

A circular blue ink stamp from the Public Utilities Commission of Guam. The stamp features a clock face with numbers 1 through 12. In the center, there is a small blue triangle pointing upwards. Below the triangle, the text "RECEIVED" is printed in a bold, sans-serif font. Underneath "RECEIVED", the date "MAY 17 2023" is stamped. At the bottom of the central text, "Public Utilities Commission" is written in a smaller, sans-serif font, and "GUAM" is printed in a bold, sans-serif font at the very bottom of the stamp.

GSWA Docket 23-04

ALJ REPORT

This matter comes before the Guam Public Utilities Commission [“PUC”] upon the Petition of the Guam Solid Waste Authority [“GSWA”] for PUC Review and Approval of the Purchase of Mini Electric Refuse Trucks from Global Enterprise, Inc.¹

The ALJ adopts the “BACKGROUND” Section of GSWA’s Petition:

Due to the lack of local bidder response to the IFBs for the mini electric trucks, GSWA sought the assistance of the Guam General Services Agency to procure the trucks through the federal procurement system. 5 GCA §5122 authorizes GSA to procure supplies on behalf of the Government of Guam “when the cost to the General Services Agency is less by ten percent (10%) than from other contractors.” Utilizing this

² Id.at p. 2.

authority, GSA solicited price quotes for the electric trucks from federal vendors. One vendor, **GLOBAL ENTERPRISE, INC.**, responded and offered to provide three mini electric refuse trucks at a cost of \$412,559.00 each.³

On May 11, 2023, the GSWA Board issued Resolution No. 2023-012 to approve the purchase of the three mini trucks from Global Enterprise from funds made available through the federal American Rescue Plan Act (ARPA).⁴ The Board indicated in the Resolution that all funding for this purchase would be made from funds available to Guam through the federal American Rescue Plan. Further, GSWA Management was authorized to petition the PUC to review and approve GSA's Purchase Order to Global Enterprise, Inc.

A copy of the Purchase Order from the General Services Agency is attached hereto as Exhibit "A".⁵

DISCUSSION

1. GSWA's Contract Review Protocol

GSWA indicates that the total cost of the three mini electric refuse trucks, including one (1) EV Fast Charging Station and the shipping fee, will be \$1,370,324.00.⁶ The PUC-GSWA Contract Review Protocol provides that all contract or obligations in excess of

³ Id. at pgs. 2-3.

⁴ Id. at p. 3.

⁵ See Exhibit 2 to the GSWA Petition, attached hereto as Exhibit "A".

⁶ Id. at p. 4.

\$750,000.00 require prior PUC approval.⁷ Presumably, the ARPA funds have been transferred to GSWA and are now its funds. Therefore, the proposed award and purchase order for the purchase of the three mini electric refuse trucks should be reviewed by the PUC. It is also the case, however, that this GSWA expenditure will not have any impact upon GSWA rates, as the funds are provided solely through the federal government and not through GSWA ratepayer funds.

2. GSWA has justified the purchase of the three mini electric trucks through GSA from Global Enterprise, Inc.

GSWA's well-drafted Petition presents cogent arguments for the approval of this purchase. It is well established that GSWA has been unable to purchase the mini electric trucks through local vendors. There is no dispute concerning the urgent need of GSWA to purchase additional refuse trucks. As previously determined by the PUC in GSWA Docket 23-03, GSWA does not presently have enough trucks to maintain the current collection program of 21,000 households. **GSWA has an urgent need for new refuse trucks.**⁸

Any further delays in truck equipment replacement will directly affect GSWA's ability to collect household refuse.⁹

3. The Purchase of the Three Mini Electric Trucks through the Guam General Services Administration is authorized by law.

⁷ 12 GCA §12105 and the Contract Review Protocol for the Guam Solid Waste Authority, GSWA Docket 19-02 & Administrative Docket, Par. 1(f).

⁸ PUC Order, GWSA Docket 23-03, pg. 4, dated October 27, 2022

⁹ Id. at p. 3.

GSWA has further established that the proposed purchase is legally authorized. 48 U.S. Code §1469e-Insular government purchases, authorizes Guam to make purchases through the federal General Services Administration.¹⁰ As previously indicated, 5 GCA §5122 authorizes the Guam General Services Agency to procure supplies from the United States when the cost to the GSA is less by ten percent (10%) than from other contractors. The problem in this situation is that no local bids were received in any of the three separate solicitations issued by GSWA.¹¹ Thus, there is no local price available to GSA with which to compare against the price offered by federal vendor Global Enterprises.¹²

To account for the 10% differential mandated by 5 GCA §5122, the Chief Procurement Officer of GSA added the 10% to the total offered federal price in order to estimate what the local price reasonably would have been received.¹³ On June 16, 2008, the Guam Office of Attorney General issued an opinion concluding that, under 5 GCA §5113, “the manor of finding the [10%] differential [is] left to the Chief Procurement Officer” who has “every right to adopt a procedure therefor in order to make the statute authorizing procurement through the federal GSA a functional one.”¹⁴

4. Approval by the PUC of the Purchase of Mini Electric Refuse Trucks is in the best interest of the ratepayers of Guam, and is reasonable, prudent and necessary.

¹⁰ GSWA Petition at pgs. 3-5.

¹¹ Id. at p. 4.

¹² Id.

¹³ Id.

¹⁴ Id. at p. 5 (AGOP. No. GSA07-1084) [Exhibit 5 to the GSWA Petition].

The purchase of the three mini electric refuse trucks is necessary to complete the upgrade and replacement of GSWA's aging fleet that was originally purchased between 2009 and 2018 by the federal Receiver.¹⁵ The price includes routine maintenance, a 5-year warranty on parts, labor, transmission and body maintenance, and Global Enterprises will send representatives to Guam to train GSWA and its drivers.¹⁶ The mini electric trucks will not require fuel and are environmentally friendly as they do not emit pollutants into Guam's air like the diesel trucks.¹⁷ A reasonable delivery time of 210 days is offered by the vendor.¹⁸ The PUC should find that the purchase of the mini electric refuse trucks is reasonable, prudent and necessary.

RECOMMENDATION

For the reason stated in this Report, the Administrative Law Judge ["ALJ"] recommends that the PUC approve the purchase of three mini electric trucks from Global Enterprise, Inc. by the Guam General Services Agency (GSA) on behalf of GSWA. GSWA should be authorized to expend up to the amount of \$1,370,324 for said purchase.

A problem presented is that GSWA is required to accept the purchase quote "by May 29, 2023." See Quote Documents (attached to GSWA's petition), which are appended hereto as "Exhibit "B". The next regularly scheduled Guam Public Utilities Commission meeting is on June 5, 2023. Delay of PUC consideration until that date would jeopardize and possibly nullify this purchase transaction. To enable PUC to

¹⁵ Id.

¹⁶ Id.

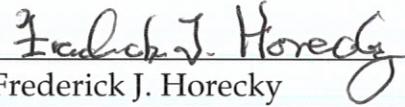
¹⁷ Id. at p. 6.

¹⁸ Id.

meet the approval deadline for acceptance of the quote by May 29, 2023, the only option is for the Chairman of the PUC to issue an interim Order. A Chairman's Order is authorized in accordance with 12 GCA §12105. The approval of GSWA's purchase of mini electric trucks cannot await Commission action at the next scheduled PUC meeting on June 5, 2023. The Chairman's Order will be subject to ratification by the Commission at its June 5, 2023 meeting.

A Proposed Order is submitted herewith for the Commissioners' consideration.

Dated this 18th day of May 2023.


Frederick J. Horecky
Chief Administrative Law Judge



PURCHASE ORDER
GENERAL SERVICES AGENCY
DEPARTMENT OF ADMINISTRATION
GOVERNMENT OF GUAM

148 Route 1
Marine Drive
Piti, Guam 96925

TRAN CODE

THIS PURCHASE ORDER NUMBER

No. P23SWA0001

MUST APPEAR ON ALL INVOICES,
PACKING SLIPS, PACKAGES, B/L,
CORRESPONDENCE ETC.

F.O.B.

* AIR FREIGHT TEL. CONTACT SHIP VIA:

PREPAID-SHOW SHIPPING CHARGES AS SEPARATE ITEM ON INVOICE

DATE

4/22/23

JOB ORDER NO.

5682C219910AR301

OBJ CL

450

**V
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TO: GLOBAL ENTERPRISE, INC.
3521 GODDARD WAY, SUITE 400
ALEXANDRIA, VA 22304

MOBILE: (703) 624-1206
EMAIL: Requests@fedharmony.com

VENDOR

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CONSIGNEE, DESTINATION & MARKING

GUAM SOLID WASTE AUTHORITY
546 N. MARINE CORPS DR.
TAMUNING, GUAM 96913
(Tel) (671) 646-3111
(Fax) (671) 649-3777
Email: <https://www.guamsolidwasteauthority.com/>

AUTHORITY
5122

** INVITATION NO.

** CONTRACT NO.

GS-30F-040BA

TIME FOR DELIVERY

210 Days

EXPIRING

DISCOUNT TERMS:

ITEM	ARTICLES OF SERVICES	QTY.	UNIT	UNIT PRICE	AMOUNT	DOCUMENT NUMBER	FAC
1.	Mini Electric Refuse Truck with Rear Loading Body ***Phoenix Curbtender Sweepers LLC Packer Body: Capacity of compactor body a minimum of 6 cubic yards. Hopper capacity a minimum of .75 cubic yard pack cycle 13 seconds maximum. Cart tipper shall be required. Structural integrity of the body shall be designed to withstand load density of 700lbs. per cubic yard of compaction. Body/Chassis: Ford F-600, Class 6 or equivalent Gross Vehicle Weight Rating Minimum 30,000lbs. to maximum 57,500lbs. Transmission: Class 6 F600 EV transmission housing and parking gear is utilized in the drivetrain build. Hooks up to a drive shaft which powers the rear axle. Torque 2000lb. ft. Engine: Battery capacity to operate 70 miles minimum to 100 miles before charging (180kWh) Class 6 Ford F600 EV package comes standard with a Ford production rear axle and drive shaft connected to a modified Ford transmission with integrated traction motor. Engine Type: Electric KW 110x2/150x2. Power Steering.	3	EA.	\$412,559.00	\$1,237,677.00	Q239910-132	
2.	Tera 184 Livingston Energy Group EV DC Fast Charging Station: Charging Station: 150Kw Charge power with 200A. Compliant with Sae J1772 (Ccs 1 Dc) Batteries: Delivered with a Charge Battery; Battery capacity is 217 minimum 180 KW/hour; Battery Type is LFP Lithium Iron Phosphate or NMC.	1	EA.	\$119,177.00	\$119,177.00		

SPECIAL INSTRUCTIONS TO VENDOR:

- B. SEND CERTIFIED ORIGINAL AND THREE (3) COPIES OF INVOICE TO DIVISION OF ACCOUNTS, DEPARTMENT OF ADMINISTRATION; GOVERNMENT OF GUAM, P.O. BOX 884, AGANA, GUAM 96910.
C. PAYMENT UPON RECEIPT OF MERCHANDISE IN GUAM IN GOOD CONDITION.
D. THIS ORDER SUBJECT TO CONDITIONS ON REVERSE SIDE.
E. **THIS ORDER IS SUBJECT TO THE SPECIAL PROVISIONS, AND BID GENERAL TERMS AND CONDITIONS SPECIFIED ON THIS BID.
F. *ON ALL AIR SHIPMENTS HAVE AIR FREIGHT COMPANY CALL THIS NUMBER UPON ARRIVAL OF GOODS IN GUAM.

↑ TOTAL ↑

**A. DO NOT FILL THIS ORDER
IF YOUR TOTAL COST
EXCEEDS THIS TOTAL.**

INSERT CHANGES AND RETURN
THIS ORDER FOR AMENDMENT.

CONTRACTOR: PLEASE SUPPLY PROMPTLY THE ABOVE ARTICLES OR SERVICES. ALL CORRESPONDENCE PERTAINING TO THIS ORDER INCLUDING INVOICES, SHIPPING DOCUMENTS AND PACKAGES MUST BEAR THE PURCHASE ORDER NUMBER SHOWN ABOVE.
SEE REVERSE SIDE FOR PURCHASE ORDER TERMS AND CONDITIONS.

ADVANCE PAYMENT
AUTHORIZATION

PAYMENT
ENCLOSED ☐

SIGNATURE:

CLAUDIA S. RAY, Chief Procurement Officer

NAME

TITLE



PURCHASE ORDER
GENERAL SERVICES AGENCY
DEPARTMENT OF ADMINISTRATION
GOVERNMENT OF GUAM

148 Route 1
Marine Drive
Piti, Guam 96925

TRAN CODE

THIS PURCHASE ORDER NUMBER

No. P23SWA0001

MUST APPEAR ON ALL INVOICES,
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CORRESPONDENCE ETC.

F.O.B.

* AIR FREIGHT TEL. CONTACT

SHIP VIA:

DATE

4/22/23

JOB ORDER NO.

5682C219910AR301

OBJ CL

450

PREPAID-SHOW SHIPPING CHARGES AS SEPARATE ITEM ON INVOICE

VENDOR

TO:

GLOBAL ENTERPRISE, INC.
3521 Goddard Way, Suite 400
Alexandria, VA 22304
Mobile: (703) 624-1206 / Email: Requests@fedharmony.com

VENDOR

SHIP TO

CONSIGNEE, DESTINATION & MARKING

GUAM SOLID WASTE AUTHORITY
546 N. MARINE CORPS DR.
TAMUNING, GUAM 96913

(TEL) (671) 646-3111

(FAX) (671) 649-3777

Email: <https://www.guamsolidwasteauthority.com>

AUTHORITY

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** CONTRACT NO.

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DISCOUNT TERMS:

ITEM	ARTICLES OF SERVICES	QTY.	UNIT	UNIT PRICE	AMOUNT	DOCUMENT NUMBER	FAC
	Lithium Nickel Manganese Cobalt Oxide. ***** Note: Continuation of specifications for Item #1.0: Battery: Delivered with a charged battery; battery capacity is 180 kWh; battery type is LFP Lithium Iron Phosphate; Brakes: Regenerative Axle Capacity: Front axle rating is maximum of 7,500lbs. Rear axle rating is maximum of 15,500lbs. ***** Standard Ford factory rust resistant Coating. HVAC: Electric Integrated HVAC System RADIO: F600 Standard Radio Package ELECTRICAL: Electric Horn MIRRORS: Standard Ford Manual Telescoping Trailer Tow Mirrors(Driver & Passenger side) ***** Mirrors shall be motorized to move left and right. TIRES/WHEELS: Hub Piloted Wheels minimum 245/700R19.5 dual rear; Regional/Urban Tread Tires;Front Tow Hooks, Loops, Eyes, Mounted on the frame; LIGHTS: Standard daytime running lights; All lights LEDs except front turn signals and headlamps; If rear loader, two (2) work lights shall be installed at rear of packer body above the hopper. PAINT: The entire tailgate to be washed with phosphorus-based solution; Two coats of automotive grade primer then enamel shall be applied					Q239910-132	

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D. THIS ORDER SUBJECT TO CONDITIONS ON REVERSE SIDE.
E. ** THIS ORDER IS SUBJECT TO THE SPECIAL PROVISIONS, AND BID GENERAL TERMS AND CONDITIONS SPECIFIED ON THIS BID.
F. * ON ALL AIR SHIPMENTS HAVE AIR FREIGHT COMPANY CALL THIS NUMBER UPON ARRIVAL OF GOODS IN GUAM.

A. DO NOT FILL THIS ORDER IF YOUR TOTAL COST EXCEEDS THIS TOTAL.

INSERT CHANGES AND RETURN THIS ORDER FOR AMENDMENT.

↑ TOTAL ↑

CONTRACTOR: PLEASE SUPPLY PROMPTLY THE ABOVE ARTICLES OR SERVICES. ALL CORRESPONDENCE PERTAINING TO THIS ORDER INCLUDING INVOICES, SHIPPING DOCUMENTS AND PACKAGES MUST BEAR THE PURCHASE ORDER NUMBER SHOWN ABOVE.
SEE REVERSE SIDE FOR PURCHASE ORDER TERMS AND CONDITIONS.

ADVANCE PAYMENT AUTHORIZATION

PAYMENT ENCLOSED ☐

SIGNATURE

CLAUDIA S. RAY, Chief Procurement Officer

NAME

TITLE



PURCHASE ORDER
GENERAL SERVICES AGENCY
DEPARTMENT OF ADMINISTRATION
GOVERNMENT OF GUAM

148 Route 1
Marine Drive
Piti, Guam 96925

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CORRESPONDENCE ETC.

F.O.B.

* AIR FREIGHT TEL CONTACT SHIP VIA:

PREPAID-SHOW SHIPPING CHARGES AS SEPARATE ITEM ON INVOICE

DATE

4/22/23

JOB ORDER NO.

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OBJ CL

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**V
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TO:

GLOBAL ENTERPRISE, INC.
3521 CODDARD WAY, SUITE 400
ALEXANDRIA, VA 22304

TEL: (703) 624-1206 / EMAIL: Requests@fedharmony.com

VENDOR

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CONSIGNEE, DESTINATION & MARKING

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AUTHORITY

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GS-30F-040BA

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DISCOUNT TERMS:

ITEM	ARTICLES OF SERVICES	QTY.	UNIT	UNIT PRICE	AMOUNT	DOCUMENT NUMBER	FAC
	Truck body and cab shall be painted white; Chassis shall be painted black. Keys and Warranty Manuals: Three (3) sets of keys per vehicle; One (1) Operator's manual hardcopy per vehicle; One (1) Operator's manual on CD per vehicle; One (1) complete illustrated parts book per vehicle; One (1) shop repair manual per vehicle; One (1) warranty manual per vehicle (Included in service manual). Warranty/Training: 5 Year warranty for chassis and EV components. Body has standard one (1) year warranty. Customer responsible for shipping costs for warranty parts (from California). Manufacturer's commercial warranty provision for battery - 5 Year Warranty. Curbtender and Drive Labs will train the customer on preventive maintenance during unit installation. Will also provide PM training to a local service provider of the***customers choice. Safety: Automatic back-up alarm initiates when vehicle is in reverse gear. Sound is heard under normal conditions not less than 100 feet. 10lbs. fire extinguisher mounted in cab. First Aid Kit Reference Attachments: A-B Images of Guam Streets are very narrow or both sides of the street have parked vehicles use of the rear loading feature to collect refuse and recycling would be required.					Q239910-132	
3.	SHIPPING FEE:	1	EA.	\$13,470.00	\$13,470.00		

AUTHORIZED PERSONNEL:

IRVIN SLIKE
ALICIA FEJERAN
JOANNE FLORES
ROMAN PEREZ
NELSON BETRAN
DENNIS MENDIOLA
KEILANI MESA

SPECIAL INSTRUCTIONS TO VENDOR:

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\$1,370,324.00

↑ TOTAL ↑

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SEE REVERSE SIDE FOR PURCHASE ORDER TERMS AND CONDITIONS.

ADVANCE PAYMENT AUTHORIZATION

PAYMENT ENCLOSED ☐

SIGNATURE:

CLAUDIA S. RAY, Chief Procurement Officer

******* OFFICIAL, CHIEF Procurement Officer *******

NAME

TITLE



RFQ ID: RFQ1612760 ✓ Active

[View RFQ details](#)

Quote ID: RFQ1612760-LZM

Pending Response

**Vendor**

GLOBAL ENTERPRISE, INC.

SAM UEI:

L3P3MXXX2W59

Contract #

GS-30F-040BA

Contact

Scott Smith

(703)624-1206

scottsmith@fedharmony.com

Contract End Date

09/17/2024

Source/Category

MAS/3361V

Prompt Pay:

0 Days 0%

FOB:

Destination

Total Quote Price:

\$531,736.00

This quote is good until:

05/29/2023 05:00 PM EDT

Vendor Comments & Attachments

Vendor Comments

Please refer questions to Requests@Fedharmony.com.

Vendor Attachments

Global Enterprise Proposal - Mini Electric Refuse Vehicle.pdf

Line Items - 2

Award Line Item				Mfr. Part/Item #	Manufacturer	Product/Service Name	Qty	Unit	Ship Address	Unit Price	Total Price
<div><div></div><div>No</div><div><div></div><div></div></div><div>Yes</div></div>				PHOENIX	CURBTENDER SWEEPERS LLC	REAR LOADING REFUSE TRUCK	1	EA	1	\$412,559.00	\$412,559.00
<div><div></div><div>No</div><div><div></div><div></div></div><div>Yes</div></div>				TERRA 184	LIVINGSTON ENERGY GROUP	EV DC FAST CHARGING STATION	1	EA	1	\$119,177.00	\$119,177.00

Award Line Item	Mfr. Part/Item #	Manufacturer	Product/Service Name	Qty	Unit	Ship Address	Unit Price	Total Price
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Total Award **\$531,736.00**
Line Items:

Total Dollar Amount in Attachments:	\$0.00
FOB Transportation Cost:	\$0.00
Total Quote Line Items:	\$531,736.00
Total Quote:	\$531,736.00
Total Award:	\$531,736.00

Buyer Notes

Comments



RFQ ID: RFQ1612760 ✓ Active

RFQ Title

Mini Electric Refuse Vehicle

Description

See attachment - Note: this vehicle is for the Government of Guam. Shipping quote required to Tamuning, Guam 96913. DISREGARD SHIPPING TO HAWAII. UNABLE TO CHANGE DEFAULT ADDRESS. Also, please pay close attention to timeline on Page 2 for Q&A submission due date.

Reference # / uPIID

RFQ Status

RFQ Issue Date

03/08/2023 02:08 AM EST

RFQ Close Date

03/30/2023 05:00 PM EDT

Delivery

180 days After Receipt of Order (ARO)

Selected Categories & Vendors

MAS: 3361V - 54 Vendors

Mod 1



03/21/2023

Attachments

Shipping Addresses

Quotes Received - 6

Quote ID	Vendor	Date Recvd	Total Quote	Quote Status	Vendor Notified	Quote Expiration	PO	Vendor Attachments	Buyer Notes
	GLOBAL ENTERPRISE INC. 	03/30/2023 2:45 PM EDT	\$531,736:00	Pending Response		05/29/2023 5:00 PM EDT	n/a	View Attachments	
RFQ1612760-IMS	ALTEC INDUSTRIES, INC. 	03/17/2023 11:07 AM EDT		No Quote View reason		n/a	n/a		
RFQ1612760-XFT	ISOMETRICS, INC. 	03/15/2023 5:22 PM EDT		No Quote View reason		n/a	n/a		
RFQ1612760-CZB	MOBILE MEDICAL	03/15/2023 10:21 AM		No Quote View reason		n/a	n/a		

Quote ID	Vendor	Date Recvd	Total Quote	Quote Status	Vendor Notified	Quote Expiration	PO	Vendor Attachments	Buyer Notes
	INTERNATIONAL CORPORATION	EDT							
									
RFQ1612760-VNX	TEREX CORPORATION	03/13/2023 10:59 AM EDT		No Quote View reason		n/a		n/a	
									
RFQ1612760-QEX	LIFELINE MOBILE, INC	03/13/2023 7:56 AM EDT		No Quote View reason		n/a		n/a	
	