



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. 38–FY2023

**RELATIVE TO APPROVAL OF THE ADDITIONAL FUNDING OF CONSTRUCTION
CONTRACT FOR THE TANK REPAIR AND BYPASS 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, GWA currently has critical Court Order (“CO”) Projects that includes the Santa Ana, Agat-Umatat, Umatat Subdivision, Pigua Merizo, Malojloj, Windwards Hills, Kaiser, Yigo, and Astumbo Tanks, as stated in Paragraph 29.b of the 2011 U.S. District Court Order for Preliminary Relief Re: Deadlines for Outstanding Projects Under the Amended Stipulated Order; and

WHEREAS, Resolution No. 10-FY2020 (Exhibit A) authorized GWA Management to enter into contract with AIC International, Inc. (“Contractor”) for IFB-06-ENG-2019 Tank Repair and Bypass Project in the amount of Five Million Four Hundred Two Thousand Three Hundred Twenty-Six Dollars (\$5,402,326.00), along with a ten percent (10%) contingency of Five Hundred Forty Thousand Two Hundred Thirty-Three Dollars (\$540,233.00), bringing the total authorized funding amount to Five Million Nine Hundred Forty-Two Thousand Five Hundred Fifty-Nine Dollars (\$5,942,559.00) for tank bypass work, inspection work, and Astumbo No. 1 and Yigo No. 3 major repairs; and

1 **WHEREAS**, Resolution No. 10-FY2021 (Exhibit B), Resolution No. 11-FY2022
2 (Exhibit C), Resolution No. 22-FY2023 (Exhibit D), and Resolution No. 26-FY2023 (Exhibit E)
3 brought the total authorized funding to Fifteen Million Five Hundred Forty-Four Thousand Three
4 Hundred Forty-Six Dollars and Ninety-Seven Cents (\$15,544,346.97) for additional work in the
5 Base and Additive Bids; and

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7 **WHEREAS**, in accordance with CCU authorizations, GWA has issued Change Orders No.
8 1 to 12 for the Yigo No. 3, Astumbo No. 1, Windwards Hills, Santa Ana, Agat-Umatic, Pigua
9 Merizo tanks major repair and bypass work at Toguan, Geus, Santa Ana, and WBP-1 booster pump
10 stations; and

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12 **WHEREAS**, in accordance with CCU authorization, GWA is in the process of issuing
13 Change Order No. 13 for Kaiser Tank major repair; and

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15 **WHEREAS**, American Petroleum Institute (API) inspection and structural inspections
16 have been scheduled for the Umatac Subdivision Tank and Malojloj Tank in the upcoming months;
17 and

18 **WHEREAS**, IFB-06-ENG-2019 for the Tank Repair and Bypass Project, included
19 Additive Bid Item No. 3 for Umatac Subdivision Tank major repair (Exhibit F) and Additive Bid
20 Item No. 5 for Malojloj Tank major repair (Exhibit G) in a total amount of Two Million Six
21 Thousand One Hundred Seventy-Five Dollars (\$2,006,175.00); and

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23 **WHEREAS**, due to construction cost escalations, GWA Management is seeking funding
24 above the Additive Bid pricing for the repair of Umatac Subdivision Tank and Malojloj Tank in
25 the not-to-exceed amount of Three Million Five Hundred Thousand Dollars (\$3,500,000.00) along
26 with a contingency of Five Hundred Thousand Dollars (\$500,000.00), bringing the total additional
27 funding amount requested to Four Million Dollars (\$4,000,000.00); and

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29 **WHEREAS**, the funding sources for the construction project will be from bond funds;

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

- 3
- 4 1. The recitals set forth above hereby constitute the findings of the CCU.
- 5 2. The CCU hereby authorizes a not-to-exceed amount of Four Million Dollars
6 (\$4,000,000.00) to fund the Umatac Subdivision Tank and Malojloj Tank
7 repairs to bring the total project authorization to Nineteen Million Five Hundred
8 Forty-Four Thousand Three Hundred Forty-Six Dollars and Ninety-Seven
9 Cents (\$19,544,346.97) See Exhibits F and G.
- 10 3. The CCU hereby approves the use of bond funds.

11

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

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15 **DULY AND REGULARLY ADOPTED,** this 29th day of August 2023.

16

17 Certified by:

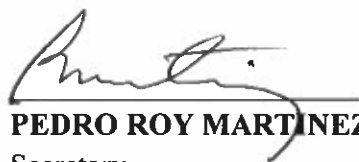
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19 _____
20 **JOSEPH T. DUENAS**

21 Chairperson

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23 Attested by:

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26 **PEDRO ROY MARTINEZ**

27 Secretary

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SECRETARY'S CERTIFICATE

I, Pedro Roy Martinez, 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:	<u>5</u>
NAYS:	<u>0</u>
ABSENT:	<u>0</u>
ABSTAIN:	<u>0</u>



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