



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 FAR EAST EQUIPMENT, LLC FOR 24-CUBIC YARD SIDE 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 Invitation for Bid award to Far East Equipment Company, LLC for the purchase of two (2) 24-cubic yard side 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 side loading capability. Four (4) prospective bidders acquired bid packages, but only one (1) responded. Far East Equipment Company, LLC submitted a bid. On September 25, 2023, the bids were publicly opened, and Far East Equipment Company, LLC was determined to be the lowest responsive and responsible bidder with a bid of Nine Hundred Eighty-Six Thousand, Three Hundred Ninety-Nine dollars and Eighty-Four cents (\$986,399.84) for both vehicles (approximately \$493,199.92 per truck).

On October 6, 2023, GSWA issued a Notice of Intent to Award the contract to Far East Equipment Company, LLC. 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.

There has been no protest made against the award to Far East Equipment Company, LLC, 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 Far East Equipment Company, LLC on October 6, 2023.

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. In the case of this procurement, Far East Equipment Company, LLC 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 residents. 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 Company, 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

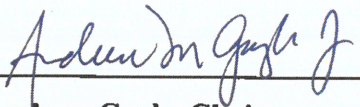
Nays: 0

Absent: 1

Abstain: 0

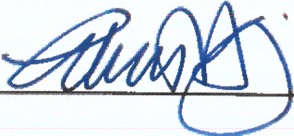
Upon said roll call, the text of the foregoing was duly enacted as a Resolution of the Board of Guam Solid Waste Authority, Guam, on the 26th day of October 2023.

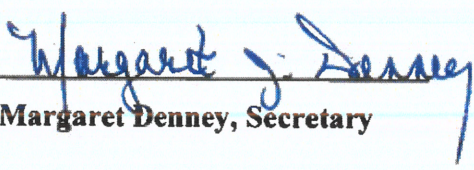
**GUAM SOLID WASTE AUTHORITY
BOARD OF DIRECTORS**


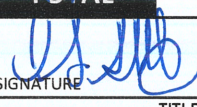

Andrew Gayle, Chairman

ATTEST:

ALICIA FEJERAN, CLERK

BY: 

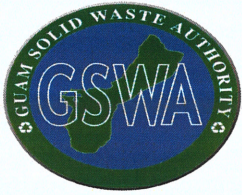

Margaret Denney, Secretary

		PURCHASE ORDER GUAM SOLID WASTE AUTHORITY 546 NORTH MARINE CORPS DRIVE TAMUNING, GUAM 96913 Tel: (671) 646-3111 Fax: (671) 649-3777			TRAN CODE				
					THIS PURCHASE ORDER NUMBER No. P246R00074 MUST APPEAR ON ALL INVOICES, PACKING SLIPS, PACKAGES, B/L, ETC.				
F.O.B.	AIR FREIGHT TEL. CONTACT	SHIP VIA:			DATE 11/15/23	JOB ORDER NO. 5416A249910GA201	OBJ CL 450		
TO: (VENDOR INFO) FAR EAST EQUIPMENT CO. P. O. BOX 10838 TAMUNING, GUAM 96931				VENDOR NO. F0096865		SHIP TO: (CONSIGNEE, DESTINATION & MARKING) GUAM SOLID WASTE AUTHORITY 546 N MARINE CORPS DR TAMUNING, GUAM 96913			
AUTHORITY 3121C		INVITATION NO.		CONTRACT NO. GSWA-004-23		TIME FOR DELIVERY 630 DAYS ARO		EXPIRING 09/30/24	DISCOUNT TERMS:
ITEM	ARTICLES OF SERVICES	QTY	UNIT	UNIT PRICE	AMOUNT	DOCUMENT NO.	FAC		
1	24 CUBIC YARD SIDE LOADING REFUSE TRUCKS AUTOCAR TRUCK / CURBTENDER 2025 ACX64 / POWERPAK *SPECIFICATIONS AS PER BID GSWA-004-23* The equipment furnished under this contract shall be new, unused, and the same as the manufacturer's current production model. Accessories not specifically mentioned herein, but necessary to furnish a complete unit ready for use, shall also be included. Unit shall conform to the best practice known to the body trade in design, quality of material and workmanship. The equipment furnished shall conform to current ANSI Safety Standard Z245-1. Each truck body, chassis, and equipment shall meet the applicable requirements for the US Department of Transportation (DOT), US EPA & Federal Motor Vehicle Safety Standards (FMVSS) for Guam; shall comply with Guam weight law. AUTHORIZED PERSONNEL: IRVIN SLIKE, ROMAN PEREZ, ALICIA FEJERAN, JOANNE FLORES, KEILANI MESA, NELSON BELTRAN, DENNIS MENDIOLA & CAMARYN AGUON	2	EA	\$ 493,199.92	\$ 986,399.84	Q249910-056			
SPECIAL INSTRUCTIONS TO VENDOR: B. <u>SEND</u> CERTIFIED ORGINIAL AND THREE (3) COPIES OF <u>INVOICE TO GUAM SOLID WASTE AUTHORITY.</u> C. <u>PAYMENT</u> IN THIRTY (30) DAYS 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.					\$ 986,399.84 TOTAL  SIGNATURE		A. <u>DO NOT</u> FILL THIS ORDER IF YOUR TOTAL 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"/>		NAME IRVIN L. SLIKE TITLE GENERAL MANAGER ORIGINAL/VENDOR'S COPY				

THIS ORDER IS SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

- 1 Acknowledgment copy of this order must be signed and returned advising approximate or definite shipping date.
- 2 No variation in any of the terms, conditions, deliveries, prices, quantity, quality or specification of this order, irrespective of the wording of the seller's acceptance will be effective without buyer's written consent.
- 3 Packing list must accompany each shipment, showing our order number, description, and part/serial number for each item.
- 4 Shipments must be identified as "PARTIAL" or "COMPLETE".
- 5 Material is subject to buyer's inspection and approval within a reasonable time after delivery; if specifications are not met, material shall be returned at seller's expense.

In connection with any prompt payment discount offered, time will be computed from date of delivery and acceptance at destination, or from the date the correct invoice or voucher is received in the office specified by the Government of Guam, if the latter is later than date of delivery and acceptance. Payment is deemed to be made, for the purpose of earning discount, on the date of mailing of the check.
- 6
- 7 Overshipments, unless specifically authorized, will not be accepted.
- 8 In connection with bid awards and contracts, this purchase order shall be governed by the Special Provisions and Bid General Terms and Conditions as specified.



PURCHASE ORDER
GUAM SOLID WASTE AUTHORITY
546 NORTH MARINE CORPS DRIVE
TAMUNING, GUAM 96913
Tel: (671) 646-3111 | Fax: (671) 649-3777

**TRAN
CODE**

THIS PURCHASE ORDER NUMBER
No. P246R00074
MUST APPEAR ON ALL INVOICES,
PACKING SLIPS, PACKAGES, B/L, ETC.

F.O.B.

AIR FREIGHT TEL. CONTACT

SHIP VIA:

DATE

JOB ORDER NO.

OBJ CL

11/15/23

5416A249910GA201

450

TO: (VENDOR INFO)
FAR EAST EQUIPMENT CO.
P. O. BOX 10838
TAMUNING, GUAM 96931

VENDOR NO.
F0096865

SHIP TO: (CONSIGNEE, DESTINATION & MARKING)
GUAM SOLID WASTE AUTHORITY
546 N MARINE CORPS DR
TAMUNING, GUAM 96913

AUTHORITY

3121C

INVITATION NO.

CONTRACT NO.

GSWA-004-23

TIME FOR DELIVERY

630 DAYS ARO

EXPIRING

09/30/24

DISCOUNT TERMS:

ITEM	ARTICLES OF SERVICES	QTY	UNIT	UNIT PRICE	AMOUNT	DOCUMENT NO.	FAC
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1	24 CUBIC YARD SIDE LOADING REFUSE TRUCKS AUTOCAR TRUCK / CURBTENDER 2025 ACX64 / POWERPAK	2	EA	\$ 493,199.92	\$ 986,399.84	Q249910-056	
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SPECIFICATIONS AS PER BID GSWA-004-23

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AUTHORIZED PERSONNEL: IRVIN SLIKE, ROMAN PEREZ, ALICIA FEJERAN, JOANNE FLORES, KEILANI MESA, NELSON BELTRAN, DENNIS MENDIOLA & CAMARYN AGUON

The Government of Guam, Guam Solid Waste Authority, will not be responsible for "UNAUTHORIZED" purchases or services. All late deliveries and acceptances are subject to the liquidated damages clause in section 6101 (9)(a) of the GAR.

SPECIAL INSTRUCTIONS TO VENDOR:

B. SEND CERTIFIED ORIGINAL AND THREE (3) COPIES OF INVOICE TO GUAM SOLID WASTE AUTHORITY.

C. PAYMENT IN THIRTY (30) DAYS 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.

\$ 986,399.84

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

TOTAL

← INSERT CHANGES AND RETURN THIS
ORDER FOR AMENDMENT.

SIGNATURE

TITLE

RETURN TO SUPPLY MANAGEMENT DIVISION
DATE OF RECEIPT OF ORDER: _____

VENDOR SIGNATURE

ADVANCE PAYMENT
AUTHORIZATION
PAYMENT
ENCLOSED ☐

NAME

IRVIN L. SLIKE

GENERAL MANAGER

ACKNOWLEDGEMENT COPY

THIS ORDER IS SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

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