



GUAM WATERWORKS AUTHORITY

"Better Water. Better Lives."

Gloria B. Nelson Public Service Building | 688 Route 15, Mangilao, Guam 96913

P.O. Box 3010, Hagatna, Guam 96932

Tel. No. (671) 300-6846/48 Fax No. (671) 648-3290

VIA HAND DELIVERY

May 10, 2019

Frederick J. Horecky, Esq.
Law Offices of Frederick J. Horecky
643 Chalan San Antonio, Ste 102B
Tamuning, GU 96913

RECEIVED

LAW OFFICE OF

FREDERICK J. HORECKY

Date: 5/10/19
Time: 4:23 By: Deanne

Dear Mr. Horecky,

Attached you will find GWA Docket Number 19-09: Petition for Approval to Extend the Terms of GWA's Security Services Contract. Please note that GWA inadvertently missed the filing for the previous PUC meetings, however the security services provided are necessary to ensure safety at GWA's facilities.

On the basis thereof, I respectfully request this be placed on the May 30, 2019 agenda for review.

Thank you. Please let me know if any questions arise.

Respectfully,

Kelly O. Clark
General Counsel

1 Kelly O. Clark
2 General Counsel
3 Guam Waterworks Authority
4 Gloria B. Nelson Public Service Building
5 688 Route 15
6 Mangilao, Guam 96913
7 Telephone No.: (671) 300-6853
8 Facsimile No.: (671) 648-3290

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11 **BEFORE THE GUAM PUBLIC UTILITIES COMMISSION**
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IN RE: REQUEST BY THE GUAM)	DOCKET NUMBER 19-09
WATERWORKS AUTHORITY)	
FOR APPROVAL TO EXTEND)	PETITION FOR APPROVAL TO
THE TERM OF GWA'S SECURITY)	EXTEND THE TERMS OF GWA'S
SERVICES UNDER THE)	SECURITY SERVICES CONTRACT
CONTRACT REVIEW PROTOCOL)	
)	
)	

29 Comes now, by and through Kelly O. Clark, Attorney for Petitioner Guam Waterworks
30 Authority ("GWA"), does hereby file this Petition for the approval of Fifteen Thousand Three
31 Hundred Fifty-Six Dollars and Nine Cents (\$15,356.09) for security services contract with G4S
32 Security under the Guam Public Utility Commission's ("PUC") Contract Review Protocol.

33 **I. INTRODUCTION**

34 In April 2015, GWA procured for security services and entered into a one (1) year
35 contract term with an option to renew annually thereafter for three (3) one-year terms which was
36 exercised by GWA. Throughout the course of the last two renewal terms, GWA put a policy in
37 place to open GWA customer service operations on Saturdays at several of its facilities,
38 increasing the need for additional security guards. Subsequently, payments made to G4S for
39 security services exceeded the General Manager's authority by Seventy-Five Thousand Dollars
40 (75,000.00). On June 5, 2018, GWA received approval from the Consolidated Commission on
41 Utilities ("CCU") in Resolution 37-FY2018 for the ratification of payments made up to April
42 2018 and going forward up to an estimated total amount One Million Dollars (\$1,000,000.00).

1
2 By January 2019, GWA made payment to G4S for services rendered as well as
3 pending invoices from October 2018 through January 2019 in the total amount of One Million
4 Fifteen Thousand Three Hundred Fifty-Six and Nine Cents (\$1,015,356.09) going beyond the
5 \$1M threshold by Fifteen Thousand Three Hundred Fifty-Six and Nine Cents (\$15,356.09).
6 GWA sought and received the approval of the CCU in Resolution No. 16-FY2019 for the
7 ratification of expenditures for security services in the amount of Fifteen Thousand Three
8 Hundred Fifty-Six and Nine Cents (\$15,356.09). Exhibit A.

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10 **II. JUSTIFICATION FOR GRANTING THE PETITION**

11 On February 26, 2019, the CCU approved GWA's request for ratification of
12 expenditures for additional security services in the amount of Fifteen Thousand Three Hundred
13 Fifty-Six and Nine Cents (\$15,356.09) as a result of GWA's policy change and in light of a
14 recent security incident that took place at one of its facilities. GWA now seeks the PUC's
15 approval for the amount specified in the resolution as it has determined the security services
16 provided is critical to the safeguard of its facilities, employees and customers.

17
18 **III. CONCLUSION**

19 GWA has filed an appropriately supported Petition and respectfully requests the approval
20 of the PUC for the cost exceeding the \$1M Contract Review Protocol threshold in the amount of
21 Fifteen Thousand Three Hundred Fifty-Six and Nine Cents (\$15,356.09) under IFB 2015-01.

22
23 Respectfully submitted this 10th day of May, 2019.


24
25 
26 _____
27 Kelly O. Clark
28 GWA General Counsel

EXHIBIT A



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

RESOLUTION NO. 16 -FY2019

RELATIVE TO AUTHORIZING THE RATIFICATION OF EXPENDITURES FOR SECURITY SERVICES WITH G4S AND GWA TO SEEK THE APPROVAL OF THE PUBLIC UTILITIES COMMISSION TO RATIFY COST EXCEEDING \$1 MILLION DOLLARS

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, in April of 2015, GWA entered into a 4-year agreement with G4S Secure Solutions “G4S” as a result of a formal procurement titled GWA IFB 2015-01; and

WHEREAS, the second, third and fourth annual renewals on the agreement were exercised by GWA; and

WHEREAS, throughout the course of the last two renewal terms, additional security guards were needed due to the recent policy change to opening GWA customer service locations on Saturdays; and

1 **WHEREAS**, as a result of the additional security guards, payments made to the vendor
2 exceeded the General Manager's authority by approximately Seventy-Five Thousand Dollars
3 (\$75,000.00) (See Res. 37-FY2018 at Ex A); and
4

5 **WHEREAS**, GWA Management sought and received approval by the CCU in
6 Resolution 37-FY2018 for the ratification of the payments made to the vendor up to April 2018
7 and going forward up to the estimated total expended amount under \$1,000,000.00; and
8

9 **WHEREAS**, as of January 2019, the total amount of payments made to the vendor is
10 Nine Hundred Forty-Three Thousand Eight Hundred One Dollars and Sixty-Six Cents
11 (\$943,801.66), plus the total amount of Seventy-One Thousand Five Hundred Fifty-Four
12 Dollars and Forty-Three Cents (\$71,554.43) for pending invoices from October 2018 through
13 January 2019. This brings the total amount under IFB 2015-01 to One Million Fifteen
14 Thousand Three Hundred Fifty-Six Dollars and Nine Cents (\$1,015,356.09), which exceeds the
15 \$1M amount by Fifteen Thousand Three Hundred Fifty-Six Dollars and Nine Cents
16 (\$15,356.09) (See Exhibit A); and
17

18 **WHEREAS**, GWA Management is requesting approval from the CCU for ratification
19 of expenditures for security services in the amount of Fifteen Thousand Three Hundred Fifty-
20 Six Dollars and Nine Cents (\$15,356.09) and authorization to file a petition with the PUC to
21 approve the costs exceeding the \$1M Contract Review Protocol threshold.
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23 **NOW BE IT THEREFORE RESOLVED**, the Consolidated Commission on Utilities
24 does hereby approve the following:
25

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

28 **Section 2.** The Consolidated Commission on Utilities hereby ratifies spending under
29 the existing contract for the total amount of Fifteen Thousand Three Hundred Fifty-Six Dollars
30 and Nine Cents (\$15,356.09) for security services on the following grounds:
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- 32 a. There was no indication of bad faith or fraud in any of the procurements
 contained herein.

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- b. According to GWA management, the services is required to ensure for the ongoing need to maintain the existing security services at several GWA facilities. The recitals set forth above hereby constitute the findings of the CCU.
- c. All of the procurements herein are in the best interest of the Territory of Guam and the Guam Waterworks Authority.
- d. Only a reasonable profit was given in those instances where the profit was given.

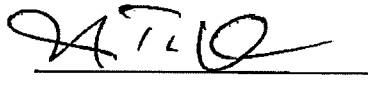
Section 3. This Resolution is hereby determined to be a declaration of official intent of the Consolidated Commission on Utilities

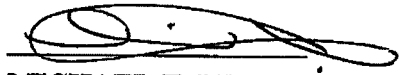
Section 4. All actions heretofore taken by the GWA or the officers thereof or on their behalf not inconsistent herewith related to these purchases are hereby ratified, approved and confirmed.

Section 5. Based on the foregoing, the CCU authorizes GWA management to pay the amount owed between GWA and Eurofin Eaton Analytical Inc. for the security services in the amount of Fifteen Thousand Three Hundred Fifty-Six Dollars and Nine Cents (\$15,356.09).

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

DULY AND REGULARLY ADOPTED, this 26th day of February, 2019.

Certified by:

JOSEPH T. DUENAS
 Chairperson

Attested by:

MICHAEL T. LIMTIAĆO
 Secretary

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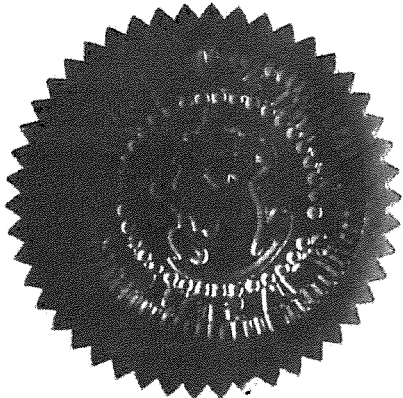
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SECRETARY'S CERTIFICATE

I, Michael T. Limtiaco, 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>4</u>
NAYS:	<u>0</u>
ABSTENTIONS:	<u>0</u>
ABSENT:	<u>1</u>



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Exhibit A



CONSOLIDATED COMMISSION ON UTILITIES
Guam Power Authority | Guam Waterworks Authority
P.O. Box 2077 Hagatna, Guam 96932 | (671)649-3000 | guamccu.org

GWA RESOLUTION NO. 37-FY2018

**RELATIVE TO APPROVING EXPENDITURES FOR SECURITY SERVICES
CONTRACT IN EXCESS OF THE GENERAL MANAGER'S AUTHORITY**

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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 April of 2015, GWA entered into a 4-year agreement with G4S Secure Solutions "G4S" as a result of a formal procurement titled GWA IFB 2015-01; and

WHEREAS, the G4S agreement provided for an initial 1-year term with the second through fourth year renewable annually; and

WHEREAS, the second, third and fourth annual renewals on the agreement were exercised by GWA; and

WHEREAS, during the course of the last two renewal terms, additional security guards were needed due to the recent policy change to opening GWA customer service locations on Saturdays, and;

WHEREAS, as of the close of April invoicing this year, payments to the vendor exceeded the General Manager's authority by approximately Seventy-Five Thousand Dollars (\$75,000.00) (See EXHIBIT A), and;

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WHEREAS, the expenditures anticipated under the current contract period will bring the total amount expended to under \$1,000,000.00; and


WHEREAS, GWA procurement will initiate a new procurement for security services in July of this year which will provide ample time to get a new services contract in place prior to the expiration of the current contract.

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

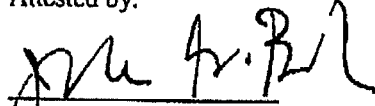
1. The recitals set forth above hereby constitute the findings of the CCU.
2. The CCU finds that payment for Security Services currently provided on contract by G4S is reasonable, prudent and necessary (EXHIBIT A).
3. The payments to the vendor to date and going forward up to the amount of \$1,000,000.00 are hereby ratified and approved.

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

DULY AND REGULARLY ADOPTED, this 5th day of June, 2018.

Certified by:


JOSEPH T. DUENAS
Chairperson

Attested by:


J. GEORGE BAMBA
Secretary

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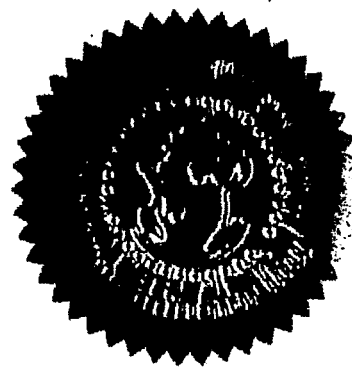
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SECRETARY'S CERTIFICATE

I, J. George Bamba, 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>
ABSTENTIONS:	<u>0</u>
ABSENT:	<u>0</u>



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Exhibit A

Guam Waterworks Authority

Summary of Security Service Expenditures (G4S Secure Solutions) on IFB 2015-01

Contract Period: March 01, 2015 - February 29, 2019

Report Period: March 01, 2015 - May 31, 2018

FY	Dates	Purchase Order	Amount Expended
2015	03/01/15 - 09/30/15	298185	132,096.82
2016	10/01/15 - 09/30/16	298876	246,012.71
2017	10/01/16 - 09/30/17	300001 / 300638	281,354.44
2018	10/01/17 - 04/30/18	301466	165,816.03
			<hr/>
			\$ 825,280.01