



GUAM SOLID WASTE AUTHORITY

LOURDES A. LEON GUERRERO
Governor of Guam

JOSHUA F. TENORIO
Lt. Governor of Guam

IRVIN L. SLIKE
General Manager



November 15, 2023

Dr. Jeffrey C. Johnson
Chairman
Public Utilities Commission
414 West Soledad Avenue
Suite 207
Hagatna, Guam 96910



RE: PETITION FOR REVIEW & APPROVAL OF AWARD & CONTRACT TO WORLDWIDE ENTERPRISE, INC. FOR 24-CUBIC YARD REAR LOADING REFUSE TRUCKS

Hafa adai Chairman,

On behalf of the Guam Solid Waste Authority (GSWA), I am writing to petition for the Public Utilities Commission of Guam to review and approve the award of a Purchase Order to Worldwide Enterprise, Inc. for the purchase of two (2) 24-cubic yard rear loading refuse trucks pursuant to 12 GCA § 12105 and the Order establishing a Contract Review Protocol for GSWA, as referenced in GSWA Docket 19-02 & Administrative Docket dated July 25, 2019.

On September 8, 2023, GSWA issued Invitation for Bid (IFB) No. GSWA-004-23, soliciting for the purchase of two (2) refuse trucks meeting specific requirements, including a cab forward design, rear corner windows in B-Pillars post, a 20,000-lb front axle capacity, and rear loading capability.

Four (4) prospective bidders acquired bid packages, but only one (1) responded. Far East Equipment submitted a bid, which was opened publicly on September 25, 2023 at 10:00 am.

However, the invitation for bid indicated that GSWA would consider Federal GSA contracts if offered. In response to this, GSWA received a quote from Federal GSA for the same equipment at a total cost of Eight Hundred Forty-Seven Thousand, Six Hundred Forty-Five dollars and Sixty cents (\$847,645.60) for both vehicles (approximately \$423,822.80 per truck). As per 5 GCA § 5122, the General Services Agency (GSA) is authorized to procure supplies on behalf of the Government of Guam when the cost to the GSA is less by ten percent (10%) than from other contractors.

In the case of the rear loading Refuse Trucks, Far East Equipment's price for two units is \$940,436.66, while the Federal GSA Contract offers the same for \$847,645.60. Far East Equipment's bid exceeds the 10% threshold specified by 5 GCA § 5122, as it is higher by 10.95%.

The Chief Procurement Officer has authorized the issuance of a Purchase Order to the federal vendor, Worldwide Enterprise, Inc, for the total amount of \$847,645.60 for two (2) 24CY Rear Loading Refuse Trucks pursuant to the authority granted by Title 5 GCA § 5113.

GSWA issued a Notice of Intent to Award the contract to Worldwide Enterprise, Inc. on October 6, 2023. This award was subsequently approved by the GSWA Board of Directors on October 26, 2023, in its Resolution No. 2024-02. The said Resolution is attached as Exhibit 1.

No protest was made against the award to Worldwide Enterprise, Inc, and the period for filing a protest under 5 GCA § 5425 (a) ended on October 20, 2023, which was 14 days after the notice of intent to award was given to Worldwide Enterprise, Inc. on October 6, 2023.

This purchase is funded by the American Rescue Plan Act (ARPA). GSWA has worked in close collaboration with Attorney Sandra Miller, the designated Assistant Attorney General, to act as the legal advisor to the procurement process in accordance with PL 30-72 due to the equipment's value exceeding \$500,000.00.

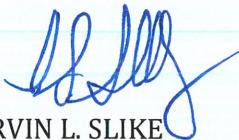
Refuse trucks are specialized vehicles that must be customized to suit the unique environment and geographical terrain of Guam. As a result, there is a lengthy delivery time involved after an order is placed. Worldwide Enterprise, Inc. has warranted that it can deliver the refuse trucks to GSWA in 630 days, which we believe is a reasonable timeframe given the specifications outlined in the IFB and the current high demand and low supply in the market.

GSWA is in need of new refuse trucks to continue providing its essential trash collection services to the community. The purchase price bid for the two trucks is considered fair and reasonable, and the procurement process has been conducted in full compliance with Guam Law.

We kindly request the PUC's review and approval of the contract award to Far East Equipment LLC, as this acquisition is essential to maintain trash collection services and uphold our commitment to the residents of Guam.

Thank you for your attention to this matter.

Respectfully,



IRVIN L. SLIKE
GSWA General Manager

Encl: GSWA Board Resolution No. 2024-002 (Exhibit 1)
Procurement file

EXHIBIT 1

GSWA BOARD RESOLUTION NO. 2024-002



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GSWA Board Resolution No. 2024-002

RELATIVE TO PETITIONING THE PUBLIC UTILITIES COMMISSION (PUC) FOR THE APPROVAL OF THE AWARD TO WORLDWIDE ENTERPRISES INC FOR TWO (2) 24CY REAR LOADING REFUSE TRUCKS AND THE AWARD TO FAR EAST EQUIPMENT FOR TWO (2) 24CY SIDE LOADING REFUSE TRUCKS

WHEREAS, on Friday, September 8, 2023, the Guam Solid Waste Authority (GSWA) issued an Invitation for Bid (IFB) No. GSWA-004-23 to solicit the purchase of a minimum of one (1) and maximum of two (2) 24-Cubic Yard Rear Loading Refuse Trucks and a minimum of one (1) and maximum of two (2) 24-Cubic Yard Side Loading Refuse Trucks; and

WHEREAS, in response, four (4) prospective bidders acquired bid documents, but only one bid submission was received by the submission deadline of September 25, 2023 at 10:00 a.m. with Far East Equipment submitting bids for both categories for GSWA consideration; and

WHEREAS, the invitation for bid indicated that GSWA would consider Federal General Services Administration (Fed GSA) contracts if offered; 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.”; and

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, Far East Equipment's price for two (2) Rear Loading units is \$940,436.66, while the Fed GSA Contract offers the same equipment for \$847,645.60, exceeding the 10% threshold specified by 5GCA §5122; and

WHEREAS, Far East Equipment's price for two (2) Side Loading units is \$986,399.84, while the Fed GSA Contract offers the same equipment for \$959,320.80 which makes Far East Equipment's bid higher by 2.82%, which is less than the 10% threshold, so Far East Equipment had been issued an Intent to Award on October 6, 2023; and

WHEREAS, pursuant to the authority granted to her by Title 5 GCA § 5113, the Chief Procurement Officer authorized the issuance of Purchase Order to federal vendor Worldwide Enterprises Inc. for the total amount of \$847,645.60 for two (2) 24CY Rear Loading Refuse Trucks to be delivered within 210 days from the issued date on the purchase order; and



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WHEREAS, funding for the equipment 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 both GSWA's award to Far East Equipment for two (2) ea. Side Loading Refuse Trucks and GSA's purchase order to Worldwide Enterprise Inc. for two (2) ea. Rear Loading Refuse Trucks on behalf of the Guam Solid Waste Authority and in accordance with the PUC's Contract Review Protocol.

Ayes: 4

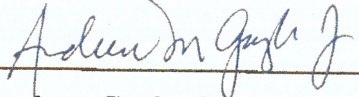
Nays: 0

Absent: 1

Abstain: 0

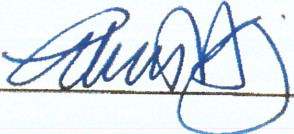
Upon said roll call, the text of the foregoing was duly enacted as a Resolution of the Board of Guam Solid Waste Authority, Guam, on the 26th day of October 2023.

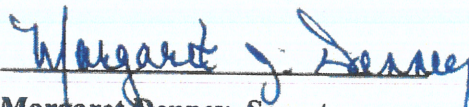
**GUAM SOLID WASTE AUTHORITY
BOARD OF DIRECTORS**


Andrew Gayle, Chairman

ATTEST:

ALICIA FEJERAN, CLERK

BY: 


Margaret Denney, Secretary