

1 **D. GRAHAM BOTHA, ESQ.**  
2 **Guam Power Authority**  
3 **1911 Army Drive, Suite 227**  
4 **Tamuning, Guam 96913**  
5 **Ph: (671) 648-3203/3002**  
6 **Fax: (671) 648-3290**

7  
8 *Attorney for the Guam Power Authority*  
9

**RECEIVED**  
OFFICE OF PUBLIC ACCOUNTABILITY,  
PROCUREMENT APPEALS  
DATE: Aug 4, 2015  
TIME: 4:05  AM  PM BY: DC  
FILE NO OPA-PA: 15-06


10 **OFFICE OF THE PUBLIC AUDITOR**  
11 **PROCUREMENT APPEALS**

12  
13 IN THE APPEAL OF ) DOCKET NO. OPA-PA-15-006  
14 )  
15 IP&E Holdings, LLC, ) **APPELLEE'S EXHIBIT LIST**  
16 Appellant. )  
17 \_\_\_\_\_ )  
18  
19

20 **COMES NOW**, the GUAM POWER AUTHORITY, by and through its counsel of  
21 record, D. GRAHAM BOTHA, ESQ., and submits its Exhibit List for the August 18, 2015,  
22 hearing as follows:

- 23  
24 A. Bid Abstract, IFB GPA 005-015  
25 B. IFB Evaluation Committee Clarification Request, Procurement Record (PR) p.236  
26 C. GPA Insurance Clarification Letter to IP&E, PR 234-235  
27 D. Mobil Oil response to GPA Insurance clarification letter, PR 140-142  
28 E. GPA Fuel Oil Contract, IFB GPA 005-015, Excerpt, PR 856-857  
29 F. GPA Fuel Oil Contract, IFB GPA 005-015, Insurance Excerpt, PR 872  
30 G. GPA reserves the right to use all the documents contained within the procurement  
31 record filed with the Office of the Public Auditor.

32 **RESPECTFULLY SUBMITTED** this 4<sup>th</sup> day of August, 2015.

33  
34   
35  
36 **D. GRAHAM BOTHA, ESQ.**  
37 **GPA Legal Counsel**

Number of Invitations Issued **3**  
 Number of Bids Received **3**

PURCHASES & STORES DIVISION  
 GUAM POWER AUTHORITY  
 ABSTRACT OF BIDS

Invitation Number: **GPA-105-15**  
 Opening Date: **01/13/15**  
 Opening Time: **2:00 PM**

Description of Supplies or Services:  
**DIESEL FUEL OIL NO.2 AND AUTOMOTIVE GASOLINE  
 REGULAR UNLEADED FOR THE GPA TRANSPORTATION FLEET**

BIDDER	Acceptance Time (Days)	DISCOUNT	ITEM NO.	QTY	UNIT	DE. LIVERY	MFR
			1-A	1-B	PER GAL	PER GAL	
D) Mobil Oil Guam; Submitting Stand By Letter of credit w/ 1 original; 4 copies; 2 copies of Proposal; Stand By Letter of credit No: 01-58-1015; \$500,000.00; statement of qualification, address; Major US household; Non-Agriculture; No Kickbacks; Ethic standard; Wage Determination; Set Bidder; Local Procurement; Financial Report Submitted; Past References							\$3.030 \$2.990

I hereby certify that all bids received in response to this invitation were opened under my personal supervision, and that the names of all bidders have been entered herein.

Accepted By: [Signature] (Signature)  
 Date: 1/13/15  
 [Signature]

APPROVAL OF AWARDS (Bidders and Bids to be Awarded)

**BAIS FOR AWARD**

Lowest Responsive Bidder  
 Tie Bid  
 Only Bid  
 Other Than Lowest Responsive Bidder (See explanation on reverse hereof or attached)

Number of Awards (Contractors)

EX A

Number of Invitations Issued **3**  
 Number of Bids Received **3**

PURCHASES & STORES DIVISION  
 GUAM POWER AUTHORITY  
 ABSTRACT OF BIDS

Invitation Number **GPA-005-15**  
 Opening Date **6/13/15** Opening Time **2:00 PM**

Description of Supplies or Services  
**DIESEL FUEL OIL NO.2 AND AUTOMOTIVE FUEL OIL, REGULAR UNLEADED, FOR THE GMA TRANSPORTATION FLEET**

BIDDER	Assess- ment Time (Days)	DISCOUNT	ITEM NO.	1-A	1-B						
			QTY								
			UNIT	PER MTL	PER GAL						
			DE- LIVERY								
			MFG								
2) South Pacific Petroleum Corp				\$3.470	\$3.425						
Submitting: 1 original, 1 copy, 5 copies Company Profile. Bid Bond No: KLC-12573-B, \$500,000.00 Cash/Rate of All Authority, Address: Major Shareholder; Non Consultant, NO Kickbacks, Ethic Standards, Wage Determination, Saf & Anti Labor Payment. 2 copies of Insurance Policy, Schedule Rent Business License. Past Reference.											

I hereby certify that all bids received in response to this invitation were opened under my personal supervision, and that the names of all bidders have been entered herein.

Tabulated By *[Signature]*  
 Approved *[Signature]*  
 Date **7/12/15**

APPROVAL OF AWARDS (Initials and Printed Name of Approver)

**BASE FOR AWARD**

Lowest Responsive Bidder  
 Tie Bid  
 Only Bid  
 Other Than Lowest Responsive Bidder (See explanation on reverse hereof or attached)

Number of Awards (Contractors)

Number of Invitations Issued **3**  
 Number of Bids Received **3**

PURCHASES & STORES DIVISION  
 GUAM POWER AUTHORITY  
 ABSTRACT OF BIDS

Invitation Number **GPA 105-15**  
 Opening Date **01/13/15** Opening Time **2:00 P.M.**

Description of Supplies or Services	BIDDER	Accept- ance Time (Days)	DISCOUNT	ITEM NO.	1. A	1. B						
				QTY	UNIT	DE- LIVERY	WFO					
<i>Diesel Fuel, Oil No. 2 and Automotive Gasoline; Regular Unleaded For GMA Transportation Fleet</i>												
					<i>Per Gal</i>	<i>Per Gal</i>						
<b>3) IPTE Holdings, LLC DBA:</b>					<b>\$3,114</b>	<b>\$3,045</b>						
<i>IPTE Holding Guam Submitting</i>												
<i>1 Original, 5 Copies, 2 Enclach</i>												
<i>Statement of Qualification</i>												
<i>Bid Price NO: 70<sup>3</sup> 70<sup>3</sup> - Guam</i>												
<i>2014-1103, \$500,000.00</i>												
<i>Let of Authority: actuals</i>												
<i>Major structure NON</i>												
<i>Consistent, NO Kickbacks, other</i>												
<i>Standard, Wage Determination,</i>												
<i>CA Appending Local Accounts</i>												
<i>Business Lic. Renewal</i>												
<i>Report, 1 Original; 5 Copies of</i>												
<i>Insurance. Past Reference.</i>												

I hereby certify that all bids received in response to this invitation were opened under my personal supervision and that the names of all bidders have been entered herein.

Validated By *[Signature]*  
 Date **1/13/15**  
 Signature *[Signature]*

APPROVAL OF AWARDS (Bidders and Award Agent should sign)

**BASE FOR AWARD**

Lowest Responsive Bidder  
 Tie Bid  
 Only Bid  
 Other Than Lowest Responsive Bidder (See explanation on reverse hereof or attached)

Number of Awards (Contractors)

OF PERSONS PRESENT AT THE BID OPENING AND WHOM THEY REPRESENT  
(It is not necessary to fill in this portion if data is recorded elsewhere)

Tom Ambric - Mobil Oil Guam

BOB KOEPPEN - SPPC

ANNA VAN SETENS - SPPC

Tasi Peddicord - IPSE

JACOB TAREYANA - IPSE

ADMINISTRATIVE STATEMENT (When applicable)

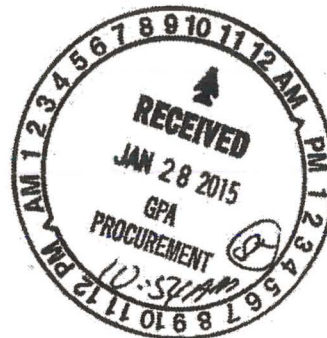


# GUAM POWER AUTHORITY

ATURIDAT ILEKTRESEDAT GUAHAN  
P O BOX 2977, AGANA, GUAM 96932-2977  
Telephone: (671) 648-3066 Fax: (671) 648-3168

CFO 15-012  
MEMORANDUM

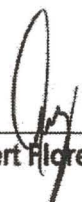
TO: SUPPLY MANAGEMENT ADMINISTRATOR  
FROM: EVALUATION COMMITTEE  
DATE: January 29, 2015  
SUBJECT: GPA-005-15 – Fleet Fuel IFB  
RE: Request for Clarification




The Committee would like to request for Insurance Clarification from Mobil, IP&E and SPPC. The following clarification is requested:

Kindly inquire with all three vendors that upon award their insurance provider will comply with the insurance requirements as stated in the IFB.

  
Franklin Taitague

  
Albert Florencio

  
Tamra Muna

Ex B



# GUAM POWER AUTHORITY

ATURIDÁT ILEKTRESEDÁT GUAHAN  
P.O.BOX 2977 • AGANA, GUAM U.S.A. 96932-2977

January 29, 2015

IP&E Holdings dba IP&E Guam  
643 Chalan San Antonio Ste 100  
Tamuning, Guam 96913-5644

**ATTENTION: Brian J. Bamba**  
**Managing Director**

**RE: Invitation for Bid No.: GPA-005-15 for Diesel Fuel Oil No. 2 and Automotive Gasoline,  
Regular Unleaded for the GPA Transportation Fleet**

Dear Mr. Bamba :

Upon review of your company's proposal, the Evaluation Committee requests to confirm the following:

1. That if awarded, your company will comply with the insurance requirements as stated in Part B, Section 3.13, Insurance of the IFB.

A response to this request is appreciated no later than Monday, February 02, 2015, close of business. Should you need any further information, please do not hesitate to contact me at (671) 648-3054/55 or fax 648-3165.

Respectfully,

JAMIE L.C. PANGELINAN  
Supply Management Administrator

Exc

# Fax Confirmation Report

Date & Time : JAN-29-2015 01:38PM THU  
 Fax Number : 6716483165  
 Fax Name : PROCUREMENT  
 Model Name : WorkCentre 4260

Total Pages Scanned:		1					
No.	Remote Station	StartTime	Duration	Page	Mode	Job Type	Result
001	6494353	01-29 01:37PM	00'12	001/001	EC	HS	Success

**Abbreviations:**

HS: Host Send      PL: Polled Local      EC: Error Correct      TS: Terminated by System  
 HR: Host Receive      PR: Polled Remote      MP: Mailbox Print      RP: Report  
 WS: Waiting Send      MS: Mailbox Save      TU: Terminated by User      G3: Group3



## GUAM POWER AUTHORITY

ATURIDÁT ILEKTRESEDÁT GUAHAN  
 P.O. BOX 2977 • AGANA, GUAM U.S.A. 96932-2977

January 29, 2015

IP&E Holdings dba IP&E Guam  
 643 Chalan San Antonio Ste 100  
 Tamuning, Guam 96913-5644

ATTENTION: Brian J. Bamba  
 Managing Director

RE: Invitation for Bid No.: GPA-005-15 for Diesel Fuel Oil No. 2 and Automotive Gasoline,  
 Regular Unleaded for the GPA Transportation Fleet

Dear Mr. Bamba:

Upon review of your company's proposal, the Evaluation Committee requests to confirm the following:

- That if awarded, your company will comply with the insurance requirements as stated in Part B, Section 3.13, Insurance of the IFB.

A response to this request is appreciated no later than Monday, February 02, 2015, close of business. Should you need any further information, please do not hesitate to contact me at (671) 648-3054/55 or fax 648-3165.

PLEASE ACKNOWLEDGE RECEIPT BY  
 SIGNING BELOW AND RETURN THIS FAX  
 TO STEPHANIE TAJERON, FAX NO.: 648-2165.


PRINT SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

COMPANY \_\_\_\_\_

APPRECIATE YOUR IMMEDIATE RESPONSE.  
 THANK YOU.

GPA PROCUREMENT DIVISION  
 TEL.: (671) 648-3254/65

Respectfully,

  
 JAMES L.C. PANGELINAN  
 Supply Management Administrator



**Stephanie M. Taijeron**

---

**From:** Anitok, Tom <tom.anitok@exxonmobil.com>  
**Sent:** Monday, February 02, 2015 4:56 PM  
**To:** Stephanie M. Taijeron  
**Cc:** Melissa C Uncangco; Jesse R Reyes; Anitok, Tom  
**Subject:** RE: GPA-005-15 - Diesel Fuel Oil No. 2 and Automotive Gasoline, Regular Unleaded for the GPA Transportation Fleet - Clarification  
**Attachments:** Certificate of Liability Insurance.pdf

Dear Stephanie,

I am confirming that Mobil Oil Guam will comply with the insurance requirements upon receiving the formal award notice and executed supply contract.

I've attached our existing Certificate of Insurance which will include this contract and Mobil will add GPA as additional insured and grant waiver of subrogation in favor of GPA.

Thank you and please confirm receiving this email.

Regards,

*Tom J. Anitok*

Guam Fleetcard Sales

RMI Retail & Comm'l Sales

Cell: (671) 687-3821

Fax: (671) 648-3780

Email: [tom.anitok@exxonmobil.com](mailto:tom.anitok@exxonmobil.com)

---

**From:** Stephanie M. Taijeron [<mailto:smtaijeron@gpagwa.com>]  
**Sent:** Thursday, January 29, 2015 1:46 PM  
**To:** Anitok, Tom  
**Cc:** Melissa C Uncangco; Jesse R Reyes  
**Subject:** GPA-005-15 - Diesel Fuel Oil No. 2 and Automotive Gasoline, Regular Unleaded for the GPA Transportation Fleet - Clarification

Hafa Adai,

This is in reference to the above subject bid, please see attached clarification for your review and response no later than close of business Monday, February 02, 2015. Thank you.

Regards,

Stephanie M. Taijeron

GPA Procurement Materials/Mgmt.

Tel: (671) 648-3054/3055

Fax: (671) 648-3165

Email: [smtaijeron@gpagwa.com](mailto:smtaijeron@gpagwa.com)

Disclaimer Notice: The information contained in this communication is intended solely for the use of the individual or entity to whom it is addressed and others authorized to receive it. It may contain confidential or legally privileged information. If you are not the intended recipient you are hereby notified that any disclosure,

copying, distribution or taking any action in reliance on the contents of this information is strictly prohibited and may be unlawful. If you have received this communication in error, please notify us immediately by responding to this email and then delete it from your system. Guam Power Authority is neither liable for the proper and complete transmission of the information contained in this communication nor for any delay in its receipt.

<b>ACORD™ CERTIFICATE OF LIABILITY INSURANCE</b>		DATE (MM/DD/YY) 12/29/2014
PRODUCER <b>MOYLAN'S INSURANCE UNDERWRITERS, INC.</b> 102 JULALE CENTER, 424 W. O'BRIEN DR. HAGATNA, GUAM 96910 TEL: 671-477-7500 FAX: 671-477-1837		THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW
INSURED <b>MOBIL OIL GUAM, INC.</b> 642 East Marine Corps Drive Hagatna, Guam 96910		INSURERS AFFORDING COVERAGE INSURER A: Dongbu Insurance Co., Ltd. INSURER B: INSURER C: INSURED D: INSURED E:
		NAIC #

**COVERAGES**

THIS POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS


INSR LTR	ADDL INR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A		GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input checked="" type="checkbox"/> CLAIMS MADE <input type="checkbox"/> OCCUR <input type="checkbox"/> <input type="checkbox"/> GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC	KMGL12525-A04	04/01/2011	12/31/2015	EACH OCCURRENCE \$25,000,000.00 DAMAGE TO RENTED PREMISES (EA. OCCURRENCE) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$25,000,000.00 PRODUCTS - CDM/DP AGG \$
		AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTO <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (EACH ACCIDENT) \$ BODILY INJURY (PER PERSON) \$ BODILY INJURY (PER ACCIDENT) \$ PROPERTY DAMAGE (PER ACCIDENT) \$
		GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY: EA ACC AGG \$ EACH OCCURRENCE \$ AGGREGATE \$
		EXCESS LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE RETENTION \$				WC STATUTORY LIMIT OTHER \$ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
		WORKERS COMPENSATION AND EMPLOYERS LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? IF YES, DESCRIBE UNDER SPECIAL PROVISIONS BELOW OTHER (BUSINESS PERSONAL PROPERTY)				

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS

Covered Operations: Petroleum and Petroleum Products Merchant Wholesalers  
 Contract No. GPA-029-14 (SUPPLY OF DIESEL FUEL OIL NO.2)

The aggregate limit includes coverage for \$1M each person for bodily injury, \$1M each occurrence for property damage and \$5M each occurrence for Pollution Liability.

Policy KMGL 12525-A04 represents an extension of the policy number KMGL 12525-A00 and any replacements thereof  
 Coverage and Deductibles, refer to Policy

<b>CERTIFICATE HOLDER</b> General Manager Guam Power Authority Post Office Box 2977 Hagatna, Guam 96932-2977 TELEFAX: (671) 648-9225	<b>CANCELLATION</b> SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.   AUTHORIZED REPRESENTATIVE MOYLAN'S INSURANCE UNDERWRITERS, INC. GENERAL AGENT
---	--

**II. FUEL OIL SUPPLY CONTRACT**

**IFB GPA-005-15**

**GPA FLEET FUELS SUPPLY CONTRACT**

**DIESEL FUEL OIL NO. 2**

**AND**

**AUTOMOTIVE GASOLINE, REGULAR UNLEADED**

*DxE*

**PREAMBLE**

This **CONTRACT**, shall be executed on the date of the award, by and between Guam Power Authority, a public corporation, hereinafter referred to as "Authority" or "GPA", and \_\_\_\_\_ hereafter referred to as "Contractor" or "Supplier".

**WITNESSETH:**

**RECITALS**

WHEREAS, the Authority has issued an Invitation for Bid, for a THREE (3) year Fleet Fuel Supply Contract, Invitation For Bid, **IFB GPA-005-15**, for the supply of the **AUTHORITY's** Diesel Fuel Oil No. 2 and Automotive Gasoline, Regular Unleaded, for the Authority's Transportation Fleet; and

WHEREAS, the Authority will award the Contract to the lowest responsible bidder whose bid conforms to the material aspects of the Invitation; and

WHEREAS, if Contractor specified herein has been awarded the **CONTRACT**, Authority and Contractor have agreed upon the terms and conditions of the Contract;

NOW, THEREFORE, for and in consideration of the mutual covenants contained herein, the parties hereto do hereby agree as follows:

with minimum limits of \$5,000,000 that provides coverage for third party bodily injury, third party property damage, and clean-up cost whether ordered by a government entity or not ordered by a government entity. Grant waiver of subrogation in favor of GPA. GPA is to be an additional insured.

**F. EXCESS LIABILITY**

Excess Liability with limits of \$5,000,000. GPA shall be an additional insured. Contractor shall grant Waiver of Subrogation in favor of GPA.

**G. CERTIFICATE OF INSURANCE:**

The Contractor shall furnish GPA with two (2) copies of a Certificate of Insurance evidencing policies required in Paragraphs B, C, D, E, and F above. Such certificates shall specifically indicate that the Commercial General Liability Insurance includes all extensions of coverage required in Paragraph C., Subparagraph 2. above. Such certificate shall specifically state that the insurance company or companies issuing such insurance policies shall give GPA at least thirty (30) days written notice in the event of cancellation of or material change in any of the policies. If coverage on said certificate(s) is shown to expire prior to completion of all terms of this Contract, the Contractor shall furnish a Certificates of Insurance evidencing renewal of such coverage to GPA. The Certificates of Insurance shall clearly show this Contract number.

The Contractor shall provide a copy of their Insurance Policy to GPA as part of the bid requirements. All updates or revisions after contract commencement shall also be forwarded to GPA.

**H. SUBCONTRACTOR'S INSURANCE:**

The Contractor shall require each of his Subcontractors to take out and maintain during the life of his Subcontract, the same insurance coverage required of the Contractor under Paragraphs B, C, D, E, and F above, including the extensions of coverage required under Paragraph C., Subparagraph 2, above. Each Subcontractor shall furnish to the Contractor two (2) copies of a Certificate of Insurance and such certificate shall contain the same information required in Paragraph C. above. The Contractor shall furnish one (1) copy of the certificate to GPA.