



Jerrick Hernandez <jhernandez@guamopa.com>

In the Procurement Appeal of All Business Enterprises, Corp., Docket No. OPA-PA-22-002

Cynthia Guerrero <cguerrero@triton.uog.edu> Fri, Apr 22, 2022 at 4:39 PM
To: Jerrick Hernandez <jhernandez@guamopa.com>, Seth Forman <forman@guamlawoffice.com>
Cc: "Camacho, Anthony" <arcamacho@triton.uog.edu>, "MSanchez@guamlawoffice.com" <MSanchez@guamlawoffice.com>

Cynthia Guerrero has shared a OneDrive for Business file with you. To view it, click the link below.

 [OPA-PA-22-002 UOG's Hearing Brief.pdf](#)

Hafa Adai:

Attached is a copy of the University of Guam's Hearing Brief in the above-referenced matter. Kindly acknowledge receipt. Thank you.

--
Si Yu'os ma'åse',



Cynthia T. Guerrero, MPA

Office of the Legal Counsel
Office: +1 (671) 735-2992
cguerrero@triton.uog.edu
<https://www.uog.edu/administration/office-of-the-president/legal-counsel>

The University of Guam is an equal opportunity provider and employer.

CONFIDENTIALITY STATEMENT: This message is from the University of Guam and contains information which is privileged and confidential and is solely for the use of the intended recipient. If you are not the intended recipient, any review, disclosure, copying, distribution, or use of the contents of this message is strictly prohibited. If you have received this transmission in error, please destroy immediately.

This email message (including any attachments) is for the sole use of the intended recipient(s) and may contain confidential information covered under the Family Educational Rights & Privacy Act (FERPA). If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message (including any attachments) is strictly prohibited. If you have received this message in error, please destroy all copies of the original message (including attachments) and notify me immediately by email or phone. Thank you.

ANTHONY R. CAMACHO, ESQ.
UNIVERSITY OF GUAM
UOG Station
Mangilao, Guam 96923

Appearing as Counsel for University of Guam

PROCUREMENT APPEAL

IN THE MATTER OF)	DOCKET NO. OPA-PA-22-002
)	
ALL BUSINESS ENTERPRISES, CORP.,)	UNIVERSITY OF GUAM'S
)	HEARING BRIEF
Appellant.)	
_____)	

COMES NOW, Purchasing Agency UNIVERSITY OF GUAM (UOG), through its General Counsel, ANTHONY R. CAMACHO, ESQ., who, in accordance with the OFFICE OF PUBLIC ACCOUNTABILITY’S (OPA) March 21, 2022 Scheduling Order, submits its Hearing Brief which is as follows:

I. BACKGROUND

On or about October 22, 2021, the University issued UOG-IFB-B21-17 (Purchasing of HVAC Equipment) (“IFB”), the IFB required, in relevant part, that the successful bidder provide condenser coils that are copper finned and which have been coated on the condenser and evaporator coils with a uniformly applied epoxy electrodeposition, phenolic, or vinyl type coating to all coil surface areas without material bridging between fins (Bold Emphasis Added). Section 2.2.1.1 Air-To-Refrigerant Coil, IFB Specifications, excerpt of IFB attached herein as Exhibit 1. The IFB also required, in relevant part, that

the successful bidder must provide UOG with the Manufacturer's standard catalog data, at least five (5) weeks prior to the purchase or installation of a particular component, highlights to show material, size, options, performance charts and curves, etc., in adequate detail to demonstrate compliance with contract requirements. Section 2.1 Materials, IFB Specifications, Id. On November 19, 2021, UOG issued IFB Amendment 3 which stated in relevant part, that UOG confirm the funding source for the IFB contract would be the Higher Education Emergency Relief Fund ("HEERF") and that the Buy American Act is to be followed "to the most extent possible." See excerpts from IFB Amendment 3, Id.

Three bidders submitted bids in response to the IFB, appellant ALL BUSINESS ENTERPRISES (ABE), JWS, and TONY'S WORKSHOP. UOG conducted a bid opening via Zoom conference at approximately 3:00 p.m. on December 6, 2021 and determined that TONY'S WORKSHOP submitted the lowest bid. See IFB's Abstract Analysis attached herein as Exhibit 2. On or about December 7, 2021, the University issued a Notice of Award of the IFB contract to TONY'S WORKSHOP. See Notice of Award attached herein as Exhibit 3.

On December 6, 2021, ABE submitted a Freedom of Information Act request on UOG requesting a copy of TONY'S WORKSHOP and JWS' bids submitted in response to the IFB including their ACCU Unit Brochures. UOG made those records available for ABE's inspection on December 13, 2021 and ABE received copies of those document on or about that day. On December 17, 2021 ABE filed a protest regarding the award of the IFB and UOG issued its decision denying the protest on January 25, 2022. On or about February 7, 2022 ABE filed the appeal in this matter.

II. ARGUMENT

UOG hereby incorporates by reference herein, the arguments, exhibits, and evidence that it has presented in its Agency Report, and its Rebuttal to the Appellant's Comments on the Agency Report. The OPA must deny ABE's appeal in this matter and award UOG its reasonable costs and attorney's fees for responding to ABE's December 17, 2021 Protest and this appeal for the following reasons:

A. TONY'S WORKSHOP'S Bid was Responsive

The evidence will show that TONY'S WORKSHOP's bid was responsive. Generally, a responsive bidder means a person who has submitted a bid which conforms in all material respects to the Invitation for Bids. Section 1.9.43, UOG Procurement Regulations (UOGPR). Here, as shown above, Section 2.2.1.1 of the IFB's specifications required that the successful bidder provide condenser coils that are copper finned and coat the condenser and evaporator coils with a uniformly applied epoxy electrodeposition, phenolic, or vinyl type coating to all coil surface areas without material bridging between fins. Hence, so long as the condenser coils on the HVAC equipment provided by the successful bidder are coated with either a epoxy electrodeposition, phenolic, or a vinyl type coating, the units have met this specification. Further, Section 2.1 of the IFB's specifications state that the successful bidder must provide UOG with the Manufacturer's standard catalog data, at least five (5) weeks prior to the purchase or installation of a particular component, highlights to show material, size, options, performance charts and curves, etc., in adequate detail to demonstrate compliance with contract requirements, and, for the six units

identified by ABE as not having descriptions of which of the three condenser coil coatings authorized by the specifications the units will have, the specifications require TONY'S WORKSHOP to provide the manufacturers standard catalog data at least five (5) weeks prior to the purchase or installation of the six (6) units at issue showing compliance with the condenser coating requirement. Finally, TONY'S WORKSHOP has confirmed that the six (6) units at issue will comply with the coil and fin coating requirements because they will all have condenser coils and coil fins that are coated with a flexible epoxy polymer coating uniformly applied to all coil surface areas without material bridging between fins, which is a standard coating, not an optional coating, on all the Carrier HVAC units being provided by TONY'S WORKSHOP and this type of coating is a type of electrodeposition coating which complies with Section 2.2.1.1 of the IFB's specifications. See Letter from Arnel Francisco, Carrier Guam Inc., attached herein as exhibit 4. Thus, the evidence will show that TONY'S WORKSHOP has complied with Section 2.2.1.1 and Section 2.1 of the IFB.

The real material specifications for the HVAC units were specified in the bid form. Said form specifically states that the bid award was to be based on the required items in Table 1.0, price, compliance with the specification, to include, but not limited to Sections 2.2.1.1 and 2.1 cited above, services, delivery, and any requirements in the bid package. See Exhibit B, IFB attached herein as Exhibit 5. As shown in UOG's Agency Report and Rebuttal to Appellant's Comments on the Agency Report, TONY'S WORKSHOP complied with all of these material requirements.

Based on the foregoing, TONY'S WORKSHOP's bid submitted in response to the IFB conformed in all material respects to the IFB and ABE's allegations to the contrary have no merit.

B. JWS' Bid was Responsive

The evidence will show that JWS' bid was responsive. ABE will not be able to prove its allegations concerning Dunham Bush's factory in Florida because the evidence will show that it is in fact in operation and that, should JWS be awarded the contract, all of the HVAC units JWS will supply will comply with the Buy America Act because they will be manufactured at the Florida factory.

The evidence will also show that ABE's second allegation that JWS made no mention of coating for any of the units it was offering is equally without merit. As shown in its Rebuttal to Appellant's Comments on the Agency Report, very clearly in its bid JWS states that it will be using a Hydrophilic protective coating on all the HVAC units it was offering, and that this coating is a type of Phenolic coating which complies with Section 2.2.1.1 of the IFB Specifications.

Based on the foregoing, there is no merit to ABE's allegations that JWS' bid was non-responsive.

C. ABE's Allegations concerning the Copper Tubes and Copper Fins have no merit.

ABE is raising this issue for the first time in its hearing brief. A written protest shall include as a minimum the following: (1) The name and address of the protestor; (2)

Appropriate identification of the procurement, and, if a contract has been awarded, its number; (3) A statement of reasons for the protest; and (4) Supporting exhibits, evidence, or documents to substantiate any claims and if supporting documents are not available within the filing time, the expected availability date shall be indicated. Section 9.2.3.3, UOGPR. Here, the passage concerning the copper tubes was in ABE's exhibits and not in their statement of the reasons for its protest. Hence, it was not considered, there is no protest decision concerning that issue because of the means by which ABE incorporated the passage into its exhibits, and without a protest decision by UOG, there is no such decision on this issue for the OPA to review.

Alternatively, should the OPA find that this issue is properly before it, the evidence will show that the bids from TONY'S WORKSHOP and JWS complied with the copper tube requirements as set forth in the IFB's specifications.

D. Termination of the Award is not the only Remedy

There is no merit to ABE's argument that termination of TONY'S WORKSHOP'S bid is the only remedy available to the OPA should it find TONY's WORKSHOP's bid to be non-responsive. As shown in its Agency Report and Rebuttal to the Appellant's Comments on the Agency Report, the OPA could authorize UOG to treat TONY'S WORKSHOP's omission of the coating description for the six (6) units at issue here as a minor informality in accordance with Section 3.9.13.4, UOG Procurement Regulations,

or as a mistake discovered after award pursuant to Section 3.9.13.5, UOG Procurement Regulations, or ratify or affirm the contract in accordance with Section 9.7.1.1, UOG Procurement Regulations. Concerning ABE's allegations about the Attorney General, the OPA must be advised that UOG's General Counsel has been designated by the Attorney General's Office as Special Assistant Attorney General for UOG's procurement of the HVAC units. Hence, UOG has complied with that requirement.

Additionally, due to the fact that ABE's bid was for \$1,456,044, which is more than double TONY'S WORKSHOP's bid of \$584,926.51, and JWS' bid of \$658,572, UOG also has the option of rejecting ABE's bid due to lack of funding to cover this exorbitantly high bid price. Also, as shown in the Agency Report and the Rebuttal to the Appellant's Comments on the Agency Report, the IFB also allows UOG to accept TONY'S WORKSHOP's bid without the six (6) units in questions.

Thus, the evidence and law support UOG's argument that termination of TONY'S WORKSHOP's award is not the only remedy available should the OPA find that it's bid was non-responsive.

E. ABE'S Bid was Non-Responsive

The evidence will show that should the OPA find TONY'S WORKSHOP's bid and JWS's bid to be non-responsive for the reasons propounded by ABE, specifically that the literature and brochure excerpts provided by TONY'S WORKSHOP and JWS did not state all the requirements of the IFB specifications, the OPA must apply that same standard to

ABE's bid and find that it is non-responsible because they failed to state all the requirements in the IFB specifications in their bid.

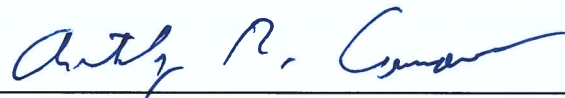
F. UOG MUST BE AWARDED ITS LEGAL FEES

As shown in its Agency Report and Rebuttal to Appellant's Comments on the Agency Report, UOG is entitled to its costs and legal fees should it prevail in this matter.

CONCLUSION

Based on the foregoing, the OPA must deny ABE's appeal, sustain UOG's January 25, 2022 protest decision, and the OPA must find that ABE's protest and this appeal are at least frivolous, and possibly fraudulent, and meant solely to disrupt the procurement process and award UOG its reasonable costs and reasonable attorney fees in responding to them.

SUBMITTED this 22nd day of April, 2022 by:



ANTHONY R. CAMACHO, ESQ.
Attorney for the University of Guam

1.2 SUBMITTALS

SD-03 Product Data Spare Parts

Posted Instructions

Coil Corrosion Protection System Performance Tests Training

Inventory

Environmental Data

Supplied Products

SD-06 Test Reports

Refrigerant Tests, Charging, and Start-Up

System Performance Tests

SD-07 Certificates Service

Organizations

SD-10 Operation and Maintenance Data

Operation and Maintenance Manuals

1.3 DELIVERY, STORAGE, AND HANDLING

Protect stored items from the weather, humidity and temperature variations, dirt and dust, or other contaminants. Properly protect and care for all material both before and during installation. Submit an inventory of all the stored items. Replace any materials found to be damaged, at no additional cost to the Government. During installation, cap piping and similar openings capped to keep out dirt and other foreign matter.

1.4 ENVIRONMENTAL REQUIREMENTS

For proper Indoor Environmental Quality, maintain pressure within the building as indicated. Ventilation must meet or exceed ASHRAE 62.1 and all published addenda. Meet or exceed filter media efficiency as tested in accordance with ASHRAE 52.2. Thermal comfort must meet or exceed ASHRAE 55.

1.5 WARRANTY

Provide equipment with the 1 year manufacturer's warranty

PART 2 PRODUCTS

2.1 MATERIALS

Provide Manufacturer's standard catalog data, at least 5 weeks prior to the purchase or installation of a particular component, highlighted to show material, size, options, performance charts and curves, etc. in adequate detail to demonstrate compliance with contract requirements. Data includes manufacturer's recommended installation instructions and procedures. If vibration isolation is specified for a unit, include vibration isolator literature

2.1.4 Safety Devices

Exposed moving parts, parts that produce high operating temperature, parts which may be electrically energized, and parts that may be a hazard to operating personnel must be insulated, fully enclosed, guarded, or fitted with other types of safety devices. Safety devices must be installed so that proper operation of equipment is not impaired. Welding and cutting safety requirements must be in accordance with AWS Z49.1.

2.2 EQUIPMENT

2.2.1 Large-Capacity Split-System Air Conditioners (Greater Than 65,000 Btu/h)

Provide an air-cooled, split system which employs a remote condensing unit, a separate indoor unit, and interconnecting refrigerant piping. Provide the air conditioning type unit conforming to applicable Underwriters Laboratories (UL) standards including UL 1995. Unit must be rated in accordance with ANSI/AHRI 210/240. Provide unit with necessary fans, air filters, and cabinet construction as specified in paragraph UNITARY EQUIPMENT ACCESSORIES. Provide double-width, double inlet, forward curved centrifugal scroll type evaporator or supply fans. Provide the manufacturer's standard for the unit specified and may be centrifugal scroll type condenser or outdoorfans. Enclose fan condenser motors in totally enclosed enclosures and permanently lubricate ball bearings. Air Conditioners must have a minimum energy efficiency ratio (EER) of 12.

2.2.1.1 Air-To-Refrigerant Coil

Provide coils with copper tubes of 3/8 inch minimum diameter with copper fins that are mechanically bonded or soldered to the tubes. Provide casing of galvanized steel. Avoid contact of dissimilar metals. Test coils in accordance with ASHRAE 15 & 34 at the factory and ensure suitability for the working pressure of the installed system. Dehydrate and seal each coil testing and prior to evaluation and charging. Provide each unit with a factory operating charge of refrigerant and oil. Field charge unit shipped with a holding charge with refrigerant and oil. Provide separate expansion devices for each compressor circuit. Condenser coil must have special coating for corrosion resistance. Condenser coil must be copper finned. Coat condenser and evaporator coil with a uniformly applied epoxy electrodeposition, phenolic, or vinyl type coating to all coil surface areas without material bridging between fins. Apply coating at either the coil or coating manufacturer's factory. Coating process must ensure complete coil encapsulation and be capable of withstanding a minimum 1,000 hours exposure to the salt spray test specified in ASTM B117 using a 5 percent sodium chloride solution.

2.2.1.2 Refrigeration Circuit

Refrigerant-containing components must comply with ASHRAE 15 & 34 and be factory tested, cleaned, dehydrated, charged, and sealed. Provide refrigerant charging valves and connections, and pumpdown valves for each circuit.

2.2.1.3 Unit Controls

Provide unit internally prewired with a 208 volt control circuit powered by an internal transformer. Provide terminal blocks for power wiring and external control wiring. Unit must have cutoffs high and low pressure, and low oil pressure for compressors with positive displacement oil pumps, supply fan failure, and safety interlocks on all service panels. Stage multiple compressors by means of a time delay. Internally protect unit by a circuit breaker in accordance with UL 1995.



ADMINISTRATION & FINANCE
Consolidated Procurement Office

AMENDMENT 3

Invitation for Bid (IFB)
UOG IFB No. B21-17

Date Issued: November 19, 2021

"PURCHASING HVAC EQUIPMENT"

This is to notify all prospective offerors of the following amendment set forth below:

- 1.1 **Question & Answer Sheet 1 as set forth in the attached.**
- 1.2 **REPLACE Exhibit B "Scope of Work & Bid Price Form" with corrected forms as set forth in the attached.**
- 1.3 **Copy of Pre-bid Conference Sign-in sheet as set forth in the attached.**
- 1.4 **Deadline for submission should read as follows: Monday, November 29, 2021 at 2:00 p.m. (your bid submission must be submitted electronically to the Bid Share folder provided by UOG Procurement Office on or before 2:00 p.m.) Bid opening will take place at 3:15 p.m. via ZOOM link provided by procurement office to all registered offerors.**

All other terms and conditions remain the same.

Emily G. Gumataotao
Supply Management Administrator

Please acknowledge receipt and email: uog.bids@triton.uog.edu:

Name of company: _____

Print Name/Signature/date

T: +1 671.735.2925 F: +1 671.735-3010 W: www.uog.edu E: uog.bids@triton.uog.edu
Mailing Address: 303 University Drive UOG Station Mangilao, Guam 96913

The University of Guam is a U.S. Land Grant Institution accredited by the Western Association of Schools and Colleges Senior College and University Commission and is an equal opportunity provider and employer.

B21-17454.024

OPA-PA-22-002-411

UOG INVITATION FOR BIDS NO. B21-17:
PURCHASING OF HVAC EQUIPMENT

QUESTION & ANSWER SHEET NO. 1
November 19, 2021

In response to the written "Questions" and/or 'Request for Clarifications' UOG received as of 10/26/2021 @ 4:49pm from vendor: Guam Pacific Enterprise, Inc.

Question 1: Section 5011 of Chapter 5 is not included in the Bid documents. (Policy In Favor of Serviced - Disabled Veteran Owned Business)

Answer: Please refer to Amendment 2. Item 1.4 #21

Question 2: Is the Bid All or None Bid?

Answer: UOG confirms yes, this is an All or None Bid.

Question 3: Is the installation required?

Answer: UOG confirms Installation is not required.

Question 4: Also, will you be using Federal Financial assistance Awards for this Bid therefore it is covered by Buy American Act.

Answer: UOG confirms Funds are from Higher Education Emergency Relief Fund (HEERF) The Buy American Act is to be followed "to the most extent possible.

In response to the written "Questions" and/or 'Request for Clarifications' UOG received as of 10/29/2021 @ 5:48pm from vendor: MJM International Corporation

Question 1: May I please get more information for the attached? Kindly clarify if it is the ton per unit and column (ton) is the total tonnage.

Answer: UOG confirms ton is the total tonnage.

In response to the written "Questions" and/or 'Request for Clarifications' UOG received as of 11/7/2021 @ 12:00pm from vendor: JWS Refrigeration & A/C Ltd.

Question 1: It was mentioned that you want to use only one manufacturer for the complete project, but you have Daikin condensers at the Marine Lab. It also is our understanding that many of the indoor units connected to these Daikin condensers also do not operate. These are VRF systems, which means they communicate with each other so you cannot use different manufacturers. Please clarify your intentions on this system.

Answer: UOG Confirms there is no need for VRF/VRV units as Item Description/Location has been revised to remove Marine Lab requirement. Please refer to Amendment 3, item 1.2.

UOG INVITATION FOR BIDS NO. B21-17:
PURCHASING OF HVAC EQUIPMENT

Answer: UOG confirms Funds are from Higher Education Emergency Relief Fund (HEERF) The Buy American Act is to be followed "to the most extent possible.

Question 2: The RFQ Equipment specifications refer to VFR /VRV Units. It does not go into detail on the units being requested.

Answer: UOG Confirms there is no need for VRF/VRV units as Item Description/Location has been revised to remove Marine Lab requirement. Please refer to Amendment 3, item 1.2.

Question 3: Of the units requested, the RFQ does not state whether they are Packaged Units, or Ducted Split Units that require Air Handling Units.

Answer: UOG confirms we are purchasing "Ducted Split Condensers only. No AHU's in this bid.

Question 4: The RFQ does not state efficiency requirements (EER rating)

Answer: UOG confirms there are no EER rating.

Question 5: Are you asking for direct replacements for the units in each of the buildings?

Answer: UOG confirms, no. In some of the buildings we are consolidating units from smaller units to a bigger unit.

Question 6: The RFQ mentions Storage, some about installation, & providing specs 5 weeks in advance of purchases. However, the Scope states it purchase only.

Answer: UOG confirms no storage or installation required.

Question 7: Does the bidder need to supply storage?

Answer: UOG confirms no storage required

In response to the written "Questions" and/or 'Request for Clarifications' UOG received as of 11/9/2021 @ 3:14pm from vendor: Ability Solutions LLC

Question 1: Can you provide a copy of the transcript for the sign-in on inspection day?

Answer: Please refer to Amendment 3, item 1.3.

In response to the written "Questions" and/or 'Request for Clarifications' UOG received as of 11/10/2021 @ 10:02am from vendor: Ability Solutions LLC

Question 1: May I inquire when the deadline is to deliver the equipment's?



ADMINISTRATION & FINANCE
Consolidated Procurement Office

ABSTRACT ANALYSIS
UOG IFB BID NO. B21-17

Title: PURCHASING OF HVAC EQUIPMENT

Date Issued: 10/22/2021 Date/Time Opened: 12/06/2021/ 3:15 p.m.

Amendments Issued: Amendment 1 10/29/2021, Amendment 2 10/29/2021, Amendment 3 11/19/2021,
Amendment 4 11/22/2021, Amendment 5 11/24/2021, & Amendment 6 12/03/2021

This Bid is requested for: Lowest Responsive and Responsible Bidder

	VENDORS/BIDDERS		
	ALL BUSINESS ENTERPRISE	JWS	TONY'S WORKSHOP
Date Bid Submitted	12/06/2021	12/06/2021	12/06/2021
Time Bid Submitted	11:31	11:33	1:21 PM
Business License	X	NOT INCLUDED	NOT INCLUDED
Contact for Contract Administration (B)	X	X	X
Bidder's Qualifications (C)	X	X	X
BID SECURITY (D)	CC - \$218,410.00	CC - \$98,785.80	BB
Major Shareholder Affidavit (E)	X	X	X
Non-Collusion Affidavit (F)	X	X	X
Gratuities, Kickbacks Favors (G)	X	X	X
Ethical Standards (H)	X	X	X
DOL Wage Determination (I)	X	X	X
Contingent Fees (J)	X	X	X
Amendment 1	X	X	X
Amendment 2	X	X	X
Amendment 3	X	X	X
Amendment 4	X	X	X
Amendment 5	X	X	X
Amendment 6	X	X	X

Table 1.0

RFK BUILDING SECOND FLOOR	\$120,002.50	\$74,837.72	\$55,372.32
RFK BUILDING FIRST FLOOR	\$107,574.60	\$59,870.18	\$52,856.01
RFK BUILDING FIRST FLOOR MAIN ENTRANCE	\$67,372.50	\$22,451.32	\$17,711.51
RFK BUILDING FIRST FLOOR AV ROOM	\$67,372.50	\$22,451.32	\$17,711.51
RFK BUILDING FIRST FLOOR OFFICES	\$80,461.60	\$29,935.09	\$24,262.45
PIP SECOND FLOOR	\$80,461.60	\$29,935.09	\$24,262.45
SCIENCE BUILDING FIRST FLOOR	\$107,574.60	\$59,870.18	\$52,856.01
SCIENCE BUILDING SECOND FLOOR	\$107,574.60	\$59,870.18	\$52,856.01
SCIENCE BUILDING THIRD FLOOR	\$80,461.60	\$29,935.09	\$24,262.45
ENGLISH COMMUNICATION BUILDING CLASSROOM	\$983,59.60	\$44,902.64	\$36,503.19
COMPUTER CENTER OIT BUILDING FIRST FLOOR	\$120,002.50	\$74,837.73	\$55,372.32
LECTURE HALL AUDITORIUM	\$80,461.60	\$29,935.09	\$24,262.45
HSS BUILDING	\$240,005.00	\$74,837.73	\$110,134.64
HSS BUILDING	\$98,359.60	\$44,902.64	\$36,503.19
GRAND TOTAL	\$1,456,044.40	\$658,572.00	\$584,926.51

T: +1 671.735.2925 F: +1 671.735.3010 W: www.uog.edu E: uog.bids@triton.uog.edu

Mailing Address: 303 University Drive UOG Station Mangilao, Guam 96913

The University of Guam is a U.S. Land Grant Institution accredited by the Western Association of Schools and Colleges Senior College and University Commission and is an equal opportunity provider and employer.

OPA PA-22-002-414

Exhibit 2



ADMINISTRATION & FINANCE
Consolidated Procurement Office

DELIVERY	18-20 WEEKS	9-12 WEEKS	24 WEEKS
-----------------	--------------------	-------------------	-----------------

TABLE 2.0

Service for Maintenance and upkeep	\$51,000.00	\$1,275.00 QUARTER \$5,100.00 ANNUAL	\$26,000.00 QUARTER
Services for disposal	\$11,250.00	INCLUSIVE	\$54,148.63
Replacement/trade in program	TO BE DISCUSSED UPON AWARD.	1 YEAR WARRANTY	\$196,766.42

Attendees: (Print name & sign opposite the firm you represent)

Company/Firm Name	Representative (Print Name)	Signature
All Business Enterprises Corporation	Nelia Bangayan	ONLINE ZOOM
Tony's Workshop	Michael Ecalnea	ONLINE ZOOM
All Business Enterprises Corporation	Gene Bangayan	ONLINE ZOOM
JWS	Anthony Scragg	ONLINE ZOOM

Tabulators:

Emily G. Gumataotao	SMA	ONLINE ZOOM
Kaimana K. Tertaje	Property Control Officer	ONLINE ZOOM

T: +1 671.735.2925 F: +1 671.735.3010 W: www.uog.edu E: uog.bids@triton.uog.edu
Mailing Address: 303 University Drive UOG Station Mangilao, Guam 96913
The University of Guam is a U.S. Land Grant Institution accredited by the Western Association of Schools and Colleges Senior College and University Commission and is an equal opportunity provider and employer.

OPA-PA-22-002-415



ADMINISTRATION & FINANCE
Consolidated Procurement Office

December 7, 2021

TONY's WORKSHOP
P.O. Box 23066 GMF
Barrigada, Guam 96921
Main: 671-637-3060
Email: mike@tonysworkshop.com | tonysworkshop@teleguam.net

RE NOTICE OF AWARD- UOG IFB B21-17: "PURCHASING OF HVAC EQUIPMENT"

Dear Sir/Madam

This letter is to certify that TONY's WORKSHOP is being awarded the University of Guam IFB BID B21-17.

As a result of our evaluation on the above referenced IFB, a purchase order or contract will be forthcoming.

A representative from the respective unit will be in contact with you upon issuance of the purchase order and/or contract.

If you have any questions, please feel free to contact me at 735-2925 or email at uog.bids@triton.uog.edu.

Thank you and Congratulations!

Sincerely,

Emily G. Gumataotao
Supply Management Administrator

Please acknowledge receipt and return via email to uog.bids@triton.uog.edu

(Please print name and sign) (DATE)

cc: FMS
PROCUREMENT FILES

T: +1 671 735 2925 F: +1 671 735 3010 W: www.uog.edu E: uog.bids@triton.uog.edu
Mailing Address: 303 University Drive UOG Station Mangilao, Guam 96913

The University of Guam is a U.S. Land Grant Institution accredited by the Western Association of Schools and Colleges Senior College and University Commission and is an equal opportunity provider and employer.

Exhibit 3
02-PA-22-002-16



ADMINISTRATION & FINANCE
Consolidated Procurement Office

December 7, 2021

TONY's WORKSHOP
P.O. Box 23066 GMF
Barrigada, Guam 96921
Main: 671-637-3060
Email: mike@tonysworkshop.com / tonyworkshop@teleguam.net

RE: NOTICE OF AWARD- UOG IFB B21-17: "PURCHASING OF HVAC EQUIPMENT"

Dear Sir/Madam:

This letter is to certify that **TONY's WORKSHOP** is being awarded the University of Guam IFB **BID B21-17**.

As a result of our evaluation on the above referenced IFB, a purchase order or contract will be forthcoming.

A representative from the respective unit will be in contact with you upon issuance of the purchase order and/or contract.


If you have any questions, please feel free to contact me at 735-2925 or email at uog.bids@triton.uog.edu.

Thank you and Congratulations!

Sincerely,

Emily G. Gumataotao
Supply Management Administrator

Please acknowledge receipt and return via email to uog.bids@triton.uog.edu.

Michael Ecalnea  12/7/21
(Please print name and sign) (DATE)

cc: FMS
PROCUREMENT FILES

T: +1 671.735.2925 F: +1 671.735.3010 W: www.uog.edu E: uog.bids@triton.uog.edu

Mailing Address: 303 University Drive UOG Station Mangilao, Guam 96913

The University of Guam is a U.S. Land Grant Institution accredited by the Western Association of Schools and Colleges Senior College and University Commission and is an equal opportunity provider and employer.

OPA-PA-22-002-417

TAB 8



March 8, 2022

Mr. Michael Ecalnea
Tony's Workshop
P.O. Box 23066 GMF
Barrigada, Guam 96921-3066
Mobile: (671) 888-3159
Tel: (671) 637-3060
Fax: (671) 637-3139

Subject: Letter of Guarantee (UOG IFB B21-17)

Dear Mr. Ecalnea,

Per your Inquiry, we would like to confirm that our CARRIER® Air-cooled Condensing Units which we have offered to supply for the above subject Project are complying with the UOG specifications i.e., COIL PROTECTION CORROSION.

Our Proposed 38A (PD/PS/UD/UZ) series ACCU comes standard with **E-coated CU fin, CU tubes condenser coils**. This type of coating known as Electrocoating is called the "Electrodeposition" which is also stated in the above-mentioned project specification reference section 2.6.1. We attach herewith Carrier literature (TECHNICAL DESCRIPTION: The E-coat Process) for your reference.

Please do not hesitate to contact us if you need further assistance.

Very truly yours,

Arnel Francisco
Carrier Guam, Inc.

188 Tun Joaquin Flores Road, Tamuning, GU 96913

Exhibit 4

TECHNICAL
DESCRIPTION:

The *E-Coat* Process



The E-Coat Process

The *E-Coat* process ensures that an extremely durable and flexible epoxy coating is uniformly applied over all coil surfaces for complete encapsulation from exposure to the contaminated environment. A consistent coating is achieved through a precisely controlled electrodeposition process that bonds a thin impermeable epoxy coating on the specially prepared coil surfaces.

Electrodeposition, also known as electrocoating (*E-Coat*) is a multistep process that ensures ultraclean coils are properly coated, cured, and protected from environmental attack (Fig 1). This process includes complete immersion degreasing to remove contamination and ensure that all surfaces are ultraclean. The water bath rinses residual dust and contamination away in preparation for the *E-Coat* process. The fundamental principle of electrocoating is that the materials with opposite electrical charges attract each other. An electrocoating system applies a DC charge to the coil immersed in a bath of oppositely charged epoxy molecules. The molecules are drawn to the metal, forming an even, continuous film over the entire surface. At a certain point, the coating film insulates the metal, stopping the attraction and preventing further coating deposition.

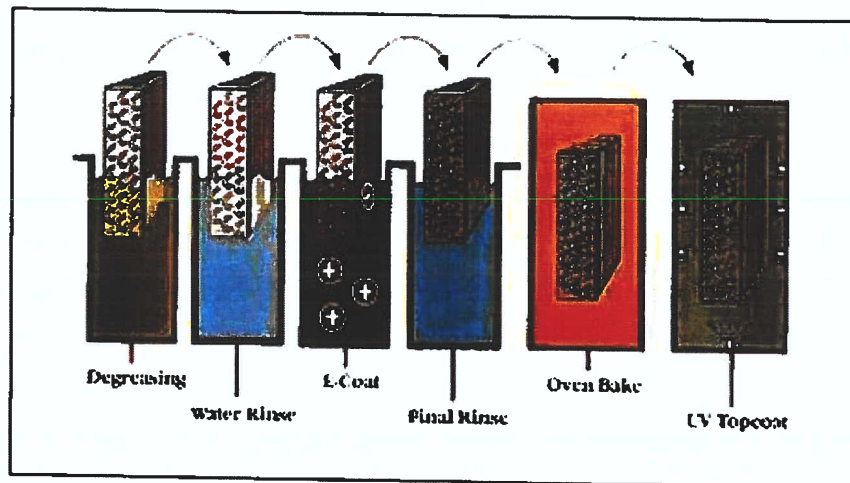


Fig 1 *E-Coat* Process

The final rinse bath removes and recovers residual coating material to ensure a smooth coating and minimize process waste. A precisely controlled oven bake cures the coating uniformly to ensure consistent adhesion on all coil surfaces. And finally, a protective UV topcoat is applied to protect the finish from ultraviolet attack and to ensure coating durability and long life. This final process is applied only to condenser coils that are susceptible to sunlight exposure.

Technical Description: E-Coat

E-Coat creates a smooth, consistent, and flexible protection that penetrates deep into all coil cavities and covers the entire coil assembly, including the fin edges (Fig 2). The process in conjunction with the coating material results in a less brittle, more resilient and more durable coating than previous phenolic coatings without bridging between adjacent fins. Coils treated with *E-Coat* provide superior protection in the most severe environments.

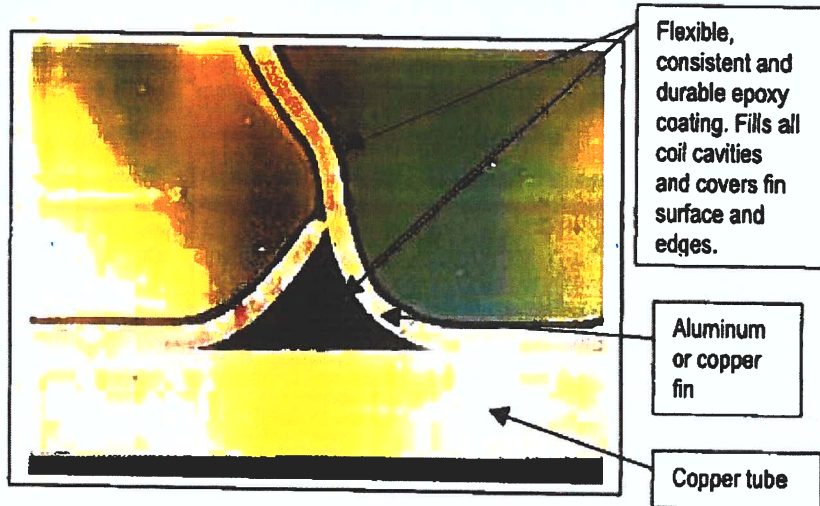


Fig 2. 50X Magnification of E-Coat Applied to Aluminum-Fin Copper-Tube Coil

EXHIBIT B
UOG BID NO. B21-
17

PURCHASING OF HVAC EQUIPMENT OF THE UNIVERSITY OF GUAM

Scope of Work

1. Scope of the Work

This bid is to select and award a contract for the purchasing of multiple Air Conditioning units for the University of Guam.

2. Bid Submittals

- a) Bid prices shall be submitted on Bid Price Form. All prices shall include shipping, delivery, and manufacturer's warranty. Any additional cost not stated in this bid but are required to complete the delivery and installation must be included in the bidder's price.
- b) Bidder shall submit an electronic copy to the Share folder that UOG procurement office provides.

Contractor is required to submit prices for Table 1.0.
Bid award to be based on the required items in Table 1.0 and to be based on price, compliance to the specification, services, delivery and any requirements in the BID package, BID NO. B21-17.

Table 1.0 Bid Price Form

No.	ITEM DESCRIPTION	BID Price																																																												
1	<table border="1"> <thead> <tr> <th>LOCATION</th> <th>UNIT</th> <th>TONS</th> <th>VOLTAGE</th> <th>TVX</th> </tr> </thead> <tbody> <tr> <td>RFK BUILDING SECOND FLOOR</td> <td>1</td> <td>50</td> <td>208 / 230</td> <td>2 EA. - 25</td> </tr> <tr> <td>RFK BUILDING FIRST FLOOR</td> <td>1</td> <td>40</td> <td>208 / 230</td> <td>2 EA. -</td> </tr> <tr> <td>20RFK BUILDING FIRST FLOOR MAIN ENTRANCE</td> <td>1</td> <td>15</td> <td>208 / 230</td> <td>2 EA. -</td> </tr> <tr> <td>7.5RFK BUILDING FIRST FLOOR AV ROOM</td> <td>1</td> <td>15</td> <td>208 / 230</td> <td>2 EA. -</td> </tr> <tr> <td>7.5RFK BUILDING FIRST FLOOR OFFICES</td> <td>1</td> <td>20</td> <td>208 / 230</td> <td>2 EA. - 10</td> </tr> <tr> <td>PIP (GLE) SECOND FLOOR</td> <td>1</td> <td>20</td> <td>208 / 230</td> <td>2 EA. -</td> </tr> <tr> <td>10SCIENCE BUILDING FIRST FLOOR</td> <td>1</td> <td>40</td> <td>208 / 230</td> <td>2 EA. -</td> </tr> <tr> <td>20SCIENCE BUILDING SECOND FLOOR</td> <td>1</td> <td>40</td> <td>208 / 230</td> <td>2 EA. -</td> </tr> <tr> <td>20SCIENCE BUILDING THIRD FLOOR</td> <td>1</td> <td>20</td> <td>208 / 230</td> <td>2 EA. -</td> </tr> <tr> <td>10ENGLISH COMMUNICATION BUILDING CLASSROOM</td> <td>1</td> <td>30</td> <td>208 / 230</td> <td>2 EA. -</td> </tr> <tr> <td>15COMPUTER CENTER OIT</td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	LOCATION	UNIT	TONS	VOLTAGE	TVX	RFK BUILDING SECOND FLOOR	1	50	208 / 230	2 EA. - 25	RFK BUILDING FIRST FLOOR	1	40	208 / 230	2 EA. -	20RFK BUILDING FIRST FLOOR MAIN ENTRANCE	1	15	208 / 230	2 EA. -	7.5RFK BUILDING FIRST FLOOR AV ROOM	1	15	208 / 230	2 EA. -	7.5RFK BUILDING FIRST FLOOR OFFICES	1	20	208 / 230	2 EA. - 10	PIP (GLE) SECOND FLOOR	1	20	208 / 230	2 EA. -	10SCIENCE BUILDING FIRST FLOOR	1	40	208 / 230	2 EA. -	20SCIENCE BUILDING SECOND FLOOR	1	40	208 / 230	2 EA. -	20SCIENCE BUILDING THIRD FLOOR	1	20	208 / 230	2 EA. -	10ENGLISH COMMUNICATION BUILDING CLASSROOM	1	30	208 / 230	2 EA. -	15COMPUTER CENTER OIT					
LOCATION	UNIT	TONS	VOLTAGE	TVX																																																										
RFK BUILDING SECOND FLOOR	1	50	208 / 230	2 EA. - 25																																																										
RFK BUILDING FIRST FLOOR	1	40	208 / 230	2 EA. -																																																										
20RFK BUILDING FIRST FLOOR MAIN ENTRANCE	1	15	208 / 230	2 EA. -																																																										
7.5RFK BUILDING FIRST FLOOR AV ROOM	1	15	208 / 230	2 EA. -																																																										
7.5RFK BUILDING FIRST FLOOR OFFICES	1	20	208 / 230	2 EA. - 10																																																										
PIP (GLE) SECOND FLOOR	1	20	208 / 230	2 EA. -																																																										
10SCIENCE BUILDING FIRST FLOOR	1	40	208 / 230	2 EA. -																																																										
20SCIENCE BUILDING SECOND FLOOR	1	40	208 / 230	2 EA. -																																																										
20SCIENCE BUILDING THIRD FLOOR	1	20	208 / 230	2 EA. -																																																										
10ENGLISH COMMUNICATION BUILDING CLASSROOM	1	30	208 / 230	2 EA. -																																																										
15COMPUTER CENTER OIT																																																														

Exhibit 5

BUILDING FIRST FLOOR	1	50	277 / 460	2 EA. - 25
LECTURE HALL AUDITORIUM	1	20	277 / 460	2 EA. - 10
MARINE LAB FIRST FLOOR	2	10	208 / 230	2 EA. - 5
MARINE LAB SECOND FLOOR	2	10	208 / 230	2 EA. - 5
HSS BUILDING	2	50	277 / 460	2 EA. - 25
HSS BUILDING	1	30	277 / 460	2 EA. - 15
Grand Total				
Delivery: _____ weeks after receipt of purchase order				

OPTIONS

For Table 2.0 Options, the bidder's price will not be included as part of the total price evaluation for this bid award. UOG reserves the right to exercise any or part of the options requested. Insert any additional options recommended.

Table 2.0 Options

No.	Item Description	Price
1	Services for Maintenance and upkeep.	
2	Services for disposal.	
3	Replacement/trade in program	

OTHER NOTES:

1. These specifications have been written to describe minimum equipment and performance requirements to be supplied by the equipment manufacturer bidding. Reasonable tests may be conducted upon delivery before acceptance.
2. The University reserves the right to accept and/or reject any and all bids, to waive any defects, irregularities, or specification discrepancies and to award the bid deemed to be in the best interest of the University.

NOTE: Name and title of author of specifications:

University of Guam

Glenn Leon Guerrero, Director, Facilities Management & Services, Email: glennlg@triton.uog.edu

Emily Gumataotao, Supply Management Administrator, Email: eggumataotao@triton.uog.edu