



Office of the Attorney General
Leevin Taitano Camacho
 Attorney General of Guam
Solicitor Division
 590 S. Marine Corps Drive
 ITC Bldg., Ste. 802
 Tamuning, Guam 96913 • USA
 Tel. (671) 475-3324 Fax. (671) 472-2493
Attorneys for Guam Solid Waste Authority
www.oagguam.org
smiller@oagguam.org



BEFORE THE GUAM PUBLIC UTILITIES COMMISSION

IN THE MATTER OF:)	GSWA DOCKET NO. 23-03
)	
The Application of the Guam Solid)	PETITION FOR CONTRACT
Waste Authority for Review and)	REVIEW AND APPROVAL
Approval of the Award and Contract)	
To Mid Pac Far East for 24-Cubic Yard)	
Refuse Trucks with Side & Rear Loading)	

INTRODUCTION

COMES NOW the **GUAM SOLID WASTE AUTHORITY (GSWA)** and respectfully petitions the **GUAM PUBLIC UTILITIES COMMISSION (PUC)** to review and approve the award of a contract by GSWA to Maid Pac Far East for the purchase of three (3) 24-cubic yard refuse trucks with side and rear loading capacities.

BACKGROUND

On July 29, 2022, GSWA issued **Invitation for Bid (IFB) No. GSWA 0007-22** soliciting for the purchase of three (3) refuse trucks with a cab forward design, rear corner windows in B-Pillars post, a 20,000-lb front axle capacity, and a side and rear loading combination.

Two prospective bidders acquired a bid package and each responded. The two bidders were Far East Equipment and Mid Pac Far East. On September 30, 2022, the bids were opened publicly, and Mid Pac Far East was determined to be the lowest responsive and responsible bidder with a bid of One Million Three Hundred Thirty Thousand Dollars (\$1,330,000.00) for all three vehicles (or approximately \$ 443,333.33 per truck).

On October 4, 2022, GSWA issued a Notice of Intent to Award the contract to Mid Pac Far East. The award was approved by the GSWA Board of Directors on October 20, 2022 in its **Resolution No. 2022-003**. Said Resolution is attached herein as **Exhibit 1** and incorporated in full by this reference.

No protest of the award Mid Pac Far East was or has been made, and the period for filing a protest under 5 GCA § 5425(a) ended on October 18 (i.e., 14 days after the notice of intent to award was given to Mid Pac Far East on October 4).

DISCUSSION

The PUC has jurisdiction and authority to hear this Petition pursuant to 12 GCA § 12105 and the Order establishing a *Contract Review Protocol for GSWA*. See, GSWA DOCKET 19-02 & ADMINISTRATIVE DOCKET dated July 25, 2019.

GWA requires a fleet of ten refuse trucks to provide the island with daily trash collection and disposal services. The current fleet of trucks was purchased between 2009 and 2018 by the federal Receiver. With maintenance, a typical refuse truck has an average working life of approximately seven years. Since the receivership ended, however, no new trucks have been

purchased, and the fleet has been reduced by 50%, or from ten working trucks to five trucks. In order to cover the island's trash collection with five trucks instead of ten, sanitation workers have been pulling double shifts.

Commercial refuse trucks are specialty vehicles that must be customized to fit the environment and geographical terrain of each particular location. As a consequence, there is a long delivery time after an order is placed.

In the case of the instant procurement, Mid Pac Far East has warranted that it can deliver the refuse trucks to GSWA in 310 days, which is a reasonable time frame given the specifications of the IFB and the current high demand and low supply of the market.

CONCLUSION

GSWA is in urgent need of new refuse trucks in order to continue its trash collection services. The purchase price bid for the three trucks is fair and reasonable, and the procurement was made in compliance with Guam law.

For all the foregoing reasons, GSWA submits that the instant petition for the PUC to approve the award of a contract to Mid Pac Far East for the purchase and delivery of three 24-cubic yard refuse trucks should be GRANTED.

Respectfully submitted this 20th day of October, 2022.

OFFICE OF THE ATTORNEY GENERAL
Leevin Taitano Camacho, Attorney General

By:



SANDRA C. MILLER

Assistant Attorney General (smiller@oagguam.org)

EXHIBIT 1

GSWA Board Resolution No. 2022-003

*Relative to Petitioning the PUC for the Approval of the
Award to Mid Pac Far East for Three 24-Cubic Yard Refuse
Trucks with Side and Rear Loading Capabilities*



GUAM SOLID WASTE AUTHORITY

LOURDES A. LEON GUERRERO
Governor of Guam

JOSHUA F. TENORIO
Lt. Governor of Guam

IRVIN L. SLIKE
General Manager



GSWA BOARD RESOLUTION NO. 2023-003

GSWA Board Resolution No. 2023-003

RELATIVE TO PETITIONING THE PUBLIC UTILITIES COMMISSION (PUC) FOR THE APPROVAL OF THE AWARD TO MID PAC FAR EAST FOR THREE (3) EACH 24 CUBIC YARD REFUSE TRUCK WITH SIDE AND REAR LOADING

WHEREAS, on Friday, July 29, 2022, the Guam Solid Waste Authority (GSWA) issued an Invitation for Bid (IFB) No. GSWA007-22 to solicit the purchase of a minimum of one (1) and maximum of three (3) each 24 cubic yard refuse trucks with side and rear loading for GSWA; and

WHEREAS, the Authority had two (2) prospective bidders that acquired bid documents, and two (2) were submitted by the submission deadline of September 30, 2022 at 10:00 a.m.; and

WHEREAS, bids were publicly opened on Friday, September 30, 2022 at the GSWA Conference room; and

WHEREAS, Far East Equipment and Mid Pac Far East submitted bids for GSWA consideration; and

WHEREAS, Mid Pac Far East was determined to be the lowest responsive bidder meeting the requirements of the bid solicitation; and

WHEREAS, the total purchase amount for the three (3) each 24 cubic yard refuse trucks with side and rear loading at the prices offered are to be approximately \$1,330,000.00 and can be delivered within 310 days from the issued date on the purchase order.

WHEREAS, GSWA issued Notice of Intent to Award to Mid Pac Far East on October 5, 2022; and

WHEREAS, funding for this contract will be from GSWA Operations Fund; and

THEREFORE, BE IT HEREBY RESOLVED by the Board of Directors as the Governing Body of the Guam Solid Waste Authority authorizes Management to petition the Public Utilities Commission (PUC) to review and approve the award to Mid Pac Far East in accordance with the Contract Review Protocol for the Guam Solid Waste Authority.

Ayes: 4

Nays: 0



GUAM SOLID WASTE AUTHORITY

LOURDES A. LEON GUERRERO
Governor of Guam

JOSHUA F. TENORIO
Lt. Governor of Guam

IRVIN L. SLIKE
General Manager



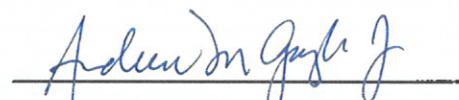
GSWA BOARD RESOLUTION NO. 2023-003

Absent: 1

Abstain: 0

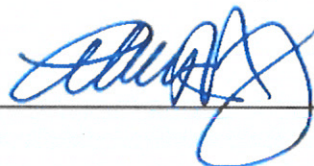
Upon said roll call, the text of the foregoing was duly enacted as a Resolution of the Board of Guam Solid Waste Authority, Guam, on the 20th day of October 2022.

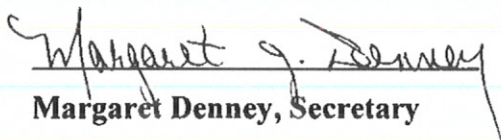
**GUAM SOLID WASTE AUTHORITY
BOARD OF DIRECTORS**


Andrew Gayle, Chairman

ATTEST:

ALICIA FEJERAN, CLERK

BY: 


Margaret Denney, Secretary