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8 **BEFORE THE GUAM PUBLIC UTILITIES COMMISSION**

9 **IN THE MATTER OF:**

10 The Application of the Guam Power Authority)
11 to Approve the Month-to-Month Extension for)
12 Professional Printing, Mailing, and Processing)
13 Services.)

GPA DOCKET NO. 22-14

PETITION FOR CONTRACT REVIEW

14 **COMES NOW**, the GUAM POWER AUTHORITY (GPA), by and through its counsel
15 of record, D. GRAHAM BOTHA, ESQ., and hereby files GPA's Petition for the Public Utilities
16 Commission of Guam to review and approve GPA's request to approve the month-to-month
17 extension for Professional Printing, Mailing, and Processing Services with Graphic Center, Inc.,
18 as follows:

19 **BACKGROUND**

20 The Guam Power Authority on May 13, 2021, GPA issued RFP No. GPA-RFP-21-002
21 for the re-solicitation of Professional Printing, Mailing, and Processing Services relating to
22 Utility Customer Billing. The losing bidder, Graphic Center filed an appeal with the OPA, and
23 on March 25, 2022, the OPA denied Graphic Center's appeal. On April 5, 2022, Graphic Center
24 filed an appeal of the OPA decision with the Superior Court. The CCU in Resolution FY2022-
25 20 has approved GPA's request to approve a month-to-month extension for approximately
26 \$300,000 for one year for Professional Printing, Mailing, Processing and Other Services with
27 Graphic Center, Inc., subject to PUC approval. The month-to-month extension will continue until
28 a new contract is awarded and implemented after completion of the appeal process.

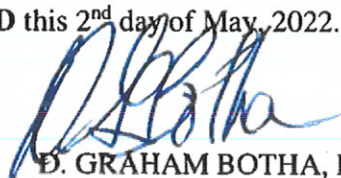
1 **DISCUSSION**

2 GPA hereby petitions the PUC, pursuant to the Contract Review Protocol for the Guam
3 Power Authority, approved by the PUC, to review and approve the month-to-month extension
4 for Professional Printing, Mailing, Processing and Other Services with Graphic Center, Inc. at an
5 additional cost of \$300,000 for one year. In support of this Petition, GPA hereby provides the
6 PUC with Consolidated Commission on Utilities (CCU) Resolution No. FY2022-20, which
7 authorizes the General Manager to petition the PUC for approval of the month-to-month
8 extension for Professional Printing, Mailing, Processing and Other Services with Graphic Center,
9 Inc., subject to PUC review and approval. Said resolution and its exhibits are attached herein as
10 Exhibit A, and incorporated by reference herein as if fully set forth.

11 **CONCLUSION**

12 The PUC should approve GPA's request to approve the month-to-month extension for
13 Professional Printing, Mailing, Processing and Other Services with Graphic Center, Inc. The
14 printing services are necessary for GPA monthly billings, and is reasonable, prudent, and
15 necessary.

16 **RESPECTFULLY SUBMITTED** this 2nd day of May, 2022.

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18 D. GRAHAM BOTHERA, ESQ.
19 GPA General Counsel
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CONSOLIDATED COMMISSION ON UTILITIES

Guam Power Authority | Guam Waterworks Authority
P.O. Box 2977 Hagatna, Guam 96932 | (671) 648-3002 | guamccu.org

GPA RESOLUTION NO: FY2022-20

AUTHORIZING MANAGEMENT OF THE GUAM POWER AUTHORITY TO ENTER TO A MONTH-TO-MONTH EXTENSION FOR ITS PROFESSIONAL PRINTING, MAILING, PROCESSING AND OTHER SERVICES DUE TO ONGOING PROCUREMENT APPEAL

WHEREAS, on April 6, 2016, the Guam Power Authority (GPA) entered into a contract with Graphic Center, Inc. to provide professional printing, mailing and processing services of approximately 50,000 electric power billings each month; and

WHEREAS, the original contract became effective on April 18, 2016 for a one (1) year period from the date of award of the contract with the option to extend the contract for four (4) additional one-year periods; and

WHEREAS, GPA has exercised its base and options years of the contract and GPA had issued an Invitation for Bid (IFB) for these services but the bidder did not meet the bid requirements which necessitated a re-bid; and

WHEREAS, on April 27, 2021, the Consolidated Commission on Utilities authorized the management of GPA to exercise month-to-month services up to eight (8) months or when a new contract is awarded whichever comes first; and

WHEREAS, on May 13, 2021, GPA issued Request for Proposal No. GPA-RFP-21-002 for the Re-Solicitation of Professional Printing, Mailing and Processing Services Relating to Utility Customer Billing; and

1 **WHEREAS**, on June 7, 2021, bids were received from three vendors and one was rejected
2 due to not meeting the required information. On August 18, 2021, GPA notified Graphic Center
3 that InfoSend was selected as the best qualified offeror and notified Moonlight BPO that its
4 proposal was disqualified and rejected; and
5

6 **WHEREAS**, on August 30, 2021, Graphic Center filed an agency-level protest. In their
7 protest, Graphic Center disputed the evaluation scores given to them and InfoSend. On October
8 7, 2021, GPA denied Graphic Center's protest; and
9

10 **WHEREAS**, on October 22, 2021, Graphic Center filed a procurement appeal with the
11 Office of Public Accountability (OPA) and alleged that InfoSend's absence of a demonstrated
12 record and development system cannot score higher on the evaluation criteria when compared to
13 Graphic Center's demonstrated record of service to GPA for five years; and
14

15 **WHEREAS**, on March 25, 2022, the OPA ruled its Decision denying Graphic Center's
16 appeal. Parties had a right to appeal the Public Auditor's Decision to the Superior Court of Guam
17 within fourteen (14) days after receipt of a Final Administrative Decision; and
18

19 **WHEREAS**, on April 5, 2022, Graphic Center filed an appeal of the Public Auditor's
20 Decision to the Superior Court of Guam; and
21

22 **WHEREAS**, GPA must have the printing services in order to issue monthly billings which
23 is the revenue lifeline of GPA; and
24

25 **WHEREAS**, in April 2021, the CCU approved GPA's initial extension request of month-
26 to-month service up to eight months of the current contract or until an award is made via
27 Resolution 2021-10; and
28

29 **WHEREAS**, GPA again seeks a month-to-month extension for approximately \$300,000
30 up to when a new contract is awarded and implemented in the event a new vendor is selected; and
31

1 **WHEREAS**, the total cost of the first base year and the option to exercise the extension of
2 four (4) additional one-year periods, plus the month-to-month extensions are estimated to be
3 \$2,200,000.00; and
4

5 **NOW, THEREFORE BE IT RESOLVED**, by the Consolidated Commission on
6 Utilities, subject to the review and approval of the Guam Public Utilities Commission as follows;
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- 8 1. The General Manager is authorized to exercise month-to-month service up to when a
9 new contract is awarded and implemented in the event a new vendor is selected.
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11
12 **RESOLVED**, that the Chairman certifies and the Board Secretary attests to the adoption
13 of this Resolution.
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16 **DULY AND REGULARLY ADOPTED AND APPROVED THIS 26TH DAY OF**
17 **APRIL 2022.**
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21 Certified by:

Attested by:

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26 _____
27 **JOSEPH T. DUENAS**

28 Chairperson

29 Consolidated Commission on Utilities

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31 _____
32 **MICHAEL T. LIMTIACO**

33 Secretary

34 Consolidated Commission on Utilities

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SECRETARY'S CERTIFICATE

I, **Michael T. Limtiaco**, Secretary of the Consolidated Commission on Utilities (CCU), as evidenced by my signature above do certify as follows:

The foregoing is a full, true and correct 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>

