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**GUAM CONSOLIDATED COMMISSION ON UTILITIES
RESOLUTION NO. 06-FY2017**

**RELATIVE TO RATIFICATION OF WORK PROVIDED BY ALLIED
PACIFIC DRILLING, INC. ON GWA'S DEEP WELLS 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 two (2) purchase orders with Allied Pacific Drilling, Inc. - purchase order no. 298647 was on October 22, 2015 and purchase order no. 299090 was on February 26, 2016 for work provided on GWA’s deep well facilities; and

WHEREAS, during this period, purchase order no. 298647 exceeded the amount of Eight Thousand Five Hundred Fifty Dollars (\$8,550.00) (see Exhibit A) by Three Thousand Five Hundred Fifty Dollars (\$3,550.00); and purchase order no. 299090 exceeded the amount of Nineteen Thousand Three Hundred Thirty Seven Dollars and Fifty Cents (\$19,337.50) (See Exhibit B) by Four Thousand Three Hundred Thirty Eight Dollars and Fifty Cents (\$4,338.50); 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

1 and there is a finding that the procurement is for GWA's use and is in the best interest of the
2 people of Guam and GWA management is now seeking ratification from the CCU for the
3 work.
4

5 **NOW BE IT THEREFORE RESOLVED**, the Consolidated Commission on Utilities
6 does hereby approve and authorize the following:
7

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

10 **Section 2.** The Consolidated Commission on Utilities hereby ratifies and approves
11 payment be made to Allied Pacific Drilling, Inc. for purchase order number 298647 (Exhibit
12 A) in the amount of Three Thousand Five Hundred Fifty Dollars (\$3,550.00) and purchase
13 order number 299090 (Exhibit B) in the amount of Four Thousand Three Hundred Thirty Eight
14 Dollars and Fifty Cents (\$4,338.50) on the following grounds:

- 15 a. There was no indication of bad faith or fraud in any of the procurements
16 contained herein.
- 17 b. According to GWA management, the work conducted by Allied Pacific
18 Drilling, Inc. was necessary to complete the repairs and restore the wells
19 back in operation.
- 20 c. All of the procurements herein are in the best interest of the Territory of
21 Guam and the Guam Waterworks Authority.
- 22 d. Only a reasonable profit was given in those instances where the profit
23 was given.

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

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

29 **Section 5.** Based on the forgoing, the CCU authorizes GWA management to pay the
30 amended amount owed between GWA and Allied Pacific Drilling, Inc. in the total amount due
31 of Seven Thousand Eight Hundred Eighty Eight Dollars and Fifty Cents (\$7,888.50).
32

EXHIBIT A

ALL PURCHASE ORDERS FROM THE GUAM WATERWORKS AUTHORITY
ARE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS.

1. In the shipments are connected with a bid or RFP issued by GWA, this purchase order shall be governed by the Terms and Conditions of the bid or RFP as well as the Guam Procurement Law and the Guam Procurement Regulations
2. An acknowledged and dated copy of this purchase order must be returned to GWA.
3. GWA will only be responsible for the total amount indicated in this Purchase Order and any amount in excess of that amount will not be paid by GWA.
4. All invoices (original/s and duplicate/s) must be forwarded to Accounts Payable Department of the Guam Waterworks Authority. These invoices must be properly endorsed or signed by authorized GWA personnel as indicated in the Purchase Order. And invoices should be provided to GWA within the month in which the purchases and/or services were rendered.
5. All vendors with an outstanding unpaid invoice at the end of the month after the goods or services were rendered must provide monthly vendor statements to the Accounts Payable Supervisor at GWA.
6. No variation in any of the terms, conditions, delivery dates, prices, quality, quantity or specifications under this order, regardless of the conditions or terms of the seller's acceptance, will be effective without the written consent of a person specifically authorized by GWA to make such changes.
7. Packing lists must accompany each shipment which indicate the order number and a detailed description and goods or services provided, including, but not limited to, the part number and serial number for each item delivered.
8. Shipments must be identified as either "PARTIAL" or "COMPLETE."
9. All goods delivered are subject to GWA's inspection and acceptance within a reasonable time after delivery. If the specifications are not met and are rejected by GWA, the goods shall be returned at the seller's expense.
10. In connection with any prompt payment discount offered the time will be computed from date of delivery and acceptance at destination or from the date the correct invoice or voucher is received in by the Guam Waterworks Authority, if the latter is later than date of delivery and acceptance. Payment is deemed to be made, for the purpose of earning any discount on the date the check is mailed.
11. Shipments in excess of the amount stated in the order will not be accepted unless specifically approved by a GWA official authorized to make such changes.

GUAM WATERWORKS AUTHORITY

1 Page
6812 : No.
10/22/15 : Date
: P.O.#

PURCHASE ORDER
GUAM WATERWORKS AUTHORITY

P.O. Box 3010, Hagatna, Guam 96932
PHONE: (671) 647-7818 FAX: (671) 649-3750

No. **228647**

THIS PURCHASE ORDER MUST APPEAR ON ALL INVOICES PACKING SLIPS, PACKAGES, B/L CORRESPONDENCE, ETC.

Payment Terms: **NET 30 DAYS**

VENDOR:

SHIP TO:

ALLIED PACIFIC DRILLING INC.
P.O. BOX 3411
HAGATNA, GUAM 96932

GUAM WATERWORKS AUTHORITY
578. N. MARINE CORPS. DR.
ATTENTION: P&S WAREHOUSE

AUTHORITY PL 16-124 / PL 21-148	IFB / REFERENCE	TIME FOR DELIVERY	EXPIRATION 09/30/2016
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ARTICLES OR SERVICES	QTY	UNIT	UNIT PRICE	AMOUNT
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IMPORTANT MESSAGE TO VENDOR:
GWA WILL NOT BE LIABLE FOR ANY UNAUTHORIZED SERVICES THAT IS NOT LISTED IN THE PURCHASES ORDER, ONLY THE SERVICES LISTED IN THE PURCHASE ORDER WILL BE PAYED BY GWA.

ONLY THE AUTHORIZED NAMES LISTED ON THE P.O ARE ALLOWED
HONORED BY GWA, VENDOR MUST INDICATE ON THE SERVICE INVOICE THE EMPLOYEE'S NAME, BADGE NUMBER AND MUST SIGN AND PRINT CLEARLY.

AGREEMENT TO COVER COST FOR LABOR, MATERIALS AND EQUIPMENTS FOR REDEVELOPMENT AND BLOWING/ AIRLIFT/BAILING FOR VARIOUS GWA DEEPWELL SITES.

DEEPWELL SITES 500 FEET DEEP OR LESS: (MONDAY THRU FRIDAY):
\$2,750.00 PER DAY
DEEPWELL SITES MORE 500 FEET DEEP: (MONDAY THRU FRIDAY):
\$3,050.00 PER DAY
DEEPWELL SITES 500 FEET DEEP OR LESS: (WEEKENDS & HOLIDAYS)
\$3,250.00 PER DAY
DEEPWELL SITES MORE 500 FEET DEEP: (WEEKENDS & HOLIDAYS):
\$3,550.00 PER DAY

AUTHORIZED PERSONNEL:
*** RON TOPASNA/ PAT SIQUENZA/ GARRET TAITAGUE/IGNACIO CASTRO
FOR: WATER/ GROUND DEEPWELL
GPR: 3-204.07
DELIVERY: AS NEEDED
G.L: 6812.950.34000
OO# / OR#
TONY CAMACHO #962

\$5,000.00

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

SPECIAL INSTRUCTIONS TO VENDOR:
Send certified original and three (3) copies of invoice to Guam Waterworks Authority, Government of Guam, at the address shown above.

DO NOT FILL THIS ORDER **TOTAL** \$5,000.00
If your total cost exceeds this total. >>

Payment upon receipt of merchandise in Guam in good condition.
SEE BACK FOR TERMS AND CONDITIONS
ACKNOWLEDGED BY: *[Signature]* DATE: 11/3/16
SIGNATURE OF VENDOR: *[Signature]*
RETURN TO PROCUREMENT DIVISION AT THE ABOVE ADDRESS

SIGNATURE: *[Signature]*
Mark G. Miller - Interim General Manager
NAME TITLE

001-70, 0002

207004/180327
180328

V23343

Allied Pacific Drilling, Inc.

Invoice

P.O. Box 3411
Hagatna, Guam 96932

Date	Invoice #
2/26/2016 /	D12-0113 /

Bill To
Guam Waterworks 578 N. Marine Corps Drive Tamuning GU 96913

Ship To

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
298647 /	Net 30		2/25/2016			

Quantity	Item Code	Description	Price Each	Amount
		Project: Airlift/Blow out wells GWA well #s F-13 and F-17, /		
1	Airlifting Well	Airlift/Blow out well F-13 on date 01/14/16, Thursday. Bottom well at 481'	2,750.00 /	2,750.00 /
1	Airlifting Well	Airlift/Blow out wells F-13 and F-17 on date 1/15/2016, Friday.	2,750.00 /	2,750.00 /
1	Airlifting Well	Airlift/Blow out well F-17 on date 1/16/16, Saturday. Bottom well at 525' (charged at regular day)	3,050.00 /	3,050.00 /
Work authorization attachments: 1. GWA PO #298647 dated 10/22/2015 2. APDI Daily Production Reports consisting of 3 pages. /				
GUAM WATERWORKS AUTHORITY CONFIRMED ITEM RECEIVED/SVC RENDERED NAME <u>Ronan Espinoza</u> SIGNATURE <u>[Signature]</u> #4119 DATE <u>10/13/2016</u>				
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: auto;"> REVIEWED & VERIFIED FOR COMPLETENESS & ACCURACY <u>DE</u> 10/13/16 ACCOUNTING </div>				


Thank you for your business.	Total A 58,550.00
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A: Invoice total A 8,550.00
 B: Excess/Unauthorized Amt B (3,550.00)
 C: PO/Authorized Amt C 5,000.00

EXHIBIT B

ALL PURCHASE ORDERS FROM THE GUAM WATERWORKS AUTHORITY
ARE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS.

1. In the shipments are connected with a bid or RFP issued by GWA, this purchase order shall be governed by the Terms and Conditions of the bid or RFP as well as the Guam Procurement Law and the Guam Procurement Regulations
2. An acknowledged and dated copy of this purchase order must be returned to GWA.
3. GWA will only be responsible for the total amount indicated in this Purchase Order and any amount in excess of that amount will not be paid by GWA.
4. All invoices (original/s and duplicate/s) must be forwarded to Accounts Payable Department of the Guam Waterworks Authority. These invoices must be properly endorsed or signed by authorized GWA personnel as indicated in the Purchase Order. And invoices should be provided to GWA within the month in which the purchases and/or services were rendered.
5. All vendors with an outstanding unpaid invoice at the end of the month after the goods or services were rendered must provide monthly vendor statements to the Accounts Payable Supervisor at GWA.
6. No variation in any of the terms, conditions, delivery dates, prices, quality, quantity or specifications under this order, regardless of the conditions or terms of the seller's acceptance, will be effective without the written consent of a person specifically authorized by GWA to make such changes.
7. Packing lists must accompany each shipment which indicate the order number and a detailed description and goods or services provided, including, but not limited to, the part number and serial number for each item delivered.
8. Shipments must be identified as either "PARTIAL" or "COMPLETE."
9. All goods delivered are subject to GWA's inspection and acceptance within a reasonable time after delivery. If the specifications are not met and are rejected by GWA, the goods shall be returned at the seller's expense.
10. In connection with any prompt payment discount offered the time will be computed from date of delivery and acceptance at destination or from the date the correct invoice or voucher is received in by the Guam Waterworks Authority, if the latter is later than date of delivery and acceptance. Payment is deemed to be made, for the purpose of earning any discount on the date the check is mailed.
11. Shipments in excess of the amount stated in the order will not be accepted unless specifically approved by a GWA official authorized to make such changes.

 GUAM WATERWORKS AUTHORITY 1 : Page 6812: B/V 02/26/16, Date FOB GWA, P.O.B.	PURCHASE ORDER GUAM WATERWORKS AUTHORITY P.O. Box 3010, Hagatna, Guam 96932 PHONE: (671) 647-7818 FAX: (671) 649-3750	No. 299090-000 OP
		THIS PURCHASE ORDER MUST APPEAR ON ALL INVOICES PACKING SLIPS, PACKAGES, B/L CORRESPONDENCE, ETC. Payment Terms: Net 30 Days

VENDOR:

SHIP TO:

ALLIED PACIFIC DRILLING, I P.O. BOX 3411 Agana GU 96932	GUAM WATERWORKS AUTHORITY 578 N. Marine Corps. Dr. ATTENTION: P & S WAREHOUSE Tamuning GU 96913
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AUTHORITY PL 16-124 / PL 21-148	IFE / REFERENCE	TIME FOR DELIVERY	EXPIRATION 09/30/2016
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ARTICLES OR SERVICES	QTY	UNIT	UNIT PRICE	AMOUNT
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CONDITIONS:
 GPR: 3-204.07
 Requested by: Water/Deepwell/R. Topasna
 Authorized Personnel: Patrick Siquenza or Garrick Taitague /
 or Ron Topasna or Ignacio Castro /
 Business unit: 6812
 G/L Account no: 6812.950.34011 /
 Funding source: Revenue
 OQ# 26994/ OR# 26706
 Buyer: Peter
 *

IMPORTANT NOTICE TO VENDORS LABOR, MATERIALS AND EQUIPMENTS
 " All invoices must indicate P.O. Number for payment
 " All invoices must indicate on the invoice the Employee's Name, Badge Number that must be signed and printed clearly
 " Submit signed & dated P.O. acknowledgement with invoice
 " GWA will not be liable for any unauthorized services that are not listed in the Purchase Order - only the services listed on the Purchase Order will be paid by GWA.
 " Only the authorized names listed on the Purchase Order are allowed to transact. Unauthorized ND MUST SIGN AND PRINT person(s) will not be honored by GWA
 *

AGREEMENT TO COVER COST FOR LABOR, MATERIALS AND EQUIPMENTS FOR REDEVELOPMENT AND BLOWING/ AIRLIFT/BAILING FOR VARIOUS GWA DEEPWELL SITES
 *

LISTED BELOW ARE THE 120 DEEPWELL FACILITIES FOR AIR LIFTING SERVICES:
 A-1, A-6, A-12, A-18, A-26, A-32, F-04, F-9, F-15, F-20, M-2, M-7, A-2, A-7, A-13, A-19, A-28, AG-01, F-5, F-10, F-16, G-501, M-3, M-8, A-3, A-8, A-14, A-21, A-29, AG-2, F-6, F-11, F-17, H-1, M-4, M-9, A-4, A-9, A-15, A-23, A-30, D-1, F-7, F-12, F-18, HGC-2, M-5, M-12, A-5, A-10, A-17, A-25, A-31, D-2, F-8, F-13, F-19, M-1, M-6, M-14, D-3, D-8,

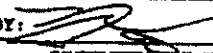
NOTE: "SUBJECT TO THE GUAM PROCUREMENT CODE AND ACCOMPANYING REGULATIONS"

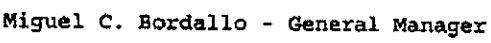
SPECIAL INSTRUCTIONS TO VENDOR:
 Send certified original and three (3) copies of invoice to Guam Waterworks Authority, Government of Guam, at the address shown above.

DO NOT FILL THIS ORDER if your total cost exceeds this total. >>
TOTAL
 \$

Payment upon receipt of merchandise in Guam in good condition.


SEE BACK FOR TERMS AND CONDITIONS

ACKNOWLEDGED BY:  SIGNATURE OF VENDOR	DATE: 3/9/16
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SIGNATURE:  Miguel C. Bordallo - General Manager
NAME TITLE

RETURN TO PROCUREMENT DIVISION AT THE ABOVE ADDRESS

ACKNOWLEDGEMENT COPY

 GUAM WATERWORKS AUTHORITY 2 : Page 6812: n/c 02/26/16, Date FOB GWA, F.O.B.	PURCHASE ORDER GUAM WATERWORKS AUTHORITY P.O. Box 3010, Hagatna, Guam 96932 PHONE: (671) 647-7818 FAX: (671) 649-3750	No. 299090-000 OP
	THIS PURCHASE ORDER MUST APPEAR ON ALL INVOICES PACKING SLIPS, PACKAGES, B/L CORRESPONDENCE, ETC. Payment Terms: Net 30 Days	


VENDOR:	SHIP TO:
ALLIED PACIFIC DRILLING, I P.O. BOX 3411 Agana GU 96932	GUAM WATERWORKS AUTHORITY 578 N. Marine Corps. Dr. ATTENTION: P & S WAREHOUSE Tamuning GU 96913


AUTHORITY PL 16-124 / PL 21-148	IFB / REFERENCE	TIME FOR DELIVERY	EXPIRATION 09/30/2016
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ARTICLES OR SERVICES	QTY	UNIT	UNIT PRICE	AMOUNT
D-13, D-18, D-24, EX-5, M-15, M-21, Y-1, Y-6, Y-14, Y-19, D-4, D-9, D-14, D-19, D-25, EX-11, M-17A, M-23, Y-2, Y-7, Y-15, Y-20, D-5, D-10, D-15, D-20, D-26, F-1, M-17B, MJ-1, Y-3, Y-9, Y16, Y-21, D-6, D-11, D-16, D-21, D-27, F-2, M-18, MJ-5, Y-4, Y-10, Y-17, Y-22, D-7, D-12, D-17, D-22, D-28, F-3, M-20A, NAS-1, Y-5, Y-12, Y-18, Y-23 * CHARGES FOR EDEVELOPMENT AND BLOWING/ AIRLIFT BAILING FOR VARIOUS GWA DEEPWELL SITES DEEPWELL SITES 500 FEET DEEP OR LESS: (MONDAY THRU FRIDAY): \$2,975.00 / DEEPWELL SITES MORE 500 FEET DEEP: (MONDAY THRU FRIDAY): 3,275.00. DEEPWELL SITES 500 FEET DEEP OR LESS: (WEEKENDS & HOLIDAYS) \$3,475.00 DEEPWELL SITES MORE 500 FEET DEEP: (WEEKENDS & HOLIDAYS): \$3,775.00				
HEAVY EQUIPMENT RENTAL /		EA	.00 EA	14,999.00 /

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

SPECIAL INSTRUCTIONS TO VENDOR: Send certified original and three (3) copies of invoice to Guam Waterworks Authority, Government of Guam, at the address shown above. Payment upon receipt of merchandise in Guam in good condition. SEE BACK FOR TERMS AND CONDITIONS	DO NOT FILL THIS ORDER If your total cost exceeds this total. >>	TOTAL \$ 14,999.00
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ACKNOWLEDGED BY:  SIGNATURE OF VENDOR	DATE: 3/9/16
RETURN TO PROCUREMENT DIVISION AT THE ABOVE ADDRESS	

SIGNATURE: 
Miguel C. Borjallo - General Manager
NAME: _____ TITLE: _____

PURCHASE ORDER EQUIPMENT COPY

