GUAM CONSOLIDATED COMMISSION ON UTILITIES
RESOLUTION NO. 03-FY2017

RELATIVE TO RATIFICATION OF THE SERVICES PROVIDED BY HAWAIIAN ROCK PRODUCTS FOR THE REPAIR AND MAINTENANCE OF WATER LINES ISLAND-WIDE FOR AN AMENDED PURCHASE ORDER AMOUNT TO ISSUE

WHEREAS, under 12 G.C.A. § 14105, the Consolidated Commission on Utilities ("CCU") has plenary authority over financial, contractual and policy matters relative to the Guam Waterworks Authority ("GWA"); and

WHEREAS, the Guam Waterworks Authority ("GWA") is a Guam Public Corporation established and existing under the laws of Guam; and

WHEREAS, the Consolidated Commission on Utilities under Section 5452 of Title 5 of the Guam Code Annotated has the authority to ratify the procurement of goods and services if there is no indication that the company who was awarded the procurement acted in bad faith and there is a finding that the procurement is for GWA’s use and is in the best interest of the Territory of Guam; and

WHEREAS, GWA Management entered into purchase order no. 298400 with Hawaiian Rock Products on August 13, 2015 for base course and bedding sand to be used for the repair and maintenance of water lines island-wide; and

WHEREAS, during this period, purchase order no. 298400 exceeded the amount of Ten Thousand Eight Hundred Seventy Two Dollars ($10,872.00) (see Exhibit A) by One Thousand Three Hundred Ninety Nine Dollars and Sixty Cents ($1,399.60); and

WHEREAS, the Consolidated Commission on Utilities under Section 5452 of Title 5 of the Guam Code Annotated has the authority to ratify the procurement of goods and services if there is no indication that the person who was awarded the procurement acted in bad faith and there is a finding that the procurement is for GWA’s use and is in the best interest of the people of Guam and GWA management is now seeking ratification from the CCU for the work.
NOW BE IT THEREFORE RESOLVED, the Consolidated Commission on Utilities
does hereby approve and authorize the following:

Section 1. The foregoing recitals hereto are hereby ratified, confirmed, and
incorporated herein by reference.

Section 2. The Consolidated Commission on Utilities hereby ratifies and approves the
payment be made to Hawaiian Rock Products for purchase order number 298400 (Exhibit A)
in the amended amount of One Thousand Three Hundred Ninety Nine Dollars and Sixty Cents
($1,399.60) on the following grounds:

a. There was no indication of bad faith or fraud in any of the procurements
   contained herein.

b. According to GWA management, the material is required for the
   ongoing repair and maintenance of water lines. Material is used for
   backfilling and compaction around the pipe and above it.

c. All of the procurements herein are in the best interest of the Territory of
   Guam and the Guam Waterworks Authority.

d. Only a reasonable profit was given in those instances where the profit
   was given.

Section 3. This Resolution is hereby determined to be a declaration of official intent of
the Consolidated Commission on Utilities.

Section 4. All actions heretofore taken by the GWA or the officers thereof or on their
behalf not inconsistent herewith related to these purchases are hereby ratified, approved, and
confirmed.

Section 5. Based on the forgoing, the CCU authorizes GWA management to pay the
amended amount owed between GWA and Hawaiian Rock Products in the total amount due of
One Thousand Three Hundred Ninety Nine Dollars and Sixty Cents ($1,399.60).

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RESOLVED, that the Chairman certified and the Board Secretary attests to the adoption of this Resolution.

DULY AND REGULARLY ADOPTED, this 22nd day of November, 2016.

Certified by:  

[Signature]

JOSEPH T. DUENAS  
Chairperson

Attested by:  

[Signature]

J. GEORGE BAMBA  
Secretary

I, J. George Bamba, Board Secretary of the Consolidated Commission on Utilities, as evidenced by my signature above do hereby certify as follows:

The foregoing is a full, true and accurate copy of the resolution duly adopted at a regular meeting by the members of the Guam Consolidated Commission on Utilities, duly and legally held at a place properly noticed and advertised at which meeting a quorum was present and the members who were present voted as follows:

AYES: 4

NAYS: 0

ABSTENTIONS: 0

ABSENT: 1
EXHIBIT A
PURCHASE ORDER
GUAM WATERWORKS AUTHORITY
P.O. Box 3010, Hagatna, Guam 96932
PHONE: (671) 647-7818 FAX: (671) 649-3750

VENDOR:
HAWAIIAN ROCK PRODUCTS
1402 ROUTE 15
MANGILAO GU 96913

SHIP TO:
GUAM WATERWORKS AUTHORITY
578 N. Marine Corps. Dr.
ATTENTION: P & S WAREHOUSE
Tamuning GU 96913

Payment Terms: Net 30 Days

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<tr>
<th>COURSE</th>
<th>AMOUNT</th>
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<tbody>
<tr>
<td>FOR: WATER/PRESSURE/F. SANCHEZ</td>
<td>8,316.00</td>
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<tr>
<td>2&quot; MINUS AGGREGATED BASE SAND 3/8&quot;</td>
<td>2,556.00</td>
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<td><strong>NOTE: TO BE PICKED UP BY GWA DUMP TRUCK OR APPROVED HEAVY EQUIPMENT.</strong></td>
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TOTAL $10,872.00

SIGNATURE:
Mark G. Miller - General Manager, Interim

NOTE: "SUBJECT TO THE GUAM PROCUREMENT CODE AND ACCOMPANYING REGULATIONS"