

**PUBLIC UTILITIES COMMISSION
OF GUAM**

Jeffrey C. Johnson

Judge

Joseph M. McDonald
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David A Mair
Administrative Law

Lourdes R. Palomo
Administrator

RESOLUTION NO. 18-01

RE: AUTHORIZING THE PUBLIC UTILITIES COMMISSION TO ISSUE REQUESTS FOR PROPOSALS FOR THE RETENTION OF PROFESSIONAL CONSULTANTS TO ADVISE IT WITH REGARD TO REGULATION OF THE WATER, POWER, PORT, AND SOLID WASTE UTILITIES, AND TELECOMMUNICATIONS COMPANIES; AND FOR ADMINISTRATIVE LAW JUDGE AND LEGAL COUNSEL

WHEREAS, the Guam Public Utilities Commission (“PUC”) is an autonomous instrumentality within the Government of Guam;

WHEREAS, the PUC has the authority to retain consultants;

WHEREAS, the PUC, similar to other autonomous instrumentalities in the Government of Guam, follows the Guam Procurement Laws when retaining consultants and other professional services;

WHEREAS, Title 5 Guam Code Annotated Section 5030(k) expressly states that the Procurement Laws of Guam shall apply to a “Commission”;

WHEREAS, Title 5 Guam Code Annotated Section 5004(b) states that the Procurement Laws of Guam “shall apply to every expenditure by any governmental body of public funds irrespective of their source”;

WHEREAS, Title 5 Guam Code Annotated Section 5125 states that it is “the intent *I Liheslaturan Guahan* [the Legislature] to require all Executive Branch governmental bodies, including autonomous agencies, and other above-named bodies, to be governed to the maximum extent practicable” by the Procurement Laws of Guam;

WHEREAS, the PUC finds that it is in the public interest to retain consultants in a transparent and fair manner pursuant to the established procedures in the Procurement Laws of Guam;

WHEREAS, the PUC has a need to retain the services of professional consultants to provide it with advice and other consulting services with regard to regulation of utilities, including water (GWA), power (GPA), the Port (PAG) and telecommunications companies (GTA and other telecom companies), and solid waste (GSWA);

WHEREAS, the PUC also has a need to retain professional consultants such as Administrative Law Judge and Legal Counsel to assist in the processing of its workload;

WHEREAS, the existing consulting agreements of the PUC either have or are expiring in the near future; and

NOW THEREFORE, in due consideration of the above recitals and for good cause shown, the PUC hereby resolves that:

1. PUC Counsel is authorized and directed to cause the preparation and publication of procurement documents for the selection of consultants for water (GWA), power (GPA), the Port (PAG), telecommunications companies (GTA and other telecom companies), and solid waste (GSWA).
2. PUC Counsel is also authorized and directed to cause the preparation and publication of procurement documents for the selection of consultants for Administrative Law Judge and Legal Counsel
3. PUC Counsel shall take steps to issue and publish requests for proposals for the selection of all of the aforementioned consultants on or before May 1, 2018;
4. Chairman Johnson and Board Members Perez, McDonald, Cantoria Pangelinan, and Montinola shall form a Committee to follow the procedures set forth in Title 2 Guam Administrative Rules and Regulations Section 3114, et seq., for evaluating potential consultants;
5. The Committee shall then select and negotiate with the highest-ranking offerors;

6. At the next scheduled meeting of the PUC after proposals are received by potential offerors to serve as PUC Consultants, the Committee shall make recommendations to the PUC regarding awards to the selected consultants;
7. The PUC may then adopt, reject or amend the recommendations of the Committee.

SO ORDERED this 29th day of March, 2018.

Dated: March 29, 2018

JEFFREY C. JOHNSON
Chairman

Dated: March 29, 2018

JOSEPH M. MCDONALD
Commissioner

Dated: March 29, 2018

FILOMENA M. CANTORIA
Commissioner

Dated: March 29, 2018

ROWENA E. PEREZ
Commissioner

Dated: March 29, 2018

MICHAEL A. PANGELINAN
Commissioner

Dated: March 29, 2018

PETER MONTINOLA
Commissioner

Dated: March 29, 2018

ANDREW L. NIVEN
Commissioner