



Office of the Attorney General
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Attorney General of Guam
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www.oagguam.org



Attorneys for the Guam Solid Waste Authority

BEFORE THE GUAM PUBLIC UTILITIES COMMISSION

IN THE MATTER OF:)	GSWA DOCKET NO. 23-04
)	
The Application of the Guam Solid)	PETITION FOR REVIEW AND
Waste Authority for Review and)	APPROVAL OF PURCHASE
Approval of the Purchase of Mini Electric)	ORDER
Refuse Trucks from Global Enterprise, Inc.)	
_____)	

INTRODUCTION

COMES NOW the **GUAM SOLID WASTE AUTHORITY (GSWA)** and respectfully petitions the **GUAM PUBLIC UTILITIES COMMISSION (PUC)** to review and approve the purchase of three mini electric trucks from Global Enterprise, Inc. by the Guam General Services Agency (GSA) on behalf of GSWA.

1 **BACKGROUND**

2 Last year in May 2022, GSWA issued **Invitation for Bid No. GSWA-004-22** for
3 the purchase of three 24-cubic yard (CuYd) diesel refuse trucks with a cab-forward
4 design, together with three 8-CuYd mini electric trucks. After two prospective bidders
5 filed protests, the IFB was cancelled and no bids were accepted.

6 On July 29, 2022, GSWA re-issued the IFB as **Invitation for Bid No. GSWA**
7 **0007-22**. An acceptable bid for the purchase of the three 24-CuYd diesel trucks was
8 received from Mid Pac Far East, but no bids were received for the 8-CuYd electric
9 trucks. The award of the 24-CuYd trucks to Mid Pac Far East was subsequently
10 approved by the PUC in its *Order* dated October 27, 2022 [**PUC Docket No. 23-03**].
11

12 With the purchase of the 24-CuYd refuse trucks successfully completed, GSWA
13 sought for the third time to solicit for the 8-CuYd mini electric refuse trucks. In
14 furtherance of this, **Invitation for Bid No. GSWA-010-22** was issued on January 18,
15 2023. An encouraging six prospective bidders picked up a bid package. However,
16 once again no bids were received by the submission deadline.

17 Due to the lack of local response to IFB No. GSWA-010-22, and previously to
18 IFB GSWA-004-22 and GSWA-007-22, GSWA sought the assistance of GSA to
19 procure the trucks through the federal procurement system.

20 Guam law at Title 5 GCA § 5122 authorizes GSA is to procure supplies on
21 behalf of the Government of Guam *“when the cost to the General Services Agency is*
22 *less by ten percent (10%) than from other contractors.”* Utilizing this authority, GSA
23 solicited price quotes for the trucks from the federal vendors.
24
25

1 One federal vendor, **GLOBAL ENTERPRISE, INC.**, responded and offered to
2 provide the mini electric refuse trucks at a cost of \$412,559.00 each (\$1,237,677.00
3 total). **[EXHIBIT 1]**. The offer was accepted and GSA issued **Purchase Order**
4 **P23SWA0001** on April 22, 2023. **[EXHIBIT 2]**. Global Enterprise's offer and the
5 Purchase Order are good until May 20, 2023.

6 On May 11, 2023, the GSWA Board issued **Resolution No. 2023-012** to
7 approve the purchase of the mini trucks from Global Enterprise with funds received
8 from the federal American Rescue Plan Act (ARPA), U.S. Public Law No. 117-2.
9 **[EXHIBIT 3]**.

12 DISCUSSION

13 The PUC has jurisdiction and authority to hear this Petition pursuant to 12 GCA
14 § 12105 and the Order establishing a Contract Review Protocol for GSWA. See,
15 GSWA DOCKET 19-02 & ADMINISTRATIVE DOCKET dated July 25, 2019.

16 I. Authority To Purchase from the United States Through the Federal 17 General Services Administration.

18 Federal law authorizes the Government of Guam and other U.S. territories to
19 purchase through the federal General Services Administration:

20 **48 U.S. Code § 1469e - Insular government purchases.** The
21 Governments of the Commonwealth of Puerto Rico, **Guam**, American
22 Samoa, the Commonwealth of the Northern Mariana Islands, and the
23 United States Virgin Islands are authorized to make purchases through
24 the General Services Administration.

1 The Guam Procurement Law reaffirms Guam's ability to purchase supplies
2 from federal vendors if the price offered is ten percent (10%) less than prices offered
3 by local contractors:

4 **5 GCA § 5122. U.S. Government.** The General Services Agency shall
5 procure supplies from the United States *when the cost to the General*
6 *Services Agency is less by ten percent (10%) than from other contractors.*

7
8 With respect to the mini trucks, no participation or bids were received from local
9 contractors in any of the three separate solicitations issued by GSWA. Thus, after
10 three unsuccessful efforts to procure locally, purchasing through the federal GSA is
11 now the only remaining procurement option available.

12 Since no local bids were received, there is no local price available to GSA to
13 compare against the price offered by federal vendor Global Enterprise. Therefore, in
14 order to account for the 10% differential mandated by 5 GCA § 5122, the Chief
15 Procurement Officer of GSA adopted a procedure which *added* the 10% to the total
16 offered federal price in order to estimate what the local price reasonably would have
17 been had bids been received. **[EXHIBIT 4 at p. 4].**

18 The 10% differential calculated as follows:

19 3x Mini Electric Refuse Trucks at \$412,559 each	\$ 1,237,677
20 1x Charging Station at \$119,177	\$ 119,177
21 Shipping Fee	\$ 13,470
22	
23 Total Price	<u>\$1,370,324</u>
24 \$1,370,324 total price x 10% = \$137,032.40	
25 \$137,032.40 (10%) + \$1,370,324 (total price) = \$1,507,356.40 (est.local price)	

1 The Chief Procurement Officer's methodology of *adding* 10% to the offered
2 federal price when no local bids are received is one that is in her sole discretion to
3 adopt. In an opinion dated June 16, 2008, the Office of the Attorney General
4 concluded that under Title 5 GCA § 5113, "*the manner of finding the [10%] differential*
5 *[is] left to the Chief Procurement Officer*" who has "every right to adopt a procedure
6 *therefor in order to make the statute authorizing procurement through the Federal*
7 *GSA a functional one.*". AG OP. No. GSA 07-1084. **[EXHIBIT 5].**

8
9 **II. The Purchase of Mini Electric Refuse Trucks is in the Best Interests**
10 **of Guam.**

11 The three mini trucks sought to be purchased are necessary to complete the
12 upgrade and replacement of GSWA's aging fleet that was originally purchased
13 between 2009 and 2018 by the federal Receiver. The purchase price of the trucks will
14 be 100% paid for by federal recovery funds and thus will not be passed on to rate
15 holders or the general public.

16 The price also includes routine maintenance, a 5-year warranty on parts, labor,
17 transmission, and body maintenance, and Global Enterprises will send representatives
18 to Guam to train GSWA and its drivers. The 210-day delivery time frame offered is
19 extremely reasonable given the current high demand of the commercial vehicle
20 market.
21
22
23
24
25

1 **CONCLUSION**

2 Modernizing the GSWA fleet with electric vehicles is in the best interest of
3 Guam. The mini electric trucks will not require fuel and are environmentally friendly as
4 they do not emit pollutants into Guam's air like the diesel trucks. They also have better
5 performance and lower maintenance, all of which serves to lower costs.

6 For all the foregoing reasons, GSWA submits that the instant petition
7 requesting that the PUC approve the purchase of the three mini electric trucks by GSA
8 should be GRANTED.
9

10 Respectfully submitted this 11th day of May, 2023.

11 **OFFICE OF THE ATTORNEY GENERAL**
12 **Douglas B. Moylan, Attorney General**

13 By: 

14 **SANDRA C. MILLER**
15 Assistant Attorney General
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24
25

EXHIBIT 1

Offer of Global Enterprise, Inc.



GUAM SOLID WASTE AUTHORITY

LOURDES A. LEON GUERRERO
Governor of Guam

JOSHUA F. TENORIO
Lt. Governor of Guam

IRVIN L. SLIKE
General Manager



TRANSMITTAL

April 18, 2023

To: GSA
ATTN: CHIEF PROCUREMENT OFFICER

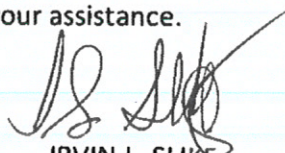
From: IRVIN L. SLIKE
General Manager, Guam Solid Waste Authority

Subject: MINI ELECTRIC REFUSE VEHICLE QUOTE AND REQUISITION

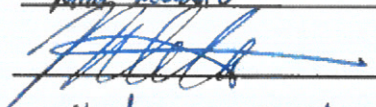
Transmitted Herewith are the following documents for relative to the award of the mini electric refuse trucks for Guam Solid Waste Authority:

- REQUISITION NO. Q239910-132
- QUOTATION SUBMITTED BY GLOBAL ENTERPRISE INC. – RFQ1612760

Should you have any questions, please contact me at 671-646-3239 or via email at procurement@gsua.guam.gov. Thank you for your assistance.


IRVIN L. SLIKE
General Manager

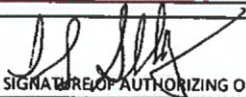
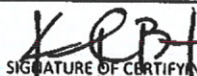
ACKNOWLEDGEMENT

PRINT NAME: Michelle Malato
SIGNATURE: 
DATE & TIME: 4/18/23 9:54am



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

REQUISITION

SEND TO: GUAM SOLID WASTE AUTHORITY PROCUREMENT/SUPPLY		SUBMITTED BY: ADMIN.		DEPARTMENT/DIVISION: RESIDENTIAL COLLECTIONS	
TRAN CODE	REQUISITION NUMBER Q239910-132	REQUISITION DATE 4/18/2023	JOB ORDER NUMBER 5682C219910AR301		OBJECT CLASS 450
DEL DATE REQUIRED 210 DAYS ARO	EXPIRATION REQ. RATE 12/31/2023	METHOD OF SHIPMENT			
DO NOT EXCEED 10 LINE ITEMS PER REQUISITION					
ITEM NO.	DESCRIPTION OF ITEM	QTY	UOM	UNIT PRICE	AMOUNT
1	MINI ELECTRIC REFUSE TRUCK - PHOENIX CURBTENDER SWEEPERS LLC. REAR LOADING REFUSE TRUCK	3	EA	\$412,559.00	\$1,237,677.00
2	TERA 184 LIVINGSTON ENERGY GROUP EV DC FAST CHARGING STATION	1	EA	\$ 119,177.00	\$119,177.00
3	SHIPPING FEE	1	EA	\$ 13,470.00	\$13,470.00
AUTHORIZED PERSONNEL: IRVIN SLIKE, ALICIA FEJERAN, JOANNE FLORES, ROMAN PEREZ, NELSON BELTRAN, DENNIS MENDIOLA, AND KEILANI MESA					
REMARKS/SUGGESTED VENDOR(S) Global Enterprise, Inc. (GSA eBuy)				TOTAL	\$ 1,370,324.00
 SIGNATURE OF AUTHORIZING OFFICIAL		4/18/23 DATE	 SIGNATURE OF CERTIFYING OFFICIAL		04-18-23 DATE



GLOBAL
ENTERPRISE, INC



FEDHARMONY# 33624

30 Mar 2023

Brandy Untalan

brandy.untalan@gsa.gov

(671) 333-4721

Subject: **Mini Electric Refuse Vehicle**

Reference: Solicitation # **RFQ1612760**

Dear Mr. Untalan,

In response to Solicitation # **RFQ1612760**, Global Enterprise, Inc. is pleased to submit the enclosed quote for the **Mini Electric Refuse Vehicle**. The quote accounts for all labor, tools, equipment, materials, shipping, and project management needed to achieve the prescribed requirements. We reserve the right to impose a surcharge on credit card purchases that is not greater than our cost of acceptance. We state acceptance of all other solicitation terms, conditions, and provisions.

Our team has substantial past performance and experience delivering comparable projects. Our past successes and experience provide assurance for your organization that the final product will be delivered on time and as specified in the requirements.

Our proposal of \$412,559 per Refuse Vehicle includes delivery to Guam. The first two trucks (if needed) can be delivered 120 days ARO with the third being delivered within 210 days ARO. Please refer to accompanying specifications for additional information. The shipping cost of \$13,470 is not included in the GSA MAS Catalog item, as this is an OCONUS item delivering to Guam.

Additionally, the exact GSA product is undergoing an economic price adjustment with anticipated approval within 3 months. The submitted product is the most similar product on our GSA Catalog. Please advise if this is acceptable.

We are offering the Livingston Terra 184 Level 3 Charger for \$119,177. This does not include installation or electrical hookups. If needed, we can help source qualified vendors to perform this task. Additional information is available upon request.

You may reach me at 703-624-1206.

Respectfully,

Scott Smith

President

Global Enterprise, Inc.

Requests@fedharmony.com

703-624-1206

GSA MAS 23V: GS-30F-040BA

UEI: L3P3MXXX2W59

DUNS: 02-321-3949

CAGE: 644N7

Business Size: Small Business

Global Enterprise, Inc. 3521 Goddard Way Suite 400 Alexandria, VA 22304



**GLOBAL
ENTERPRISE, INC**



Technical and Management Approach

Solicitation Number: RFQ1612760

Project Name: Mini Electric Refuse Vehicle

FEDHARMONY#33624

Prepared For

Brandy Untalan

brandy.untalan@gsa.gov

6713334721

Prepared By

Global Enterprise, Inc.

3521 Goddard Way Ste. 400

Alexandria, VA 22304

Prime Contractor

Mr. Scott Smith

President

Global Enterprise, Inc.

3521 Goddard Way Ste. 400

Alexandria, VA 22304

Mobile: 703-624-1206

Email: Requests@fedharmony.com

Program Management Office

Mr. Scotty Browning

Project Coordinator

Global Enterprise, Inc.

3521 Goddard Way Ste. 400

Alexandria, VA 22304

Mobile: 618-535-2288

Email: Orders@fedharmony.com

This data, furnished in connection with Solicitation # **RFQ1612760** shall not be disclosed outside the Government and shall not be duplicated, used, or disclosed in whole or in part for any purpose other than to evaluate the proposal; provided that if a contract is awarded to this Offeror as a result of or in connection with the submission of this data, the Government shall have the right to duplicate, use, or disclose the data to the extent provided in the contract. This restriction does not limit the Government's right to use information contained in the data if it is obtained from another source without restriction. The data subject to this restriction is contained in all sheets except page ii (Table of Contents).



**GLOBAL
ENTERPRISE, INC**



TECHNICAL APPROACH

Global Enterprise, Inc. and Fedharmony are both S Corporations wholly owned by Scott Smith. For small business concerns they are distinct entities, but effectively they operate as a single company, with Scott Smith as President and owner of both. Global is a dealer/distributor of equipment using GS30F-040BA and GS07F-248BA. Automotive and Law Enforcement.

Fedharmony provides turn-key Business Development, Systems Engineering, Project Management, Contracts Administration, and Customer Service services. Fedharmony's primary 'customer' is Global, but also supports other GSA contract holders and 'sister' companies of Global/Fedharmony/Scott Smith (Worldwide Enterprise, Inc., Products on GSA, Inc., American Enterprises, Inc.)

Fedharmony identifies a qualified manufacturer and outsources the production of the equipment according to the government specifications. Fedharmony's Systems Engineering understands a wide array of equipment manufacturing, and most importantly, government expectations, for workmanship, functionality, and acceptance testing.

Fedharmony's approach to outsourced manufacturing is consistent with the industry practice of private label manufacturing, and is a core competency of Mr. Smith, who previously held positions of Director of Total Quality Management and Director of Manufacturing for \$100M+/year firms. Furthermore, Fedharmony's warranty complements the typical manufacturer warranty, with service provided by a local Place of Performance authorized service agent.

Curbtender Sweepers LLC



Curbtender Sweepers, LLC designs and manufactures street sweepers and leaf collection vehicles in Cedar Falls, Iowa. Our goal is to produce high performance, durable products that offer customers a lower total cost of ownership (TCO). We believe in conducting our business with world-class service and respect.

Commercial Item Matrix

Item No.	Description	Compliance	Compliance Comments
1.	Delivery Date: 120 Days ARO	Yes	1st and 2nd units can begin delivery within 120 days of receipt of order. A 3RD unit can be ready for delivery within 90 days following unit 2.
2.	Delivery to: Tamuning, Guam 96913		
3.	Qty: (1) max of (3)	Yes	
4.	*Please include any relevant product literature and warranty information with quote		
5.	Mini Electric Refuse Truck with Rear Loading Body and Charging Station for the Government of Guam Solid Waste Authority (GWSA) for use in official capacity of daily refuse collection.	Y	
6.	GWSA seeks to make an initial purchase of one (1) or more of the described items, but not to exceed a maximum of three (3) items.		
7.	PACKER BODY:		
8.	Capacity of compactor body a minimum of 8 cubic yards	No	6 cubic yards
9.	Hopper capacity a minimum of .75 cubic yard Pack cycle 13 seconds maximum	Yes	Pack cycle may be 15-16 seconds to optimize battery life.
10.	Cart tipper shall be required	Yes	
11.	Structural integrity of the body shall be designed to withstand load density of 700 lbs per cubic yard of compaction	Yes	
12.	BODY/CHASSIS:		
13.	Ford F-600, Class 6 or equivalent	Yes	
14.	Gross Vehicle Weight Rating Minimum 30,000 lbs. to Maximum 57,500 lbs	Conflicting Specs/Industry Equal	The requested Class 6 Ford F-600 is 22,000 GVWR
15.	TRANSMISSION:		
16.	Direct Drive/No Transmission Option	Conflicting Specs/Industry Equal	The requested Class 6 F600 EV transmission housing and parking gear is utilized in the drivetrain build. This hooks up to



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			a drive shaft which powers the rear axle.
17.	2 Speed Powershift Option	Conflicting Specs/Industry Equal	The requested Class 6 F600 EV has one forward gear and one reverse gear, utilizing electronic ramping.
18.	Torque is minimum 1700 lb. ft	Exceeds	2,000 lb. ft
19.	ENGINE:		
20.	Battery capacity to operate 70 miles minimum to 100 miles before charging (min 150 Kw/hour)	Exceeds	180 kWh
21.	Integrated Electric Drive Axle or Two AC Motors with 325 kW minimum	Conflicting Specs/Industry Equal	The requested 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.
22.	Engine Type – Electric KW 110 x2/150 x 2		
23.	Power Steering	Yes	
24.	CHARGING STATION:	Yes	See separate quote
25.	Charging Station is 150 Kw charge power with 200A		See separate quote
26.	Compliant with Sae J1772 (Ccs1 Dc)		See separate quote
27.	BATTERIES:		
28.	Delivered with a Charged Battery	Yes	
29.	Battery capacity is 217 minimum to 220 kW/hour	No	180 kWh
30.	Battery Type is LFP Lithium Iron Phosphate or NMC Lithium Nickel Manganese Cobalt Oxide	Yes	LFP
31.	BRAKES:		
32.	Regenerative	Yes	
33.	AXLE CAPACITY:		
34.	Front axle rating is maximum of 7,500 lbs.	Yes	
35.	Rear axle rating is maximum of 15,500 lbs.	Yes	
36.	Complete rust proofing with minimum three-year corrosion guarantee	No	Standard Ford factory rust resistant coating
37.	HVAC:		
38.	Electric integrated HVAC System	Yes	
39.	RADIO:		



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40.	AM/FM Radio with Bluetooth Capability	Yes	F600 Standard Radio Package
41.	ELECTRICAL		
42.	Electric and Air Horn(s)	No	Electric horn only, no air compressor on chassis due to hydraulic brakes.
43.	MIRRORS:		
44.	One (1) Corrosion Resistant mirror on driver's side and	Yes	Std Ford Manual Telescoping Trailer Tow mirrors
45.	one (1) Corrosion Resistant Mirror on passenger side	Yes	Std Ford Manual Telescoping Trailer Tow mirrors
46.	Eight (8) inch convex mirrors center mounted under vertical	Yes	Std Ford Manual Telescoping Trailer Tow mirrors
47.	Mirrors shall be motorized to move left and right	Yes	
48.	TIRES/WHEELS:		
49.	Hub Piloted Wheels minimum 245/70R19.5 dual rear	Yes	
50.	Regional/Urban Tread Tires	Yes	
51.	Front Tow Hooks, loops, eyes, mounted on the frame	Yes	
52.	LIGHTS:		
53.	Standard daytime running lights	Yes	
54.	All lights LEDs except front turn signals and headlamps	Yes	
55.	If rear loader, two (2) work lights shall be installed at rear of packer body above the hopper	Yes	
56.	PAINT:		
57.	The entire tailgate to be washed with phosphorus-based solution	Yes	
58.	Two coats of automotive grade primer then enamel shall be applied		Chassis: Yes. Body: base coat is automotive grade epoxy zinc primer that offers superior corrosion protection and impact resistance. Topcoat is high performance polyurethane coating offering additional resistance to chemicals,
59.	Truck body and cab shall be painted white	Yes	
60.	Chassis shall be painted black	Yes	



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61.	KEYS AND WARRANTY MANUALS:		
62.	Three sets of keys per vehicle	Yes	2 is standard. We will work the 3 rd key upon award.
63.	One (1) operator's manual hardcopy per vehicle	Yes	
64.	One (1) operator's manual on CD per vehicle	Yes	If CD unavailable, a digital copy will be provided.
65.	One (1) complete illustrated parts book per vehicle	Yes	
66.	One (1) shop repair manual per vehicle	Yes	
67.	One (1) warranty manual per vehicle	Yes	Included in service manual.
68.	WARRANTY/TRAINING:		
69.	Manufacturer's training of GSWA crews (8 hours) and contracted mechanics (20 hours)	Yes	
70.	Standard five (5) years/350,000 miles minimum	Yes	5 Year Warranty for chassis and EV components. Body has standard 1 year warranty. Customer responsible for shipping costs for warranty parts (from California). If onsite factory-direct labor is needed for warranty, the labor cost will be free but the customer will need to pay for travel costs and travel time. Otherwise Curbtender, Drive Labs, and Ford will work with local service providers for warranty needs. OTA (over the air) software updates are included in bid price for duration of warranty period.
71.	Manufacturer's commercial warranty provisions for Battery		5 Year Warranty

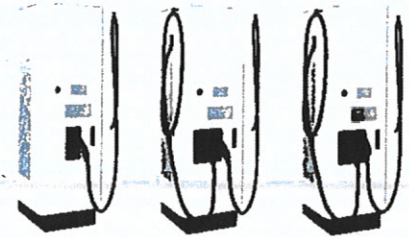


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72.	Preventive maintenance service for three (3) years/36,000 miles, all parts and labor shall be included at no extra charge.		Curbtender and Drive Labs will train the customer on preventative maintenance during unit installation. We will also provide PM training to a local service provider of the customer's choice.
73.	SAFETY:		
74.	Automatic back-up alarm initiates when vehicle is in reverse gear.	Yes	
75.	Sound is heard under normal conditions not less than 100 feet.	Yes	
76.	10 lbs. fire extinguisher mounted in cab	Yes	
77.	First aid kit	Yes	
78.	REFERENCE ATTACHMENTS		
79.	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.	Yes	



LIVINGSTON
CHARGE PORT
Powered by Lytkwell



LCP-T94-124-184

DC Fast Charger Station

Specifications

Terra 94

Terra 124

Terra 184

Electrical

Maximum Output Power	90 kW	120 kW or 60 kW X2	180 kW or 90 kW X2
AC Input Voltage	480Y / 277 VAC +/- 10% (60 Hz)		
AC Input Connection	3-phase: L1, L2, L3, GND (No Neutral)		
Nominal Input Current & Input Power Rating	115 A, 96 kVA	153 A, 128 kVA	230 A, 192 kVA
Recommended Upstream Circuit Breaker(s)	150 A	200 A	300 A
Power Factor*	>0.96		
Current THD*	<5%		
Short Circuit Current Rating	65 kA		
DC Output Voltage	CCS-1: 150 - 920 VDC; CHAdeMO: 150 - 500 VDC		
DC Output Current	CCS-1: 200 A CHAdeMO: 200 A	CCS1 200 A, CHAdeMO: 200 A Optional CCS1 300 A (Nominal) and 400 A (Peak) High Current Cable(s)	
Efficiency*	95%		

Interface and Control

Charging Protocols	CCS1 & CHAdeMO 1.2
User Interface	7" High Brightness Full Color Touchscreen Display
RFID System	ISO/IEC 14443A/B, ISO/IEC 15393, FeliCa™ 1, NFC Reader Mode, Mifare, Calypso, (Option: Legic)
Network Connection	GSM/3G/4G Modem; 10/100 Base-T Ethernet
Communication	OCPP 1.6 Core and Smart Charging Profiles; Autocharge
Supported Languages	English (Others Available on Request)

Environment

Operating Temperature	-35°C to +55°C / -31°F to +131°F De-rating Characteristics Apply at Extreme Temperatures)
Recommended Storage	-10°C to +70°C / 14°F to +158°F (Dry Environment)
Protection	IP54, NEMA 3R; Indoor and Outdoor Rated
Humidity	5% to 95%, Non-condensing
Altitude	2000 m (6560 ft)

*Data Shown at Nominal Output Power

General

Charge Cable	6 m (19.6 ft)		
Dimensions (H x W x D)	1900 x 565 x 880 mm 74.8 x 22.2 x 34.6 in		
Weight	350 kg / 775 lbs	365 kg / 800 lbs	395 kg / 870 lbs
Compliance and Safety	UL 2202, CSA No. 107.1-16; UL 2231-1, UL 2231-2, CSA STD C22.2 No. 107.1; NEC Article 625, EN 61851, EN 62196; CHAdeMO 1.2; DIN 70121, ISO 15118; IEC 61000-6-3; EMC Class B, FCC Part 15		

Order Today!



www.solution.energy



518.691.3119



sales@solution.energy



Click image for expanded view



REAR LOADING REFUSE TRUCK

Mfr Part No.:	PHOENIX
Contractor Part No.:	PHOENIX
Manufacturer:	CURBTENDER SWEEPERS LLC
Contract No.:	GS-30F-040BA (ends: Sep 17, 2024)
MAS Schedule/SIN:	MAS/3361V
Warranty:	STANDARD WARRANTY
Country of Origin:	UNITED STATES OF AMERICA
Weight:	66000.000 LB

 Disaster Purchasing Items

[Report incorrect product information](#)

Price
\$403,911.99 EA

Qty: 1

Add to cart

sold and shipped by
GLOBAL ENTERPRISE 
Contract minimum order: \$100.00

Product Details

Description Provided by GLOBAL ENTERPRISE

Curbtender's Phoenix provides 32 yard capacity, an auto back-pack, driver alert buzzer, and Arlock Container Device (the ultimate in container safety). For additional information contact Global Support at (202) 779-0225 or e-mail gsasupport@fedharmon

Compare Available Sources

Instructions: Select price below, enter qty at left, then Add to Cart. To view another contractor description, simply select the Contractor in the list below.

◆ Indicates when volume discounts are offered.



Click image for expanded view



EV DC FAST CHARGING STATION

Mfr Part No.:	TERRA 184
Contractor Part No.:	TERRA 184
Manufacturer:	LIVINGSTON ENERGY GROUP
Contract No.:	GS-30F-040BA (ends: Sep 17, 2024)
MAS Schedule/SIN:	MAS/3361E
Warranty:	STANDARD WARRANTY
Country of Origin:	UNITED STATES OF AMERICA
Weight:	100.000 LB


 Disaster Purchasing items

[Report incorrect product information](#)

Price
\$131,586.06 EA

Qty: 1

[Add to cart](#)

sold and shipped by
GLOBAL ENTERPRISE 
Contract minimum order: \$100.00

Product Details

Description Provided by GLOBAL ENTERPRISE

Terra DC Fast charger Maximum output power one EV up to 120 kW or two EVs each up to 60 kW are designed for the most compact, reliable and future-proof demands. In addition to a range of power selections, Terra chargers can be configured with CCS and

Compare Available Sources

Instructions: Select price below, enter qty at left, then Add to Cart. To view another contractor description, simply select the Contractor in the list below.

◆ Indicates when volume discounts are offered.



**GLOBAL
ENTERPRISE, INC**



MANAGEMENT

Fedharmony, a division of Global Enterprises, Inc. (FH) will provide the program/project management role. Fedharmony will provide the program/project management role. In this role, Fedharmony will be the primary interface and advocate for this project to ensure that the project is completed on schedule, within approved cost, to specification and exceeds expectations. Fedharmony's program/project management, contract management, manufacturing experience and teaming portfolio provide a special ingredient to ensure success.

PROGRAM MANAGEMENT

Strong program management and a good evaluation and control system are paramount in containing program cost and maintaining schedule. To facilitate the control process, FH will establish a project base line plan through the development of an integrated master schedule (IMS). The IMS will establish the timing required to perform each task and provide the tool necessary to maintain schedule and measure progress. The establishment of a weekly status report will provide the PM with the performance data necessary to measure performance against the established baseline. The PM will monitor the overall program performance and identify potential schedule or cost issues which can then be analyzed, using EVM techniques, to determine an appropriate course of action. If during the monitoring of the program performance cost becomes a concern, the EVM provides valuable tools that will allow the PM to measure and analyze material cost against actual and estimated actual cost to identify potential cost overruns and determine an appropriate course of action.

KEY PERSONNEL

Scott Smith, PMP, President, Fedharmony

Scott Smith is president of Fedharmony, a boutique firm specializing in bringing innovative solutions to small businesses and federal, state and local governments. His unique capability is a deep understanding of industry side of business as well as the complexities of government contracting. Highlights of his government support include authoring the American Red Cross's business plan for Coord Blood Banking, development of the Enterprise Architecture for the 2010 Census' hand-held devices and initiating the national digitization effort for the General Services Administration (GSA). Prior to federal contracting support, he spent a decade as a hands-on engineer and manager in the international apparel manufacturing industry. In addition to building factories for the likes of Rawlings Sporting Goods and Oxford Industries throughout Central America and the Caribbean he also managed full production and product development. He is a certified Project Management Professional and holds a BS in Industrial Engineering.

MINI ELECTRIC REFUSE VEHICLE

STATEMENT OF WORK

1. SCOPE

Mini Electric Refuse Truck with Rear Loading Body and Charging Station for the Government of Guam Solid Waste Authority (GWSA) for use in official capacity of daily refuse collection. GWSA seeks to make an initial purchase of one (1) or more of the described items, but not to exceed a maximum of three (3) items.

2. PRODUCT SPECIFICATIONS

Indicate on each line of the specifications whether each item complies with the specification, or an exception is being taken. If additional space is required to fully explain quote exceptions, attach additional typed page(s) to the quote indicating the section and subsection that has the exception, and provide explanation.

In addition, indicate pricing for the following on quote:

- A. Manufacturer
- B. Year
- C. Model
- D. Place of Origin
- E. Delivery Date/Manufacturing Lead Time

Guam Mini Electric Refuse Truck	Compliance/Non-Compliance
PACKER BODY:	
Capacity of compactor body a minimum of 8 cubic yards	Please reference pages 4 - 9 of our Proposal for Compliance and Comments.
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 700 lbs per cubic yard of compaction	
BODY/CHASSIS:	
Ford F-600 , Class 6 or equivalent	
Gross Vehicle Weight Rating Minimum 30,000 lbs. to Maximum 57,500 lbs.	

MINI ELECTRIC REFUSE VEHICLE

TRANSMISSION:

Direct Drive/No Transmission Option

2 Speed Powershift Option

Torque is minimum 1700 lb. ft

ENGINE:

Battery capacity to operate 70 miles minimum to 100 miles before charging (min 150 Kw/hour)

Integrated Electric Drive Axle or Two AC Motors with 325 kW minimum

Engine Type – Electric KW 110 x2/150 x 2

Power Steering

CHARGING STATION:

Charging Station is 150 Kw charge power with 200A

Compliant with Sae J1772 (Ccs1 Dc)

BATTERIES:

Delivered with a Charged Battery

Battery capacity is 217 minimum to 220 kW/hour

Battery Type is LFP Lithium Iron Phosphate or NMC

Lithium Nickel Manganese Cobalt Oxide

BRAKES:

Regenerative

AXLE CAPACITY:

Front axle rating is maximum of 7,500 lbs.

Rear axle rating is maximum of 15,500 lbs.

Complete rust proofing with minimum three-year corrosion guarantee

HVAC:

Electric integrated HVAC System

RADIO:

AM/FM Radio with Bluetooth Capability

ELECTRICAL

Electric and Air Horn(s)

MIRRORS:

One (1) Corrosion Resistant mirror on driver's side and one (1) Corrosion Resistant Mirror on passenger side

MINI ELECTRIC REFUSE VEHICLE

Eight (8) inch convex mirrors center mounted under vertical

Mirrors shall be motorized to move left and right

TIRES/WHEELS:

Hub Piloted Wheels minimum 245/70R19.5 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

Truck body and cab shall be painted white

Chassis shall be painted black

KEYS AND WARRANTY MANUALS:

Three 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

WARRANTY/TRAINING:

Manufacturer's training of GSWA crews (8 hours) and contracted mechanics (20 hours)

Standard five (5) years/350,000 miles minimum

Manufacturer's commercial warranty provisions for Battery

Preventive maintenance service for three (3) years/36,000 miles, all parts and labor shall be included at no extra charge.

SAFETY:

Automatic back-up alarm initiates when vehicle is in reverse gear. Sound is heard under normal conditions not less than 100 feet.

10 lbs. fire extinguisher mounted in cab

First aid kit

MINI ELECTRIC REFUSE VEHICLE

REFERENCE ATTACHMENTS

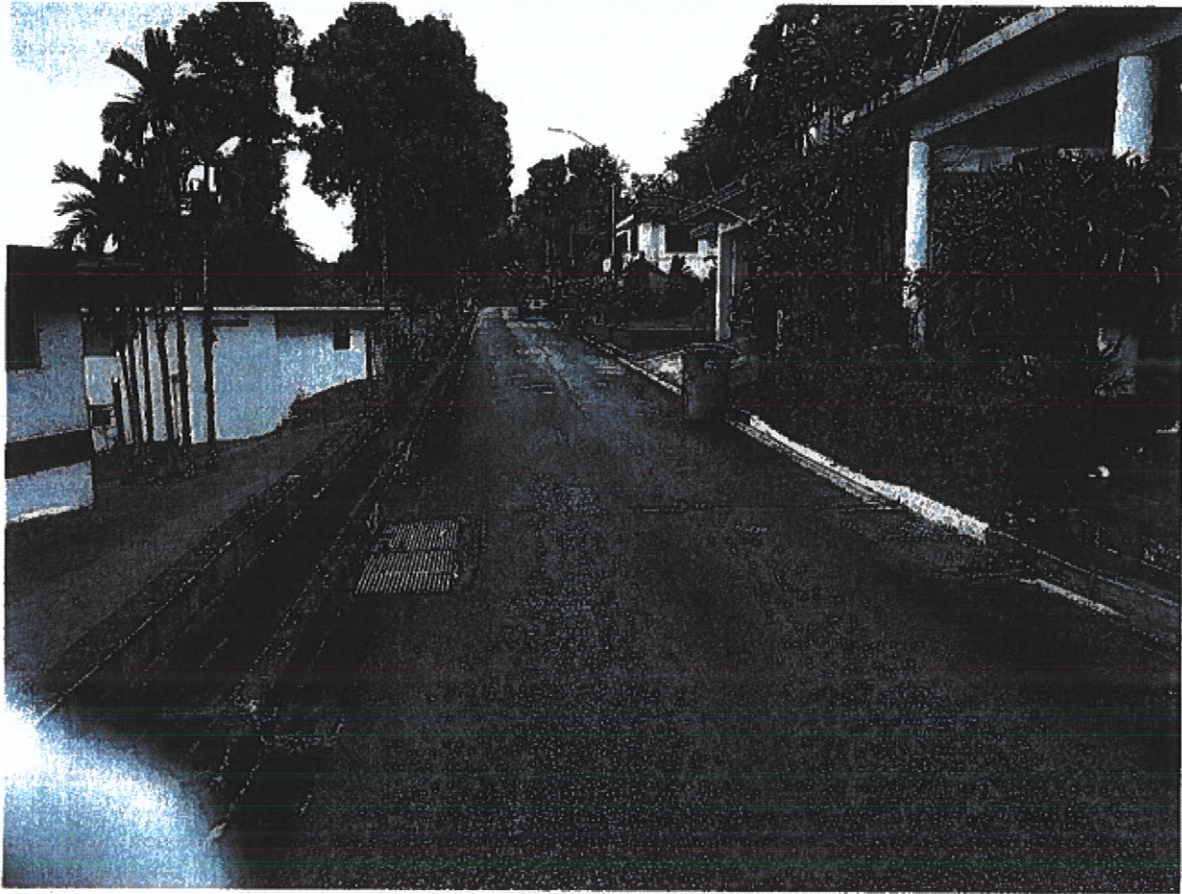
A – B) Images of Guam streets are very narrow or both sides of the street have parked vehicles use of the rear loading feature to collect refuse and recycling would be required.

Image A:



MINI ELECTRIC REFUSE VEHICLE

Image B:



MINI ELECTRIC REFUSE VEHICLE

3. DELIVERY DATE/LOCATION

Delivery/Shipping Address and Point of Contact:

Irvin Slike
Guam Solid Waste Authority
546 N Marine Corps Drive
Tamuning, Guam 96913
Phone: (671) 647-4312

4. AWARD FACTORS

A contract resulting from this solicitation to the responsible offeror will be most advantageous to the Government deriving the best value determination (including price and other factors considered). The following factors shall be used to evaluate offers:

- a) Price
- b) Quality (ability to meet technical specification)
- c) Time of delivery

5. INSPECTION

All supplies, materials, equipment, or services delivered under this contract shall be subject to the inspection and/or test conducted by the GSWA at destination. If in any case the supplies, materials, equipment, or services are found to be defective in material, workmanship, performance, or otherwise do not conform with the specifications, the GSWA shall have the right to reject the items or require that they be corrected.

6. TIMETABLE OF SIGNIFICANT DATES

The following RFQ timetable should be used as a working guide for planning purposes. GSWA reserves the right to adjust this timetable as required during the RFQ process. All times and days listed below are based on EASTERN STANDARD TIME.

RFQ Issued	March 08, 2023
Deadline for written questions from responsible offeror	March 15, 2023, 5:00PM EST
Q&A Responses Issued (if needed)	March 17, 2023
RFQ Due Date	March 22, 2023, 5:00PM EST



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>Yes</div></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>Yes</div></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							
	(S)								
RFQ1612760-VNX	TEREX CORPORATION	03/13/2023 10:59 AM EDT		No Quote View reason		n/a	n/a		
	(O)								
RFQ1612760-QEX	LIFELINE MOBILE INC	03/13/2023 7:56 AM EDT		No Quote View reason		n/a	n/a		
	(S)								

EXHIBIT 2

GSA Purchase Order P23SWA0001



PURCHASE ORDER
GENERAL SERVICES AGENCY
DEPARTMENT OF ADMINISTRATION
GOVERNMENT OF GUAM

148 Route 1
Marine Drive
PHT, 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:

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
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, PACKING SLIPS, PACKAGES, B/L, CORRESPONDENCE ETC.		
	F.O.B.	* AIR FREIGHT TEL. CONTACT	SHIP VIA:	DATE 4/22/23	JOB ORDER NO. 5682C219910AR301
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		SHIP TO	VENDOR 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

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	

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.		***** <div style="border: 1px solid black; padding: 5px; text-align: center;"> ↑ TOTAL ↑ </div>		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 <input type="checkbox"/>		SIGNATURE: CLAUDIA S. RAY, Chief Procurement Officer ***** NAME TITLE

Control No.

	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:	DATE 4/22/23
PREPAID-SHOW SHIPPING CHARGES AS SEPARATE ITEM ON INVOICE			OBJ CL	450

VENDOR	TO: GLOBAL ENTERPRISE, INC. 3521 CODDARD WAY, SUITE 400 ALEXANDRIA, VA 22304 TEL: (703) 624-1206 / EMAIL: Requests@fedharmony.com		SHIP TO	VENDOR 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

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		

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.		\$1,370,324.00 ↑ 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.		SIGNATURE: CLAUDIA S. RAY, Chief Procurement Officer SENDER: **HOFKEL, Chief Procurement Officer** ADVANCE PAYMENT AUTHORIZATION PAYMENT ENCLOSED <input type="checkbox"/>	
		NAME	TITLE



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

REQUISITION

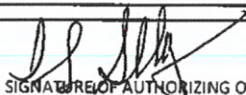
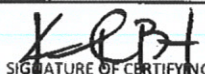
SEND TO: GUAM SOLID WASTE AUTHORITY PROCUREMENT/SUPPLY		SUBMITTED BY: ADMIN.		DEPARTMENT/DIVISION: RESIDENTIAL COLLECTIONS	
TRAN CODE	REQUISITION NUMBER Q239910-132	REQUISITION DATE 4/18/2023	JOB ORDER NUMBER 5682C219910AR301		OBJECT CLASS 450
DEL DATE REQUIRED 210 DAYS ARO	EXPIRATION REQN. RATE 12/31/2023	METHOD OF SHIPMENT			
<small>DO NOT EXCEED 10 LINE ITEMS PER REQUISITION</small>					
ITEM NO.	DESCRIPTION OF ITEM	QTY	UOM	UNIT PRICE	AMOUNT
1	MINI ELECTRIC REFUSE TRUCK - PHOENIX CURBTENDER SWEEPERS LLC. REAR LOADING REFUSE TRUCK	3	EA	\$412,559.00	\$1,237,677.00
2	TERA 184 LIVINGSTON ENERGY GROUP EV DC FAST CHARGING STATION	1	EA	\$ 119,177.00	\$119,177.00
3	SHIPPING FEE	1	EA	\$ 13,470.00	\$13,470.00
AUTHORIZED PERSONNEL: IRVIN SLIKE, ALICIA FEJERAN, JOANNE FLORES, ROMAN PEREZ, NELSON BELTRAN, DENNIS MENDIOLA, AND KEILANI MESA					
REMARKS/SUGGESTED VENDOR(S) Global Enterprise, Inc. (GSA eBuy)				TOTAL	\$ 1,370,324.00
 SIGNATURE OF AUTHORIZING OFFICIAL		4/18/23 DATE	 SIGNATURE OF CERTIFYING OFFICIAL		04-18-23 DATE

EXHIBIT 3

GSWA Resolution No. 2023-012



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 2023-012

**GSWA Board Resolution No. 2023-012
RELATIVE TO PETITIONING THE PUBLIC UTILITIES COMMISSION (PUC) FOR
THE APPROVAL OF THE AWARD TO GLOBAL ENTERPRISE INC FOR THREE (3)
MINI ELECTRIC REFUSE TRUCKS WITH ONE (1) ELECTRIC VEHICLE FAST
CHARGING STATION**

WHEREAS, on Wednesday, January 18, 2023, the Guam Solid Waste Authority (GSWA) issued an Invitation for Bid (IFB) No. GSWA-010-22 to solicit the purchase of a minimum of one (1) and maximum of three (3) mini 8-Cubic Yard Electric Refuse Trucks With Rear Loading Bodies and a Charging Station; and

WHEREAS, in response, six (6) prospective bidders acquired bid documents. However, no bid submissions were received by the submission deadline of February 3, 2023 at 10:00 a.m.; and

WHEREAS, previously in 2022, GSWA issued Invitations for Bid Nos. GSWA-004-22 and GSWA-007-22 which sought the procurement of an 8-cubic yard electric refuse truck in addition to non-electric rear/side loading refuse trucks. Although an award was able to be made for the non-electric trucks, no participation was received for the mini 8-cubic yard electric truck; and

WHEREAS, because of the lack of local response to IFB No. GSWA-010-22, and previously to IFB GSWA-004-22 and GSWA-007-22 in procuring the mini electric refuse trucks, GSWA sought the assistance of Guam General Services Agency (GSA) to procure the trucks through the federal procurement system; and

WHEREAS, Guam law at Title 5 GCA § 5122 authorizes GSA to “procure supplies from the United States when the cost to the General Services Agency is less by ten percent (10%) than from other contractors.”;



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.2023-012

WHEREAS, in its Opinion No. GSA 07-1084 dated June 16, 2008, the Attorney General opined that Title 5 GCA § 5113 authorizes that “the manner 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.”; and

WHEREAS, because no bids from other contractors were received for the mini electric trucks after three separate solicitations, and there is thus no local price available to compare against the federal price, the Chief Procurement Officer of Guam GSA adopted a procedure which added the 10% differential to the offered federal price in order to estimate what the local price reasonably would have been; and

WHEREAS, pursuant to the authority granted to her by Title 5 GCA § 5113, the Chief Procurement Officer authorized the issuance of **Purchase Order No. P23SWA0001** to federal vendor Global Enterprises Inc for the total amount of \$1,370,324.00 for three (3) Mini Electric Refuse Trucks and one (1) EV Fast Charging Station to be delivered within 210 days from the issued date on the purchase order; and

WHEREAS, funding for Purchase Order No. P23SWA0001 is available and will be made from funds available to Guam through the federal American Rescue Plan Act (ARPA), U.S. Public Law No. 117-2; 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 GSA’s purchase order to Global Enterprise Inc. on behalf of the Guam Solid Waste Authority and in accordance with the PUC’s Contract Review Protocol.



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.2023-012

Ayes: 4

Nays: 0

Absent: 1

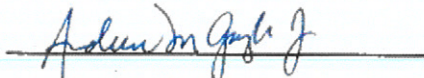
Abstain: 0

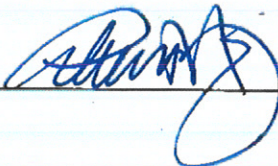
Upon said roll call, the text of the foregoing was duly enacted as a Resolution of the Board of Guam Solid Waste Authority, Guam, on the 11th day of May 2023.

**GUAM SOLID WASTE AUTHORITY
BOARD OF DIRECTORS**

ATTEST:

ALICIA FEJERAN, CLERK


Andrew Gayle, Chairman

BY: 

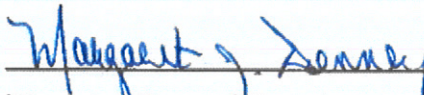

Margaret Denney, Secretary

EXHIBIT 4

Title 5 GCA § 5113 Analysis by GSA

Sandra Miller <smiller@oagguam.org>

Federal GSA purchase of Mini Electric Trucks

1 message

Sandra Miller <smiller@oagguam.org>

Tue, Apr 25, 2023 at 2:23 PM

To: Irvin Slike <irvin.slike@gsa.guam.gov>, Kathrine Kakigi <kathrine.kakigi@gsa.guam.gov>, Alicia Fejeran <alicia.fejeran@gsa.guam.gov>

Copying GSWA:

Forwarded Conversation**Subject: PURCHASE ORDER FOR GSA FEDERAL CONTRACT**
-----From: Anita PH. Cruz <anita.ph.cruz@dphss.guam.gov>

Date: Sat, Apr 22, 2023 at 2:10 PM

To: Sandra Miller <smiller@oagguam.org>Cc: Claudia Ray <Claudia.Ray@gsadoa.guam.gov>

Hello Ms. Miller

Attached is a copy of the purchase order for GSWA award to the GSA Federal Contract and a Chronological of Events of the IFB's that they put out for this procurement.

This is for your review prior to purchase order being signed by the Chief Procurement Officer.

Thank you and have a great weekend.
Anita Cruz

From: Sandra Miller <smiller@oagguam.org>

Date: Tue, Apr 25, 2023 at 2:22 PM

To: Anita PH. Cruz <anita.ph.cruz@dphss.guam.gov>Cc: Claudia Ray <Claudia.Ray@gsadoa.guam.gov>

OAG PCF No. GSWA 22-0381, 22-0168

Hafa adai GSA:

This will confirm that a review has been made of the submitted Chronology and Purchase Orders for three Mini Electric Refuse Trucks with rear-loading bodies to be purchased by Guam GSA through the federal GSA.

Beginning in May 2022, GSWA initiated several competitive sealed bid procurements for the purchase of three 24-CuYd Refuse Truck together with three mini trucks (see, IFB GSWA-004-22, GSWA-007-22, and GSWA-010-22). In October 2022, an award was made under GSWA IFB 007-22 for the three 24-CuYd refuse trucks only. However, no bids were received under GSWA-004-22, GSWA-007-22, and GSWA-010-22 for the rear loading Mini Electric Refuse Trucks. GSWA has now sought the assistance of GSA in procuring the mini trucks through the federal procurement system.

Title 5 GCA § 5122 authorizes the Guam GSWA to "procure supplies from the United States when the cost to the General Services Agency is less by ten percent (10%) than from other contractors."

As set forth in the attached **Attorney General's Opinion No. GSA 07-1084**, Guam law at Title 5 GCA § 5113 authorizes that "the manner of finding the [10%] differential [is] left to the Chief Procurement Officer," who has "every right to adopt a procedure in order to make the statute authorizing procurement through the federal GSA a functional one."

4/25/23, 2:24 PM


Office of the Attorney General Guam Mail - Federal GSA purchase of Mini Electric Trucks

Because no bids from other contractors were received for the mini electric trucks and there is no local price to compare against the federal price, Guam GSA has added the 10% differential to the offered federal price in order to estimate what the local price reasonably would have been.

Given that GSWA solicited for the purchase of the Mini Electric Trucks through three separate competitive sealed bid procedures and that no bids for the trucks were received, and in cognizance of the AG's Opinion No. GSA 07-1084, Guam GSA is well within its authority under 5 GCA § 5113 and § 5122 to procure the trucks through the United States and the federal GSA.

Thank you,
Sandra Miller

3 attachments

 **GSWA CHONOLOGICAL OF EVENTS IFB GSW-004-22 GSW-007-22 GSW-010-22 & PHASE FORM.pdf**
218K

 **PURCHASE ORDER - P23SWA0001.pdf**
325K

 **07-1084 GSA_(AG opinion re federal GSA procedures).pdf**
648K

GUAM SOLID WASTE AUTHORITY
24 CU YD. REAR/SIDE LOADING REFUSE;
8 CU YD. ELECTRIC REFUSE TRUCK
CHRONOLOGICAL OF EVENTS
IFB GSWA-004-22

Phase Review Form: Phase I

Initial by Irvin L. Slike, General Manager GSWA, 3/21/22

Initial by: Sandra Miller, Assistant Attorney General, OAG, 11/08/22

Phase Review Form: Phase II

Initial by Irvin L. Slike, General Manager GSWA, 6/13/22

Initial by: Sandra Miller, Assistant Attorney General, OAG, 11/08/22

Announced on May 2, 2022, advertised in the Guam Daily Post

Bid scheduled to open on May 20, 2022 @10:00 am.

24 Cubic Yard Rear/Side Loading Refuse Truck & 8 Cubic Yard Electric Refuse

Two (2) Bidders Registered:

Two (2) Amendments were issued for this procurement

Received questions from the following:

May 10, 2022 – Email from John Limtiaco; jlimtiaco@fareastequipment.com @15:10pm

May 13, 2022 – Response from: GSWA (Acknowledged on 5/19/22 by Marisa W. Reyes)

May 25, 2022 – Email from Mark Cruz@midpacfareast.com @15:31pm

May 26, 2022 – Response from: GSW Admin; admin@gswa.quam.gov @16:33pm

May 25, 2022 – Email from John Limtiaco; jlimtiaco@fareastequipment.com @17:04pm

May 26, 2022 – Response from: GSW Admin; admin@gswa.quam.gov @

May 26, 2022 – Notice of All Prospective Bidders was sent – Stay of Procurement Issued
Acknowledgement received from Far East Equipment on 6/01/22

Bid Pack Submission: 6/10/22 @9:18am by Far East Equipment (Only Bidder)

1.0 24 Cubic Yard Refuse Truck with Side and Rear Loading 3 Ea. @\$543,200.00 = \$1,629,600.00

2.0 No Bid

Analysis from the Chief of Administration, Ms. Alicia Fejeran

Meeting all requirements/specifications, but due to budgetary constraint the bid offer was rejected. Bid Status sent on 6/10/22 and acknowledged on 6/24/22 by Marisa Reyes of Far East Equipment

Phase Review Form: Phase IV

Initial by Irvin L. Slike, General Manager GSWA, 11/29/22

Initial by: Sandra Miller, Assistant Attorney General, OAG, 12/15/22

Copy of the Phase Form attached for your record and file closing out this procurement.

Reference: 22-0168 / Sandra Miller, Assistant Attorney General

GUAM SOLID WASTE AUTHORITY
24 CU YD. REAR/SIDE LOADING REFUSE;
CHRONOLOGICAL OF EVENTS (ReBid)
IFB GSWA-007-22

Note: Phase Review Form:

Reference: GSWA-004-22 was utilized for this procurement as it was a "Rebid"

Announced on July 29, 2022, advertised in the Guam Daily Post

Bid scheduled to open on August 17, 2022 @10:00 am.

24 Cubic Yard Rear/Side Loading Refuse Truck & 8 Cubic Yard Electric Refuse

Two (2) Bidders Registered: Far East Equipment & Mid Pac Far East

Five (5) Amendments were issued for this procurement and both were distributed and acknowledged by the prospective bidders.

Received questions from the following:

August 10, 2022 – Email from John Limtiaco; jlimtiaco@fareastequipment.com

August 11, 2022 – Protest Received from Morrico Equipment

August 11, 2022 – Notice to All Prospective Bidders – Stay of Procurement issued

August 16, 2022 – Supplement to the Procurement Protest (Morrico Equip.)

September 09, 2022 – Response to Protest (Morrico Equipment)

September 09, 2022 – Notice to All Prospective Bidders – Stay of Procurement Lifted

September 09, 2022 – Request for Information from: John Limtiaco, Far East Equipment

September 12, 2022 – Response from GSWA (Acknowledged by Marisa Reyes, Far East Equip)

September 15, 2022 – Mark Cruz from Mid Pac Far East (Letter)

September 19, 2022 – Response from: GSWA (Acknowledged by Mark Cruz, Mid Pac Far East)

Bid Pack Submission: 9/30/22 @10:00am by Far East Equipment

1.0 24 Cubic Yard Refuse Truck with Side and Rear Loading:

1 Ea. @\$555,000.00 = \$555,000.00

2 Ea. @\$550,000.00 = \$1,100,000.00

3 Ea. @\$545,000.00 = \$1,635,000.00

Bid Pack Submission: 9/30/22 @10:00am by Mid Pac Far East

1.0 24 Cubic Yard Refuse Truck with Side and Rear Loading:

1 Ea. @\$435,000.00 = \$435,000.00

2 Ea. @\$445,000.00 = \$880,000.00

3 Ea. @\$450,000.00 = \$1,330,000.00

Analysis from the Chief of Administration, Ms. Alicia Fejeran

10/03/2022 - Both prospective bidders meet all requirements/specifications. Mid Pac Far East was the lowest most responsive and responsible bidder was selected for award. Bid Status sent to Far East Equipment and acknowledged on 10/05/22 and Notice of Intent of Possible Award to Mid Pac Far East dated 10/05/22 and emailed to Mark S. Cruz on 10/05/22 @13:28pm

Copy of the Phase Form attached for your record and file closing out this procurement.

Reference: 22-0168 / Sandra Miller, Assistant Attorney General (Note: Utilized the same Phase Form for this procurement as it was a "Rebid" of the same equipment)

22-0381
0168
A.

**Phase Review Form
for Competitive Bidding Procedure (Invitation for Bid)
for Procurement \$500,000 and Over**

Purchasing Agency: Guam Solid Waste Authority Bid No.: GSWA-004-22

Using Agency (if different): _____

Brief Purchase Description: 24 CuYd Refuse Truck, 8 CuYd Electric Refuse Truck

Printed Name of Procurement Officer or Designee:
Irvin L. Slike

Printed Name of Assistant Attorney General:
SANDRA MILLER

Instructions: When the Purchasing Agency has completed each of the phases described below, and is able to certify that the records for a phase are complete and that all procedural and legal requirements have been met, the Procurement Officer for the Purchasing Agency, or his designee, should initial and date this Checklist in the left hand column. As each phase is completed, please forward this Checklist and the procurement record to the assigned Assistant Attorney General (AAG). When the assigned AAG has completed his or her review, he or she will initial and date this Checklist and return it and the procurement record to the Purchasing Agency to signify that the AAG has completed his or her review of the phase. If the AAG is unable to initial off for a phase, he or she will inform the Purchasing Agency. **Disclaimer:** By initialing and dating this Checklist, the AAG is signifying that he or she has reviewed the phase. Initialing the Checklist does not mean that the AAG has approved, concurred, or cleared a procurement phase. Pursuant to 5 GCA § 5150 the AAG functions as an advisor and not an administrator. The Purchasing Agency remains solely responsible for administering the procurement in compliance with law.

Purchasing Agency

Initials Date

Description of Phase

Attorney General

Initials Date

IS 3/31/22

1. Planning and Drafting Phase:

- begins when using agency identifies need
- interim events include drafting of specifications
- ends when invitation for bid (IFB) package is ready for issuance

SAW 11/8/22

IS 6/13/22

2. Solicitation and Bidding Phase:

- begins with the official issuance of IFB and publication of notice
- interim events include amendments to IFB, pre-bid conferences, and handling of questions and answers
- ends at the time and date set for submission of bids

SAW 11/8/22

IS 6/29/22

3. Opening and Evaluating Bids Phase:

- begins immediately after the submission time and date
- interim events include bid opening, evaluations of bids for responsiveness and responsibility, and abstracting and analysis of results
- ends when recommendation for award or other action has been prepared, and using agency concurs with action to be taken

SAW 11/8/22

IS 11/29/22

4. Decision to Award and Contract Signing Phase:

- begins upon issuance of notice of intent of possible award
- interim events includes drafting of purchase order or written contract
- ends upon issuance of a purchase order or signing of written contract by parties and all other

SAW 12/15/22

12-03-22

GUAM SOLID WASTE AUTHORITY
8 CU YD. REAR LOADING ELECTRIC REFUSE TRUCKS
CHRONOLOGICAL OF EVENTS
IFB GSWA-010-22

Phase Review Form: Phase I

Initial by Irvin L. Slike, General Manager GSWA, 8/22/22

Initial by: Sandra Miller, Assistant Attorney General, OAG, 1/13/23

Announced on January 18, 2023, advertised in the Guam Daily Post

Bid scheduled to open on February 03, 2023 @10:00 am.

Rear Loading Electric Refuse Trucks

Six (6) Bidders Registered:

Two (2) Amendments were issued for this procurement.

Bid Pack Submission:

No Bid Submission Received "Amendment #2" Issued to Cancel in its Entirety

Note: There has no participation for the "Rear Loading Electric Refuse Trucks" reference GSWA-004-22; GSWA-007-22; and GSWA-010-22. Therefore, award will be made through GSA Federal Contract

Far East Equipment - \$1,629,600.00 (Non-Electric Refuse Trucks)

GSA Federal Contract - $\$1,370,324.00 \times 10\% \text{ Local Pref.} = \$137,032.40 = \underline{\$1,507,356.40}$
(Electric Refuse Truck)

Mid Pac Far East - \$1,330,000.00 (Non-Electric Refuse Trucks)

GSA Federal Contract - $\$1,370,324.00 \times 10\% \text{ Local Pref.} = \$137,032.40 = \underline{\$1,507,356.40}$
(Electric Refuse Truck)

Note: Both bidders did not offer the Electric Refuse Trucks

Note: The calculation noted above is to satisfy the 10% Local Preference as require by 5122.

**Phase Review Form
for Competitive Bidding Procedure (Invitation for Bid)
for Procurement \$500,000 and Over**

Purchasing Agency: Guam Solid Waste Authority

Bid No.: GSWA-010-22

Using Agency (if different): _____

Brief Purchase Description: Rear Loading Electric Refuse Trucks

Printed Name of Procurement Officer or Designee:

Irvin L. Slike

Printed Name of Assistant Attorney General:

Sandra Miller

Instructions: When the Purchasing Agency has completed each of the phases described below, and is able to certify that the records for a phase are complete and that all procedural and legal requirements have been met, the Procurement Officer for the Purchasing Agency, or his designee, should initial and date this Checklist in the left hand column. As each phase is completed, please forward this Checklist and the procurement record to the assigned Assistant Attorney General (AAG). When the assigned AAG has completed his or her review, he or she will initial and date this Checklist and return it and the procurement record to the Purchasing Agency to signify that the AAG has completed his or her review of the phase. If the AAG is unable to initial off for a phase, he or she will inform the Purchasing Agency. **Disclaimer:** By initialing and dating this Checklist, the AAG is signifying that he or she has reviewed the phase. Initialing the Checklist does not mean that the AAG has approved, concurred, or cleared a procurement phase. Pursuant to 5 GCA § 5150 the AAG functions as an advisor and not an administrator. The Purchasing Agency remains solely responsible for administering the procurement in compliance with law.

Purchasing Agency

Initials Date

IS 8/11/22

Description of Phase

Attorney General

Initials Date

SGW 11/13/23

1. Planning and Drafting Phase:

- begins when using agency identifies need
- interim events include drafting of specifications
- ends when invitation for bid (IFB) package is ready for issuance

2. Solicitation and Bidding Phase:

- begins with the official issuance of IFB and publication of notice
- interim events include amendments to IFB, pre-bid conferences, and handling of questions and answers
- ends at the time and date set for submission of bids

3. Opening and Evaluating Bids Phase:

- begins immediately after the submission time and date
- interim events include bid opening, evaluations of bids for responsiveness and responsibility, and abstracting and analysis of results
- ends when recommendation for award or other action has been prepared, and using agency concurs with action to be taken

4. Decision to Award and Contract Signing Phase:

- begins upon issuance of notice of intent of possible award
- interim events includes drafting of purchase order or written contract
- ends upon issuance of a purchase order or signing of written contract by parties and all other

EXHIBIT 5

Guam Attorney General Opinion No. GSA 07-1084

Alicia G. Limtiaco
Attorney General



Alberto E. Tolentino
Chief Deputy Attorney General

Office of the Attorney General

June 16, 2008

LEGAL MEMORANDUM

Ref: GSA 07-1084

TO: Chief Procurement Officer, General Services Agency

FROM: Attorney General *ALG*

SUBJECT: **Legality of Purchasing through Federal GSA Contracts**

You have requested an opinion regarding the following question:

ISSUE: When supplies needed by the government of Guam are available under a Federal General Services Administration (Federal GSA) contract, may the government of Guam General Services Agency (local GSA) use the Federal GSA contract to make the purchase without first going through a competitive sealed bid process?

ANSWER: See discussion and conclusion.

STATEMENT OF FACTS:

The local GSA has been using Federal GSA contracts for many years to acquire supplies when supplies needed by a government of Guam agency are available under a Federal GSA contract. This practice has been called into question by the government's external auditors Deloitte & Touche LLP ("Deloitte") in the Government of Guam Single Audit Reports for the Year Ended September 30, 2006 ("FY06 Audit").

For example, in the FY06 Audit's Schedule of Findings and Questioned Costs for grant money from the U.S. Department of Homeland Security, Finding No. 06-30 indicated that of 34 procurement transactions audited, the local GSA used informal quotes for nine of them even though the nine transactions "did not meet the small purchase threshold of \$14,999". However, according to the local GSA, these nine transactions were undertaken as Federal GSA contract purchases and not put out to bid, and were documented accordingly. The transaction amounts ranged from \$25,695 to \$313,562.

The criteria against which Deloitte measured the nine transactions was indicated in the FY06 Audit on page 67 as:

In accordance with applicable procurement requirements, the grantee will maintain records sufficient to detail the significant history of a procurement. These records will include a rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price. Furthermore, in accordance with the applicable local procurement law, the following requirements apply:

- The Guam General Services Agency shall procure from the United States only when the cost is ten percent less than procuring from other contractors.
- The Guam General Services Agency shall use competitive sealed bidding when the procurement exceeds the small purchase threshold of \$14,999.

In response to the FY06 Audit's Finding No. 06-30, the local GSA wrote to Deloitte on May 31, 2007 justifying the nine transactions as procurement from companies with Federal GSA contracts. However, Deloitte has subsequently indicated that its position on the questioned costs remains unchanged.

In making the purchases questioned in the FY06 Audit under Federal GSA contracts, the local GSA relied upon an Attorney General opinion issued on August 21, 1991 (Ref. No. GSA 91-1358). The opinion discussed, among other laws, the only Federal law directly addressing the subject found in the Organic Act of Guam. The Federal law stated:

§1423l. Purchase through GSA. The Territorial and local governments of Guam are authorized to make purchases through the General Services Administration.

48 U.S.C. §1423l. The opinion concluded at page 2:

Clearly, if a local business has the sole distributorship of an item that has a federal GSA contract and wishes to offer that contract to Guam's GSA, it can do so and would not violate the procurement laws if Guam GSA directs the purchase through the federal GSA.

The request from the local GSA for the present opinion cites 5 GCA §5122 which provides:

§5122. U.S. Government. The General Services Agency shall procure supplies from the United States when the cost to the General Services Agency is less by ten percent (10%) than from other contractors.

The instant memorandum will revisit the same question analyzed in the prior opinion, and asked once again by the local GSA.

DISCUSSION:

1. In 1993, 48 U.S.C. §1423l cited in the prior Attorney General opinion was omitted and replaced by 48 U.S.C. §1469e.

According to the notes to §1423l, this section was enacted as part of a series of annual appropriations to the U.S. Department of Interior and was never a part of the Organic Act of Guam, nor was it originally enacted as a part of Title 48 of the U. S. Code. The first enactment

of this language was in the General Appropriations Act of 1951 in the chapter on the U.S. Department of Interior, and was part of an appropriation to the Office of the Secretary. The enactment read:

For expenses necessary for the administration of Territories and possessions under the jurisdiction of the Department of the Interior, including expenses of the Offices of the Governors of Alaska, Hawaii, and Guam, and the Government of the Virgin Islands, including the agricultural station; compensation and mileage of members of the legislatures in Alaska and Hawaii; compensation of members of the Supreme Court and the legislature in Guam; care of insane as authorized by law for Alaska (48 U.S.C. 46-50); grants to the Virgin Islands and Guam, in addition to current local revenues, for support of governmental functions; personal services, household equipment and furnishings, and utilities necessary in the operation of the several Governors' houses; and personal services in the District of Columbia; \$3,392,180; Provided, That the territorial and local governments of the Virgin Islands and Guam are authorized to make purchases for their public institutions through the General Services Administration. [Emphasis added.]

General Appropriations Act of 1951, Ch. VII, Title I, §101, 64 Stat. 694 (Sept. 6, 1950), 82nd Cong., 2nd Sess., 1950 U.S. Code Cong. & Admin News, 763.

Subsequent to the first enactment in September of 1950, similar language appeared in annual appropriations to the Department of Interior every fiscal year up to 1992. At some point in time, apparently, the Federal Office of the Law Revision Counsel saw fit to place the language in Title 48 of the U. S. Code in the chapters of each of the territories administered by the Department of the Interior and affected by the enactment. For Guam, that became 48 U.S. C. §1423l.

By the last inclusion of the language in an appropriations act in 1992, the pertinent language had changed to read:

Provided, That the territorial and local governments herein provided for are authorized to make purchases through the General Services Administration;

Department of Interior & Related Agencies Appropriations Act of 1993, U.S. Pub. L. 102-381, Title I, 106 Stat. 1392 (Oct. 5, 1992).

In any event, in 1993, the Office of the Law Revision Counsel omitted §1423l from the U. S. Code because Congress enacted another law in Title 48 in Chapter 10 on the general provisions applicable to the territories. The new law, still in effect today, reads:

§1469e. Insular Government Purchases. The Governments of American Samoa, Guam, the Northern Mariana Islands, the Trust Territory of the Pacific Islands and the Virgin Islands are authorized to make purchases through the General Services Administration.

The legislative history of §1469e indicates that the "provision would codify a long standing Federal Government policy which has been enacted annually in the legislation to provide

appropriations for the Department of Interior and related agencies." S. Rep. No. 243, 102th Cong. (1992).

Thus, Congress clearly intended Guam to have the authority to purchase through the Federal GSA system, such that Congress consistently ever since 1950 included the authority to do so in an appropriations act to the Department of Interior, finally codifying the policy in 1992 for Guam and the other territories as 48 U.S.C. §1469e.

2. 48 U.S.C. §1469e permits Guam to use the Federal Supply Schedule Program but does not make its use mandatory, and therefore, Guam may legitimately impose limitations on use of the Program.

The language from the two appropriations acts quoted above and 48 U.S.C. §1469e do not require Guam or the other territories to purchase through the Federal GSA contract system, known as the Federal Supply Schedule Program. This is in contrast to some Federal agencies which are required to use the program as their primary source of supplies. Those agencies are identified directly in the supply schedules. See 48 C.F.R. §38.101(b). Agencies not identified as mandatory users may use the system if they wish to, but are not required to. See 48 C.F.R. §38.101(c).

Given the permissive tone of the language granting authority to the territories in §1469e, the governments of the territories must fall into the non-mandatory category of users.

Thus, the Guam Legislature could decide how or when the government would use the Federal Supply Schedules, or to place restrictions or limitations on the use thereof.

Furthermore, the Federal Acquisition Regulations indicate that:

Orders placed under a Federal Supply Schedule contract . . . must, whether placed by the requiring agency, or on behalf of the requiring agency, be consistent with the requiring agency's statutory and regulatory requirements applicable to the acquisition of the supply or service.

48 C.F.R. §8.404(c)(3). Therefore, the 10% differential mentioned in 5 GCA §5122 is a legitimate limitation on use of Federal supply contracts by the government of Guam, and the government of Guam must first comply with any requirements imposed by the local procurement laws.

3. Competitive sealed bidding is the primary procedure for procurement by the government of Guam, but 5 GCA §5210 lists exceptions and recognizes that other laws may have the effect of creating an exception.

What is not clear from 5 GCA §5122 is how the 10% differential is to be determined.

Regarding competitive sealed bidding, the Guam Procurement Law provides:

§5210. Methods of Source Selection. (a) Unless other wise [sic] authorized by law, all territorial contracts shall be awarded by competitive sealed bidding, pursuant

to §5211 of this Article, except for the procurement of professional services and except as provided in:

- (1) Section 5212 of this Article; [Repealed section]
- (2) Section 5213 of this Article;
- (3) Section 5214 of this Article;
- (4) Section 5215 of this Article;
- (5) Section 5216 of this Article for services specified in §5212 of this Chapter; or
- (6) Section 5217 of this Article. [Emphasis added.]

5 GCA §5210(a). Thus, competitive sealed bidding is made the primary procedure for government procurement with the exceptions noted in §5210. The listed exceptions are for small purchases (5 GCA §5213); sole source purchases (5 GCA §5214); emergency purchases (5 GCA §5215); purchases of services specified in 5 GCA §5121 (5 GCA §5216); and purchases from nonprofit corporations (5 GCA §5217). The services specified in 5 GCA §5121 are for "accountants, physicians, lawyers, dentists, licensed nurses, other licensed health professionals, and other professionals", commonly referred to collectively as professional services.

Omitted from the listed exceptions of §5210(a) is procurement from the Federal GSA. However, the competitive sealed bidding statute includes at its beginning the phrase "unless other wise [sic] authorized by law". We cannot assume that just because the Legislature listed exceptions to the competitive sealed bidding procedure that the phrase "unless other wise [sic] authorized by law" is meaningless. The rules of statutory construction require that every word, sentence and phrase in a statute be given effect and meaning, and that no word be considered mere surplusage. *Hechtman v. Nations Title Insurance of N.Y.*, 840 So.2d 993, 996 (Fla. 2003).

Giving the phrase its full meaning, one would have to conclude that any other valid law in existence authorizing another sort of procurement method or creating a type of exception would also legitimately preclude the use of the competitive sealed bidding method. Thus, we may consider that 5 GCA §5122, authorizing procurement through the Federal GSA, is one such other valid law excepting procurement via competitive sealed bidding if the effect of §5122 is indeed to except it from any competitive procedure.

However, again we note that in 5 GCA §5122, the Legislature did not state expressly how the comparison of prices was to be accomplished, nor state that procurement through the Federal Supply Schedules was exempted from competitive sealed bidding. In contrast, the Legislature in the case of procurement from nonprofit corporations, one of the exceptions listed in §5210, specifically stated that competition was not required. Section 5217 of 5 GCA provides:

§5217. Procurement from Nonprofit Corporations. A contract may be awarded for a supply or service without competition when the contractor is a nonprofit corporation employing sheltered or handicapped workers. . . . [Emphasis added.]

Thus, there is a genuine question as to whether the local GSA was meant to forego competitive sealed bidding altogether when procuring from the Federal GSA. After all, §5122 requires some sort of price comparison to satisfy the 10% differential and competitive sealed bidding is certainly one way of obtaining prices for comparison.

4. The competitive sealed bidding process was not intended for use in acquiring prices for comparison against Federal GSA contract prices.

To suggest that competitive sealed bidding must be used is to also suggest that the competitive sealed bidding process can be cancelled once it has been used as the vehicle to acquire prices for comparison purposes, assuming the 10% price differential is met. However, if the local GSA knows from the outset of the competitive sealed bidding process that it merely wishes to compare bid prices with the Federal GSA contract price and then cancel the bid process if the 10% differential is met, then to not make this disclosure from the outset of the process would be to practice a deceit upon those submitting bids in earnest with the hope of winning the bid.

Therefore, GSA would have to issue the invitation to bid giving full disclosure that the supply is available through a Federal GSA contract and GSA must also disclose the possibility of cancelling the solicitation after the bids have been opened and the prices compared against the Federal GSA price. This is in keeping with the statutory procurement policy that the government ensure the fair and equitable treatment of all bidders at all times. 5 GCA §5001(b)(4). However, for obvious reasons, these disclosures would probably have the effect of discouraging bidders from placing bids.

An examination of the government's procurement rules show that the competitive sealed bidding process was not intended for use to compare prices. This intent is evident in the rule pertaining to cancellation of invitations to bid. Section 3115(b) at 2 GAR Division 4 states the policy on cancellation as:

(b) Policy. Solicitations should only be issued when there is a valid procurement need unless the solicitation states that it is for informational purposes only. The solicitation shall give the status of funding for the procurement.

Preparing and distributing a solicitation requires the expenditure of government time and funds. Businesses likewise incur expense in examining and responding to solicitations. Therefore, although issuance of a solicitation does not compel award of a contract, a solicitation is to be cancelled only when there are cogent and compelling reasons to believe that the cancellation of the solicitation is in the territory's best interest. [Emphasis added.]

Section 3115(b) sets the parameters for when competitive sealed bidding may or may not be used by indicating that there must be a "valid" procurement. We take this to mean that the government must have a genuine intent to carry out all the steps of the sealed bid procedure to the end resulting in an award to the lowest bidder. Otherwise, the government should not begin the process at all. If GSA is searching for information only, or does not intend to fully carry out the solicitation for any other reason, then GSA must use some other form of procedure such as an invitation to solicit interest or invitation to solicit information or a request for quotation.

Section 3115(b) also makes clear the reason why an invitation to bid should not be issued unless there is an intent, from the outset, to carry it through the very end. Time is used and money is spent to conduct or participate in a competitive sealed bidding process, both by the government and by the bidders, much more than for an invitation to solicit information or a request for quotation. The government incurs the costs of writing the specifications, preparing the invitation to bid packages, and advertising in a newspaper of general circulation. The bidders incur the costs of analyzing and researching the bid requirements, negotiating with subcontractors, putting a bid together, and acquiring a bid bond. These costs will always be more than for a streamlined process to acquire prices for mere comparison purposes.

Section 3115 then goes on to give examples of what are considered cogent and compelling reasons for cancellation. The list of reasons includes:

- (i) the supplies, services, or construction being procured are no longer required;
- (ii) ambiguous or otherwise inadequate specifications were part of the solicitation;
- (iii) the solicitation did not provide for consideration of all factors of [f] significance to the territory;
- (iv) prices exceed available funds and it would not be appropriate to adjust quantities to come within available funds;
- (v) all otherwise acceptable bids or proposals received are clearly unreasonable prices; or
- (vi) there is reason to believe that the bids or proposals may not have been inadequately arrived at in open competition, may have been collusive, and may have been submitted in bad faith.

2 GAR Division 4, 3115(d). This list of cogent and compelling reasons suggests that cancellation is appropriate only when GSA becomes aware of a fact after the solicitation process begins, or when a new fact arises after the process begins. However, if GSA is aware from the outset that cancellation is possible or imminent, then competitive sealed bidding is simply not the procedure anticipated by these procurement laws, even if full disclosure is given concerning GSA's intent to possibly cancel.

5. GSA has the authority to adopt standard operating procedures and GSA adopted a procedure reasonably calculated to determine whether a 10% differential exists.

The rules, which are promulgated by the Policy Office, do not expand upon how to find the 10% differential. In fact, the rules do not even mention procurement through the Federal GSA.

However, 5 GCA §5113 gives the Chief Procurement Officer the power to "adopt operational procedures governing the internal functions of [GSA's] procurement operations." This section was fleshed out and incorporated in the rules at 2 GAR Division 4 §2104(b) as follows:

Consistent with the provisions of the Guam Procurement Act and the Guam Procurement Regulations, the Chief Procurement Officer . . . may adopt operational procedures governing the internal functions of their procurement operations, a copy shall be provided to the Policy Office. [Emphasis added.]

Because the rules do not make any decisions regarding the 10% differential, the manner of finding the differential was left to the Chief Procurement Officer as an "operational procedure" of GSA's procurement functions, and the Chief Procurement Officer had every right to adopt a procedure therefor in order to make the statute authorizing procurement through the Federal GSA a functional one. In doing so, the Chief Procurement Officer would be consistent with both the procurement statutes and rules which left the question open to interpretation and gave GSA the authority to decide how to handle the procedure.

Furthermore, the Chief Procurement Officer is required by §2104(b) to provide the Policy Office with a copy of any standard operating procedure adopted; thus giving the Policy Office an opportunity to consider the procedure adopted and have it changed if any part of it was disagreeable.

Presumably in accordance therewith, the Chief Procurement Officer established a standard operating procedure for its buyers to use, a copy of which is attached to this memorandum as Attachment A.

The steps of the standard operating procedure, simplified and restated, are as follows:

1. The buyer shall inquire through the Federal GSA office in Hawaii whether the Federal GSA has a contract for the type of supplies or equipment desired. If available through the Federal GSA, then the buyer shall request the contract number and all other pertinent information.
2. After receipt of the information from the Federal GSA, the buyer shall issue a request for quotation to at least three (3) local vendors in order to calculate the 10% differential required by 5 GCA §5122.
3. The buyer shall then prepare an abstract with the information obtained from the three local vendors and compare the local prices against the Federal GSA contract price to see if the Federal GSA contract price is at least 10% less than the three local vendors.
4. If the 10% differential exists, then the supplies or equipment shall be obtained through the Federal GSA contract.

Not stated in the standard operating procedure, but implied therein and confirmed by the Chief Procurement Officer, is that if the abstract shows a 10% differential does not exist, then the local GSA must begin a competitive bid process for the supplies or equipment needed.

On its face, this procedure is reasonably calculated, and therefore a sufficient means, to acquire the figures which are needed for comparison purposes only, and a practical way to prevent the inappropriate use of the competitive bidding process and also to prevent the inappropriate

cancellation of such bidding process once begun. Certainly, it is not the only means to acquire prices for comparison purposes, but it was the means chosen by the local GSA in accordance with the authority granted to it to adopt operational procedures.

CONCLUSION:

The Chief Procurement Officer had the authority to adopt standard operating procedures for determining that a 10% difference exists between the Federal GSA contractor's price and the prices of local vendors. Therefore, if the local GSA office procures through the Federal GSA in accordance with the standard operating procedure adopted, then competitive sealed bidding is not required. However, if the abstract prepared in accordance with the procedure shows that the Federal GSA contractor's price was not at least 10% less than the prices quoted by the three local vendors, then the local GSA must issue an invitation to bid.



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Assistant Attorney General

Attachment (1)

cc: Director, Department of Administration
Public Auditor of Guam
Deloitte & Touche LLP

PURCHASING FROM GSA FEDERAL SUPPLY CONTRACT

PROCEDURE

If a Buyer receives a requisition and the item being requested is for supplies, services or equipment, it may be purchased through the federal contract without the bidding procedure. The following steps shall be followed:

1. The Buyer shall inquire through GSA Federal in Hawaii by fax or by phone if they have the type of supplies, services or equipment in their contract. If so, request for the contract number and under what Federal Supply Contract number.
2. Upon receipt of the requested information from GSA Federal, the Buyer will then issue a request for quotation to at least three (3) local vendors in order to calculate the 10% as stated by the 5GCA. The buyer will then prepare an abstract and make their determination whether to process thru bidding or purchase thru the Federal Supply Contract depending on the outcome of the calculation.
3. If it is listed on the Federal Supply Contract and the local vendors provided a quote exceeding the 10% requirement a purchase order shall be prepared indicating the description, the quantity and the amount, etc. to Federal Supply Contract.
4. A purchase order shall be processed through the GSA Federal in Hawaii.
5. All the delivery, warranty and other terms are pre-negotiated under the federal contract.
6. The Buyer shall make appropriate follow ups with GSA Federal to keep up-to-date with the status of the order.
7. If the order is an equipment or vehicle, it still gets cleared through DPW before final acceptance.

Attachment A

