



**GWA RESOLUTION NO. 41-FY2023**

**RELATIVE TO APPROVAL OF CONSTRUCTION CONTRACT FOR THE UGUM  
SURFACE WATER TREATMENT PLANT REHABILITATION**

**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**, in October 2022, the CCU approved Resolution 03-FY2023 (see Exhibit A) authorizing GWA to issue a competitive procurement bid for the Ugum Surface Water Treatment Plant (SWTP) Rehabilitation project to solicit proposals from experienced and qualified construction companies to provide the necessary materials and construction services, and approved Four Million Six Hundred Twenty-Six Thousand Fifty Dollars (\$4,626,050.00) of available bond funds to award a contract to the lowest responsive responsible bidder; and

**WHEREAS**, GWA issued a competitive procurement bid (IFB-05-ENG-2023) for the Ugum SWTP Rehabilitation project but received no bid proposal;

**WHEREAS**, GWA surveyed the registered bidders to compile their reasons for not submitted a bid, received responses from three (3) registered bidders, revised the bid documents and issued a competitive procurement rebid packaged (IFB-08-ENG-2023) for the Ugum SWTP Rehabilitation project; and

**WHEREAS**, Invitation for Bid (IFB-08-ENG-2023) rebid packages were picked up by twenty-two (22) interested parties, from which GWA received a total of two (2) bid proposals by the bid proposal deadline (Exhibit B – Abstract of Bids),

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2           **WHEREAS**, the Project Team analyzed all bid proposals received on July 24, 2023 and  
3 determined that Sumitomo Mitsui Construction Company, Ltd, who submitted the lowest Base  
4 Bid proposal (Exhibit C – Bid Proposal-Bid Form) of Nine Million One Hundred Eighty-Eight  
5 Thousand Seven Hundred Seventy-Seven Dollars and Zero Cents (\$9,188,777.00) as being the  
6 lowest responsive and responsible bidder and met all the bid requirements set forth by GWA;  
7 and

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9           **WHEREAS**, taking into consideration the lowest responsive responsible bid exceeded  
10 the reserved funding amount, GWA Management determined that reducing the scope to fit the  
11 budget and/or rebidding the project for a third time would not accomplish all needed  
12 improvements, and would ultimately serve to further delay the much-needed rehabilitation of the  
13 treatment plant and would not likely result in lower bids; and

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15           **WHEREAS**, in addition to the previously CCU-authorized funding of Four Million Six  
16 Hundred Twenty-Six Thousand Fifty Dollars (\$4,626,050.00), additional funding in the amount  
17 of Five Million Four Hundred Eighty-One Thousand Six Hundred Four Dollars and Seventy  
18 Cents (\$5,481,604.70) has been identified and approved for use from unencumbered US EPA  
19 grant funds and available bond funding for the project; and

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21           **WHEREAS**, GWA Management is seeking CCU approval to enter into contract with  
22 Sumitomo Mitsui Construction Company, Ltd. for IFB-08-ENG-2023 in the amount of Nine  
23 Million One Hundred Eighty-Eight Thousand Seven Hundred Seventy-Seven Dollars and Zero  
24 Cents (\$9,188,777.00), along with a 10% contingency of Nine Hundred Eighteen Thousand  
25 Eight Hundred Seventy-Seven Dollars and Seventy Cents (\$918,877.70), bringing the total  
26 funding amount to Ten Million One Hundred Seven Thousand Six Hundred Fifty-Four Dollars  
27 and Seventy Cents (\$10,107,654.70); and

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29           **WHEREAS**, GWA Management further seeks CCU approval to petition the Public  
30 Utilities Commission’s approval of the contract given this project meets the Contract review  
31 Protocol requirements for the use of bond funds.

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

- 4 1. The recitals set forth above hereby constitute the findings of the CCU.  
5 2. The CCU hereby authorizes the management of GWA to accept the bid from  
6 Sumitomo Mitsui Construction Company, Ltd. attached hereto as Exhibit B,  
7 and which is also incorporated into this Resolution in its entirety.  
8 3. The CCU hereby authorizes the management of GWA to enter into a contract  
9 with Sumitomo Mitsui Construction Company, Ltd. in the amount of Nine  
10 Million One Hundred Eighty-Eight Thousand Seven Hundred Seventy-Seven  
11 Dollars and Zero Cents (\$9,188,777.00).  
12 4. The CCU hereby approves the funding total of Nine Million One Hundred  
13 Eighty-Eight Thousand Seven Hundred Seventy-Seven Dollars and Zero  
14 Cents (\$9,188,777.00), along with a 10% contingency of Nine Hundred  
15 Eighteen Thousand Eight Hundred Seventy-Seven Dollars and Seventy Cents  
16 (\$918,877.70), bringing the total funding amount to Ten Million One Hundred  
17 Seven Thousand Six Hundred Fifty-Four Dollars and Seventy Cents  
18 (\$10,107,654.70).  
19 5. The CCU hereby approves the use of Bond and EPA Grant funds.

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

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24 **DULY AND REGULARLY ADOPTED,** this 29<sup>th</sup> day of August 2023.

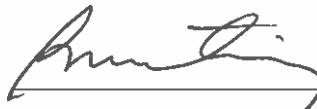
25  
26 Certified by:

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28 **JOSEPH T. DUENAS**

29 Chairperson  
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Attested by:

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**PEDRO ROY MARTINEZ**

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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