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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)
Services.)

GPA DOCKET NO. 23-13

PETITION FOR CONTRACT REVIEW

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

18 **BACKGROUND**

19 The Guam Power Authority on May 13, 2021, GPA issued RFP No. GPA-RFP-21-002
20 for the re-solicitation of Professional Printing, Mailing, and Processing Services relating to
21 Utility Customer Billing. The losing bidder, Graphic Center filed an appeal with the OPA, and
22 on March 25, 2022, the OPA denied Graphic Center's appeal. On April 5, 2022, Graphic Center
23 filed an appeal of the OPA decision with the Superior Court. The CCU in Resolution FY2022-
24 20 approved GPA's request to approve a month-to-month extension for approximately \$300,000
25 for one year for Professional Printing, Mailing, Processing and Other Services with Graphic
26 Center, Inc., subject to PUC approval, which will expire in March 2023. The next hearing in
27 Superior Court is a status hearing on May 24, 2023. The CCU in Resolution FY2023-13
28 approved GPA's request to approve a month-to-month extension for approximately \$460,000 for

up to one year for Professional Printing, Mailing, Processing and Other Services with Graphic Center, Inc., subject to PUC approval. The month-to-month extension will continue until a new contract is awarded and implemented after completion of the appeal process.

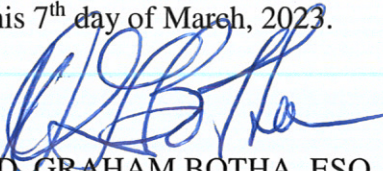
DISCUSSION

GPA hereby petitions the PUC, pursuant to the Contract Review Protocol for the Guam Power Authority, approved by the PUC, to review and approve the month-to-month extension for Professional Printing, Mailing, Processing and Other Services with Graphic Center, Inc. at an additional cost of \$460,000 for one year. In support of this Petition, GPA hereby provides the PUC with Consolidated Commission on Utilities (CCU) Resolution No. FY2023-13, which authorizes the General Manager to petition the PUC for approval of the month-to-month extension for Professional Printing, Mailing, Processing and Other Services with Graphic Center, Inc., subject to PUC review and approval. Said resolution and its exhibits are attached herein as Exhibit A, and incorporated by reference herein as if fully set forth.

CONCLUSION

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

RESPECTFULLY SUBMITTED this 7th day of March, 2023.



D. GRAHAM BOTHA, ESQ.
GPA General Counsel



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: FY2023-13

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 LITIGATION

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 in December 2020 but the bidder did not meet the bid requirements. Accordingly, in April 2021, the Consolidated Commission on Utilities (CCU) issued GPA Resolution No. 2021-10 authorizing GPA's management to exercise the month-to-month contract extension up to eight (8) months estimated to cost \$300,000 or until a new contract is awarded, whichever comes first; and

WHEREAS, in May 2021, GPA issued a Request for Proposal for Professional Printing, Mailing, and Processing Services. GPA received three (3) offers and selected InfoSend as the most qualified offeror, GPA selected Graphic Center as the second most qualified offeror, and GPA rejected Moonlight BPO's offer; and

WHEREAS, in August 2021, Graphic Center filed a procurement protest disputing GPA's evaluation process for the RFP and GPA denied the protest. In October 2021, Graphic Center then filed a procurement protest appeal with the Office of Public Accountability (OPA); and

WHEREAS, in March 2022, the OPA issued its decision denying Graphic Center's appeal and in April 2022, Graphic Center appealed the OPA decision in the Superior Court of Guam. Accordingly, the CCU issued GPA Resolution No. 2022-20 in April 2022, authorizing GPA's management to exercise month-to-month extension or until a new contract is awarded; and

1 **WHEREAS**, this matter is still with the Superior Court of Guam and GPA must have the
2 printing services in order to issue monthly billings which is the revenue lifeline of GPA; and

3 **WHEREAS**, GPA again seeks a month-to-month extension up to 12 months for
4 approximately \$460,000 or up to when a new contract is awarded in the event a new vendor is
5 selected; and

6 **WHEREAS**, the total cost of the first base year and the option to exercise the extension
7 of four (4) additional one-year periods, plus the month-to-month extensions are estimated to be
8 \$2,630,000.00.

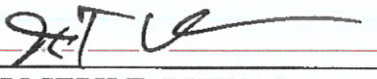
9 **NOW, THEREFORE BE IT RESOLVED**, by the Consolidated Commission on
10 Utilities the approval as follows;

11 1. The General Manager is authorized to exercise month-to-month services up to when a
12 new contract is awarded and implemented in the event a new vendor is selected.

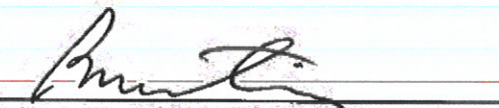
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14 **RESOLVED**, that the Chairman certifies and the Board Secretary attests to the adoption
15 of this Resolution.

16
17 **DULY AND REGULARLY ADOPTED AND APPROVED THIS 21ST DAY OF**
18 **FEBRUARY 2023.**

19
20 Certified by:

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22 
23 **JOSEPH T. DUENAS**
24 Chairperson

25 Attested by:

26 
27 **PEDRO ROY MARTINEZ**
28 Secretary

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SECRETARY'S CERTIFICATE

I, Pedro Roy Martinez, 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:

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Nays:

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Absent:

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Abstain

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