



**CONSOLIDATED COMMISSION ON UTILITIES**  
Guam Power Authority | Guam Waterworks Authority  
P.O. Box 2977 Hagatna, Guam 96932 | (671)649-3002 | guamccu.org

**GWA RESOLUTION NO. 19-FY2020**

**RELATIVE TO APPROVING CONTRACT AMOUNT INCREASE AND  
AUTHORIZING CHANGE ORDERS FOR THE CONSTRUCTION MANAGEMENT  
SERVICES CONTRACT FOR THE GWA SCADA SYSTEM FOR WATER AND  
WASTEWATER FACILITIES PHASE A-1 PROJECT**

**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**, on June 19, 2018, GWA entered into a contract with G4S Security Systems (Guam), Inc. (“G4S”) to provide Construction Services for the GWA SCADA System for Water and Wastewater Facilities Phase A-1 project which is linked to the Court Order Paragraph 28 wherein the completion of the SCADA Project will enhance GWA’s ability to “monitor flow, pressure, tank levels and chlorine throughout the services area...” in accordance with GWA Resolution 28-FY2018 adopted by the CCU on May 22, 2018; and

**WHEREAS**, on August 24, 2018, GWA entered into a contract with GHD, Inc. to provide Construction Management (“CM”) Services for the aforementioned project in the amount of Five Hundred Fifteen Thousand Six Hundred Thirty-One Dollars (\$515,631.00), which is within GWA General Manager’s delegated contract approval authority of One Million Dollars (\$1,000,000.00) in accordance with GWA Resolution 09-FY2020 adopted by the CCU on November 26, 2020; and

**WHEREAS**, on June 14, 2019, Change Order No. 01 to the CM contract was executed in the amount of Three Hundred Eighty Three Thousand Five Hundred Eighty-Nine Dollars

1 (\$383,589.00) funded by a deductive change order to the construction contract as part of the  
2 negotiated conditions for extending the final completion date to December 31, 2019 due to G4S's  
3 performance issues in accordance with GWA Resolution 28-FY2019 adopted by the CCU on May  
4 28, 2019; and

5  
6 **WHEREAS**, on February 7, 2020, Change Order No. 02 to the CM contract was executed  
7 in the amount of Fifty-One Thousand Five Hundred Sixty-Three Dollars (\$51,563.00) for  
8 extending CM services due to continued delay by G4S, funded by imposing set-off against  
9 payment to G4S as special damages; and

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11 **WHEREAS**, Change Order No. 03 to the CM contract in the amount of Forty-Six  
12 Thousand Six Hundred Eighty-One Dollars (\$46,681.00) is currently being reviewed and  
13 processed for extending CM services due to continued delay by G4S, funded by imposing set-off  
14 against payment to G4S as special damages; and

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16 **WHEREAS**, the total contract amount, which includes the Original Contract and Change  
17 Orders No. 01 through No. 03, is Nine Hundred Ninety-Seven Thousand Four Hundred Sixty-Four  
18 Dollars (\$997,464.00), which is within GWA General Manager's delegated contract approval  
19 authority of One Million Dollars (\$1,000,000.00) in accordance with GWA Resolution 09-FY2020  
20 adopted by the CCU on November 26, 2019; and

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22 **WHEREAS**, extension to the CM services contract on a time and materials basis is  
23 necessary because G4S has not achieved substantial completion for this project; and

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25 **WHEREAS**, based on GHD's billing for January 2020, Fifty-Nine Thousand Dollars  
26 (\$59,000.00) per month is established as an approximate amount for monthly time and materials  
27 CM charges; and

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29 **WHEREAS**, GWA Management seeks CCU authorization to execute change orders as  
30 needed, in addition to Change Orders No. 01 through No. 03, up to One Hundred Seventy-Seven  
31 Thousand Dollars (\$177,000.00) intended for use to extend CM services for the months of March,  
32 April and May 2020 or as needed; and

1           **WHEREAS**, GWA Management seeks total funding authorization of One Million One  
2 Hundred Seventy-Four Thousand Four Hundred Sixty-Four Dollars (\$1,174,464.00) for use in this  
3 CM services contract with GHD; and

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5           **WHEREAS**, GWA Management seeks CCU approval to inform the Guam Public Utilities  
6 Commission (“PUC”) of the project intent given its relation to the Court Order Paragraph 28, and  
7 total contract amount of One Million One Hundred Seventy-Four Thousand Four Hundred  
8 Sixty-Four Dollars (\$1,174,464.00); and

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10          **WHEREAS**, the funding source will be bond funds from CIP EE 09-09, SCADA  
11 Improvement – Phase 4, and extensions to CM services due to continued delay by G4S will be  
12 funded by imposing set-off against payment to G4S as special damages; and

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14          **NOW BE IT THEREFORE RESOLVED**, the Consolidated Commission on Utilities  
15 does hereby approve the following:

- 16           1. The recitals set forth above hereby constitute the findings of the CCU.
- 17           2. The CCU hereby authorizes the management of GWA to execute Change  
18 Orders as needed to the CM services contract with GHD, in addition to Change  
19 Orders No. 01 through No. 03, up to the amount of One Hundred Seventy-Seven  
20 Thousand Dollars (\$177,000.00).
- 21           3. The CCU hereby authorizes the requested total maximum funding amount of  
22 One Million One Hundred Seventy-Four Thousand Four Hundred Sixty-Four  
23 Dollars (\$1,174,464.00) funded by CIP EE 09-09, SCADA Improvement –  
24 Phase 4, with extensions to CM services due to continued delay by G4s funded  
25 by imposing set-off against payment to G4S as special damages.
- 26           4. The CCU hereby authorizes the management of GWA to inform the PUC of the  
27 project intent given its relation to the Court Order Paragraph 28 and the total  
28 contract amount of One Million One Hundred Seventy-Four Thousand Four  
29 Hundred Sixty-Four Dollars (\$1,174,464.00).

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

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4           **DULY AND REGULARLY ADOPTED**, this 24<sup>th</sup> day of March, 2020.

5 Certified by:

6 Attested by:

7 

8 **JOSEPH T. DUENAS**  
9 Chairperson

7 

8 **MICHAEL T. LIMTIACO**  
9 Secretary

10  
11                                   **SECRETARY'S CERTIFICATE**

12  
13 I, Michael T. Limtiaco, Board Secretary of the Consolidated Commission on Utilities as  
14 evidenced by my signature above do hereby certify as follows:

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

19  
20 AYES:

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21 NAYS:

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22 ABSTENTIONS:

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23 ABSENT:

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