



JUDITH T. WON PAT E.D. D.
Acting Superintendent of Education

**DEPARTMENT OF EDUCATION
OFFICE OF SUPPLY MANAGEMENT**

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Barrigada, Guam 96913
Telephone: (671) 475-0438/Fax: (671) 472-5001



CARMEN T. CHARFAUROS
Supply Management Administrator

May 18, 2023

AMENDMENT 3 ACKNOWLEDGEMENT FORM

IFB 002-2023

Indefinite Quantity Bid Purchase of Administrative and Instructional Supplies

Please review the attached document. (All Notice/Amendments can be reviewed on our website) Please sign **this acknowledgement page and only return this page**, attention to **DIANA D. HAYASHI** via fax (671) 472-5001 or e-mail to: ddhayashi@gdoe.net.

I, _____, an authorized representative of the company named below, acknowledge receipt of **AMENDMENT 3**, for **IFB 002-2023, Indefinite Quantity Bid Purchase of Administrative and Instructional Supplies**. Number of pages 8 (including this coversheet).

Company Name (Print)

Print Name

Signature

Time and Date



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AMENDMENT 3

Prospective Offeror:

Please refer to our **Invitation for Bid for IFB No. 002-2023 Indefinite Quantity Bid Purchase of Administrative and Instructional Supplies.**

In the Spirit of clarity and achieving the best possible solution to satisfy the requirements of IFB 002-2023, Public Law 37-6 was implemented to expedite procurement protest process. The Expedited procedures shall be prominently designated as such in the notice and the solicitation. Please note all prospective bidders, offerors, and contractors shall acknowledge and sign an affidavit stating they are aware of the expedited process and agree to abide by the rules and deadlines outlined in the expedited process. Section 2(a). This will apply to all projects that is utilizing The American Rescue Plan, Emergency Stabilization Fund and Headstart funding effective immediately. Please see attached affidavit and supporting documents for review and acknowledgement.

Sincerely,

CARMEN T. CHARFAUROS
Supply Management Administrator

AFFIDAVIT RE: GUAM PUBLIC LAW 37-6

Pursuant to Guam Public Law 37-6 Section 2(a), all prospective bidders, offerors, and contractors shall acknowledge and sign an affidavit stating they are aware of the expedited protest process and agree to abide by the rules and deadlines outlined in the expedited process. Attached herewith for reference.

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.

Subscribed and sworn to before me
____ day of _____, 20____.

NOTARY PUBLIC
My Commission expires _____, _____.

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2023 (FIRST) Regular Session

Bill No. 46-37 (COR)

As amended by the Committee on
Environment, Revenue and Taxation,
Labor, Procurement, and Statistics,
Research, and Planning and
further amended on the Floor.

Introduced by:

Sabina Flores Perez
Chris Barnett
Telo T. Taitague
Thomas J. Fisher
Christopher M. Dueñas
Joe S. San Agustin
Dwayne T. D. San Nicolas
Frank Blas, Jr.
Joanne Brown
Jesse A. Lujan
Tina Rose Muña Barnes
William A. Parkinson
Roy A. B. Quinata
Amanda L. Shelton
Therese M. Terlaje

**AN ACT TO *ADD* A NEW §5425.2 TO PART A OF
ARTICLE 9, CHAPTER 5 OF TITLE 5, GUAM CODE
ANNOTATED, RELATIVE TO PROVIDING
TEMPORARY EXPEDITED PROCUREMENT PROTEST
PROCEDURES FOR ACQUISITIONS FUNDED WITH
AMERICAN RESCUE PLAN ACT, EDUCATION
STABILIZATION FUND, OR HEAD START GRANT
MONEYS ALLOTTED TO THE GUAM DEPARTMENT
OF EDUCATION.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds

3 that the Guam Department of Education (GDOE) School Facilities Master Plan,
4 published in May 2022, is a ten-year master plan that highlights and prioritizes the
5 work that is needed to ensure safe and healthy educational environments for all
6 public-school students. The GDOE Facilities Master Plan (FMP), which guides
7 investments in our schools, identified needed construction and modernization work
8 and estimated the deferred maintenance throughout our public school system.
9 Furthermore, decades-long deferred maintenance has resulted in deterioration of
10 aging facilities and an urgent need to repair existing or construct new facilities to
11 ensure safe and healthy learning environments.

12 *I Liheslatura* further finds that GDOE has been provided a once in a lifetime
13 opportunity to utilize a portion of the federal funds through the American Rescue
14 Plan Act (ARPA) for capital improvement projects. Additionally, provided that there
15 are no extensions, the timelines to obligate ARPA funds ends December 2024, along
16 with the opportunity to accomplish deferred but urgent capital improvement
17 projects. In addition to ARPA funds, other federal funds will expire within 2023 with
18 little to no prospect of carryover, which include GDOE Education Stabilization Fund
19 and the Head Start Grant.

20 *I Liheslatura* finds that although protests are an essential part of the
21 procurement process, Guam's current protest process can often lead to lengthy
22 delays in procurement and can potentially lead to the inability of GDOE to expend
23 funds within required deadlines or can lead to their inability to secure the best
24 possible procurement costs to the people of Guam to undergo urgently needed
25 facilities improvements.

26 *I Liheslaturan Guåhan* intends to provide a temporary expedited procurement
27 protest procedure for capital improvement projects funded with American Rescue

1 Plan Act, Education Stabilization Fund, or Head Start Grant allotted to the Guam
2 Department of Education and enable GDOE to complete much needed improvement
3 projects for the well-being of our school children and faculty.

4 **Section 2.** A new §5425.2 is *added* to Part A, Article 9, Chapter 5, Title 5,
5 Guam Code Annotated to hereby read as follows:

6 **“§5425.2. Protest Procedure for Procurement Funded with**
7 **American Rescue Plan Act of 2021, Education Stabilization Fund, or**
8 **Head Start Grant Allotted to the Guam Department of Education.**

9 (a) Notwithstanding any other provision of law, if a selected or non-
10 selected vendor, contractor, or service provider is aggrieved by an award or a
11 contract for capital improvement projects funded, in whole or in part, by the
12 funds allotted to the Guam Department of Education from the American
13 Rescue Plan Act (ARPA) of 2021, Education Stabilization Fund, or Head Start
14 Grant, the procedure for initiating a protest outlined in this Section shall apply,
15 and shall be the exclusive means available to resolve the concerns of persons
16 aggrieved in connection with awards or solicitations funded in whole or in
17 part with moneys allotted to GDOE from ARPA, the Education Stabilization
18 Fund, or the Head Start Grant. The protest shall be submitted to the Public
19 Auditor who shall expedite the administrative review process of the appeal in
20 accordance with rules and regulations to be adopted and promulgated by the
21 Public Auditor within sixty (60) calendar days of the effective date of this Act
22 and approved by *I Liheslaturan Guahan*. The expedited procedures shall be
23 prominently designated as such in the notice and the solicitation. All
24 prospective bidders, offerors, and contractors shall acknowledge and sign an
25 affidavit stating they are aware of the expedited process and agree to abide by
26 the rules and deadlines outlined in the expedited process.

(b) If the protest is not resolved by mutual agreement within twenty (20) days of the filing of the protest with the Public Auditor, the Public Auditor shall issue a decision, in writing, no later than twenty (20) days, Saturdays, Sundays and Government of Guam holidays excepted, of receipt of the protest. The decision shall state the Public Auditor's reasons for its decision. A copy of the written decision shall be served by certified mail, or otherwise personally served to the parties named in the protest, including but not limited to: the vendor, contractor, or service provider who initiated the protest, the person awarded the contract, and to all other non-selected bidders or offerors.

(c) For purposes of this Section, the Public Auditor's decision and determination of facts resolving protests of procurement contracts funded in whole or in part by ARPA, Education Stabilization Fund, or Head Start Grants *shall* be final and conclusive with no right of appeal or judicial review. The fact that a protest has been filed pursuant to this Section shall not stay the procurement process or award of any contract funded in whole or in part by ARPA, Education Stabilization Fund, or Head Start Grants unless so ordered by the Public Auditor. In addition, a request for reconsideration shall not stay the award of any contract funded in whole or in part by ARPA, Education Stabilization Fund, or Head Start Grants, *unless* so ordered by the Public Auditor.

This Section is repealed effective December 31, 2024, unless the federal grantor agency authorizes an extension of time for the expenditure of ARPA funds, in which case this Section shall be repealed at the end of the extension period."

Section 3. Effective Date. This act shall be effective upon enactment.

Section 4. Severability. If any provision of this Act or its application to any person or circumstance is found to be invalid or inorganic, such invalidity shall not

1 affect other provisions or applications of this Act that can be given effect without
2 the invalid provision or application, and to this end the provisions of this Act are
3 severable.