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9 *Attorney for Guam Power Authority*

10 **BEFORE THE GUAM PUBLIC UTILITIES COMMISSION**

11 **IN THE MATTER OF:**

GPA DOCKET NO. 24-17

12 **MONTH-TO-MONTH EXTENSION FOR**
13 **PROFESSIONAL PRINTING, MAILING,**
14 **PROCESSING AND OTHER SERVICES**
15 **DUE TO ONGOING LITIGATION**

PETITION OF THE GUAM POWER
AUTHORITY TO ENTER INTO A
MONTH-TO-MONTH EXTENSION FOR
ITS PROFESSIONAL PRINTING,
MAILING, PROCESSING AND OTHER
SERVICES DUE TO ONGOING
LITIGATION

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19 **COMES NOW**, the GUAM POWER AUTHORITY (GPA), by and through its counsel of
20 record, MARIANNE WOLOSCHUK, and hereby files GPA's Petition for the Public Utilities
21 Commission of Guam (PUC) to review and approve GPA's request to approve the month-to-month
22 extension for professional printing, mailing, and processing services with Graphic Center, Inc., as
23 follows:
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25 **I. BACKGROUND**

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27 On April 6, 2016, GPA entered into a contract with Graphic Center, Inc. to provide
28 professional printing, mailing and processing services for approximately 50,000 customer electric
29 billings each month. The original contract became effective on April 18, 2016 for a one (1) year
30 period from the date of award of the contract with the option to extend the contract for four (4)
31 additional one-year periods. GPA exercised its base and option years of the contract and issued
32

1 an Invitation for Bid (IFB) for these services in December 2020 but the bidder did not meet the
2 bid requirements. Accordingly, in April 2021, the Consolidated Commission on Utilities (CCU)
3 issued GPA Resolution No. 2021-10 authorizing GPA's management to exercise the month-to-
4 month contract extension up to eight (8) months estimated to cost \$300,000 or until a new contract
5 is awarded, whichever comes first.
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8 On May 13, 2021, GPA issued a Request for Proposal (RFP) No. GPA-RFP-21-002 for the
9 re-solicitation of professional printing, mailing, and processing services relating to utility
10 customer billing. GPA received three (3) offers and selected InfoSend as the most qualified
11 offeror, Graphic Center as the second most qualified offeror, and rejected Moonlight BPO's offer.
12 In August 2021, Graphic Center filed a procurement protest disputing GPA's evaluation process
13 for the RFP; GPA denied the protest. In October 2021, Graphic Center filed a procurement
14 protest appeal with the Office of the Public Accountability (OPA). On March 25, 2022, the
15 OPA issued its decision denying Graphic Center's appeal. On April 5, 2022, Graphic Center
16 sought judicial review of the OPA decision in the Superior Court of Guam. Accordingly, the
17 CCU in Resolution FY2022-20 in April 2022 approved GPA's request to approve a month-to-
18 month extension for approximately \$300,000 for one year for professional printing, mailing,
19 processing and other services with Graphic Center, Inc., subject to PUC approval; this extension
20 expired in March 2023.
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25 The matter remained pending before the Superior Court of Guam. In February
26 2023, through GPA Resolution No. FY2023-13, the CCU approved GPA's request to exercise a
27 month-to-month extension for approximately \$460,000 for up to one year for professional
28 printing, mailing, processing and other services with Graphic Center, Inc., subject to PUC
29 approval. The month-to-month extension will continue until a new contract is awarded and
30 implemented after completion of the appeal process.
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1 In March 2023, the PUC approved the extension of the GPA-Graphic Center contract. GPA
2 may exercise the month-to-month contract extension for up to twelve (12) months or until a new
3 contract is awarded, whichever comes first. See GPA Docket 23-13. This matter remains stalled
4 before the Superior Court of Guam. In the meantime, GPA must have printing services in order to
5 issue monthly billings to secure the revenue lifeline of GPA.
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7 II. DISCUSSION

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9 GPA hereby petitions the PUC, pursuant to the Contract Review Protocol for GPA,
10 approved by the PUC, to review and approve the month-to-month extension for professional
11 printing, mailing, processing and other services with Graphic Center, Inc. at an additional cost of
12 \$420,000 for up to one (1) year. In support of this Petition, GPA has attached a copy of CCU
13 Resolution No. FY2024-15, which authorizes the General Manager to petition the PUC for
14 approval of the month-to-month extension for professional printing, mailing, processing and other
15 services with Graphic Center, Inc., subject to PUC review and approval. The resolution and its
16 exhibits are attached herein as Exhibit A, and incorporated by reference herein as if fully set forth.
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20 III. CONCLUSION

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22 The PUC should approve GPA's request to approve the month-to-month extension for
23 professional printing, mailing, processing and other services with Graphic Center, Inc. The
24 printing services are necessary for GPA monthly billings, and is reasonable, prudent, and
25 necessary.
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27 Respectfully submitted this 6th day of May 2024.

28 *Attorney for Guam Power Authority*

29
30 *M. Woloschuk*
31 By: _____

32 Marianne Woloschuk
GPA Legal Counsel



CONSOLIDATED COMMISSION ON UTILITIES

Guam Power Authority | Guam Waterworks Authority

P.O. Box 2977 Hagåtña, Guam 96932 | (671) 648-3002 | guamccu.org

GPA RESOLUTION NO. FY2024-15

TO AUTHORIZE THE MANAGEMENT OF THE GUAM POWER AUTHORITY TO ENTER TO A MONTH-TO-MONTH EXTENSION FOR ITS PROFESSIONAL PRINTING, MAILING, PROCESSING AND OTHER SERVICES DUE TO ONGOING LITIGATION

WHEREAS, on April 6, 2016, the Guam Power Authority (GPA) entered into a contract with Graphic Center, Inc. to provide professional printing, mailing and processing services of approximately 50,000 electric power billings each month; and

WHEREAS, the original contract became effective on April 18, 2016 for a one (1) year period from the date of award of the contract with the option to extend the contract for four (4) additional one-year periods; and

WHEREAS, GPA has exercised its base and options years of the contract and GPA had issued an Invitation for Bid (IFB) for these services in December 2020 but the bidder did not meet the bid requirements. Accordingly, in April 2021, the Consolidated Commission on Utilities (CCU) issued GPA Resolution No. 2021-10 authorizing GPA's management to exercise the month-to-month contract extension up to eight (8) months estimated to cost \$300,000 or until a new contract is awarded, whichever comes first; and

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

1 **WHEREAS**, in August 2021, Graphic Center filed a procurement protest disputing
2 GPA's evaluation process for the RFP and GPA denied the protest. In October 2021, Graphic
3 Center then filed a procurement protest appeal with the Office of Public Accountability (OPA);
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5 **WHEREAS**, in March 2022, OPA issued its decision denying Graphic Center's appeal
6 and in April 2022, Graphic Center appealed the OPA decision in the Superior Court of Guam.
7 Accordingly, the CCU issued GPA Resolution No. 2022-20 in April 2022, authorizing GPA's
8 management to exercise month-to-month extension or until a new contract is awarded; and
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10 **WHEREAS**, the matter continued to be with the Superior Court of Guam and in February
11 2023 through GPA Resolution No. FY2023-13 the CCU approved management's request to
12 exercise month-to-month services up to when a new contract is awarded or in the event a new
13 vendor is selected; and
14

15 **WHEREAS**, in March 2023 the Public Utilities Commission approved the extension of
16 the GPA-Graphic Center Contract and GPA may exercise the month-to-month contract extension
17 up to twelve (12) months or until a new contract is awarded, whichever comes first through GPA
18 Docket 23-13; and
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20 **WHEREAS**, this matter continues to be with the Superior Court of Guam and GPA must
21 have the printing services in order to issue monthly billings which is the revenue lifeline of GPA;
22 and
23

24 **WHEREAS**, GPA again seeks a **month-to-month extension up to 12 months for**
25 **approximately \$420,000** or up to when a new contract is awarded in the event a new vendor is
26 selected; and
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28 **WHEREAS**, GPA now is requesting the Consolidated Commission on Utilities to
29 authorize the Authority to file such petition with the Guam Public Utilities Commission (GPUC);
30 and
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1 **NOW, THEREFORE BE IT RESOLVED**, by the Consolidated Commission on
2 Utilities, subject to the review and approval of the Guam Public Utilities Commission (GPUC),
3 as follows;

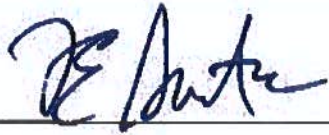
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5 1. The General Manager is authorized to exercise month-to-month extension of services
6 up to 12 months or up to when a new contract is awarded and implemented in the event
7 a new vendor is selected.

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9 **RESOLVED**, that the Vice Chairman certifies and the Board Secretary attests to the
10 adoption of this Resolution.

11
12 **DULY AND REGULARLY ADOPTED AND APPROVED THIS 23rd DAY OF**
13 **JANUARY 2024.**

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16 Certified by:

Attested by:

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20 **FRANCIS E. SANTOS**

21 **PEDRO ROY MARTINEZ**

22 Vice Chairman

23 Secretary

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SECRETARY'S CERTIFICATE

I, Pedro Roy Martinez, Secretary of the Consolidated Commission on Utilities (CCU), as evidenced by my signature above do certify as follows:

The foregoing is a full, true and correct copy of the resolution duly adopted at a regular meeting by the members of the Guam Consolidated Commission on Utilities, duly and legally held at a place properly noticed and advertised at which meeting a quorum was present and the members who were present voted as follows:

Ayes:	<u>4</u>
Nays:	<u>0</u>
Abstain:	<u>0</u>
Absent:	<u>1</u>

