening.

~~FF.DD.~~ PROJECT MANAGER

1. The selected Contractor will work under the direction of the Office of the Governor and the Office of Technology, and the project manager. The Office of the Governor and the Project Manager reserve the right to designate and delegate Project Management duties and assign any other consultants or agents to act on the Government's behalf in writing. The Project Manager and designees will have

7. Notwithstanding any other provision of the RFP or the contract, Office of the Governor or the Project Manager, by and through its Project Manager and/or designees, may require the awarded contractor to cease work if, in the opinion of the Project Manager or the Project Manager's designees, continuing the Services would be a threat to public health, safety, or governmental security.

8. The Project Manager shall serve as the liaison between the contractor and the Agency Stakeholders who are necessary

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B.A. AUTHORITY

This Request for Proposal ("RFP") solicitation is issued subject to the provisions of the Guam Procurement Act (as amended) and the Guam Procurement Regulations (copies are available for inspection at the General Services Agency of the Government of Guam). By submitting a Proposal, Offerors agree to be bound by all the laws and regulations of Guam. The RFP requires all parties involved in the preparation, negotiation, performance, or administration of contracts to act in good faith.

G.B. SPECIAL RFP TERMS FOR MULTI-TERM CONTRACTS

Any contract awarded under this RFP is subject to the availability of certified funds. The Procurement Officer will notify the Contractor on a timely basis whether the funds are, or are not, available for the continuation of the contract for each succeeding fiscal period. In the event that funds are not available for any succeeding fiscal period, the contract shall be cancelled; however, this does not affect either Party's right to terminate under the termination clauses of the contract. If the contract is cancelled for insufficient funds, the awarded Contractor shall be reimbursed its unamortized, reasonably incurred, non-recurring costs.

D.C. SPECIAL RFP TERMS FOR FIXED-PRICE WITH PRICE ADJUSTMENT CONTRACT OR ANY CONTRACT OTHER THAN FIRM FIXED-PRICE CONTRACT

Whenever a Fixed-Price Contract with Price Adjustment is offered, "[t]he formula or other basis by which the adjustment in contract price can be made shall be specified in the solicitation and the resulting contract." 2 GARR, Div. 4 § 3119(d)(3)(A).

E.D. CANCELLATION AND REJECTION

Office of the Governor shall have the right to cancel this solicitation in whole or in part at any time, and to reject in whole or in part any or all Proposals or offers which have been submitted in response to this RFP at any time if Office of the Governor determines such to be in the best interest of Office of the Governor and/or the Government of Guam.

F.E. TAXES

Offerors may be subject to taxation, including but not limited to, Gross Receipts Tax, Guam Business Privilege Tax, Guam Income Tax and the payment of any and all taxes which may be due as a result of entering into this agreement are the sole responsibility of the Offeror and its subcontractors and any permitted assignees or successors in interest. Specific information of taxes may be obtained from the Director of the Guam Department of Revenue and Taxation.

G.F. WITHHOLDING ASSESSMENT FEE

All procurements of professional services are subject to a withholding assessment fee for non-resident persons or companies without a valid Guam Business License, which is

behalf of the Territory whether or not such favor or gratuity may be considered a reimbursable expense of the Territory, during the pendency of any matter related to procurement, including contract performance warranty periods.

Prohibition of Employment of Sex Offenders. No person convicted of a sex offense under the provisions of Chapter 25 of Title 9 Guam Code Annotated, or an offense as defined in Article 2 of Chapter 28, Title 9 GCA in Guam, or an offense in any jurisdiction which includes, at a minimum, all of the elements of said offenses, or who is listed on the Sex Offender Registry, and who is employed by a business contracted to perform services for an agency or instrumentality of the Government of Guam, shall work for his employer on the property of the Government of Guam other than a public highway.

Prohibition of Contingent Fees. It shall be a breach of ethical standards for a person to be retained, or to retain a person, to solicit or secure a territorial contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, except for retention of bona fide employees or bona fide established commercial selling agencies for the purpose of securing business.

Ethical Standard. It shall be a breach of ethical standards for an Offeror to knowingly influence a government employee to breach any of the ethical standards set forth in 5 GCA Chapter 5 Article 11 (Ethics in Public Contracting) of the Guam Procurement Law and in Article 11 of the Government of Guam Procurement Regulations.

4.1. MANDATORY WARRANTIES

Representation Regarding Gratuities and Kickbacks. The Offeror represents that it has not violated, is not violating, and promises that it will not violate the prohibition against gratuities and kickbacks set forth in §11-206 (Gratuities and Kickbacks) of the Guam Procurement Regulations. Offeror further agrees to execute and file a Non-Gratuity Affidavit before final payment under the contract is made by Office of the Governor.

Warranty against Employment of Sex Offenders. Offeror warrants that: (1) no person in its employment who has been convicted of a sex offense under the provisions of Chapter 25 of Title 9 Guam Code Annotated or of an offense defined in Article 2 of Chapter 28 of Title 9 Guam Code Annotated, or who has been convicted in any other jurisdiction of an offense with the same elements as heretofore defined, or who is listed on the Sex Offender Registry, shall provide services on behalf of Offeror while on Government of Guam property, with the exception of public highways; and (2) that if any person providing services on behalf of Offeror is convicted of a sex offense under the provisions of Chapter 25 of Title 9 GCA or an offense as defined in Article 2 of Chapter 28, Title 9 GCA or an offense in another jurisdiction with, at a minimum, the same elements as such offenses, or who is listed on the Sex Offender Registry at any time during the performance of the contract, that such person will be immediately removed from working on government property and Offeror warrants that it will notify the Director of The Office of the Governor within twenty-four (24) hours of such conviction. If Offeror is found to be in violation of any of the provisions of this paragraph, then Office of the Governor will give notice to Offeror to take corrective action. Offeror shall take corrective action within twenty-four (24) hours of notice from Office of the Governor, and Offeror shall notify Office of the Governor when action has been taken. If Offeror fails to take corrective steps within twenty-four (24) hours of notice from

The Offeror is required to read each and every page of its Proposal and by the act of submitting a Proposal shall be deemed to have accepted all conditions contained therein. In no case will failure to review or inspect constitute grounds for a claim or for the withdrawal of a Proposal after opening. Proposals shall be filled out in ink or typewritten and signed in ink. Erasures or other changes in a Proposal must be explained or noted over the signature of the Offeror. Proposals containing any conditions, omissions, unexplained erasures or alterations, items not called for in the Proposal, or irregularities of any kind may be rejected by Office of the Governor in whole or in part.

N.M. REVIEW OF PROPOSALS

The Office of the Governor intends to review the Proposals as soon as possible after the submission due date for Proposals as provided herein. The Proposals submitted will be the primary documents for evaluation. The Office of the Governor reserves the right to waive any minor information or irregularity in the Proposals received. The Office of the Governor may award, allow amendments, or reject Proposals in whole or in part as permitted by law. The Office of the Governor is not responsible for any costs incurred by the Offerors. The Office of the Governor reserves the right to retain copies of all Proposals submitted regardless of whether an Offeror is selected for negotiations or awarded a contract. Submission of a Proposal indicates acceptance of these terms and conditions by the Offeror.

O.N. INDEPENDENT PRICE DETERMINATION

By submitting a Proposal, the Offeror certifies that if selected for negotiations, any price, pricing data, or Price Proposal submitted by the Offeror is independently arrived at without collusion.

P.O. ACCEPTANCE OF SOLICITATION TERMS AND APPLICABLE LAWS

The Offeror is required to read ~~each and every~~ each page of this RFP, and by the act of submitting a Proposal shall be deemed to have accepted all conditions contained herein and to be bound by the laws of Guam and any other applicable laws. This RFP is issued subject to all the provisions of Guam's Procurement Law (5 GCA §§ 5001, et seq.) and the Guam Procurement Regulations, copies of which are available for inspection at the General Services Agency of Guam.

Guam's Procurement Law and this RFP require all parties involved in the preparation, evaluation, negotiation, performance, or administration of contracts to act in good faith. Proposals may not be withdrawn by Offeror on the basis of Offeror's unfamiliarity with the required terms or applicable laws. Offeror may not propose or negotiate any conditions, omissions, unexplained erasures, irregularities, alterations, or items that are in contravention of the terms and conditions of the RFP or applicable law. Office of the Governor may deem such proposed items to constitute a showing of bad faith, in whole or in part, which may result in debarment or other legal remedies against the Offeror.

If any part, term, or condition of this RFP is found to be contrary to the Guam Procurement Law, the Guam Code, any applicable Guam Administrative Rules and

1. The Offeror's current capability in all respects to perform fully the contract requirements;
2. The Offeror's current integrity and reliability which will assure good faith performance;
3. Whether the Offeror has available the appropriate financial, material, equipment, facility, and personnel resources and expertise, or the ability to obtain them, necessary to indicate its capability to meet all contractual requirements;
4. The Offeror's satisfactory record of integrity with regard to previous contracts and contract awards;
5. The Offeror's satisfactory record of performance with regard to previous contracts and contract awards;
6. Whether the Offeror has qualified legally to contract with the government of Guam; and
7. Whether the Offeror has supplied all necessary information in connection with any inquiry concerning responsibility.

U.T. SELECTION OF BEST-QUALIFIED OFFEROR

Upon the conclusion of the discussion and evaluations procedures as provided under this RFP and Guam's Procurement Law, Office of the Governor shall notify the selected Offerors of their rankings with the intent to begin negotiating a contract with the highest ranked and best-qualified Offeror first.

V.U. NEGOTIATION AND AWARD OF CONTRACT

Office of the Governor shall negotiate a contract with the best-qualified Offeror for the Services at a compensation determined in writing by The Office of the Governor to be fair and reasonable. Office of the Governor reserves the right to contract for the work hereunder in planned phases which is dependent upon need and funding availability. Contract negotiations will be directed toward: (1) making certain that the Offeror has a clear understanding of the scope of work, specifically, the essential requirements involved in providing the Services; (2) determining that the Offeror will make available the necessary personnel and facilities to perform the services within the required time; and (3) agreeing upon compensation which is fair and reasonable, taking into account the estimated value of the Services, and the scope, complexity and nature of such services. Additionally, pursuant to 2 CFR § 200.324(b), if the Offeror is selected for negotiations, the Office of the Governor and the Offeror "must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed."

- 1 Successful Negotiation of Contract with Best-Qualified Offeror: If compensation, contract requirements, and contract documents can be agreed upon with the best-qualified Offeror, the contract will be awarded to that Offeror.
- 2 Failure to Negotiate Contract with Best-Qualified Offeror: If compensation, contract requirements or contract documents cannot be agreed upon with the best qualified Offeror, a written record stating the reasons therefore shall be placed in the file and Office of the Governor will advise such Offeror of the termination of negotiations which shall be confirmed by written notice within three (3) days. Upon failure to negotiate a contract with the best- qualified Offeror, Office of the Governor will enter into negotiations with the next most qualified Offeror. If negotiations again fail,

B. *Right to Audit.* Offeror shall establish and maintain a reasonable accounting system that enables the Office of the Governor, the U.S. Department of Interior, Office of Insular Affairs, Inspectors General, the Comptroller General of the United States, or any of their authorized representatives to readily identify Offeror's assets, expenses, costs of goods, and use of funds. The Office of the Governor, U.S. Department of Interior, Office of Insular Affairs, Inspectors General, the Comptroller General of the United States, and its authorized representatives shall have the right to audit, to examine, and to make copies of or extracts from all financial and related records (in whatever form they may be kept, whether written, electronic, or other) relating to or pertaining to its Proposal or this solicitation which are kept by or under the control of the Offeror, including, but not limited to those kept by the Offeror, its employees, agents, assigns, successors, and subcontractors. Such records shall include, but not be limited to, accounting records, written policies and procedures; subcontract files (including Proposals of successful and unsuccessful bidders, bid recaps, etc.); all paid vouchers including those for out-of-pocket expenses; other reimbursement supported by invoices; ledgers; cancelled checks; deposit slips; bank statements; journals; original estimates; estimating work sheets; contract amendments and change order files; back-charge logs and supporting documentation; insurance documents; payroll documents; timesheets; memoranda; and correspondence. Offeror shall, at all times during the term of any awarded contract and for a period of three (3) years after the date of final payment under any awarded contract, maintain such records, together with such supporting or underlying documents and materials. The Offeror shall at any time requested by the Office of the Governor, the U.S. Department of Interior, Office of Insular Affairs, Inspectors General, the Comptroller General of the United States, or any of their authorized representatives whether before, during, or after completion of an awarded contract, and at Offeror's own expense make such records available for inspection and audit (including copies and extracts of records as required) by the Office of the Governor, the U.S. Department of Interior, Office of Insular Affairs, Inspectors General, the Comptroller General of the United States, or any of their authorized representatives. Such records shall be made available to the Office of the Governor, U.S. Department of Interior, Office of Insular Affairs, Inspectors General, the Comptroller General of the United States, or any of their authorized representatives during normal business hours at the Offeror's office or place of business and subject to a three-day written notice. In the event that no such location is available, then the financial records, together with the supporting or underlying documents and records, shall be made available for audit at a time and location that is convenient for the Office of the Governor, the U.S. Department of Interior, Office of Insular Affairs, Inspectors General, the Comptroller General of the United States, or any of their authorized representatives. Offeror shall ensure the Office of the Governor, the U.S. Department of Interior, Office of Insular Affairs, Inspectors General, the Comptroller General of the United States, or any of their authorized representatives has these rights with Offeror's employees, agents, assigns, successors, and subcontractors, and the obligations of these rights shall be explicitly included in any subcontracts or agreements formed between the Offeror and any subcontractors to the extent that those subcontracts or agreements relate to fulfillment of the Offeror's obligations to the Office of the Governor, U.S. Department of Interior, Office of Insular Affairs, Inspectors General, the Comptroller General of the United States, or

Y.X. RELATIONS WITH OTHER GOVERNMENT AGENCIES

All directions within the scope of the RFP and the awarded contract will be issued by the Chief of Staff of The Office of the Governor and the Offerors and any awarded Contractor shall not accept such direction from others. Information provided by other government agencies or entities which seemingly conflicts with information provided by The Office of the Governor in this solicitation will be discussed with the Director of The Office of the Governor immediately. This policy is not intended to prevent the Offerors or any awarded Contractor from obtaining necessary information from other governmental agencies or entities.

Z.Y. OBLIGATIONS OF THE OFFEROR

The Offeror shall be responsible for the professional and technical accuracy of its Proposal and the coordination of all designs, drawings, specifications in its Proposal, and all designs, drawings, specifications, and any other work, services, and materials furnished under any awarded contract. The Offeror shall, without additional cost to The Office of the Governor or the government of Guam, correct and revise all errors or deficiencies in its Proposal, and if awarded a contract, shall correct and revise all errors or deficiencies in its designs, drawings, specifications, and in its work services, or materials furnished by the Offeror, if found to be defective by Office of the Governor.

The Offerors are responsible for securing all approvals for entry onto private property.

AA.Z. PROCUREMENT OF RECOVERED MATERIALS

This is a federally funded Project and pursuant to 2 CFR § 200.323, any Offeror awarded a contract under this RFP and all of its subcontractors must comply with Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, with CFR 121 OMB Guidance § 200.324 where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired by the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

BB.AA. GUAM AND FEDERAL DEBARMENT

Offeror warrants that it will comply with the provisions of 5 GCA Chapter 5 Articles 9 and 11, subject to debarment or suspension, and if awarded a contract under this RFP that it will not employ any subcontractors who have been federally debarred or debarred by the Government of Guam.

Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award of federal funds (see 2 CFR 180.220) must not be made to parties listed on the government-wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986

cooperative agreement, and the extension, continuation, renewal, amendment, or modification of the contract or any Federal grant, loan, or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for making lobbying contacts to an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the contract, or any Federal grant, loan, or cooperative agreement, the undersigned shall complete and submit the Certification Regarding Lobbying on "Form LLL, Disclosure of Lobbying Activities," also known as Form SF-LLL, in accordance with its instructions [as amended by "Government wide Guidance for New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96). Note: Language in paragraph (2) herein has been modified in accordance with Section 10 of the Lobbying Disclosure Act of 1995 (P.L. 104-65, to be codified at 2 U.S.C. 1601, et seq.)]

3. The Contractor shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subcontractors shall certify and disclose accordingly.

4. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into the contract. The Contractor certifies or affirms the truthfulness and accuracy of each statement of this certification and disclosure. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. A 3801, et seq., apply to this certification and disclosure.

Additionally, all awarded Contractors and subcontractors who receive more than \$100,000 in federal funds must submit the Certification Regarding Lobbying on "Form LLL, Disclosure of Lobbying Activities," also known as Form SF-LLL. This form assures, generally, that recipients will not lobby federal entities with federal funds, and that, as is required, they will disclose other lobbying on the form. Submission of this certification is a pre-requisite for entering into any contract funded with federal award funds of more than \$100,000.00, as imposed by Executive Order 12549, 28 CFR Part 67, Section 67.510. If awarded any contract from this RFP, Form SF-LLL must be submitted to Office of the Governor, after award, by any awarded contractor or subcontractor receiving more than \$100,000 in federal funds, to disclose any lobbying of federal entities: (a) with profits from federal contracts; or (b) funded with nonfederal funds.

EE.B. PUBLIC FACING REQUIREMENTS

i. **Public Portal.** Ability to provide a public portal for applicants to view licensing and permitting or other ancillary information handled by the solution. The online application must include the following parts:

1. ~~1~~ **Application submittal**
2. ~~2~~ **Status of application or clearances associated with the application**
3. ~~3~~ **Compute and pay fees**
4. ~~4~~ **Request inspections**
5. ~~5~~ **View inspection results**
6. ~~6~~ **Ability to easily link and search permits**
7. ~~7~~ **Ability to view, print, and download approved and paid permits, licenses and clearances.**
8. ~~8~~ **Allow the public user to view and manage multiple license applications, permits, or land use applications.**
9. Ability to submit updates, inquiries, and upload additional documents to an application in review
10. Provide instant online messaging system to document communication between the end user and Government agent during the application review process.
11. SMS and email notification options to provide real-time updates.
12. Ability to submit Agency provided online forms.
13. Scheduling module to schedule face-to-face and/or virtual meetings with various Agencies utilizing available virtual meeting platforms.

ii. **Application workflow.** Provide a workflow status that is clear to both public and internal users.

iii. **Payment processing.** Software must facilitate online payment processing through a secure third party.

FF.C. ORGANIZATIONAL UNITS

Several agencies are expected to utilize the Licensing and Permit System. Those agencies are listed below. Please refer to the appendix to the processes and forms the Government of Guam intends to automate through this project:

License and Permit Application Owners and Clearance Users	Autonomous Agency Users (For Clearance Purposes)
Department of Revenue and Tax (DRT) Guam Environmental Protection Agency Department of Public Works	Guam Power Authority Guam Waterworks Authority

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The system should include all internal clearance forms and inspection checklists applicable to business license applications, building permit, and occupancy permits. The internal forms and checklists apply to the following departments:

- Department of Revenue and Taxation (DRT)
- Guam Environmental Protection Agency (GEPA)
- Department of Public Works (DPW)
- Department of Agriculture (DoAg)
- Department of Land Management (DLM)
- Guam Land Use Commission (GLUC-DLM)
- The Guam Historic Resources Division Department of Parks and Recreation
- Department of Public Health & Social Services
- Professional Engineers, Architects and Land Surveyors (PEALS) Board
- Contractors' License Board
- Guam Fire Department

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H.F. TECHNOLOGY

The Government of Guam will accept proposals where the software solution is either On-premise or hosted Software as a Service (SaaS).

The system shall be web based and support most, if not all web browsers. The system shall be optimized to run on mobile browsers.

The system shall support users securely from within and outside the Government of Guam GGWAN network.

It is encouraged to implement multi-step authentication.

The vendor shall meet all the requirements and guidelines on the OTECH-POL2021-002, IT System Development Requirements & Security Assessment Standards policy. (<https://otech.guam.gov/policies/>) Policy OVERVIEW AND INTRODUCTION text found in Section XVI of this RFP.

The Government of Guam will accept proposals where the software solution is either On-premise or hosted Software as a Service (SaaS).

For on-premise solution, vendor must provide hardware and software to support the development, testing, and future growth of the system. Virtual (VM) environment resources may be available for moderately sized systems; however, vendor must provide hardware resources to support resource intensive systems. Vendor must also provide storage solution to support their document management solution. Vendor provided hardware and software shall also include system backup process and restore procedures. Vendor provided equipment must be compatible with existing GovGuam IT infrastructure and network and must be supported under (hardware and software) warranty for the duration of the awarded contract.

to be included in the proposed permit system. Vendors may propose such additional features as options if in their judgement and experience they would add value beyond any associated additional startup and ongoing costs.

MM-I. CONFIGURATION AND CUSTOMIZATION (FOR NON-SAAS CLOUD BASED PROPOSALS)

The Government of Guam expects that proposed systems will need to be configured and customized to work in the Government of Guam's specific environment. Additional customizations may be required from time to time as the Government of Guam's requirements change. Such customization should ideally not require software redevelopment or modifications to program source-language code that would cause the installed system to not be maintained as part of the company's normal update and maintenance program. Proposed systems should be designed and constructed to allow substantial customization through the manipulation of configuration tables, or similar external data structures, preferably by non-programming departmental "user" staff.

MM-J. TRAINING AND INSTALLATION SUPPORT

Vendors will be expected to provide training and installation support (for ~~non-cloud~~non-cloud based, SAAS proposals) at time of implementation. Vendors should describe all training available, and propose selected training modules that will ensure smooth, successful implementation and operation in the Government of Guam.

Training and installation support will be needed in all stages of systems implementation:

- Pre-installation familiarization overview
- Business process and procedure advisory consulting
- Configuration/customization assistance
- Database loading
- End-user operational training
- System administrator training
- Post-implementation tuning

Training should be provided for both end users and technical system administrators. Topics covered should include system operation, system configuration & customization, system tuning, problem diagnosis and resolution, database management (If applicable), and system management. Classes should be held on-site on Guam if possible if the timing of training occurs after Guam achieves herd immunity. Otherwise, it will be provided remotely. Initial training should be delivered to a core group of "expert" system users. This core group should be sufficiently trained to act as trainers and mentors to other system users. The core group should also be sufficiently trained ~~so as to~~ be able to customize and expand the system to the full extent allowable by the system. Subsequent training may be delivered by Government of Guam staff. However, the availability of regular training classes at other locations for follow-up or refresher training is desirable.

Installation support should include initial software installation and operational demonstration, business process and procedure consulting, system configuration and customization services, database loading, functional testing, performance testing, initial operational support, and post-operational system tuning. Specific training curriculum decisions will be subject to negotiation between the parties.

- 2.1. Project Management Plan
- 2.2. Project Schedule
- 2.3. Project issues and Risk Logs
- 2.4. Weekly Project Status Reports

The reports should provide sufficient information for policy decisions regarding operational and service options.

M. ANNUAL MAINTENANCE AND SUPPORT:

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Maintenance and support costs will be included in the initial implementation period.

The vendor will provide subsequent annual maintenance and support pricing in the price proposal.

QQ.N. SCHEDULE AND SUBMITTALS

The Office of the Governor must complete this project by xx-xx-xxxx. To meet this deadline, the awarded Contractor must timely follow the finalized Schedule of Services. For purposes of this RFP, the services will not be considered complete until all draft submittal comments have been addressed and the work is completed and submitted to Office of the Governor for final approval.

Action Item	Date
Execution of Contract, NTP	March 31, 2022
Notice-to-Proceed to Contractor	April, 1, 2022
Anticipated project completion	April 30, 2022

RR.O. AUTHOR AND REFERENCE MATERIALS FOR SPECIFICATIONS

This Scope of Services was drafted by:
Business License and Permit Task Force

[] The Bidder/Offeror/Prospective Contractor is a business or artificial person (as defined in 1 GCA § 715 or 5 GCA §§ 5030(n) or 5233(b)), and is a sole proprietorship owned entirely (100%) by _____, with principal place of business _____ street _____ address being: _____

[] The Bidder/Offeror/Prospective Contractor is a business or artificial person (as defined in 1 GCA § 715 or 5 GCA §§ 5030(n) or 5233(b)), and is owned by the following multiple individuals. Note: owners of more than 10% are statutorily required to be listed below, but other owners of smaller percentage are encouraged to be listed as well.

Name of Owner	Principal Place of Business Street Address	% of Interest
_____	_____	_____
_____	_____	_____
_____	_____	_____

[] One or more of the more-than-10% owners listed above is a business or artificial person. Any more-than-25% owners of such a business or artificial person are listed below per 5 GCA § 5233. Note: any less-than-25% owners of such a business or artificial person is encouraged to also be listed below.

Name of >10% Owner Business or Artificial Person: _____

Names of owners of the >10% Owner Business or Artificial Person ("Second Tier Owner")	Owner's Principal Place of Business Street Address	% of Interest
_____	_____	_____
_____	_____	_____
_____	_____	_____

Name of other >10% Owner Business or Artificial Person: _____

Names of owners of the >10% Owner Business or Artificial Person ("Second Tier Owner")	Owner's Principal Place of Business Street Address	% of Interest
_____	_____	_____
_____	_____	_____
_____	_____	_____

B. If any Second Tier Owner identified above is an artificial person, the natural or artificial owners of such Second Tier Owner who have held more than 49% of the shares or interest in the Bidder/Offeror/Prospective Contractor (Third Tier Owners) are as follows [if none, please so state]:

H. I hereby declare under penalty of perjury under the laws of Guam that the foregoing is true and correct.

Executed on: _____ (date)

Signature of one of the following:
Bidder/Offeror/Prospective Contractor, if a licensed individual
Owner of sole proprietorship Bidder/Offeror/Prospective Contractor
Partner, if the Bidder/Offeror/Prospective Contractor is a partnership
Officer, if the Bidder/Offeror/Prospective Contractor is a corporation

DRAFT

Section VI. NO GRATUITIES OR KICKBACKS (AG Form 004)

_____ [state name of declarant signing below], declares that:

1. The name of the offering firm or individual is _____
[state name of Offeror company or Offeror]. Affiant is _____
[state one of the following: the Offeror, a partner of the Offeror, an officer of the Offeror] making the foregoing identified bid or Proposal.
2. To the best of affiant's knowledge, neither affiant, nor any of the Offeror's officers, representatives, agents, subcontractors, or employees have violated, or are violating the prohibition against gratuities and kickbacks set forth in 2 GAR Division 4 § 11107(e). Further, affiant promises, on behalf of Offeror, not to violate the prohibition against gratuities and kickbacks as set forth in 2 GAR Division 4 § 11107(e).
3. To the best of affiant's knowledge, neither affiant, nor any of the Offeror's officers, representatives, agents, subcontractors, or employees have offered, given, or agreed to give, any government of Guam employee or former government employee, any payment, gift, kickback, gratuity, or offer of employment in connection with Offeror's Proposal, violated, or are violating the prohibition against gratuities and kickbacks set forth in 2 GAR Division 4 § 11107(e).
4. I make these statements on behalf of myself as a representative of the Offeror, and on behalf of the Offeror's officers, representatives, agents, subcontractors, and employees.

I certify under penalty of perjury under the laws of Guam that the foregoing is true and correct

Executed on: _____ (date)

Signature of one of the following:
Offeror, if the offeror is an individual;
Partner, if the offeror is a partnership;
Officer, if the offeror is a corporation

**Section VIII. DECLARATION RE: COMPLIANCE WITH
U.S. DOL WAGE DETERMINATION (AG Form 006)**

Procurement No.: _____

Name of Offeror Company: _____

I, _____ hereby **certify under penalty of perjury:**

(1) That I am _____ [*please select one: the Offeror, a partner of the Offeror, an officer of the Offeror*] making the bid or proposal in the foregoing identified procurement;

(2) That I have read and understand the provisions of 5 GCA § 5801 and § 5802 which read:

§ 5801. Wage Determination Established.

In such cases where the government of Guam enters into contractual arrangements with a sole proprietorship, a partnership or a corporation ("contractor") for the provision of a service to the government of Guam, and in such cases where the contractor employs a person(s) whose purpose, in whole or in part, is the direct delivery of service contracted by the government of Guam, then the contractor shall pay such employee(s) in accordance with the Wage Determination for Guam and the Northern Mariana Islands issued and promulgated by the U.S. Department of Labor for such labor as is employed in the direct delivery of contract deliverables to the government of Guam.

The Wage Determination most recently issued by the U.S. Department of Labor at the time a contract is awarded to a contractor by the government of Guam shall be used to determine wages, which shall be paid to employees pursuant to this Article. Should any contract contain a renewal clause, then at the time of renewal adjustments, there shall be made stipulations contained in that contract for applying the Wage Determination, as required by this Article, so that the Wage Determination promulgated by the U.S. Department of Labor on a date most recent to the renewal date shall apply.

§ 5802. Benefits.

In addition to the Wage Determination detailed in this Article, any contract to which this Article applies shall also contain provisions mandating health and similar benefits for employees covered by this Article, such benefits having a minimum value as detailed in the Wage Determination issued and promulgated by the U.S. Department of Labor, and shall contain provisions guaranteeing a minimum of ten (10) paid holidays per annum per employee.

(3) That the Offeror is in full compliance with 5 GCA § 5801 and § 5802, as may be applicable to the procurement referenced herein;

(4) That I have attached the most recent wage determination applicable to Guam issued by the U.S. Department of Labor. [*INSTRUCTIONS - Please attach!*]

Signature

Section X. U.S. DEPARTMENT OF LABOR WAGE AND BENEFIT DETERMINATION (SCA)

WD 15-5693 (Rev.-8) was first posted on www.wdol.gov on 01/01/2019

 REGISTER OF WAGE DETERMINATIONS UNDER | U.S. DEPARTMENT OF LABOR
 THE SERVICE CONTRACT ACT | EMPLOYMENT STANDARDS ADMINISTRATION
 By direction of the Secretary of Labor | WAGE AND HOUR DIVISION
 | WASHINGTON D.C. 20210

| Wage Determination No.: 2015-5693
 Daniel W. Simms Division of | Revision No.: 8
 Director Wage Determinations | Date of Revision: 12/26/2018

Note: Under Executive Order (EO) 13658, an hourly minimum wage of \$10.60 for calendar year 2019 applies to all contracts subject to the Service Contract Act for which the contract is awarded (and any solicitation was issued) on or after January 1, 2015. If this contract is covered by the EO, the contractor must pay all workers in any classification listed on this wage determination at least \$10.60 per hour (or the applicable wage rate listed on this wage determination, if it is higher) for all hours spent performing on the contract in calendar year 2019. The EO minimum wage rate will be adjusted annually. Additional information on contractor requirements and worker protections under the EO is available at www.dol.gov/whd/govcontracts.

States: Guam, Northern Marianas, Wake Island
 Area: Guam Statewide
 Northern Marianas Statewide
 Wake Island Statewide

OCCUPATION CODE - TITLE FOOTNOTE RATE

01000 - Administrative Support and Clerical Occupations	
01011 - Accounting Clerk I	13.57
01012 - Accounting Clerk II	15.23
01013 - Accounting Clerk III	17.04
01020 - Administrative Assistant	17.71
01035 - Court Reporter	17.22
01041 - Customer Service Representative I	10.89
01042 - Customer Service Representative II	12.25
01043 - Customer Service Representative III	13.37
01051 - Data Entry Operator I	12.15
01052 - Data Entry Operator II	13.25
01060 - Dispatcher, Motor Vehicle	14.37
01070 - Document Preparation Clerk	13.71
01090 - Duplicating Machine Operator	13.71
01111 - General Clerk I	10.29
01112 - General Clerk II	11.28
01113 - General Clerk III	12.32
01120 - Housing Referral Assistant	19.20
01141 - Messenger Courier	11.16
01191 - Order Clerk I	12.57
01192 - Order Clerk II	13.71
01261 - Personnel Assistant (Employment) I	15.57
01262 - Personnel Assistant (Employment) II	17.25
01263 - Personnel Assistant (Employment) III	19.22
01270 - Production Control Clerk	20.08
01290 - Rental Clerk	11.10

12010 - Ambulance Driver	17.77
12011 - Breath Alcohol Technician	17.77
12012 - Certified Occupational Therapist Assistant	24.38
12015 - Certified Physical Therapist Assistant	24.38
12020 - Dental Assistant	14.21
12025 - Dental Hygienist	32.84
12030 - EKG Technician	23.96
12035 - Electroneurodiagnostic Technologist	23.96
12040 - Emergency Medical Technician	17.77
12071 - Licensed Practical Nurse I	15.88
12072 - Licensed Practical Nurse II	17.77
12073 - Licensed Practical Nurse III	19.81
12100 - Medical Assistant	11.54
12130 - Medical Laboratory Technician	17.11
12160 - Medical Record Clerk	12.37
12190 - Medical Record Technician	17.77
12195 - Medical Transcriptionist	15.88
12210 - Nuclear Medicine Technologist	39.04
12221 - Nursing Assistant I	11.03
12222 - Nursing Assistant II	12.43
12223 - Nursing Assistant III	13.54
12224 - Nursing Assistant IV	15.22
12235 - Optical Dispenser	17.77
12236 - Optical Technician	15.88
12250 - Pharmacy Technician	15.49
12280 - Phlebotomist	15.22
12305 - Radiologic Technologist	22.64
12311 - Registered Nurse I	20.70
12312 - Registered Nurse II	25.32
12313 - Registered Nurse II, Specialist	25.32
12314 - Registered Nurse III	30.64
12315 - Registered Nurse III, Anesthetist	30.64
12316 - Registered Nurse IV	36.72
12317 - Scheduler (Drug and Alcohol Testing)	22.01
12320 - Substance Abuse Treatment Counselor	22.01
13000 - Information and Arts Occupations	
13011 - Exhibits Specialist I	19.26
13012 - Exhibits Specialist II	23.86
13013 - Exhibits Specialist III	29.18
13041 - Illustrator I	19.26
13042 - Illustrator II	23.86
13043 - Illustrator III	29.18
13047 - Librarian	26.42
13050 - Library Aide/Clerk	15.33
13054 - Library Information Technology Systems Administrator	23.86
13058 - Library Technician	16.64
13061 - Media Specialist I	17.21
13062 - Media Specialist II	19.26
13063 - Media Specialist III	21.47
13071 - Photographer I	17.06
13072 - Photographer II	19.06
13073 - Photographer III	23.63
13074 - Photographer IV	28.92
13075 - Photographer V	35.00
13090 - Technical Order Library Clerk	17.04
13110 - Video Teleconference Technician	17.18
14000 - Information Technology Occupations	
14041 - Computer Operator I	15.71

23010 - Aerospace Structural Welder	20.69
23019 - Aircraft Logs and Records Technician	16.09
23021 - Aircraft Mechanic I	19.70
23022 - Aircraft Mechanic II	20.69
23023 - Aircraft Mechanic III	21.74
23040 - Aircraft Mechanic Helper	13.70
23050 - Aircraft, Painter	18.50
23060 - Aircraft Servicer	16.09
23070 - Aircraft Survival Flight Equipment Technician	18.50
23080 - Aircraft Worker	17.38
23091 - Aircrew Life Support Equipment (ALSE) Mechanic I	17.38
23092 - Aircrew Life Support Equipment (ALSE) Mechanic II	19.70
23110 - Appliance Mechanic	16.21
23120 - Bicycle Repairer	12.96
23125 - Cable Splicer	19.59
23130 - Carpenter, Maintenance	14.47
23140 - Carpet Layer	15.16
23160 - Electrician, Maintenance	17.86
23181 - Electronics Technician Maintenance I	15.16
23182 - Electronics Technician Maintenance II	16.21
23183 - Electronics Technician Maintenance III	18.31
23260 - Fabric Worker	14.11
23290 - Fire Alarm System Mechanic	15.43
23310 - Fire Extinguisher Repairer	13.06
23311 - Fuel Distribution System Mechanic	17.26
23312 - Fuel Distribution System Operator	13.06
23370 - General Maintenance Worker	11.96
23380 - Ground Support Equipment Mechanic	19.70
23381 - Ground Support Equipment Servicer	16.09
23382 - Ground Support Equipment Worker	17.38
23391 - Gunsmith I	13.06
23392 - Gunsmith II	15.16
23393 - Gunsmith III	17.26
23410 - Heating, Ventilation and Air-Conditioning Mechanic	16.58
23411 - Heating, Ventilation and Air-Conditioning Mechanic (Research Facility)	17.63
23430 - Heavy Equipment Mechanic	17.39
23440 - Heavy Equipment Operator	16.21
23460 - Instrument Mechanic	17.26
23465 - Laboratory/Shelter Mechanic	16.21
23470 - Laborer	11.37
23510 - Locksmith	16.21
23530 - Machinery Maintenance Mechanic	21.03
23550 - Machinist, Maintenance	17.26
23580 - Maintenance Trades Helper	10.23
23591 - Metrology Technician I	17.26
23592 - Metrology Technician II	18.35
23593 - Metrology Technician III	19.43
23640 - Millwright	17.26
23710 - Office Appliance Repairer	16.21
23760 - Painter, Maintenance	13.95
23790 - Pipefitter, Maintenance	17.52
23810 - Plumber, Maintenance	16.45
23820 - Pneudraulic Systems Mechanic	17.26
23850 - Rigger	17.26
23870 - Scale Mechanic	15.16
23890 - Sheet-Metal Worker, Maintenance	15.37
23910 - Small Engine Mechanic	15.16
23931 - Telecommunications Mechanic I	19.01

30052 - Cryogenic Technician II	26.63
30061 - Drafter/CAD Operator I	17.49
30062 - Drafter/CAD Operator II	19.56
30063 - Drafter/CAD Operator III	20.74
30064 - Drafter/CAD Operator IV	24.21
30081 - Engineering Technician I	14.62
30082 - Engineering Technician II	16.41
30083 - Engineering Technician III	18.36
30084 - Engineering Technician IV	22.34
30085 - Engineering Technician V	27.83
30086 - Engineering Technician VI	33.66
30090 - Environmental Technician	21.78
30095 - Evidence Control Specialist	21.78
30210 - Laboratory Technician	20.74
30221 - Latent Fingerprint Technician I	24.12
30222 - Latent Fingerprint Technician II	26.63
30240 - Mathematical Technician	23.34
30361 - Paralegal/Legal Assistant I	19.44
30362 - Paralegal/Legal Assistant II	23.68
30363 - Paralegal/Legal Assistant III	28.99
30364 - Paralegal/Legal Assistant IV	33.88
30375 - Petroleum Supply Specialist	26.63
30390 - Photo-Optics Technician	21.93
30395 - Radiation Control Technician	26.63
30461 - Technical Writer I	22.17
30462 - Technical Writer II	27.10
30463 - Technical Writer III	32.79
30491 - Unexploded Ordnance (UXO) Technician I	24.24
30492 - Unexploded Ordnance (UXO) Technician II	29.33
30493 - Unexploded Ordnance (UXO) Technician III	35.16
30494 - Unexploded (UXO) Safety Escort	24.24
30495 - Unexploded (UXO) Sweep Personnel	24.24
30501 - Weather Forecaster I	24.12
30502 - Weather Forecaster II	29.34
30620 - Weather Observer, Combined Upper Air Or (see 2)	20.74
Surface Programs	
30621 - Weather Observer, Senior (see 2)	23.00
31000 - Transportation/Mobile Equipment Operation Occupations	
31010 - Airplane Pilot	29.33
31020 - Bus Aide	8.15
31030 - Bus Driver	9.69
31043 - Driver Courier	8.97
31260 - Parking and Lot Attendant	8.93
31290 - Shuttle Bus Driver	9.99
31310 - Taxi Driver	9.43
31361 - Truckdriver, Light	9.78
31362 - Truckdriver, Medium	11.61
31363 - Truckdriver, Heavy	13.89
31364 - Truckdriver, Tractor-Trailer	13.89
99000 - Miscellaneous Occupations	
99020 - Cabin Safety Specialist	14.30
99030 - Cashier	9.12
99050 - Desk Clerk	9.70
99095 - Embalmer	24.24
99130 - Flight Follower	24.24
99251 - Laboratory Animal Caretaker I	21.62
99252 - Laboratory Animal Caretaker II	22.67
99260 - Marketing Analyst	20.09

does not specify an SCA wage rate, then the wage rate for that employee must be conformed in accordance with the conformance procedures described in the conformance note included on this wage determination.

Additionally, because job titles vary widely and change quickly in the computer industry, job titles are not determinative of the application of the computer professional exemption. Therefore, the exemption applies only to computer employees who satisfy the compensation requirements and whose primary duty consists of:

- (1) The application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software or system functional specifications;
- (2) The design, development, documentation, analysis, creation, testing or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications;
- (3) The design, documentation, testing, creation or modification of computer programs related to machine operating systems; or
- (4) A combination of the aforementioned duties, the performance of which requires the same level of skills. (29 C.F.R. 541.400).

2) AIR TRAFFIC CONTROLLERS AND WEATHER OBSERVERS - NIGHT PAY & SUNDAY PAY: If you work at night as part of a regular tour of duty, you will earn a night differential and receive an additional 10% of basic pay for any hours worked between 6pm and 6am. If you are a full-time employed (40 hours a week) and Sunday is part of your regularly scheduled workweek, you are paid at your rate of basic pay plus a Sunday premium of 25% of your basic rate for each hour of Sunday work which is not overtime (i.e. occasional work on Sunday outside the normal tour of duty is considered overtime work).

**** HAZARDOUS PAY DIFFERENTIAL ****

An 8 percent differential is applicable to employees employed in a position that represents a high degree of hazard when working with or in close proximity to ordnance, explosives, and incendiary materials. This includes work such as screening, blending, dyeing, mixing, and pressing of sensitive ordnance, explosives, and pyrotechnic compositions such as lead azide, black powder and photoflash powder. All dry-house activities involving propellants or explosives. Demilitarization, modification, renovation, demolition, and maintenance operations on sensitive ordnance, explosives and incendiary materials. All operations involving re-grading and cleaning of artillery ranges.

A 4 percent differential is applicable to employees employed in a position that represents a low degree of hazard when working with, or in close proximity to ordnance, (or employees possibly adjacent to) explosives and incendiary materials which involves potential injury such as laceration of hands, face, or arms of the employee engaged in the operation, irritation of the skin, minor burns and the like; minimal damage to immediate or adjacent work area or equipment being used. All operations involving, unloading, storage, and hauling of ordnance, explosive, and incendiary ordnance material other than small arms ammunition. These differentials are only applicable to work that has been specifically designated by the agency for ordnance, explosives, and incendiary material differential pay.

**** UNIFORM ALLOWANCE ****

If employees are required to wear uniforms in the performance of this contract (either by the terms of the Government contract, by the employer, by the state or local law, etc.), the cost of furnishing such uniforms and maintaining (by laundering or dry cleaning) such uniforms is an expense that may not be borne by an employee where such cost reduces the hourly rate below that required by the wage determination. The Department of Labor will accept payment in accordance with the following standards as compliance:

The contractor or subcontractor is required to furnish all employees with an adequate number of uniforms without cost or to reimburse employees for the actual cost of the uniforms. In addition, where uniform cleaning and maintenance is made the responsibility of the employee, all contractors and subcontractors subject to this wage determination shall (in the absence of a bona fide collective bargaining agreement providing for a different amount, or the furnishing of contrary affirmative proof as to the actual cost), reimburse all employees for such cleaning and maintenance at a rate of \$3.35 per week (or \$.67 cents per day). However, in those instances where the uniforms furnished are made of "wash and wear" materials, may be routinely washed and dried with other personal garments, and do not require any special treatment such as dry cleaning, daily washing, or commercial laundering in order to meet the cleanliness or appearance standards set by the terms of the Government contract, by the

Section XI. SUBCONTRACTOR UTILIZATION FORM

RFP NO. _____

PROJECT TITLE:

NAME OF PRIME OFFEROR:

E-MAIL ADDRESS:

ADDRESS:

TELEPHONE NO.:

FAX NO.:

The following subcontractors¹ (if known at the time of proposal submission) will be used on this Project (continue list on additional page if necessary):

COMPANY NAME,
ADDRESS, PHONE
NUMBER, AND E-MAIL
ADDRESS:

TYPE OF WORK TO BE
PERFORMED:

ESTIMATED
DOLLAR
AMOUNT OF
SUBCONTRACT:

I certify under penalty of perjury that the foregoing statements are true and correct. In the event that substitution or replacement of a subcontractor is required, I will adhere to the substitution or replacement requirements of the government of Guam.

Signature of Offeror (Prime Contractor)

Date

Print Name

Title

¹ Subcontractor is defined as a company, firm, joint venture, or individual who enters into an agreement with a contractor to provide services to a prime contractor or higher tier subcontractor under a contract awarded or to be awarded by the government of Guam.

If the answer to either of the above questions is "Yes", complete the attached "Relatives and Former The Office of the Governor Employees - Roles and Signatures" table (Part A and/or Part B, as applicable).

2. Does the Offeror or any Associate of the Offeror have an Actual, Apparent or Potential Conflict of Interest ("Individual" or "Organizational") with regard to any known member of an The Office of the Governor Procurement evaluation or selection team? No Yes Comments:
3. Did the Offeror or any Associate of the Offeror conduct prior work on the Project described in the Procurement, or participate in preparing any part of the Procurement or any documents or reports related to the Procurement or to which the Procurement refers? No Yes Comments:
4. Does the Offeror or any Associate of the Offeror have any past, present or currently planned personal or financial interests which are an Actual, Apparent or Potential Conflict of Interest ("Individual" or "Organizational"), with respect to the Procurement or award of this Contract or performing the work for The Office of the Governor or acquisition of any real property for the Project? No Yes Comments:
5. Has the Offeror or an Associate of the Offeror offered to a Public Employee, or is the Offeror aware of any Public Employee that has solicited or received, directly or indirectly, any pledge or promise of employment or other benefit based on the understanding that the Public Employee's vote, official action or judgment would be influenced thereby? No Yes Comments:
6. Has (or will) the Offeror or an Associate of the Offeror provided a direct beneficial financial interest to any person within two years after the person ceased to hold a position as a Public Employee who was involved in the Procurement or Authorization for the Contract, or is the Offeror aware of any such person or Public Employee who has or will receive a direct beneficial financial interest within the two-year period? No Yes Comments:
7. Is the Offeror aware of any current or former Public Employee that has an Actual, Apparent or Potential Conflict of Interest with respect to the Procurement or award of this Contract or performing the work for The Office of the Governor? No Yes Comments:
8. Does the prospective Contract/WOC include development of an Environmental Assessment (EA) or Environmental Impact Statement (EIS)? No Yes
- If yes, in accordance with the disclosure statement requirements of Council on Environmental Quality Regulation, 40 C.F.R 1506.5(c), does the Offeror have any financial, or other interest in the outcome of this Project; and/or does the Offeror have any agreement, enforceable promise, or guarantee to provide any future work on this Project? No Yes Comments:
9. Have Subcontractors or other Associates furnished COI Disclosure Forms, separate from the present form, which included conflicts or potential conflicts of interest? (If yes, attach the disclosures.) No Yes N/A Comments:

Relatives and Former The Office of the Governor Employees - Roles and Signatures

For each employee of the Offeror that was employed by The Office of the Governor within the last year, state the job the employee performed for The Office of the Governor, the role the employee now serves for the Offeror and the date the employee left The Office of the Governor. Use Part B for Offeror Associates with Relatives or Members of the Household working for The Office of the Governor that have had or will have involvement with this Procurement or Contract.

Part A: Employees that left The Office of the Governor in the last year.			
Employee Name/Signature	Job Performed for The Office of the Governor	Current Role with Offeror	Date left The Office of the Governor
Name: _____ Sign: _____ Involved with this Procurement on behalf of The Office of the Governor? No <input type="checkbox"/> Yes <input type="checkbox"/> Involved with Proposal development for this Procurement? No <input type="checkbox"/> Yes <input type="checkbox"/>			
Name: _____ Sign: _____ Involved with this Procurement on behalf of The Office of the Governor? No <input type="checkbox"/> Yes <input type="checkbox"/> Involved with Proposal development for this Procurement? No <input type="checkbox"/> Yes <input type="checkbox"/>			
Name: _____ Sign: _____ Involved with this Procurement on behalf of The Office of the Governor? No <input type="checkbox"/> Yes <input type="checkbox"/> Involved with Proposal development for this Procurement? No <input type="checkbox"/> Yes <input type="checkbox"/>			
Part B: Identify Associates of the Offeror that are Relatives or Members of the Household of The Office of the Governor employees currently working for The Office of the Governor, if The Office of the Governor employee had or will have any involvement with this Procurement or Contract.			
Offeror Associate's Name	Name and Relationship of Relative or Member of Household Employed at The Office of the Governor	Role at The Office of the Governor	The Office of the Governor employee's Role with this Procurement

(Make copies of this page as necessary to list additional employees or associates.)

any member of an The Office of the Governor Procurement evaluation or selection team?

4. Did the Offeror or any Associate of the Offeror conduct prior work on the Project described in the Procurement, or participate in preparing any part of the Procurement or any documents or reports related to the Procurement or to which the Procurement refers?

5. Does the Offeror or any Associate of the Offeror have any past, present or currently planned interests which are an Actual, Apparent or Potential Conflict of Interest ("Individual" or "Organizational") with respect to performing the work for The Office of the Governor?

6. Has the Offeror or an Associate of the Offeror offered to a Public Employee, or is the Offeror aware of any Public Employee that has solicited or received, directly or indirectly, any pledge or promise of employment or other benefit based on the understanding that the Public Employee's vote, official action or judgment would be influenced thereby?

7. Has (or will) the Offeror or an Associate of the Offeror provided a direct beneficial financial interest to any person within one year after the person ceased to hold a position as a Public Employee who was involved in the Procurement or Authorization for the Contract, or is the Offeror aware of any such person or Public Employee who has or will receive a direct beneficial financial interest within the one-year period?

8. Is the Offeror aware of any current or former Public Employee that has an Actual, Apparent or Potential Conflict of Interest with respect to the Procurement or award of this Contract or performing the work for The Office of the Governor?

9. Does the prospective Contract include development of an environmental assessment (EA) or environmental impact statement (EIS)?

10. If a Procurement is to obtain personal services for the purpose of administering, managing, monitoring, inspecting, evaluating compliance with or otherwise overseeing a public contract, is the Offeror or an Associate or an Affiliate of the Offeror a party to the subject public contract?

11. Has the Offeror or any Associate of the Offeror entered into any contract(s) with The Office of the Governor for the purpose of advising or assisting in developing any part of the solicitation documents, including specifications, requirements, a scope or statement of work, an invitation to bid, a request for proposals or other documents and materials used in, or related to this procurement?

If none of the foregoing apply, an Offeror shall provide a written and signed certification (specified by The Office of the Governor) that the Offeror has read and complied with these COI Guidelines and the COI Disclosure Form and did not answer Yes to any of the questions, or, if required by The Office of the Governor, the Offeror shall complete and submit a Correct and signed COI Disclosure Form.

An Offeror shall incorporate in each required COI Disclosure Form any COI disclosure information provided by its staff and attach COI Disclosure Forms from each of its Subcontractors (that have required disclosures of conflicts or potential conflicts of interest), prior to such Offeror performing any services under a Contract.

The COI Disclosure Form is attached to the solicitation as a mandatory form that must be signed and submitted with Offeror's Proposal.

The Guam Procurement Law statutory and regulatory framework, as generally applied, addresses conflicts of interest in public contracting by emphasizing the need for open and impartial Procurement methods and by prohibiting certain conflicts of interest involving public officials. The following statutes and administrative rules establish Guam's general policies and the restrictions and prohibitions regarding conflicts of interest for public contracts and Public Employees:

- The policies of the Guam Procurement Law (5 GCA § 5001, et seq) encourage public contracting competition that supports openness and impartiality to the maximum extent possible, while recognizing that the nature of effective and meaningful competition depends upon the service being procured.

- According to 5 GCA §§ 5001(b), 5003, and 5625, a sound and responsive public contracting system should instill public confidence through ethical and fair dealing, honesty, and good faith on the part of government officials and those who do business with the government.

- Article 11 of the Guam Procurement Law, Ethics in Public Contracting, and Article 2 of the Standards of Conduct for Elected Officers, Appointed Officers and Public Employees of the government of Guam prohibit conflicts of interest of Public Employees and prohibit Public Employees from obtaining outside financial benefits for the exercise of their official duties. Among the prohibitions are offering a public employee a fee, a pledge of future employment, or anything valued in excess of \$200 based on an understanding that the offer would influence the public employee's official action or judgment.

- 5 GCA § 5632(a) provides the following: "Contemporaneous Employment Prohibited. Except as may be permitted by regulations pursuant to this Chapter or pursuant to Title 4 GCA, or rulings of the Civil Service Commission pursuant to this Chapter, it shall be a breach of ethical standards for any employee who is participating directly or indirectly in the procurement process to become or be, while such an employee, the employee of any person contracting with the governmental body by whom the employee is employed. Notice of this provision shall be provided in accordance with regulations promulgated by the Civil Service Commission."

- 5 GCA § 5632(c) and (d) provide the following: "(c) Disqualification of Business When an Employee Has a Financial Interest. It shall be a breach of ethical standards for a business in which an employee has a financial interest knowingly to act as a principal, or as an agent for anyone other than the Territory, in connection with any:

- (1) judicial or other proceeding, application, request for a ruling or other determination;

- (2) contract;

- (3) claim; or

- (4) charge or controversy; in which the employee either participates personally and substantially through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, or which is the subject of the employee's official responsibility, where the Territory is a party or has a direct and substantial interest.

- (d) Selling to the Territory After Termination of Employment is Prohibited. It shall be a breach of ethical standards for any former employee, unless the former employee's last annual salary did not exceed Twelve Thousand Dollars (\$12,000.00), to engage in selling

(c) No employee shall assist any person or business or act in a representative capacity before any territorial agency for any compensation in any transaction involving the Territory.

(d) No employee shall assist any person or business or act in a representative capacity for a fee or other compensation to secure passage of a bill or to obtain a contract, claim, or other transaction or proposal in which the employee has participated or will participate as an employee, nor shall the employee assist any person, or business, or act in a representative capacity for a fee or other compensation on such bill, contract, claim, or other transaction or proposal before the Legislature or territorial agency of which the individual is an employee.

(e) No employee shall assist any person or business or act in a representative capacity before a territorial agency for a fee or other compensation, on any bill, contract, claim, or other transaction or proposal involving official action by the agency if the employee has official authority over that agency unless such employee has complied with the disclosure requirements of § 15208.”

- 4 GCA § 15206 states: “Contracts.

(a) A territorial agency shall not enter into any contract with an employee or with a business in which an employee has a controlling interest, unless the contract has been awarded through an open, public process. A territorial agency may, however, enter into such contract without resort to competitive bidding process when, in the opinion of the General Services Agency or the procurement officer of that branch of government, the property or services does not fall within the purview of competitive bidding; provided that written justification for the non-competitive award of such contract be made a matter of public record and shall be filed with the Guam Ethics Commission at least ten (10) days before such contract is entered into. With regards to members of boards, commissions, and committees, this Subsection shall apply only to contracts entered into between a business in which a member has a controlling interest and a territorial agency in which the board, commission, or committee to which the individual is appointed has jurisdiction.

(b) A territorial agency shall not enter into a contract with any person or business which is represented or assisted in a material manner in the matter by a person who has been an employee of that agency within the preceding twelve (12) months and who participated while in territorial office or employment in a material manner in the matter with which the contract is directly concerned.”

The Office of the Governor’s COI Guidelines embody the intent of encouraging competition through openness, impartiality, and public disclosure of relevant information (and the avoidance of conflicts of interest) as described in Guam’s Procurement Law, Title 5, Chapter 5, Article 11, Ethics in Public Contracting; Title 4, Chapter 15, Standards of Conduct for Elected Officials, Appointed Officers, and Public Employees of the government of Guam, The Guam Department of Administration Personnel Code of Conduct and The Office of the Governor’s aforelisted Standards of Conduct Policies or any other applicable governmental ethics policies.

The one-year prohibition against a Public Employee having a direct beneficial financial interest in a public contract as provided in 5 GCA § 5632(b) would generally preclude the person from working under the public contract and from representing the Offeror in dealings with the public agency for whom the person had worked. Sharing in the general profits of the Offeror (such as a year-end bonus for overall corporate profits) is likely not

contractor should be eliminated for a reasonable time from competition for production based on the specifications. This should be done in order to avoid a situation in which the contractor could draft specifications favoring its own products or capabilities. In this way the Government can be assured of getting unbiased advice as to the content of the specifications and can avoid allegations of favoritism in the award of production contracts.

- When an Offeror develops, prepares, furnishes, or drafts any specifications, requirements, statements of work, scope of services, invitations for bids, or requests for proposals related to a solicitation to be used in competitively acquiring a system or services, or provides material leading directly, predictably, and without delay to such a statement of work, scope of services, or technical specifications, it is a conflict of interest if that Offeror submits a Proposal or bid to supply the system, major components of the system, or the services, unless:
 - (i) It is the sole source;
 - (ii) It has participated in the development and design work; or
 - (iii) More than one contractor has been involved in preparing the statement of work, scope of services, or technical specifications.
- Agencies should normally prepare their own statements of work, and scopes of services. When contractor assistance is necessary to develop, prepare, furnish, or draft any specifications, requirements, statements of work, scope of services, invitations for bids, or requests for proposals related to a solicitation, the contractor is in a position to favor its own products or capabilities. To overcome the possibility of bias, Offerors are prohibited from supplying a system or services acquired on the basis of a statement of work or scope of services growing out of their services, unless:
 - (i) It is the sole source;
 - (ii) It has participated in the development and design work; or
 - (iii) More than one contractor has been involved in preparing the statement of work, scope of services, or technical specifications.
- It is a conflict of interest for a contractor to participate in the evaluation of products or services that it offers. Contracts for the evaluation of offers for products or services shall not be awarded to an Offeror that will evaluate its own offers for products or services, or those of a competitor.

The following situations are not considered to constitute organizational conflicts of interest. This list is not exhaustive:

- In development work, it is normal to select firms that have done the most advanced work in the field. These firms can be expected to design and develop around their own prior knowledge. Development contractors can frequently start production earlier and more knowledgeably than firms that did not participate in the development, and this can affect the time and quality of production, both of which are important to the Government. In many instances the Government may have financed the development. Thus, while the development contractor has a competitive advantage, it is an unavoidable one that is not considered unfair; hence this is not considered an organizational conflict of interest.

Procurement, if the consultant furnished only "low-level" documents that were incorporated into the RFP and made available to all offerors, and did not assist the state in the development of instructions to offerors or evaluation criteria for the RFP. These Design-Build regulations also apply to "improper business practices and personal conflicts of interest" of The Office of the Governor's selection team members. 23 CFR § 636.117 indicates that Federal Acquisition Regulations ("FARs"---specifically 48 CFR Part 3, Improper Business Practices and Personal Conflicts of Interest) will apply to the state's selection team members in the absence of relevant state laws and procedures. These regulations require government business to be "above reproach," conducted "with complete impartiality and with preferential treatment for none" and with "the highest degree of public trust and an impeccable standard of conduct" to avoid "even the appearance of a conflict of interest." In design-bid-build transactions, where engineering services are procured separately from the construction services, ordinarily the consulting Offeror providing the engineering services is not eligible to bid on the construction work for the Project.

No Offeror or any Associate of an Offeror in connection with a Transportation Project shall have, directly or indirectly, any interest, other than his employment or retention by a State or other governmental instrumentality, in any Contract in connection with such Project. No firm or an Associate of an Offeror shall have, directly or indirectly, any interest in any real property acquired or to be acquired for a Project unless such interest is openly disclosed upon the records of The Office of the Governor and such Offeror or Associate has not participated and will not participate in such acquisition for and in behalf of The Office of the Governor (see 23 CFR § 1.33).

Specific Federal Standards - National Environmental Policy Act (NEPA)

No Offeror preparing or providing environmental analysis or impact documents relating to a Project, including draft and final Environmental Assessments (EA) or Environmental Impact Statements (EIS) may have a financial or other interest in the outcome of the Project. A financial or other interest in the outcome of the Project includes any known benefits other than general enhancement of professional reputation, and includes any agreement, enforceable promise, guarantee or expectation of future work on the Project as well as any indirect benefit the Offeror is aware of such as if the Project would aid proposals sponsored by the Offeror's other clients. Compliance with 40 C.F.R. 1506.5(c) is required, which includes the requirement for a conflict of interest disclosure statement from each Offeror establishing that the Offeror does not have a financial or other interest in the Project.

4. COI Considerations Related to Previous Work on Projects.

No Offeror that has previously performed services on behalf of The Office of the Governor for a Project may be a Proposer or participate as an equity owner, team member, Subcontractor of or to a Proposer on the Project, or have a financial interest in any of the foregoing entities with respect to the Project, unless The Office of the Governor is satisfied in its sole discretion that:

- (a) such services were completed prior to initiation of the Procurement for the Project (exceptions may apply for NEPA services on a case-by-case evaluation of the project specifics against the applicable CFRs);
- (b) such services included only Low-Level Documents and did not include development of instructions to offerors or evaluation criteria for the RFP;

- ✓ Situational Facts – description of the situation and all known facts specific to the actual or perceived COI
- ✓ Type of Work - specific product or service and Contract(s) involved
- ✓ Relationship to Management - specific interactions with The Office of the Governor decision-makers
- ✓ Public Disclosure - timing and availability of product or service

The specific facts disclosed in any COI situation will be unique to that situation. Therefore, the decisions and conclusions reached in one situation may or may not be directly applicable to another. For example, the definition of “low-level” documents does not isolate an Offeror producing such documents from a potential COI situation. The ultimate determination will take into account the other factors described above.

6. Examples of Conflict of Interest Situations.

The Office of the Governor offers the following examples to better illustrate conflict of interest situations that may arise during the course of the performance of a Personal Services Contract, Purchase Request, Purchase Order, or any Contract entered into between The Office of the Governor and an Offeror, or during any government of Guam Procurement process, in order to provide guidance to Offerors as they determine if their specific situations warrant disclosure, evaluation, and management.

1. A Design-Build solicitation requires the responding teams to propose how to manage site features that were uncovered by a geotechnical engineering Offeror. The Offeror's reports to The Office of the Governor on the Project are available to the public. A multi-specialty engineering Offeror that is the parent company of the geotechnical engineering Offeror submits a proposal to design the overall Project. Depending on the particular mitigating facts, The Office of the Governor might determine in writing that the multi-specialty engineering Offeror is eligible to propose.
2. The Office of the Governor seeks comprehensive project management services for a series of Transportation Projects. One of the proposing Offerors employed a senior official from The Office of the Governor who played a significant role in providing direction for the solicitation, six months ago. The Office of the Governor initially assesses this situation as a potential Organizational Conflict of Interest and provides information to potential Proposers of this assessment through an addendum to the RFP. In its proposal, the Proposer provides mitigating information and written assurances that this individual works in an area of the company that will not be working on their program management proposal and that the individual will be isolated inside the company from any information associated with the program, will not be lobbying The Office of the Governor, will not engage in any activities that would violate The Office of the Governor Code of Conduct Policy for the prescribed one-year period, and for a period of one year will not have a direct beneficial interest in the contract. Depending on the particular facts, The Office of the Governor might determine that, while the proposing Offeror has a potential Organizational Conflict of Interest, that conflict has been adequately mitigated and the Offeror will not be disqualified from submitting a proposal.
3. The Office of the Governor issues an RFP for design and oversight of an intelligent system to collect bridge tolls. The RFP provides that companies having a financial interest in the relevant telecommunications hardware will be excluded

its affiliate construction company but does not clarify how much information will be shared between the principal and its Subcontractors and affiliates or the controls placed on the principal Subcontractor-affiliate relationship. Furthermore, the proposing Offeror has provided mitigation information, indicating that the related entity will not participate in providing services under the program management Contract (i.e., design, source selection, award of Contract, etc.). The Office of the Governor may conclude the proposing Offeror does not have a conflict of interest that detracts from its eligibility for the program management award. The Office of the Governor may determine that the related entity has a conflict of interest in future design-build construction work related to the bridge repair and replacement program that has not been adequately mitigated by the measures and information provided by the proposing Offeror. As a result, if the proposing Offeror is awarded the program management Contract, the related construction company will be ineligible for construction work under the program. This determination will depend upon the precise relationship between the related entity and the Proposer.

8. Completion of a project may encourage construction of a shopping center or industrial park from which an Offeror stands to benefit. If an Offeror is aware that it has such an interest in the decision on the proposal, it will be disqualified from preparing an EIS to preserve the objectivity and integrity of the NEPA process.
9. The Office of the Governor issues an RFP for A&E services to prepare plans, specifications, and estimate (PS&E) to replace a bridge. The PS&E will be completed as part of a design-bid-build process. One of the A&E firms proposing on the design services owns XYZ Inc., a subsidiary that provides program management services to The Office of the Governor under a separate contract. The Office of the Governor's intent, as advertised in the RFP, is to use XYZ Inc. for administration and oversight of the A&E design services for the bridge replacement project. The A&E firm that is the parent of XYZ Inc. would be ineligible for award of the A&E design contract.
10. The Office of the Governor issues an IFB for construction services to replace a bridge. The replacement is being done using the design-bid-build process. One of the construction firms bidding on the public improvement project owns XYZ Inc., a subsidiary that provides construction contract administration and inspection services to The Office of the Governor under a separate contract. The Office of the Governor's intent, as advertised in the IFB, is to use XYZ Inc. for administration and inspection of the bridge replacement project. The construction firm that is the parent of XYZ Inc. would be ineligible for award of the construction contract.

DEFINITIONS

The following definitions apply to these COI Guidelines and The Office of the Governor's COI Disclosure Form:

"Actual Conflict of Interest" means that an individual or Offeror is unable to render impartial assistance or advice to The Office of the Governor, has impaired objectivity in performing the Project work, or has an unfair competitive advantage. "Actual Conflict of Interest" means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit

"Individual Conflict of Interest" means that an individual has a conflict of interest because of a financial interest, gift, or other activities or relationships with other persons including but not limited to individuals with whom the individual has business, familial or household relationships.

"Interest" (in the context of a conflict of interest) means a direct or indirect interest and includes a personal as well as financial interest.

"Low-Level Document" means A&E, non-A&E and IT program or Project-related documents which provide a basic understanding of a specific aspect of the program or Project. With regard to A&E and related services, it means that the role of the consultant or subconsultant was limited to provision of preliminary design, reports, or similar "low-level" documents that will be incorporated into the solicitation, and did not include assistance in development of instructions to offerors or evaluation criteria.

"Organizational Conflict of Interest" means that a relationship or situation exists whereby an Offeror or any of its Associates has past, present, or currently planned interests or activities that either directly or indirectly (through a client, contractual, financial, organizational or other relationship) may relate to the work to be performed under the proposed Contract with The Office of the Governor and which: (a) diminish the Offeror's or an Associate's capacity to give impartial, technically sound, objective assistance or advice; (b) may impair the Offeror's or an Associate's objectivity in performing the Contract; (c) may impair The Office of the Governor's objectivity in oversight of the Contractor's performance; or (d) may result in an unfair competitive advantage. It does not include the normal flow of benefits from the performance of the Contract.

"Potential Conflict of Interest" means that an individual or Offeror, as a result of current plans, may reasonably be expected to have an actual conflict of interest. **"Potential Conflict of Interest"** means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which could be to the private pecuniary benefit or detriment of the person or the person's relative, or a business with which the person or the person's relative is associated, unless the pecuniary benefit or detriment arises out of the following: (a) an interest or membership in a particular business, industry, occupation or other class required by law as a prerequisite to the holding by the person of the office or position; (b) any action in the person's official capacity which would affect, to the same degree, a class consisting of all inhabitants of the state or a smaller class consisting of an industry, occupation or other group including one of which or in which the person, or the person's relative or business with which the person or the person's relative is associated, is a member or is engaged; or (c) membership in or membership on the board of directors of a nonprofit corporation that is tax-exempt under section 501(c) of the Internal Revenue Code.

"Procurement" means a Request for Proposals (RFP), Request for Quotes (RFQ), Request for Information (RFI), Invitation for Bid (IFB), or any other form of solicitation or Procurement by The Office of the Governor.

"Project" means any proposed or existing undertaking pertaining to such programs that are assigned to The Office of the Governor under applicable law.

"Proposal" means a bid, proposal, or other submission appropriate to a Procurement.

"Proposer" means a legally operating business entity submitting a Proposal in response to a Procurement.

**Section XIV. CERTIFICATION OF NON-EMPLOYMENT
OF CONVICTED SEXUAL OFFENDERS**

**CERTIFICATION OF NON-EMPLOYMENT OF CONVICTED SEXUAL
OFFENDERS**

Pursuant to Guam Public Law 28-24, as amended by Guam Public Law 28-98, if a contract for services is awarded to an 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 defined, or who is listed on the Sex Offender Registry, shall provide services on behalf of the service provider while on government of Guam property, with the exception of public highways. If any employee of a service provider is providing services on government property and is convicted subsequent to an award of a contract, then the service provider warrants that it will notify The Office of the Governor of the conviction within twenty-four hours of the conviction and will immediately remove such convicted person from providing services on government of Guam property. If the service provider is found to be in violation of any of the provisions of this paragraph, then The Office of the Governor 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 Office of the Governor, and the service provider shall notify The Office of the Governor when action has been taken. If the service provider fails to take corrective steps within twenty-four hours of notice from The Office of the Governor, then The Office of the Governor in its sole discretion may suspend temporarily any contract for services.

I, _____ being a duly authorized representative of the
(print name)

Offeror, acknowledge the requirements described above, have ensured that the Proposal as submitted addresses these requirements, and certify that if awarded the contract, the Offeror will follow these mandates.

(Company Name)

(Title)

(Signature)

(Date)

action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a follow-up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subrecipient, e.g., the first subrecipient of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subrecipient," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitations for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Included prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.
(b) Enter the full names of the individual(s) performing services, and include full address if different from 10(a). Enter Last Name, First Name, and Middle Initial (MI).
11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.



Overview

Policy Number:	OTECH-POL2021-002
Title:	IT System Development Requirements & Security Assessment Standards
Purpose:	To provide security control standards for all Government of Guam (GovGuam) Information Systems, to include all GovGuam information systems hosted outside of the GovGuam Network (GGWAN).
Authority:	5 GCA Chapter 1 Article 12.105 (a)(3), (a)(9), 12.109, 12.110
Publication Date:	January 20, 2022
Policy Approval:	 Frank LG Lujan, Jr Chief Technology Officer
Target Audience:	The intended recipient of this policy includes all entities under the authority of the Office of Technology, pursuant to 5GCA Ch 1, Article 12.102.
Contact Details:	Office of Technology – Government of Guam 211 Aspinall Avenue Hagåtña, Guam 96910 O: 671.635.4500 F: 671.472.9508 otech.guam.gov



XVII. GRANT TERMS & CONDITIONS APPENDICES

Appendix A

U.S. Department of Interior, Office of Insular Affairs under Federal Award No.
D20AP00048/TAP COVID-19.

DRAFT

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HĀGAN GUĀHAN
OFFICE OF THE GOVERNOR OF GUAM

MEMORANDUM

TO: All Employees, Office of the Governor
FROM: Chief of Staff, Office of the Governor
RE: RFP No. GOV-2022-01 re: Procurement of Professional Services to Provide the Government of Guam a Licensing and Permitting System
SUBJECT: Request For Proposal RFP-GOV-2022-02

Hafa Adai. On behalf of the Office of the Governor, I am informing the staff that the Office of the Governor will be receiving proposals for the Procurement of Professional Services to provide a Licensing and Permitting System to the Government of Guam under RFP-GOV-2022-001. In order to comply with Guam's Procurement Law, all employees are prohibited from discussing this matter with anyone that is employed outside the Office of the Governor or the Single Point of Contact.

Should any of you receive inquiries regarding the RFP for whatever reason, you are instructed to inform the person making the contact (including phone calls) that no discussion of the procurement is permitted, and to direct the person to email Matthew Santos at procurement@guam.gov as he is the designated Single Point of Contact for documentation in the Procurement Record.

Any communication between employees and the members of the public are to be immediately reported to the Single Point of Contact for documentation in the Procurement Record. This documentation is required by law.

Your cooperation in this matter is greatly appreciated.

Procurement Officer
Chief of Staff
Jon Junior M Calvo

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

DETERMINATION TO AMEND REQUEST FOR PROPOSALS

MEMORANDUM

TO: Procurement Record
FROM: Procurement Officer
DATE: 2/14/2022
RE: RFP #GOV 2022-001 re: Procurement of Professional Services to provide a Licensing and Permitting System to the Government of Guam.
SUBJECT: Determination to Amend Request for Proposals

STATEMENT OF FINDINGS:

1. It is the best interests of the Office of the Governor, the government of Guam, and the people of Guam to amend this solicitation to amend "Section IV Scope of Services, D. Organizational Units.
2. "Section IV Scope of Services, D. Organizational Units" is hereby amended to read as follows:

"Several agencies are expected to utilize the Licensing and Permit System. Those agencies are listed below. Please refer to ~~the appendix to~~ the "Guidebook to Development Requirements on Guam" for the processes and forms the government of Guam intends to automate through this project. The latest edition can be found at <https://bsp.quam.gov/quam-development-guidebook/>

License and Permit Application Owners and Clearance Users

Department of Revenue and Tax (DRT)
Guam Environmental Protection Agency
Department of Public Works
Department of Agriculture
Department of Land Management
Guam Land Use Commission (DLM)
The Guam Historic Resources Division Department of Parks and Recreation
Department of Public Health & Social Services

Autonomous Agency Users (For Clearance Purposes)

Guam Power Authority
Guam Waterworks Authority

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HĀGAN GUĀHAN
OFFICE OF THE GOVERNOR OF GUAM

DETERMINATION TO AMEND REQUEST FOR PROPOSALS

MEMORANDUM

TO: Procurement Record
FROM: Procurement Officer
DATE: 3/4/2022
RE: RFP #GOV 2022-001 re: Procurement of Professional Services to provide a Licensing and Permitting System to the Government of Guam.
SUBJECT: Amendment No. 002 Determination to Amend Request for Proposals

STATEMENT OF FINDINGS:

1. It is the best interests of the Office of the Governor, the government of Guam, and the people of Guam to amend this solicitation to amend **"Section I. Instructions To Offerors, E. Submission Of Proposals And Due Date"** so that the time associated with the deadline is consistent with the cover page, and to amend **"Section I. Instructions To Offerors, J. Offeror Presentations With Product Demonstration"** to match the numerical value and the text for the number of individuals allowed to present to be consistent with each other.
2. REQUEST FOR PROPOSAL, GOV 2022-001, "Section I. INSTRUCTIONS TO OFFERORS, E. SUBMISSION OF PROPOSALS AND DUE DATE" Paragraph 5, on pg 6 is hereby amended to read as follows:

" Proposals must be received not later than March 25, 2022 at 5:00 p.m., Chamorro Standard Time (C.S.T.). Proposals received after the closing time for receipt will not be considered. Office hours for receipt of Proposal are Monday through Friday (excluding government of Guam Holidays), 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m. Proposals must be e-mailed to the Single Point of Contact, Matthew Santos, at procurement@guam.gov, or hard copy Proposals must be hand-delivered, delivered by mail, or delivered by other courier service to:
3. REQUEST FOR PROPOSAL, GOV 2022-001, "Section I. INSTRUCTIONS TO OFFERORS, J. OFFEROR PRESENTATIONS WITH PRODUCT DEMONSTRATION" Paragraph 1, on pg 8 is hereby amended to read as follows:

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

DETERMINATION TO AMEND REQUEST FOR PROPOSALS

MEMORANDUM

TO: Procurement Record
FROM: Procurement Officer
DATE: 5/27/2022
RE: RFP #GOV 2022-001 re: Procurement of Professional Services to provide a Licensing and Permitting System to the Government of Guam.
SUBJECT: Determination to Amend Request for Proposals

STATEMENT OF FINDINGS:

1. It is the best interests of the Office of the Governor, the government of Guam, and the people of Guam to amend this solicitation to amend **“Section I. INSTRUCTIONS TO OFFERORS, E.SUBMISSION OF PROPOSALS AND DUE DATE” Paragraph 5, on pg 6 is hereby amended to read as follows:**

"Proposals must be received not later than ~~March 25, 2022~~ June 10, 2022 at 5:00 p.m., Chamorro Standard Time (C.S.T.). Proposals received after the closing time for receipt will not be considered. Office hours for receipt of Proposal are Monday through Friday (excluding government of Guam Holidays), 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m. Proposals must be e-mailed to the Single Point of Contact, Matthew Santos, at procurement@guam.gov., or hard copy Proposals must be hand-delivered, delivered by mail, or delivered by other courier service to:

2. It is the best interests of the Office of the Governor, the government of Guam, and the people of Guam to amend this solicitation to amend **“Section I. INSTRUCTIONS TO OFFERORS OFFEROR J. PRESENTATIONS WITH PRODUCT DEMONSTRATION” Paragraph 4, on pg 8 is hereby amended to read as follows:**

"Offeror Presentations are tentatively scheduled for ~~April 4, 2022~~ the week of June 17, 2022. All Offerors who submit a Proposal and register their contact information with the Office of the Governor for this RFP will be notified of the exact date, time, and virtual meeting information to conduct their presentations."

3. The extension of the Submission Deadline and the tentative time for Offeror Product Demonstrations is necessary due to the suspension of the procurement prior to the submission deadline, and due to the determination to proceed and its notice date falling after the submission deadline.

I have caused this determination to be placed within the procurement file for solicitation RFP # GOV RFP 2022-001.



Venido Torres
Procurement Officer,
Office of the Governor of Guam

Decisions on Letters of Protest #1 and #2

Matthew Santos <matthew.santos@bsp.guam.gov>

Tue, May 24, 2022 at 4:55 PM

To: "bids@dmrpacific.com" <bids@dmrpacific.com>, Jacqueline Terlaje <jterlaje@terlajelaw.com>, "procurement@guam.gov" <procurement@guam.gov>

Data Management Resources, LLC and Jacqueline Taitano Terlaje, Attorney for Data Management Resources, LLC

Please find attached the Decisions on Letters of Protest #1 and #2.

Sincerely,



Matthew Santos

Bureau of Statistics & Plans

PO Box 2950


Hagåtña, Guam 96910


Office: 671.475.9670

Matthew.Santos@BSP.Guam.Gov

www.BSP.Guam.Gov

2 attachments

 **GOV2022001 Decision on Protest #1 5242022.pdf**
543K

 **GOV2022001 Decision on Protest #2 5242022.pdf**
398K

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

NOTICE OF DETERMINATION TO PROCEED WITH PROCUREMENT

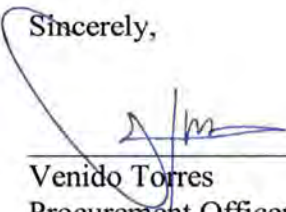
TO: Data Management Resources, LLC and Jacqueline Taitano Terlaje, Attorney for
Data Management Resources, LLC
E-MAIL: jterlaje@terlajelaw.com; bids@dmrpacific.com
DATE: 5/24/2022
RE: Request for Proposals RFP-Office of the Governor of Guam-2022-001, re:
Procurement of Professional Services for the government of Guam Licensing and
Permitting System
SUBJECT: Notice of Determination to Proceed with Procurement

Håfa Ådai,

Pursuant to 5 GCA § 5425(g)(1), 2 GAR, Div. 4 § 9101(e)(1), and 31 U.S.C. § 3553(c)(1), the Office of the Governor of Guam has determined that there are urgent and compelling circumstances and it is in the best interests and necessary to protect the substantial interests of the public, the government of Guam, and the Office of the Governor of Guam to proceed with the procurement process in Request for Proposals RFP-Office of the Governor of Guam-2022-001 without delay based on the denial of Data Management Resources, LLC's letters of protest, time constraints, and the terms and conditions and requirements of U.S. Department of Interior Grant Award No. D20AP00048

This notice does not constitute a decision on the merits of the letters of protest submitted by DMR. A decision on the merits of all letters of protest have already been issued pursuant to 2 GAR, Div. 4 § 9101(g)(1). This document constitutes notice of this determination.

Sincerely,



Venido Torres
Procurement Officer,
Office of the Governor of Guam

Ricardo J. Bordallo Governor's Complex
513 West Marine Corps Drive
Hagåtña, Guam 96910

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HĀGAN GUĀHAN
OFFICE OF THE GOVERNOR OF GUAM

DETERMINATION TO PROCEED WITH PROCUREMENT

MEMORANDUM

TO: Procurement Record
FROM: Procurement Officer
DATE: 5/24/2022
RE: Request for Proposals RFP-Office of the Governor of Guam-2022-001, re: Procurement of Professional Services for the government of Guam Licensing and Permitting System
SUBJECT: Determination to Proceed with Procurement Process Pursuant to 5 GCA § 5425(g)(1), 2 GAR, Div. 4 § 9101(e)(1), and U.S.C. § 3553(c)(1)

STATEMENT OF FINDINGS:

On March 19, 2022, the Office of the Governor of Guam received an e-mailed letter stating that it is a "protest" ("First Letter of Protest") from Data Management Resources, LLC ("DMR") in Request for Proposals RFP-Office of the Governor of Guam-2022-001, re: Procurement of Professional Services for the government of Guam Licensing and Permitting System ("RFP"). On April 8, 2022, the Office of the Governor of Guam received a second e-mailed letter stating that it is a "protest" ("Second Letter of Protest") from DMR in the same RFP. The Office of the Governor of Guam issued formal decisions on both the First Letter of Protest and the Second Letter of Protest on 5/24/2022.

Pursuant to 5 GCA § 5425(g)(1) and 2 GAR, Div. 4 § 9101(e)(1), when a protest has been timely filed within 14 days and before award of a contract, the procuring agency shall make no award of the contract prior to resolution of the protest, and any such further action is void unless the head of the using or purchasing agency and the Attorney General or designated Deputy Attorney General, make a written determination that the award of the contract without delay is necessary to protect substantial interests of the government of Guam.

In addition, under 31 U.S.C. § 3553(c)(1): "Except as provided in paragraph (2) of this subsection, a contract may not be awarded in any procurement after the Federal agency has received notice of a protest with respect to such procurement from the Comptroller General and while the protest is pending." *Id.*

Although this section prohibits "award" of a contract while the protest is pending, it does not prohibit the procuring agency from receiving and evaluating bids and proposals, even when a timely pre-award protest is filed. Further, a procuring agency is not required to impose an

automatic stay of any part of the procurement process when there are “urgent and compelling circumstances.” 31 U.S.C. § 3553(c)(2).

The Office of the Governor of Guam has issued formal decisions on both the First Letter of Protest and the Second Letter of Protest. Therefore, these protests are no longer pending, and 31 U.S.C. § 3553(c)(1) and 5 GCA § 5245(g) do not operate to impose a stay on this procurement.

In addition, the decisions on both Letters of Protest determined that the First Letter of Protest and the Second Letter of Protest were not timely filed. Therefore, 31 U.S.C. § 3553(c)(1) and 5 GCA § 5245(g) do not operate to impose a stay on this procurement for this reason as well.

Finally, pursuant to 5 GCA § 5425(g)(1), 2 GAR, Div. 4 § 9101(e)(1), and 31 U.S.C. § 3553(c)(1), the Office of the Governor of Guam finds that there are urgent and compelling circumstances that require the Office of the Governor of Guam to move forward with the procurement process to protect the substantial interests of the government of Guam.

Pursuant to 5 GCA § 5004(b): “Nothing in this Chapter or in regulations promulgated hereunder shall prevent any governmental body or political subdivision from complying with the terms and conditions of any grant, gift, bequest, or cooperative agreement.” The terms and conditions of U.S. Department of Interior Grant Award No. D20AP00048 require that the government of Guam must proceed with the procurement and award of the contract without delay because the funding available under the terms and conditions of Federal Award No. D20AP00048, is set to expire on September 30, 2022.

The Office of the Governor of Guam hereby finds that the further receipt and evaluation of proposals to further award of the contract for Request for Proposals RFP-Office of the Governor of Guam-2022-001 without delay is necessary to protect the substantial interests of the government of Guam because any further delay may result in loss of these federal funds and such penalties against the government of Guam by the U.S. Department of the Interior, including, but not limited to:


1. Temporarily withholding cash payments pending correction of the deficiency by the non-Federal entity or more severe enforcement action by the Federal awarding agency or passthrough entity;
2. Disallowing (that is, denying both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance;
3. Wholly or partly suspending or terminating the Federal award;
4. Initiation of suspension or debarment proceedings as authorized under 2 CFR part 180 and Federal awarding agency regulations (or in the case of a passthrough entity, recommend such a proceeding be initiated by a Federal awarding agency);
5. Withholding further Federal awards for the project or program;
6. Other remedies that may be legally available to the U.S. Department of Interior for non-compliance with the terms and conditions of Federal Award No. D20AP00048

2 CFR § 200.338.

Therefore, the Office of the Governor of Guam, after consultation with and written concurrence of the Attorney General or designated Deputy Attorney General, determines that it is in the best interests and necessary to protect the substantial interests of the public, the government of Guam, and the Office of the Governor of Guam to proceed with the procurement process and award of a contract for Request for Proposals RFP-Office of the Governor of Guam-2022-001 without delay.



Venido Torres
Procurement Officer
Office of the Governor of Guam

Concurred: 

Karl P. Espaldon
Deputy Attorney General
Office of the Attorney General of Guam

Notice of Determination to Proceed RFP GOV 2022-001

Matthew Santos <matthew.santos@bsp.guam.gov>

Tue, May 24, 2022 at 5:03 PM

To: "bids@dmrpacific.com" <bids@dmrpacific.com>, Jacqueline Terlaje <jterlaje@terlajelaw.com>, "procurement@guam.gov" <procurement@guam.gov>

Data Management Resources, LLC and Jacqueline Taitano Terlaje, Attorney for Data Management Resources, LLC

Please find attached a notice of determination to proceed.

Sincerely,

**Matthew Santos****Bureau of Statistics & Plans**

PO Box 2950

Hagåtña, Guam 96910

Office: 671.475.9670

Matthew.Santos@BSP.Guam.Govwww.BSP.Guam.Gov**GOV2022001 Notice of Determination to Proceed with Procurement 5242022.pdf**

40K

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

May 19, 2022

Venido Torres
513 W. Marine Corps. Drive
Hagatna, Guam 96910

Re: **Designation as Procurement Officer for the Office of the Governor of Guam**

Hafa Adai Mr. Torres,

Pursuant to 5 GCA §§ 5121, 5114, 5030(p), and 4 GCA § 13102, I hereby designate you to serve as:

PROCUREMENT OFFICER, OFFICE OF THE GOVERNOR OF GUAM

As Procurement Officer, you shall serve as the principal procurement contracting officer for the Office of the Governor of Guam and shall execute all procured contracts for the Office of the Governor of Guam. You are duly authorized to enter into and administer contracts and make all written determinations with respect thereto, to maintain and certify all required records of procurement actions, and to undertake any other actions authorized by law.

I appreciate your willingness to serve in this position, and I am confident that you will fulfill your duties to a high standard.

This designation shall be effective immediately. Please contact my office if you have any questions or if you wish to further discuss this matter.

Senseremente,

A handwritten signature in black ink, appearing to read "Lourdes A. Leon Guerrero".

LOURDES A. LEON GUERRERO
Maga'hågan Guåhan
Governor of Guam

cc: Chief of Staff, Jon Junior Calvo