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**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.

1 **NOW BE IT THEREFORE RESOLVED**, the Consolidated Commission on Utilities
2 does hereby approve and authorize the following:

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

6 **Section 2.** The Consolidated Commission on Utilities hereby ratifies and approves the
7 payment be made to Hawaiian Rock Products for purchase order number 298400 (Exhibit A)
8 in the amended amount of One Thousand Three Hundred Ninety Nine Dollars and Sixty Cents
9 (\$1,399.60) on the following grounds:

- 10 a. There was no indication of bad faith or fraud in any of the procurements
11 contained herein.
- 12 b. According to GWA management, the material is required for the
13 ongoing repair and maintenance of water lines. Material is used for
14 backfilling and compaction around the pipe and above it.
- 15 c. All of the procurements herein are in the best interest of the Territory of
16 Guam and the Guam Waterworks Authority.
- 17 d. Only a reasonable profit was given in those instances where the profit
18 was given.

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

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

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

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

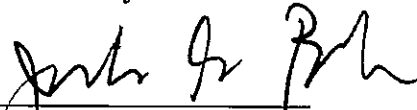
3
4 **DULY AND REGULARLY ADOPTED**, this 22nd day of November, 2016.

5
6 Certified by:

Attested by:

7
8 

9 **JOSEPH T. DUENAS**
10 Chairperson



11 **J. GEORGE BAMBA**
12 Secretary

13 I, J. George Bamba, 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 AYES:	<u> 4 </u>
20 NAYS:	<u> 0 </u>
21 ABSTENTIONS:	<u> 0 </u>
22 ABSENT:	<u> 1 </u>

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EXHIBIT A

GUAM WATERWORKS AUTHORITY

1 : Page
5220: B/V
08/13/15: 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. 298400-000 OP

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

Payment Terms: Net 30 Days

VENDOR:

SHIP TO:

HAWAIIAN ROCK PRODUCTS
1402 ROUTE 15
MANGILAO GU 96913

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

09/30/2015

ARTICLES OR SERVICES

QTY UNIT

UNIT PRICE

AMOUNT

COURSE

NOTE: TO BE PICKED UP BY GWA DUMP TRUCK OR APPROVED HEAVY
EQUIPMENT.

FOR: WATER/PRESSURE/F. SANCHEZ

GPR: 3-204.03.1

DELIVERY: AS NEEDED

G.L: 5220.62005.417

OQ# 26220 / OR# 26268

PETER

2" MINUS AGGREGATED BASE
SAND 3/8"

400 TN

20.79 TN

8,316.00

BEDDING SAND/MANUFACTURED

100 TN

25.56 TN

2,556.00

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

TOTAL

\$ 10,872.00

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

SIGNATURE:

Mark G. Miller - General Manager, Interim

NAME

TITLE

ACKNOWLEDGED BY:

DATE:

SIGNATURE OF VENDOR

RETURN TO PROCUREMENT DIVISION AT THE ABOVE ADDRESS