

EXHIBIT B2

EXHIBIT B-1 and EXHIBIT B-2.

A copy of the Offer submitted by Appellant, Guam Education Financing Foundation, Inc., and a copy of the offer that is being considered for award, that by International Bridge Corporation.

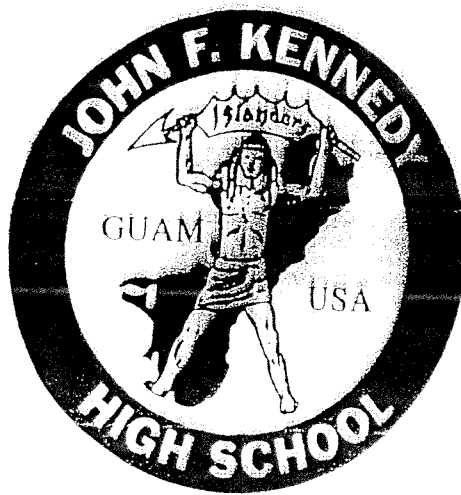
The offer of the appellant, Guam Education Financing Foundation, Inc., and the offer being considered for award, of the International Bridge Corporation, have been filed with the Office of the Public Auditor in that related case, *In the Appeal of Guam Community Improvement Foundation, Inc.*, Docket No. OPA-PA-09-005, on September 8, 2009.

Those offers, and the entire procurement record in *In the Appeal of Guam Community Improvement Foundation, Inc.*, is filed in this matter, being incorporated by reference pursuant to instruction by the Office of the Public Auditor. See, **Procurement Record Transmittal**, filed herein on September 25, 2009.

Construction of the

JOHN F. KENNEDY HIGH SCHOOL

Finance, Demolition, Design, Build,
Maintain and Leaseback (FDDDBML)
Project No. 700-5-1020-L-TAM



Presented By:



International Bridge Corporation

P. O. Box 21149; GMF, Guam 96921

Ph: 671.646.1000 FX: 671.646.5956

Submitted: January 8, 2009

OPA-PA-09-005
PRIVATE AND CONFIDENTIAL
NOT FOR DISTRIBUTION

Attachment No. **1**

Proposal

CONSTRUCTION OF THE NEW JOHN F. KENNEDY
HIGH SCHOOL
FINANCE, DEMOLITION, DESIGN, BUILD, MAINTAIN,
LEASEBACK (FDDDBML)

PROJECT NO. 7005-10204-FAM

December 31, 2008

Proposer

GUAM EDUCATIONAL FINANCING FOUNDATION

Address

3060 Peachtree Road, Suite 1700
Atlanta, GA 30310

Contact &
Phone Number

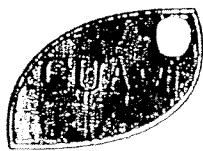
Richard B. Luman, Jr., Chairman
404 504 2712 - office
404 504 2790 - fax

OPA-PA 09-005

PRIVATE & CONFIDENTIAL

NOT FOR DISTRIBUTION

Attachment No. 2





RECEIVED
OFFICE OF THE PUBLIC AUDITOR
PROCUREMENT APPEALS

SEP 25 2009

TIME: 4:45
BY: P
FILE No. OPA-PA 09-007

Office of the Attorney General
Alicia G. Limtiaco
Attorney General of Guam
Civil Division
287 West O'Brien Drive
Hagåtña, Guam 96910 • USA
(671) 475-3324 • (671) 472-2493 (Fax)
babrams@guamattorneygeneral.com
Attorneys for the Department of Public Works

BEFORE THE PUBLIC AUDITOR
Procurement Appeal

IN THE APPEAL OF:)	DOCKET NO. OPA-PA 09-007
)	
GUAM EDUCATION FINANCNG)	
FOUNDATION, INC.)	Procurement Record Transmittal
)	
Appellant.)	

Pursuant to 2 GAR Div. 4, Section 12104(c)(3), the Department of Public Works by and through its undersigned counsel, hereby designates the procurement record transmitted and filed in OPA-PA 09-005 as the procurement record in this matter, captioned above. By this reference, the Department of Public Works incorporates in this matter those non-proprietary and proprietary records transmitted to the Office of the Public Accountability on September 1, 2009, September 2, 2009 and September 22, 2009 in OPA-PA-09-005. Should additional portions of the procurement record come to the attention of DPW/Purchasing Agent it shall continue to promptly file these materials in further augmentation of the record. Pursuant to 2 GAR, Div. 4 §12104(c)(3) and 5 GCA §5252(b), request is hereby made to the Office of Accountability to treat the proprietary portions of these materials, clearly marked as such, as sensitive, holding them strictly confidential, subject to non-disclosure to all third parties directly or indirectly.

Dated this 25th day of September, 2009.

OFFICE OF THE ATTORNEY GENERAL
Alicia G. Limtiaco, Attorney General

By:

John Weisenberger
JOHN WEISENBERGER
Assistant Attorney General

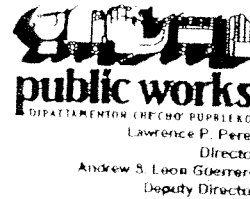
EXHIBIT C

**INVITATION TO BID or
REQUEST FOR PROPOSAL**



The Honorable
Felix P. Camacho
Governor

The Honorable
Michael W. Cruz, M.D.
Lieutenant Governor



Lawrence P. Perez
Director
Andrew S. Loon Guerrero
Deputy Director

REQUEST FOR PROPOSALS

CONSTRUCTION OF THE NEW JOHN F. KENNEDY HIGH SCHOOL SCHOOL FINANCE, DEMOLITION, DESIGN, BUILD MAINTAIN AND LEASEBACK (FDBML) PART I AND II

PROJECT NO. 700-5-1020-L-TAM

The Honorable Felix P. Camacho, Governor of Guam, together with the Guam Public School System (GPSS) Superintendent, Nerissa Bretania-Shafer, through the Director of the Department of Public Works (DPW), Lawrence P. Perez, announces the solicitation of the aforementioned Request for Proposals (RFP).

A **NON-REFUNDABLE FEE OF \$200.00 (TWO HUNDRED DOLLARS)** is required as payment for each set of proposal documents which can be obtained at the Department of Public Works, Division of Capital Improvement Projects - Contracts Administration, beginning November 21, 2008, Monday through Friday, excluding holidays between the hours of 9:00 am and 4:00 pm.

A **PRE-PROPOSAL CONFERENCE** will be held at **9:00 AM** on **DECEMBER 2, 2008**, at the Department of Public Works, Division of Capital Improvement Projects - Contracts Administration, Building B, 1st floor.

The **PROPOSAL SUBMITTALS** shall be accepted no later than **4:00 PM** on **DECEMBER 16, 2008**, at the Department of Public Works, Division of Capital Improvement Projects - Contracts Administration, Building B.

[Handwritten signature]
11/18/08
LAWRENCE P. PEREZ
DIRECTOR

REQUEST FOR PROPOSAL

**CONSTRUCTION OF NEW JOHN F. KENNEDY HIGH SCHOOL
FINANCE, DEMOLITION, DESIGN, BUILD, MAINTAIN AND
LEASEBACK (FDDBML)**

PROJECT NO. 700-5-1020-L-TAM

**FELIX P. CAMACHO
Governor of Guam**

Prepared by:

**Department of Public Works
Government of Guam**

2008

REQUEST FOR PROPOSAL

CONSTRUCTION OF NEW JOHN F. KENNEDY HIGH SCHOOL FINANCE, DEMOLITION, DESIGN, BUILD, MAINTAIN, LEASEBACK (FDDBML)

PROJECT NO. 700-5-1020-L-TAM

I. INTRODUCTION

1. EXECUTING AGENCY

The Governor of Guam through the Department of Public Works (DPW) and with the assistance of the Guam Economic Development Authority (GEDA) hereby issues this Request for Proposal (RFP) for a Finance, Demolition, Design, Build, Maintain and Leaseback Project (FDDBML) for One (1) New High School in Tamuning.

All proposals submitted under this RFP must comply with Government of Guam requirements incorporated specifically in the FDDBML invitation, or if silent in the RFP, as applicable under Guam Procurement Law, Rules and Regulations.

This solicitation for FDDBML describes the scope of services required from the successful Proposer and provides instructions for the submission of proposals.

2. WHO MAY SUBMIT A PROPOSAL

Any "Developer, Contractor or Finance Company" may submit a proposal.

"Developer, Contractor or Finance Company" shall mean any COMPANY organized and operating under the laws of any state or territory of the United States and who may be subject to Guam Licensing laws. Specific information on licenses may be obtained from the Director of the Revenue and Taxation. A special purpose corporation proposal may also be a consideration.

3. PURPOSE

The successful Proposer will serve as the primary lessor of the schools for the Government of Guam.

REQUEST FOR PROPOSAL

Construction of New John F. Kennedy High School
Finance, Demolition, Design, Build, Maintain, Leaseback (FDDBML) Part I
Project No. 700-5-1020-L-TAM

II. INTENT

The Governor of Guam through the Department of Public Works intends to obtain high school facility through a municipal leaseback program as described in this Finance, Demolition, Design, Build, Maintain and Leaseback (FDDBML) project with a maximum of _____ dollars (\$ 0.00) annual amortization on best possible financial terms at the desired level of service. The terms and conditions of the lease shall be as determined by I Maga'lahaen by the execution of a lease agreement; provided, however, that the lease shall mature not later than the year 2038.

III. SCOPE OF WORK

The Scope of Work for Part I- Financing is part of the criteria in which all the proposals submitted will be based on. This section will be scored based on assigned weights as indicated in Evaluation Form. The overall weight of this Part I is 70%. The Municipal Leaseback Company shall be able to perform the following:

- a. Term Sheet to include all interest charges, fees and expenses
- b. Responsiveness of Proposal
- c. Ability of the Lessor to lease to Lessee the facilities described in Technical Specifications, which is Part I of this Request for Proposal.
- d. Ability of Lessor to structure municipal leases from \$10,000,000.00 to over \$300,000,000.00 Please provide examples of municipal leases financed.
- e. Ability of Lessor to offer suggestions on various arrangements for service and maintenance contracts in support of the upkeep and service of the leased facility. Please provide detail on suggested payment arrangements.
- f. Ability of Lessor to allow the purchase of the leased school facility by Lessee at any time during the lease period. Please provide detail on pre-payment arrangement scenario.
- g. Ability of Lessor to allow Lessee to cancel the lease obligation, without penalty, at the end of the current fiscal year in which appropriations were last budgeted, or otherwise made legally available, in the event budgetary funds become unavailable for appropriation in future years (Event of non-appropriation).

REQUEST FOR PROPOSAL

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Finance, Demolition, Design, Build, Maintain, Leaseback (FDDBML) Part I
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Non-Appropriation Clause (defined): In event that sufficient funds (a) are not appropriated by the governing body of the Government Body prior to the beginning of any Renewal Term for the payment of the Base Rentals on the Base Rental Payment Dates and reasonably estimated Additional Rentals payable during such Renewal Term, or (b) are otherwise not legally available for such purpose, then an Event of appropriation shall be deemed to have occurred. If an Event of Non-appropriation shall occur, the Government Body shall not be obligated to make payment of the Base Rentals or Additional Rental's provided for herein beyond the last day of the Renewal Term during which such Event of non-appropriation occurs, except for the Government Body's obligation to pay Rentals which are payable prior to the termination of the Lease.

- h. Ability of Lessor to provide 100% financing for the facility, including demolition, design, construction, maintenance and other related costs to complete the projects as per Technical Specifications.
- i. Ability of Lessor to develop a payment schedule that can be structured on an annual basis.

IV. PROPOSER QUALIFICATION

The following minimum criteria shall be met:

1. Proposer shall be a Developer, Contractor or Finance Company who may be subject to Guam Licensing Laws, however, must be licensed to do business within Guam prior to the award.
2. Proposer must have and be willing to commit sufficient staff, resources, and capital to finance, develop, perform and deliver the services required by this FDDDBML, in accordance with the terms and conditions specified herein.
3. Proposer must have knowledge, experience in the municipal leaseback business. Examples should be provided.
4. Proposer must have knowledge, experience in managing a municipal leases for schools or related public buildings. Examples should be provided.

REQUEST FOR PROPOSAL

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Project No. 700-5-1020-L-TAM

V. PLEDGED SECTION 30 REVENUES

The Government intends to pledge rental payments under the Lease and the Lease-Back may be secured by a pledge or other reservation of revenues received by or on behalf of the government of Guam from the United States of America pursuant to Section 30 of the Guam Organic Act (48 U.S.C.A. Section 1421h). Pursuant to Public Law 29-114, any pledge or reservation of Section 30 revenues authorized by Chapter 58A of Title of the Guam Code annotate shall be subordinate only to the existing lien securing the government of Guam Series 2001A Bonds. Any such pledge or reservation authorized hereunder shall be valid and binding from the time the pledge and reservation is made and shall be limited to Nine Million Eight Hundred Twenty five Dollars (\$9,825,000) per year during the Lease-Back Period. In no event shall the end of such Lease-Back Period be later than the date thirty (30) years from the schedule date of completion of the Education Facility.

The annual commitment of Section 30 Revenues authorized in the Act is based on the sum of Section 30 Revenue available after the final payment on the Government of Guam Limited Obligation (Section 30) bonds, Series 2001A, of which final maturity date is December 1, 2012.

Section 30 revenues include all amounts received by or on behalf of the Government as proceeds of customs duties and federal income taxes derived from Guam, the proceeds of all taxes collected under the internal revenue laws of the United States on articles produced in Guam and transported to the United States, its Territories, or possessions, or consumed in Guam, and the proceeds of any other taxes which may be levied by Congress on the inhabitants of Guam (including, but not limited to, compensation paid to members of the Armed Forces and pensions paid to retired civilian and military employees of the United States, or their survivors, who are residents of, or who are domiciled in, Guam), and all quarantine, passport, immigration and naturalization fees collected in Guam, and such other taxes as may be collected pursuant to Section 30 of the Organic Act, and held in account for the Government.

The Government has issued its Limited Obligation (Section 30) Bonds, 2001 Series A (the Section 30 Bonds), currently outstanding in the aggregate principal amount of \$35,365,000 and with a final maturity in Fiscal Year 2011. While the Section 30 Bonds remain outstanding, all Section 30 revenues are received directly from the United States government by Bank of Guam as trustee for the Section 30 Bonds. After all requirements of the indenture for the Section 30 Bonds are met, including payment of the Section 30 Bonds, Section 30 revenues remaining are available for

REQUEST FOR PROPOSAL

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General Fund expenditures. Section 30 revenues are also used for the payment of the loan incurred by the Government in 2002 pursuant to Public Law 26-84, currently outstanding in the principal amount of \$5,942,612, and one-half of any Section 30 revenues in excess of \$100,000,000 are to be used each year for the early redemption of the Government of Guam General Obligation Bonds, 2007 Series A, currently outstanding in the aggregate principal amount of \$151,935,000.

Schedule of Section 30 Revenues Requested and Received Fiscal Years 2004-008

Fiscal Year	Advance Requested	Advance Received	Adjustment for Overprovision	Supplemental Amount	Total Received
2004	\$42,389,014	\$31,725,960	\$ 0	\$ 0	\$31,725,960
2005	51,291,551	51,291,551	\$ 0	\$ 0	51,291,551
2006	56,824,861	56,824,861	\$ 0	\$ 0	56,824,861
2007	57,416,032	57,416,032	(5,506,684) ⁽²⁾	21,175,749 ⁽³⁾	73,085,097
2008 ⁽¹⁾	43,937,321	43,937,321	(5,506,684)	1,794,592 ⁽⁴⁾	40,225,229

Section 30 revenues are anticipated to be received in the amount of \$38,869,372 for Fiscal Year 2009.

⁽¹⁾ Unaudited numbers.

⁽²⁾ Reduction due to over-claims in Fiscal Years 2003 and 2004 of approximately \$16.5 million. This amount is being deducted in equal installments from payments for Fiscal Years 2007 to 2009.

⁽³⁾ IRS retroactive adjustment on the Office of Personnel Management retirees from 1984 to 2005.

⁽⁴⁾ IRS retroactive adjustment on total certification from IRS versus total monies received.

Source: Government of Guam Department of Revenue and Taxation and Bureau of Budget and Management Research.

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The amount for municipal lease and maintenance shall be a maximum of _____ Dollars (\$ 0.00) annually or best financial terms at the desired level of service for thirty (30) years.

VI. TECHNICAL SPECIFICATIONS

The Technical Specifications is a part of the criteria in which all proposal submitted will be base. This part has an overall weight of thirty (30%) percent. The technical specifications is Part II.

VII. SPECIAL PROVISIONS

1. Indebtedness limitation.

Section 11 of the Organic Act of Guam (Section 1423a of Title 48 of the United States Code Annotated) limits the amount of "public indebtedness" of the Government of Guam to an amount "not in excess of 10 per centum of the aggregate tax valuation of the property in Guam". The intent of this RFP is that the obligation of the Government on the leases described herein not be "indebtedness" of the Government within the meaning of Section 11. Since there is, as yet, no case law in Guam creating a judicial exception to the debt limitation for financing leases, it is the intent of the Government to conduct a "validation action" to confirm that treatment prior to the signing of the lease.

VIII. GENERAL CONDITIONS

1. GENERAL INFORMATION

1.1 ISSUING OFFICER

This solicitation is issued by the Government of Guam through DPW with the assistance of GEDA. The individual listed below is the sole point of contact from the date of release until the selection of the winning proposer:

Name: Lawrence P. Perez
Title: Director, DPW
Department Name: Department of Public Works
Mailing Address 1: 542 North Marine Drive
Tamuning, Guam 96913
Telephone: (671) 646-3131/646-3217/646-3117
Facsimile: (671)646-3169

1.2. CHIEF PROCUREMENT OFFICER

The Chief Procurement Officer is responsible for overseeing the RFP, including monitoring and assessing contractor performance. The Chief Procurement Officer for this RFP award is:

Chief Procurement Officer: Lawrence P. Perez
Title: Director, DPW
Agency: Department of Public Works
Contact Number: (671) 646-3131/646-3217/646-3117
Fax Number: (671) 649-3169

REQUEST FOR PROPOSAL

Construction of New John F. Kennedy High School
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1.3 PROPOSAL DUE DATE

Each qualified Proposer may submit only a basic proposal. Alternate proposals shall not be accepted. One (1) original and seven (7) copies of the proposal shall be submitted. Proposals shall be received by DPW not later than ~~2008~~ 2008. Any proposals received after this date and time SHALL NOT be accepted. The Government of Guam is not required to seek proposals for this service; it has chosen to do so in its best interest. The Government of Guam reserves the right to seek new proposals when such is reasonably in the best interest of the government.

1.4 INCURRED EXPENSES

Any costs incurred by Proposers in preparing or submitting a proposal are at the Proposers' sole responsibility.

1.5 DISQUALIFICATION OF PROPOSAL

DPW and GEDA reserves the right to consider for award only those proposals submitted in accordance with all requirements set forth in this solicitation. Any proposal offering any other set of terms and conditions, or terms and conditions contradictory to those included in this FDDBML, may be disqualified without further notice.

1.6 CANCELLATION OF FDDBML

This solicitation may be canceled and any or all proposals may be rejected in whole or in part, when it is deemed to be in the best interest of the Government of Guam.

1.7 ADDENDUM AND AMENDMENT TO RFP

If it becomes necessary to revise or amend any part of this RFP, the Government of Guam furnish a revision by written Addendum to all prospective Proposers who received an original RFP. It will be the responsibility of the Proposer to contact the Contract Administration at the Department of Public Works prior to submitting a proposal to ascertain if

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any addenda have been issued, to obtain all such addenda, and to return the executed addenda with the proposal.

1.8 HOLD HARMLESS

The successful Proposer shall agree to release, indemnify and hold harmless the Government of Guam from and against any and all liabilities, claims, suits, damages, charges of expenses (including attorney's fees, wether at trial or appeal) which the Government of Guam may suffer, sustain, incur in any way subjected to by reason of or as a result of any act, negligence or omission on the part of the successful Proposer, its agents or employees, in the execution or performance of the obligations assumed under, or incidental to, the contract into which the successful Proposer and the Government of Guam will enter, except when caused solely by the fault, failure or negligence of the Government of Guam will enter, except when caused by the fault, failure or negligence of the Government of Guam, its agents or employees.

1.9 PROPOSAL BINDING

All proposals submitted shall be binding for one hundred twenty (120) calendar days following the opening.

2. QUESTIONS REGARDING SPECIFICATIONS OR PROPOSAL PROCESS

- 2.1 To ensure fair consideration for all proposers, the Department of Public Works prohibits prospective proposer's communication with any department employee during the submission process. Questions relative to interpretation of specifications or the proposal process shall be addressed to the Department of Public Works during the pre-proposal conference. Additionally, the Department of Public Works prohibits communications initiated by a proposer with any Government of Guam Official or employee evaluating or considering the proposals prior to the time an award decision has been made, except as initiated by the appropriate Department of Public Works official or employee in order to obtain information or clarification needed to develop a proper, accurate evaluation of the proposal.

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Communication so initiated by a proposer may be grounds for disqualifying the offending proposer from consideration for award of the proposal and/or any future proposal.

3. CONTENT OF PROPOSAL

- 3.1 Proposal should be prepared simply and economically, providing straightforward, concise description of the proposer's ability to fulfill requirements of the proposal. In order to insure a uniform review process and to obtain the maximum degree of comparability, it is required that proposals be organized in the following manner:
 - 3.1.1 Title Page. Type the name of proposer's agency/firm, address, telephone number (s), name of contact person(s), date and title of the RFP. The Proposer shall use the exact legal name, as registered or to be registered with the Department of Revenue and Taxation, in the appropriate space(s), in the RFP Submission Packet.
 - 3.1.2 Table of Contents. Include a clear identification of the written material by section and by page number
 - 3.1.3 Response to Proposal. Specifically state the proposer's understanding of the work to be accomplished and make a positive commitment to perform the work to include each section addressed in the RFP.
 - 3.1.3a Please provide a brief overview of your firm, including a description of capital, credit ratings and experience.
 - 3.1.3b Please include your firm's proposed structure in detail, as well provisions for extension of maturity or roll-over, or any other hypothetical scenario.
 - 3.1.3c Provide a preliminary term sheet or similar format outlining the terms and conditions of the proposed lease agreement including interest rates.
 - 3.1.3d Discuss the estimated time line for the issuance of this lease and describe your firm's ability to conduct this transaction in a timely matter. Please feel free to outline certain variables such as credit committees, and their effects, if any, on the terms and conditions of the financing.

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- 3.1.3e Please include your firm's three (3) years latest audited financials.
- 3.1.3f Please describe any other terms and conditions required by your firm, in regards to this financing.
- 3.1.3g Organizational Chart. Indicate the principal personnel that would be available to GEDA and the government, as well as describe their experience and responsibilities for this financing.
- 3.1.3h See attached Insertion
- 3.1.4 References. Include a reference list of at least FIVE (5) clients to whom proposer has provided services similar to those being proposed to the INSERT JURISDICTION. This list will include the following information:
- Name of Client:
- Date of Services:
- Address:
- Contact Person:
- Telephone Number(s):
- 3.1.5 General Statement of Experience. Include a written statement of experience in financing, providing and managing similar services. If the proposer does not possess an experience similar to the services required, proposer shall provide any pertinent information or experience Proposer feels may qualify for consideration of award.
- 3.1.6 Operational Plan. Include a narrative description and/or organizational chart outlining the methods of operation, operational structure, and services to be provided by the proposer. This description should fully and completely demonstrate the intended methods for servicing the requirements. This plan should specifically identify obligations of the Government of Guam (e.g. financing, design, construction, maintenance, services and operational requirements) upon which the proposed plan is contingent. Proposers are encouraged to provide any other pertinent information which will assist the Government of Guam in evaluating the proposed method of operation.

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3.1.7 TERMS OF PAYMENTS

- 3.1.7a The Government of Guam through the DPW shall pay the Developer or Finance Company, on an annual basis, for all lease payments due in accordance to the terms of the contract.
- 3.1.7b All payments shall be made in accordance with, subject to, applicable provisions of §22505 of Chapter 22 of Title 5 of the Guam Code Annotated.
- 3.1.7c The Developer or Finance Company shall submit one (1) annual invoice, in original form, for lease payments due. The Government of Guam shall have thirty (30) calendar days after receipt of the invoice to make payment.
- 3.1.7d Non-Appropriation Clause : In event that sufficient funds (a) are not appropriated by the governing body of the Government Body prior to the beginning of any Renewal Term for the payment of the Base Rentals on the Base Rental Payment Dates and reasonably estimated Additional Rentals payable during such Renewal Term, or (b) are otherwise not legally available for such purpose, then an Event of appropriation shall be deemed to have occurred. If an Event of Non-appropriation shall occur, the Government Body shall not be obligated to make payment of the Base Rentals or Additional Rental's provided for herein beyond the last day of the Renewal Term during which such Event of non-appropriation occurs, except for the Government Body's obligation to pay Rentals which are payable prior to the termination of the Lease.
- 3.1.7e If the Government fails to perform as lessee under the lease or decides not to appropriate lease payments. Consequently, if the lessee take possession of the building investors or the trustee will typically be permitted to operate the financed facility for a period of time specified in the ground lease. However, once the term of the ground lease expires, the Government Body is entitled to repossession of the site together with all improvements on the site free and clear of any interest of the investors or a trustee on their behalf.
- 3.1.7f If the Government of Guam loses the use of the leased facility under certain circumstances, lease payments will be made only during the times DPW has full use of the leased facility. This will result in partial lease payments for the entire contract period.

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- 3.1.8 Proposer's Affirmation and Declaration. Complete and have notarized the Proposer's Affirmation and Declaration form provided in the RFP Package. An authorized representative of the firm must sign this form as defined in 3.1.9 below.

In addition, the affidavit shall contain the name address of any person who has received or is entitled to receive a commission, gratuity or other compensation for procuring or assisting in obtaining business related to the bid for the bidder and shall contain the amounts of any such commission, gratuity or compensation. the affidavit shall be open and available to the public for inspection and copying. Failure to submit the affidavit concerning commissions paid shall be deemed non responsive and cause for rejection upon receipt of the proposal.

- 3.1.9 Proposal Signature form. An authorized representative of the firm as defined below must sign this form:

When a proposer is a corporation, the president or vice president signing shall set out the corporate name in the full beneath which he/she shall sign his/her name and give the title of his/her office. The proposal shall also bear the seal of the corporation attested by its corporate secretary.

When the proposer is a partnership, the proposal shall be signed in the name of the partnership by a general partner or other person duly authorized to bind the partnership. The capacity and authority of the person signing shall also be given.

When the proposer is an individual or sole proprietorship, the proposal shall be sign by the individual owner stating name and style under which the proposer is doing business.

If the proposer is doing business under a fictitious name, the proposer must submit a copy of Certificate of Registration.

When the proposer is a joint venture, each joint venture must sign the proposal as herein above indicated.

- 3.2 Each proposal submitted will be graded and evaluated based on the combined total weighted score of Parts I and II. Part I has a weight of 70%. Part II has a weight of 30%. Each proposal submitted will be evaluated using Evaluation Form.
- 3.3. Only after the qualifying of the proposals will discussions begin.

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- 3.4 The basis for the negotiations will be the leaseback program proposed by the highest rated proposer based on the evaluation .

4. EVALUATION OF PROPOSALS

- 4.1 A Proposal Evaluation Board will be established to review and evaluate all proposals submitted in response to this RFP. The Committee shall conduct a preliminary evaluation of all proposals on the basis of the information provided and other evaluation criteria set forth in this RFP. All proposals submitted will be evaluated by the evaluation board and will be ranked by the criteria provided in this RFP, including the following:
- a. Term Sheet to include all interest charges, free and expenses.
 - b. Responsiveness of Proposal
 - c. Ability of the Lessor to lease to Lessee the facilities described in Technical Specification, Part II of this Request for Proposal.
 - d. Ability of Lessor to structure municipal leases from \$10,000,000 to over \$300,000,000. Please provide examples of the municipal leases financed.
 - e. Ability of Lessor to offer suggestions on various arrangements for service and maintenance contracts in support of the upkeep and service of the leased facility. Please provide detail on suggested payment arrangements.
 - f. Ability of Lessor to allow the purchase of the leased school facility by Lessee at any time during the lease period. Please provide detail on pre-payment arrangement scenario.
 - g. Ability of Lessor to allow Lessee to cancel the lease obligation, without penalty, at the end of the current fiscal year in which appropriations were last budgeted, or otherwise made legally available, in the event budgetary funds become unavailable for appropriation in future years (Event of non-appropriation).
 - h. Ability of Lessor to provide 100% financing for the facility, including demolition, design, construction, maintenance and other related costs to complete the projects as Technical Specifications, which is Part II. Please provide examples of experience involved in

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similar financing.

- i. Ability of Lessor to develop a payment schedule that can be structured on an annual basis. Please provide example of payment scenario.
 - j. Company's Experience: Company history, organization and experience in design, construction, maintenance as per required in the RFP.
 - k. Resources and Availability: Architectural-Engineering designers, consultant, construction managers, contractors, sub-contractors, quantity of personnel, equipments that will assigned to projects as per required in the RFP.
- 4.2 The evaluation committee will first review each proposal for compliance with the minimum qualifications and mandatory requirements of the RFP. Failure to comply with any requirements may disqualify a proposal.
- 4.3 Proposals will be evaluated and rated based on the criteria stated in the RFP, including but not limited to the following:
- 4.3.1 Responsiveness of the Proposal to perform the scope of work.
 - 4.3.2 Ability, capacity, and skill of the Proposer to perform the scope of work.
 - 4.3.3 Experience of the business and individual members of the business in accomplishing similar services.
 - 4.3.4 Responses of the client references.
 - 4.3.5 Such other information that may be required or useful in faithful performance of the contract.
- The Evaluation Form included as the last page of this RFP will be used as a guideline for the review board.
- 4.4 The Government of Guam reserves the following rights to:
- 4.4.1 Conduct pre-award discussion and/or pre-award/contract negotiations with any or all responsive and responsible proposers who submit proposal determined to be reasonably acceptable of

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being selected for award; conduct personal interviews or require presentations of any or all proposers prior to selection; and make investigations of the qualifications of the proposers as it deems appropriate, including, but not limited to, a background investigation.

- 4.4.2 Request that proposer(s) modify their proposal to more fully meet the needs of the Government of Guam or to furnish additional information as the Government of Guam may reasonably require.
 - 4.4.3 Accord fair and equal treatment with respect to any opportunity for discussions and revisions of proposals. such revisions may be permitted after submission of proposals and prior to award.
 - 4.4.4 Negotiate any modifications to a proposal that it deems acceptable, waive minor irregularities in the procedures, and reject any and all proposals.
 - 4.4.5 Process the selection of the successful Proposer without further discussion.
 - 4.4.6 Financial Statements. The Government of Guam reserves the right to request the proposers submit their annual financial statements for the last three (3) fiscal years, including company financial statement summaries, cash flow, certified by a Certified Public Accountant. If the organization has been in business for a period of less than three (3) years, proposer may be required to submit a detailed business plan in addition to any pertinent information that would allow the Government of Guam to evaluate the sufficiency of financial resources and the ability of the business to successfully perform the services enumerated in the contract. Unless otherwise stated, such request would be made after the submissions of the proposals and prior to award of a contract.
- 4.5 Each proposal submitted will be graded and evaluated based on the combined total weighted score of Parts I and II. Part I has a weight of 70%. Part II has a weight of 30%. Each proposal submitted will be evaluated using the attached Evaluation Forms.
- 4.6 The basis for the negotiations will be the leaseback program proposed by the highest rated proposer based on the evaluation.

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5. CONTRACT REQUIREMENTS

5.1 Basis of Award.

A contract will be awarded to the most responsible and responsive proposer whose proposal meets the needs of the Government of Guam to the best degree.

5.2 Controlling Terms and Conditions

The project award shall consist of its terms and conditions, this FDDDBML, and the RFP Submission Packet forms. If any provision of the RFP Submission Packet forms conflicts with those of the FDDDBML, then the terms of the FDDDBML shall control. If terms and conditions of the GENERAL CONDITIONS of this FDDDBML conflict with those of the SPECIAL PROVISIONS, then the terms and conditions of these GENERAL CONDITIONS shall control. If the terms and conditions of the TECHNICAL SPECIFICATIONS conflict with those of the SPECIAL PROVISIONS or the GENERAL CONDITIONS, then the terms and conditions of the TECHNICAL SPECIFICATIONS shall control.

5.3 Contract Term

The period of the contract shall be no later than for a period of thirty (30) years from the schedule date completion.

5.4 Award Termination

When deemed to be in best interest of the Government of Guam, the Government of Guam may cancel any award resulting this specification by the following means:

- a. Ten (10) days written notice with cause; or
- b. Three Hundred Sixty Five (365) written notice without cause.

5.5 Addition/Deletion

The Government of Guam reserves the right to add to or delete any item from this proposal or resulting agreements when deemed to be in the interest of the Government of Guam.

5.6 Assignment

No proposer shall assign his proposal or any rights or obligations hereunder

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without the written consent of the Government of Guam. In the event of such approved subcontracting, the Developer, Contractor, Financier agrees to provide the Government of Guam with written documentation relative to the subcontractor(s) employed with this contract.

5.7 Proposal Prices

Prices quoted in the proposal shall include any and all shipping costs, shipped C.I.F. Guam, or to the facility location specified by the Contracting Officer or the Contract Agreement.

All taxes of any kind and character payable on account of the work done and materials furnished under the contract shall be paid for by the contractor, developer, financier and shall be deemed to be included in the proposal.

Proposal prices include all royalties and cost arising from patents, trademarks and copyrights in any way involved in the work. Whenever the Awardee is required or desires to use any design, device, material or process covered by letters of patent or copyright, the Awardee shall indemnify and save harmless the Government of Guam, its officers, agents and employees from any and all claims fro infringement by reason of the use of any such patented design, tool material, equipment or process, to be performed under the contract, and shall indemnify the Government of Guam, its officers, agents, employees for any costs, including litigation costs and attorney's fees through the appellate process, expenses and damages which may be incurred by reason of any infringement at any time during the prosecution or after the completion of work.

5.8 Payment Method and Schedules

Payments will be made by the Government of Guam after receipt and acceptance of proper invoices and processing time specified in Section VIII- General Conditions, par. 3, sec. 3.1.7 Terms of Payment. The Contractor, Developer, Financier should have the ability to guarantee operations for this period of time. The Government of Guam does not pay service charges or interest on late payments, except in accordance with the law.

5.9 Default/Re-award

Any contract resulting from this specification may be cancelled by the Director of Public Works, in whole or in part by a written notice of default

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to the Contractor, Developer, Financier upon non-performance or violation of contract terms, including the failure of the Contractor, Developer, Financier to deliver materials within the time stipulated in this specifications, unless extended in writing by the Director of Public Works. In the event the contract is cancelled because of the default of the Contractor, Developer, Financier, the Director of Public Works may:

- (i) Purchase the materials or services specified in this specification on the open market; or
- (ii) Make an award to the next best proposer and establish the period of such award, provided such period is no longer than the award period set forth in this specification.

IX Bidder's Affirmation and Declaration

Before me, the under signed authority who is duly authorized by the law to administer oaths and take acknowledgments, personally appeared

AFFIANT'S NAME

Who, after being duly cautioned and sworn (or who is unsworn if that be the case) and being fully aware of the penalties of perjury, does hereby state and declare, on his own behalf or on behalf of a partnership or corporation, whoever or whichever is the proposer in the matter at hand, as follows:

1. That the Proposer, if an individual, is of lawful age.
2. That if the Proposer is a partnership or a corporation, it has been formed legally and it is duly authorized to do business in Guam.
3. That if the bidder is using a fictitious name, he/she/it has complied with the Fictitious Name Statute of Guam and the United States of America.
4. That the Proposer has not submitted a rigged Bid, nor engaged in collusive bidding arrangement or fraudulent bidding, or corporation making a bid for the same purpose. The Proposer is aware that "Any understanding between persons where one or more agree not to bid, and any agreement fixing the prices to be bid so that awarding of any contract (s) is thereby controlled or

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affected, is in violation of a requirement for competitive bidding and renders a contract let under such circumstances invalid”.

5. That the Proposer is not in arrears to the Government of Guam upon debt or contract and is not a defaulter, as surety or otherwise, upon any obligation to the Government of Guam.
6. That no officer or employee of the Government of Guam, either individual or through any firm, corporation or business of which that no officer or employee of the Government of Guam, either individual or through any firm, corporation or business of which he/she is a stockholder or holds office, shall receive any substantial benefit or profit out of the contract or obligation entered into between the Government of Guam and this Proposer or award this Proposer; nor shall any Government of Guam officer or employee have any financial interest in assisting the Proposer to obtain, or in any other way effecting, the award of the contract or obligation of this Proposer.
7. That, by submitting this bid, the Proposer certifies that he/she has fully read and understands the bid method and has full knowledge of the scope, nature, and quality of work to be performed or the services to be rendered.

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FORM OF NON-COLLUSION AFFIDAVIT

A F F I D A V I T

(Prime Bidder)

GUAM)ss

_____, being first duly sworn, deposes and says:

That he is _____

(a partner or officer of the firm of, etc.)

the party making the foregoing bid, that such bid is genuine and not collusive or sham, that said bidder has not colluded, conspired, connived or agreed, directly or indirectly, with any bidder or person, to put in a sham bid or to refrain from bidding, and has not in any manner, directly or indirectly, sought by an agreement or collusion, or communication or conference, with any person to fix the bid price of affiant or of any other bidder, or to fix any overhead, profit or cost element of said bid price, or of that of any other bidder, or to secure any advantage against the Government of Guam or any other bidder, or to secure any advantage against the Government of Guam or any person interested in the proposed contract; and that all statements in bid are true.

Signature of

Bidder, if the bidder is an individual;

Partner, if the bidder is a partnership;

Officer, if the bidder is a corporation.

Subscribed and sworn to before me

this _____ day of _____, 20_____.

NOTARY PUBLIC

My commission expires _____, 20_____.

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**AFFIDAVIT DISCLOSING OWNERSHIP
and COMMISSIONS**

CITY OF _____)
 STATE OF _____)ss.

A. I, the undersigned, being first duly sworn, depose and say that I am an authorized representative of the bidder or offeror, and that *[please check one]*:

The bidder or offeror is an individual or sole proprietor and owns the entire (100%) interest in the bidding or offering business.

The bidder or offeror is a corporation, partnership, joint venture or association, and the persons, companies, partners or joint venturers who have held more than 10% of the shares or interest in the bidding or offering business during the 365 days immediately preceding the submission date are as follows *[if none, please so state]*

<u>Name</u>	<u>Address</u>	<u>% Interest</u>
_____	_____	_____
_____	_____	_____

B. Further, I say that the persons who have received or are entitled to received a commission, gratuity or other compensation for procuring or assisting in obtaining business related to any bids or proposals for which this affidavit is submitted are as follows *[if none, please so state]*

<u>Name</u> <u>Compensation</u>	<u>Address</u>	
_____	_____	_____
_____	_____	_____

C. If the ownership of the bidding or offering business should change between the time this affidavit is made and the time an award is made or contract is entered into, then I promise personally to update the disclosure required by G.C.A. §5233 by making another affidavit.

Name of Bidder or Offeror Business:

Date: _____

By: _____

Signature of:

- Individual, if bidder or offeror is an individual;
- Partner, if bidder or offeror is a partnership;
- Officer, if bidder or offeror is a corporation.

Subscribed and sworn to before me
 this _____ day of _____, 2008.

NOTARY PUBLIC

My commission expires: _____

Project Name

Project No.

TALLY FORM

Consultant	Percentage / Grade (Points)					Total Percentage / Grades (Points)	Remarks
	A	B	C	D	E		

CONCURRED BY:

Evaluator "A"

(Name)

(Title)

(Dept.)

Evaluator "B"

(Name)

(Title)

(Dept.)

Evaluator "C"

(Name)

(Title)

(Dept.)

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Evaluator "C"

(Name)

(Title)

(Dept.)

Evaluator "E"

(Name)

(Title)

(Dept.)

WITNESSED BY:

(NAME)

(Title)

(Dept.)

(Name)

(Title)

(Dept.)

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EVALUATION FORM

Project Name:

Project No.:

Consultant Name: _____

Name of Evaluator "A": _____

Department: _____ Section: _____

Municipal Leasing and Financing Proposal				
Item No.	Evaluation Criteria	Percentage %	Grade Points	Remarks
a.	Term Sheet to include all interest charges, fee and expenses	10		
b.	Responsiveness of proposal.	10		
c.	Ability of Lessor to lease to Lessee the facilities described in the Technical Specification, Part II of the RFP.	15		
d.	Ability of Lessor to structure municipal leases from \$10,000,000.00 to over \$300,000,000.00. Please provide examples of the leases financed.	5		
e.	Ability of Lessor to offer suggestions on various arrangements for services and maintenance contracts in support of the upkeep and service of the lease facility. Please provide detail on suggested payment arrangement scenario.	10		
f.	Ability of Lessor to allow the purchase of the leased school facility by Lessee at any time during the lease period. Please provide detail on pre-payment arrangement scenario.	2		

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Municipal Leasing and Financing Proposal

Item No.	Evaluation Criteria	Percentage %	Grade Points	Remarks
g	<p>Ability of Lessor to allow Lessee to cancel the lease obligation, without penalty, at the end of the current fiscal year in which appropriations were last budgeted, or otherwise made legally available, in the event budgetary funds become unavailable in future years.(Event of non appropriation).</p> <p>Non-Appropriation Clause (defined): In the event that sufficient funds (a) are not appropriated by the governing body of the Government Body prior to the beginning of any Renewal Term for the payment of the Base Rentals on the Base Rental Payment Dates and reasonably estimated Additional Rentals payable during such Renewal Term, or (b) are otherwise not legally available for such purpose, then an Event of Non-appropriation shall be deemed to have occurred. If an Event of Non-appropriation shall occur, the Government Body shall not be obligated to make payment of the Base Rentals or Additional Rentals provided for herein beyond the last day of the Renewal Term during which such Event of non-appropriation occurs, except for the Government Body's obligation to pay Rentals which are payable prior to the termination of the Lease.</p>	5		

REQUEST FOR PROPOSAL

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Municipal Leasing and Financing Proposal				
Item No.	Evaluation Criteria	Percentage %	Grade Points	Remarks
h	Ability of Lessor to provide 100% financing for the facility, including demolition, design, construction, maintenance and other related costs to complete the projects as per required in the RFP. Please provide examples of experience involved in similar financing.	10		
i	Ability of Lessor to develop a payment schedule that can be structured on an annual basis. Please provide example of payment scenario.	3		
Total percentage/points for the Municipal Leasing and Financing				
	Total percentage/points			

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Technical Specifications				
Item No.	Evaluation Criteria	Percentage %	Grade Points	Remarks
i.	Company's Experience: Company history, organization and experience in municipal leasing, demolition, design, construction, maintenance as per required in the RFP.	15		
k.	Resources and Availability: Architectural-Engineering designers, consultant, construction managers, contractors, subcontracts, quantity of personnel, equipments that will be assigned to projects as per required in the RFP.	15		
Total percentage/points for the Technical Specifications, Part II				
Total percentage/points for the Municipal Leasing and Financing, Part I and Technical Specifications, Part II				

Note: If necessary, those firms placed on a "short list" after review of technical, management, financial background and references, shall be personally interviewed. At this time each proponent shall be expected to introduce each Project Manager and Technical Manager proposed for the project. The Project Manager shall verbally review their technical plans and strategy for completing the work proposed.

 Evaluator "A" Signature

 Date

REQUEST FOR PROPOSAL

Construction of New John F. Kennedy High School
 Finance, Demolition, Design, Build, Maintain, Leaseback (FDDBML) Part I
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**CONSTRUCTION OF THE NEW JOHN F. KENNEDY HIGH SCHOOL
FINANCE, DEMOLITION, DESIGN, BUILD, MAINTAIN, AND
LEASEBACK (FDDBML) PART I AND PART II
PROJECT NUMBER 700-5-1020-L-TAM**

PROPOSER'S AFFIRMATION AND DECLARATION

Before me, the undersigned authority who is duly authorized by law to administer oaths and take acknowledgements, personally appeared

AFFIANT'S NAME

Who, after being duly cautioned and sworn (or who is unsworn if that be the case) and being fully aware of the penalties of perjury, does hereby state and declare, on his own behalf or on behalf of a partnership or corporation, whoever or whichever is the Proposer in the matter at hand, as follows:

1. That the Proposer, if an individual, is of lawful age.
2. That if the Proposer is a partnership or a corporation, it has been formed legally and it is duly authorized to do business in t Guam.
3. That if the Proposer is using a fictitious name, he/she/it has complied with the Fictitious Name Stature of the State of Government of Guam.
4. That the Proposer is not in arrears to the Government of Guam upon debt or contract and is not a defaulter, as surety or otherwise, upon any obligation to the Government of Guam.
5. That no officer or employee of the Government of Guam, either individual or through any firm, corporation or business of which he/she is a stockholder or holds office, shall receive any substantial benefit or profit out of the contract or obligation entered into between the Government of Guam and this Proposer or awarded to this Proposer, nor shall any Government of Guam officer or employee have any financial interest in assisting the Proposer to obtain, or in any other way effecting, the award of the contract or obligation of this Bidder.
6. That, by submitting this bid, the Proposer certifies that he/she has fully read and understands the bid method and has full knowledge of the scope, nature, and quality of work to be performed or the services to be rendered.

PROPOSAL SIGNATURE FORM FOR
JOHN F. KENNEDY HIGH SCHOOL

REQUEST FOR PROPOSAL

Construction of New John F. Kennedy High School
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ATTACHMENT

In compliance with this RFP and to all the conditions imposed herein, the undersigned offers and agrees to provide services and products in accordance with the attached signed proposal, or as mutually agreed upon by subsequent negotiation. This completed Proposal Signature form shall be submitted with the Proposer's written proposal and will become a part of any agreement that may be awarded. The Proposal Signature Form must be signed by an authorized representative.

Please type or print:

Name of Firm: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Contact Person: _____

Telephone Number: _____ FAX Number: _____

Type of Organization: Individual Small Business Non-Profit
 Partnership Corporation Joint Venture

ATTACH COPIES OF ALL SUCH LICENSES, PERMITS OR CERTIFICATES ISSUED TO THE BUSINESS ENTITY

Business is licensed, (unless exempt by applicable law) permitted or certified to do business in Guam:

Yes No License # _____

Guam Corporation ID#: _____

Guam Fictitious Name Reg. # _____

Federal I.D. # _____

Authorized Signature: _____ Date: _____

Minority Business Status: Black Asian/Pacific Islander Woman

Is your business certified as a minority business with any government agency? Yes No
If yes, please list below:

Agency Name	Certification Number	Expiration Date
_____	_____	_____
_____	_____	_____

REQUEST FOR PROPOSAL
Construction of New John F. Kennedy High School
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**CONSTRUCTION OF NEW JOHN F. KENNEDY HIGH SCHOOL
FINANCE, DEMOLITION, DESIGN, BUILD, MAINTAIN AND
LEASEBACK (FDDBML)**

TECHNICAL SPECIFICATIONS

PROJECT NO. 700-5-1020-L-TAM

FELIX P. CAMACHO
Governor of Guam

Prepared by:

Department of Public Works
Government of Guam

2008

**CONSTRUCTION OF NEW JOHN F. KENNEDY HIGH SCHOOL
FINANCE, DEMOLITION, DESIGN, BUILD, MAINTAIN AND LEASEBACK
(FDDBML)
TECHNICAL SPECIFICATIONS**

PROJECT NO. 700-5-1020-L-TAM

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**CONSTRUCTION OF NEW JOHN F. KENNEDY HIGH SCHOOL
FINANCE, DEMOLITION, DESIGN, BUILD, MAINTAIN AND
LEASEBACK (FDDBML)
TECHNICAL SPECIFICATIONS**

PROJECT NO. 700-5-1020-L-TAM

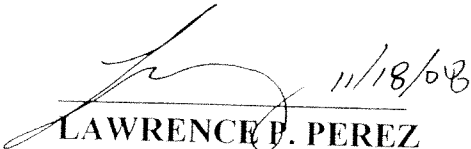
**FELIX P. CAMACHO
Governor of Guam**

Prepared by:

Department of Public Works
Government of Guam

2008

APPROVED BY:


LAWRENCE P. PEREZ
Director

INSTRUCTIONS TO BIDDERS

1. RECEIPT AND OPENING OF PROPOSAL

Sealed bids in six (8) sets, one (1) original and seven (7) copies will be received by the Department of Public Works at the Contracts Section Administrative Services until **January 8, 2009**.

Bids shall be made on the forms furnished by the Department of Public Works and shall be enclosed in a sealed envelope addressed to the Director of Public Works, Government of Guam, 542 North Marine Drive, Tamuning, Guam 96913 and endorsed with the name of the bidder and the title "**Construction of New John F. Kennedy High School, Finance, Demolition, Design, Build, Maintain, Leaseback (FDDBML)**".

Attention is called to the fact that bidders not only offer to assume the obligations and liabilities imposed upon the Contractor in the form of contract, but expressly make certain of the representations and warrants made therein. No effort is made to emphasize any particular provision of the contract, but bidders must familiarize themselves with every provision and its effect.

2. TIME OF COMPLETION

The Contractor shall commence work on the date specified in the Notices to Proceed. The design phase shall be completed within **thirty (30) calendar days for design Phase and construction phase shall be completed within two hundred seventy (270) calendar days**, complete and ready for use. In the event the Contractor does not complete the work within the time specified, liquidated damages will be assessed as per par. 5.9, under Financing, Part I of FDDBML.

3. PLANS AND SPECIFICATIONS

This Request for Proposal for bids consists of the following documents:

- a) Request for Proposal Documents
 1. Request for Proposal
 2. Instructions to Bidders

- b) Bid Submittal Documents for Request for Proposal, Part II
 1. Bid
 2. Bid Form

INSTRUCTIONS TO BIDDERS

Construction of New John F. Kennedy High School
Finance, Demolition, Design, Build, Maintain and Leaseback (FDDBML)
Project No. 700-5-1020-L-TAM

4. NON-COLLUSION AFFIDAVIT

Each person submitting a bid for any portion of the work covered by the bid documents shall execute an affidavit, in the form provided with the bid, to the effect that he has not colluded with any other person, firm or corporation in regards to any bid submitted. Such affidavit shall be attached to the bid.

5. RIGHT TO ACCEPT AND REJECT BIDS

The Government of Guam reserves the unqualified right, in its sole and absolute discretion, to reject any and all bids, or to accept that bid or combination of bids, if any, which in its sole and absolute judgment will under all circumstances best serve the Government's interests. In the event that the successful bidder fails to execute the contract upon his part, the Government reserves the option to accept the bid of any other bidder within ten (10) working days from such default, in which case such acceptance shall have the same effect as to such bidder as though he was the originally successful bidder.

6. METHOD OF AWARD

- a) The contract will be awarded to the most responsible and responsive bidder/proposer whose proposal meets the needs of the Government of Guam to the best degree.

7. REPRESENTATION REGARDING GRATUITIES AND KICKBACKS

The bidder, offeror or contractor represents that it has not violated, is not violating, and promises that it will not violate the prohibition against gratuities and kickbacks set forth in Section 11-206 (Gratuities and Kickbacks) of the Guam Procurement Regulations.

8. REPRESENTATION REGARDING ETHICAL STANDARDS FOR GOVERNMENT EMPLOYEES AND FORMER GOVERNMENT EMPLOYEES

The bidder, offeror or contractor represents that it has not knowingly influenced and promises that it will not knowingly influence a government employee to breach any of the ethical standards set forth in Chapter 11 (Ethics in Public Contracting) of the Guam Procurement Act.

9. DISCLOSURE OF MAJOR SHAREHOLDERS:

- a) As a condition of bidding, any partnership, sole proprietorship or corporation doing business with the Government of Guam shall submit an affidavit executed under oath

INSTRUCTIONS TO BIDDERS

Construction of New John F. Kennedy High School
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that lists the name and address of any person who has held more than ten percent (10%) of the outstanding interest or shares in said partnership, sole proprietorship or corporation at any time during the twelve (12)-month period immediately preceding submission of a bid. The affidavit shall contain the number of shares or the percentage of all assets of such partnership, sole proprietorship or corporation which have been held by each such person during the twelve (12)-month period. In addition, the affidavit shall contain the name and address of any person who has received or is entitled to receive a commission, gratuity or other compensation for procuring or assisting in obtaining business related to the bid for the bidder and shall also contain the amounts of any such commission, gratuity or other compensation. The affidavit shall be open and available to the public for inspection and copying. **Failure by any bidder to submit the affidavit concerning commissions paid shall be deemed non responsive and cause for rejection of the bid upon bid opening.**

10. MISCELLANEOUS:

1. Prohibited Interests

(a) No member of or Delegate to Congress or Resident Commissioner or Governor's Office or Lieutenant Governor's Office or Employees of the Government of Guam and their relatives or immediate family members, shall be admitted to any share or part of this contract or to any benefit that may arise therefrom, but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

(b) No official of the Owner who is authorized in such capacity and on behalf of the Owner to negotiate, make, accept or approve, or to take part in negotiating, making, accepting or approving any architectural, engineering, inspection, construction or material supply contract or any subcontract in connection with the construction of the project, shall become directly or indirectly interested personally in this contract or in any part hereof. No officer, employee, architect, attorney, engineer, or inspector of or for the Government of Guam authorized to exercise any legislative, executive supervisory or other similar functions in connection with the construction of the project, shall become directly or indirectly interested personally in this contract or in any part thereof, any material supply contract, subcontract, insurance contract, or any other contract pertaining to the project.

INSTRUCTIONS TO BIDDERS

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Request for Proposal
Construction of New John F. Kennedy High School
Finance, Demolition, Design, Build, Maintain, Leaseback (FDDBML)
TECHNICAL SPECIFICATIONS
Project No. 700-5-1020-L-TAM

GENERAL STATEMENT OF WORK

I. INTRODUCTION

This Statement of Work describes the Scope of Work required of the Proposer's demolition team in demolishing existing building, design team in providing the architectural and engineering services for the preparation of reports, plans, specifications, and estimates (PS&E) and other supporting data for the construction of JFK high school. This also provides the schedules for the different tasks, items to be submitted by the Consultant and other contractual obligations of the Government and the Proposer.

II. PROJECTS DESCRIPTIONS AND LOCATIONS

The project involves the preparation of an Environmental Assessments (including asbestos, radon and etc). prior to demolition of the existing building. New Plans, Specifications & Estimates (PS&E); and other supporting documents for the construction of the JFK high school.

Tasks 1 and 2, (Assessments and Conceptual Plans) of the Project involves those investigative and study requirements, which must be undertaken to adequately assess the existing condition of the site and form the basis of subsequent design activities. It also involves the development of Conceptual Plans, at least two concepts for the JFK high school.

Tasks 3, 4, and 5 (Preliminary, Pre-Final, and Final PS&E) of the Project involves the development of Preliminary PS&E incorporating comments and decisions resulting under Tasks I and II. Tasks III and IV work will further refine the various elements of the PS&E and incorporate all review comments by the reviewing agencies. Task V is the final construction plans.

The location of the new school will be at JFK compound in Tamuning of Guam's public schools.

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III. SCOPE OF WORK

The Demolition Team shall provide barricade around the building, disconnect and mark all electrical, water line and other utilities connection from existing building to remain for re-connection to new building. Remove all any existing asbestos prior to demolition and dispose as per GEPA requirements. All salvageable materials shall be turned over to GPSS for proper disposal.

The Design Team shall provide the environmental, architectural and engineering services for the different tasks described below and furnish the required reports and PS&E's for the school.

All entry permits in conjunction with the services shall be the responsibility of the design team/offeror.

The design team shall coordinate his work with the agencies, Local or Federal, having jurisdiction in permit review and approval. It shall be the responsibility of the design team to ensure that all requirements of the new schools conform to the requirement of Federal and Local laws.

Progress review meetings shall be held monthly to review progress and discuss any design issues or problems. The meetings shall be held at the firm's office or Public Works office on a mutually agreed schedule.

TASK 1. Site Evaluation

1A. Environmental Assessment:

Conduct an environmental assessment of the existing physical and biological conditions of the school site and its vicinity. An environmental report shall be prepared for the JFK high school.

The design team shall evaluate physical factors such as environmental constraints of the proposed development. The Environmental Assessment shall be complete and subject to review and approval by the Guam Environmental Protection Agency and U.S. Environmental Protection Agency.

Possible Environmental Concerns at JFK Site:

- A. Northern groundwater lens. Storm runoff resulting within the school property must be contained within the site with the use of ponding basins or underground infiltration cells.

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- B. Radon gas arising from coral rock substrate. Design of buildings must incorporate protective measures from toxic radon gas.
- C. Water wells with chlorinators.

Proposer must plan for the management of solid wastes generated, including disposal of green waste from clearing of vegetation on site and debris from demolition of buildings and construction. A demolition and disposal plan for sites requiring demolition shall be prepared and submitted for approval. The plan shall address the type of solid waste materials generated and their proper disposal. Recycling and reuse of waste generated is encouraged.

School design should follow a facility design that encourage recycling of solid waste and reuse efforts as part of school operations.

Environmental assessment reports shall be prepared, addressing the items listed above to include maps, data sheets, tables, (check) list, graphs, photographs, references, and other documentation to support the findings and environmental mitigation measures.

Ten copies of the environmental assessment reports shall be submitted.

1B. Archeological Assessment.

The northern site, are area of the island that is usually sparse in terms of archeological sites, with limited distribution of pottery scatters being the dominant site type.

For the **Northern Site** an Inventory level survey and report will be required.

This involves archeologists walking over the project property, on foot and recording the locations of any historic or prehistoric materials. Detailed descriptions are made of any sites, maps are drawn and photographs taken if features or structures are encountered, GPS locations of features/sites are recorded, and shovel test are conducted as indicated by the surface findings. The final report should minimally contain sections on geographic location, environment, historic cultural context, previous findings in the area, field methods used, findings from survey, analyses done, significance of any sites found, recommendations, and references.

Archeological reports shall be prepared for the JFK high school. Ten copies of the reports shall be submitted.

1C. Planimetric and Topographic Survey.

Perform an as-built planimetric and topographic survey and prepare a topographic map with one-foot contour interval of the school property. Include sufficient area to address the

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schools development area and adjacent properties to properly analyze all engineering aspect of the development, such as drainage patterns, utilities onsite and offsite, access roads, modifications to existing roads, pedestrian walkways, trails, etc.

Conduct a thorough property research to include adjacent properties, rights of way and/or easements. Lot numbers and property ownership shall be shown on the map.

Survey work shall be under the direct supervision of a Guam Registered Land Surveyor.

Ten copies of the Planimetric and Topographic map shall be submitted.

1D. Soil Investigation.

Perform the necessary soil investigation to properly design the school building foundations, ponding basins and infiltration cells, embankment and cut slopes, drainage channels, ground covers, underground utilities, etc. It shall include determination of any earthquake faults and its effect on the schools design.

A soil report shall be prepared for the new high school. Ten copies of the reports shall be submitted.

TASK 2. Conceptual plans.

The design team shall develop two alternative conceptual plans for each school site showing the civil and architectural layout of all school facilities and grounds development standards as identified in the technical specifications for JFK high school. It shall include all offsite development, such as proposed access roads and any modifications to existing roadways or pedestrian facilities, utilities, landscaping, etc. It shall include concept buildings elevations (front, side, and rear elevations), and an architectural rendering depicting the type of structure, color schemes, and structures orientation relative to grounds improvements.

Ten copies of the conceptual plans shall be submitted.

The design team shall conduct a conceptual presentation to all reviewing agencies upon submittal of the conceptual plans. The presentation shall address all architectural and engineering aspects of the project. A walk-through field overview for each school site shall also be conducted by the design team with the reviewing agencies following the presentation(s) of the conceptual plans. Prior to the Walk-Through reviews the design team shall mark with survey flags the approximate buildings footprints, athletic fields, parking lots, access roads, and other prominent structure or facility of the school. Walk-paths shall be sufficiently cleared of vegetation to conduct the walk-through reviews.

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TASK 3. Preliminary Plans, Specifications, and Estimates

The preliminary PS&E's shall be developed to at least 50% complete and the following shall be prepared.

A. PLANS:

1. Title Sheet.
2. Civil Design:
 - Site Plan. Show property lines, access rights of way or easements, survey base line(s), proposed facilities footprints, access roads and parking areas, traffic (vehicular and pedestrian) circulation, access roads, etc.
 - Grading and drainage plans.
 - Utilities plans (Water, sewer, power, telephone, internet and cable).
 - Roads plans and profiles.
 - Other civil engineering plans and details necessary to conduct a 50% preliminary plans review.
3. Architectural design:
 - Floor and ceiling plans
 - Building elevations and sectional views.
 - Equipment layouts
 - Landscaping plans
 - Other architectural plans and details necessary to conduct a 50% preliminary plans review.
4. Structural design:
 - Foundation plans
 - Floor and roof slab plans
 - Structural columns, walls, and beams
 - Other structural plans and details necessary to conduct a 50 % preliminary plans review.
5. Mechanical design:
 - Plumbing plans
 - Air conditioning and ventilation plans
 - Fire protection and alarm, and monitoring plans
 - Mechanical equipment plans
 - Other mechanical plans and details necessary to conduct a 50 % preliminary plans review.
6. Electrical Design:
 - Lighting plans
 - Off-site power supply plans
 - Power supply plans to all equipments

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- Other electrical plans and details necessary to conduct a 50 % preliminary plans review.

B: SPECIFICATION:

Preliminary technical specifications shall be prepared for each item of work describing the construction methods, material requirements, and test procedures required.

C: ESTIMATES:

Preliminary estimates shall be prepared commensurate with the preliminary plans and specifications.

D. MAINTENANCE AND CUSTODIAL PLAN

Post Construction Facilities Maintenance and Custodial Operations Plan - The design team shall prepare a complete operations manual for school for the required post construction monitoring, maintenance, and custodial operations of the school facility. The plan shall address the operational and/or maintenance of the buildings, equipments, landscaping, the drainage system, all outdoor facilities, and for any facility appurtenances for the proper operation of the school.

Ten (10) copies of the preliminary PS&E and design calculations, and the Maintenance and Custodial Plan shall be submitted. A "plans-in-hand" field reviews to be jointly conducted by the Government and Design Team shall be scheduled by the offeror after submittal of preliminary PS&E. Prior to the Plans-in-Hand reviews the design team shall mark with survey flags the approximate buildings footprints, athletic fields, parking lots, access roads, and other prominent structure or facility of the school. The school sites shall be sufficiently cleared of vegetation to conduct the plans-in-hand reviews.

The Design Team's key personnel shall participate in the Plans-in-Hand field reviews and resolution meetings to resolve all comments on the project. The Design Team shall be responsible for the preparation of the "Minutes of Meeting" for approval and distribution by DPW.

TASK 4. Pre-Final Plans, Specifications, and Estimates

The Pre-Final PS&E shall be 100% complete incorporating all approved comments from the preliminary PS&E, and the Maintenance and Custodial Plan. Ten copies of the following shall be submitted:

1. Plans - Complete plans, including title sheet, summary of quantities and schedules, details cross sections, etc.;

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2. Technical specifications - Complete technical specifications to properly construct each item of work, including test procedures required, and any special conditions to be required;
3. Estimates - Each item of work shall be supported with a detailed quantity take-off computation and corresponding cost analysis for each item of work. Any lump sum cost shall also be supported with detailed breakdown arriving to the lump sum cost;
4. Design Analysis and computation sheets;
5. CPM schedule to establish project construction activities within the specified construction time.
6. Maintenance and Custodial Plan.

The Firm's key personnel shall participate in the resolution meeting to resolve all comments on the submittal. Prepare a "Minutes of Meetings" for approval and distribution by DPW.

TASK 5. FINAL PS&E

After approval of the Pre-Final PS&E, and Maintenance and Custodial Plan submit five (5) copies for final review. Upon approval of the final PS&E, and Maintenance and Custodial Plan submit one original, five sets of PS&E and Maintenance and Custodial plan, and two copies of other items listed below:

1. Plans
2. Specifications
3. Estimates
4. Quantity take-off and computation sheets
5. Unit price analysis
6. Design analysis and computations
7. CPM Schedule
8. Maintenance and Custodial Plan

An electronic non-PDF workable file in AUTO CADD format, latest version, shall also be submitted in a separate disks for the plans, specifications, and estimates; and Maintenance and Custodial Plan for each school.

IV PLANS AND DRAFTING

1. The PS&E be prepared in conformance with the standard format furnished by the Government.
2. Plan size shall be 24" x 36".

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3. All plans and details shall be legible when reduced to one-half size plans (50% reduction). The minimum size of alphanumeric text on the reduced plans shall be 1/8".
4. Design Phase completion time shall be within **thirty (30) calendar days**.

V CONSTRUCTION SCHEDULE

Upon completion and approval by the Government of each PS&E's the government will hold a preconstruction conference and issue a Notice To Proceed. The construction time for new JFK high school in Tamuning shall be **two hundred seventy (270) calendar days**.

A building permit must be secured for the JFK high school prior to construction, and an occupancy permit must be secured prior to acceptance of the new school building.

VI DESIGN CODES/GUIDES AND REFERENCES

All services shall be performed in accordance with the general criteria contained in the following references:

- a. Building Law, Title XXXII, Government Code of Guam
- b. International Building Code (2000 Edition)
- c. Uniform Mechanical Code (Latest Edition)
- d. International Plumbing Code (Latest Edition)
- e. National Electrical Code(NEC- Latest Edition)
- f. National Electrical Safety Code (NESC- Latest Edition)
- g. Life Safety Code (Latest Edition)
- h. Uniform Fire Code (Latest Edition)
- i. Illuminating Engineering Society (IES)
- j. American Disability Act
- k. GEPA, USEPA, CFR29
- l. A policy on Geometric Design of Highways and Streets
- m. All other codes, regulations, technical publications and design manuals applicable in the performance of this RFP
- n. Guam Energy Code

VII GOVERNMENT REVIEWING AND APPROVING AGENCIES:

- a. Department of Public Works
- b. Guam Environmental Protection Agency
- c. Department of Land Management
- d. Guam Telephone Authority
- f. Guam Power Authority
- g. Guam Waterworks Authority
- h. Guam Fire Department

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- i. Guam Historic Preservation

VIII FACILITIES MAINTENANCE AND CUSTODIAL SERVICES

The building maintenance and custodial services phases shall commence upon acceptance of each school and shall continue for a period of thirty (30) years or until the leaseback contract is completed.

Building maintenance include the preventive maintenance of the whole facility (ies), maintenance and replacement of fixed equipments.

Custodial services include all janitorial services, ground maintenance and including disposal of trash.

IX UTILITIES AND ROUTINE MAINTENANCE AND REPAIR

The Education Agency shall be responsible for the connection and payment of all utilities, including, without limitation , power , water, sewer, telephone, internet and cable of the Education Facility.

Routine maintenance, repair and upkeep shall be the responsibility of the Education Agency and / or the Contractor, as provided by the terms of the Contract.

X CONTRACTOR RESPONSIBLE FOR CAPITAL MAINTENANCE

The Contract with the Contractor, and the Lease-Back, shall provide that all capital maintenance and repair (including vandalism) of the Education Facility be performed by the Contractor as a separate cost.

The terms by which the contractor is to perform such capital maintenance shall be determined as a part of the bid process and shall be part of the conditions of the Contract. The Contract shall provide sufficient initial funding for the first five (5) years after the completion of the Education Facility.

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Attachment "A"

1. SITE ENTRY and PARKING::

- Entries to the school will remain the same, but with improved paving.
- Resurface and pave parking lot.
- Pave grass area from tennis court gate entrance to corner fence by traffic light.
- Area behind JFK statue needs to be leveled and paved for additional parking. The drop-off loop will be re-paved.
- The bus-drop-off area from the north gate will remain the same.
- Construct the new school building to limit vehicular access into the school's campus and physical education facilities and grounds.
- Egress needs to be included to allow student traffic from the main building to the annex buildings.
- Security gates to close off main building from facilities used during non-instructional time.

2. LANDSCAPING

- The tree in the center of the current courtyard will be left in tack and continue to serve as a reminder of the resilience of the school community.
- The tree will serve as the focal point of the new courtyard.
- Level and grass the area in front of the Annex Building for physical education.
- The flagpole at the front of the school will remain in its current location .
-

3. ACADEMIC CORES

- The main building will be a two-story building capable of housing 2300 students as per Public Law 29-114 & 29-106 and constructed on a rectangular footprint similar to the former building with an enlarged courtyard.

- The new building will be aligned with the Band/JROTC building, which will be the only remaining portion of the original quadrangle building and continue to serve as an entrance for students passing to their classrooms. Band /JROTC building shall repair all damages and upgraded including the A/C units, networking and electrical system to be connected to new building.
- Except for art, consumer science, business, special education, all classrooms in the main building will be general classrooms.
- The school will be organized with all science areas located at the existing annex, south of the main building proper.
- A new building will be added to the annex behind the existing two-story general classroom building (west). This new building will be a one-story building that will house two chemistry classrooms with a lab and storage between and one physics classroom with lab and storage.
- GCC Auto and Construction Trade shops will be added east of the Annex Building, between building and fence by Marine Drive. Each shop will contain shop trade work centers and classroom setting for 25 students.

4. SPECIAL EDUCATION

- Special Education is spread throughout the building.

5. SPECIAL NEEDS

- The special needs program will continue to be located on the first floor of the building. Building entries will provide accessible parking and drop-off area, ADA compliant.

6. ATHLETICS/PHYSICAL EDUCATION

- Athletics Field - High school requirements include a combined soccer/track/football field, baseball and softball fields, and three types of court sports with light post and fencing. Space for future swimming pool shall be provided.
- The excellent existing athletic facilities of JFK will remain and be

upgrade, i.e., track and field, football field, and upgrade/resurface tennis court to meet official standards with safe, durable and shock absorbing playing surface.

- A new gymnasium with a main playing area that meets current basketball requirements, including bleachers with storage areas underneath to house large equipment, i.e., wrestling mats and gymnastics equipment, will be built with additional new instructional areas off the main playing area, to include a weight room, dance room, multi-use activity room, and a classroom for seat work and written tests.
- All physical education facilities will be air-conditioned.
- An athletic director's office and equipment room will be built in close proximity to the gymnasium and field areas,
- The new gymnasium will be located at the southwest corner of the building near the existing fields and near the south parking lot.
- Locker rooms will provide showers with drying area and unobstructed dressing area. Each locker room will have storage areas within as well as within offices.
- Physical education teachers' offices will be located within each locker room with a large glass window that looks out onto the dressing area

6. AMPHITHEATER

- The courtyard stage will be demolished and replaced with a new amphitheater that is sufficiently large to hold students from one quarter of the school population.
- Location should be in such a manner that, when needed, the entire school can view the stage from the majority of the courtyard and second floor. It will be designed for performances as well as lectures.

7. LIBRARY

- The 8600 square foot library will contain an 1800 square foot media center in the center of the library building and a 900 square foot teacher resource center.

8. CAFETERIA

- The cafeteria will be accessible from the main parking lot by the tennis court side for vendor delivery and pick-up, as well as community use.
- The cafeteria will be central air-conditioned, seating capacity for 300-350 students and serving area with capacity for multiple lines.
- The cafeteria will be upgraded to allow Special Needs students to have easy accessibility.

9. ADMINISTRATION

- The administration offices will remain in its current location, adding additional offices for the different functions of operations. While generally located in the same area for visitors and staff convenience, individual functions will be separated.
- The counseling office, nurse's area, and career counseling will be relocated within the same wing, closer to the administrative offices.