

1 Department of Education  
2 Laura J. Mooney  
3 Legal Counsel  
4 P.O. Box DE  
5 Hagåtña, Guam 96932  
6 (671) 300-1537 • (671) 472-5003 (Fax)

RECEIVED  
OFFICE OF PUBLIC ACCOUNTABILITY  
PROCUREMENT APPEALS

JUL 14 2010

TIME: 4:03 BY: MNU

**PROCUREMENT APPEAL**

6 In the Appeal of ) Docket No. OPA-PA-09-012  
7 Z4 Corporation, ) APPELLEE DEPARTMENT OF  
8 Appellant. ) EDUCATION'S SUBMISSION OF  
9 ) EXHIBIT LIST

10 Appellee, Department of Education through its legal counsel, Laura J. Mooney hereby  
11 submits its Exhibit List for this case.

- 12 Exhibit 1: Appellant's Hearing Exhibit 5 (10 pages)  
13 Exhibit 2: Declaration of Pete M. Valencia dated 6/11/10 (3 pages)  
14 Exhibit 3: Attestment of Billy P. Cruz (5 pages)  
15 Exhibit 4: GPSS IFB No. 008-2009 (Re-Bid) (49 pages)  
16 Exhibit 5: DOE Notice to Proceed – Z4 Corporation dated August 6, 2009 (2 pages)

17 Dated this 14th day of July, 2010.

18 DEPARTMENT OF EDUCATION

19  
20   
21 By: LAURA J. MOONEY  
22 Counsel for Department of Education  
23  
24  
25

COPY

Motion Hearing

Appellee's Exhibit 1

Appellant's Hearing Exhibit 5 (10 pages)

**ALPHA**  
**INSURERS**  
*A Friendly Atmosphere with a Professional Attitude*

Date: August 13, 2009

Mr. Roque A. Alcantara  
Administrative Supply Management  
Office of Supply Management, Guam Department of Education  
2<sup>nd</sup> Floor Suite B-202, M.L. Guerrero Adm. Building  
Hagatna, Guam 96910

Re: Z-4 Corporation  
Performance and Payment Bond  
Project: Oceanview Middle School Gymnasium Repairs

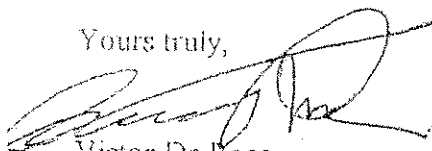
Dear Mr. Alcantara,

Pursuant to the request of Z-4 Corporation, please be advised that their application for issuance of Performance/Payment Bond on above reference project in the amount of \$ 810,000.00 were approved.

Issuance of the bond policy is subject to submission of required underwriting documentations by Z-4 Corporation as stated in our letter of approval forwarded to their company.

Should you have other question regarding this matter, please feel free to call me at this numbers;  
472-3880, 472-8804-05.

Yours truly,

  
Victor De Roca  
EVP

11:10 AM  
LUB

Alpha Insurers Bldg., 123 Archbishop Flores St., Hagatna, GU 96910 Tel: (671) 472-8504/05, 477-8701/02 Fax: (671) 477-4683  
[www.alpha insurers.com](http://www.alpha insurers.com) [service@alpha insurers.com](mailto:service@alpha insurers.com)

Dededo Branch: In A-One Shoe Store Bldg., Next to American Grocery Tel: (671) 637-8833/44 Fax: (671) 637-8855  
General Agent for Chung Kuo Insurance Co., Ltd.

Appellee's Motion Hearing  
Exhibit 1

Appellant's Hearing Exhibit 5

EXHIBIT 5

1 of 10

Z4 CORPORATION  
P.O BOX 23543, BARRIGADA  
GUAM, 96921  
TEL. No.: 646-0874

PROJECT: OCEANVIEW MIDDLE SCHOOL GYMNASIUM REPAIR

SUBJECT: MINUTES OF MEETING (CIP CONFERENCE ROOM)  
AUGUST 20, 2009, 9:00 AM

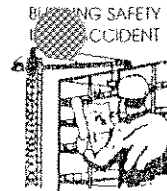
ATTENDEES:

1. Mr. Cedric Cruz	TRMA
2. Mr. Billy Cruz	DOE
3. Mr. Rod Traya	DOE
4. Ms. Lynda Hernandez	OMS
5. Ms. Cheryl Gumabon	OMS
6. Mr. Julisis Nucum	Z4 Corp.
7. Mr. Pete Valencia	Z4 Corp.
8. Mr. Armando Aragon	Z4 Corp.

ITEM NO.	DISCUSSION	ACTION TAKEN
1.	Z4 Corporation will submit project progress schedule and schedule of values while building permit is on process. Project progress schedule is base on August 20, 2009 date and we will revised once the bldg. permit issued.	Noted
2.	Z4 will visit the site and draw a plan for the installation of safety fence and submit to TRMA for approval. This is to ensure the safety of the students and public during construction period.	Noted
3.	Z4 Corporation can't start any activity until the building permit was released which is expected by September.	Noted
4.	Ms. Cheryl Gumabon, OMS Principal, is asking the completion of the project which is 180 calendar days..	Noted
5.	All transaction is through TRMA in regards of the Oceanview Middle School Gymnasium Repair Project and Mr. Cedric Cruz is the main point of contact.	Noted
6.	Z4 will give update for building permit while is on process and forward to TRMA, Mr. Cedric Cruz.	Noted
7.	Existing trash bins around the Gymnasium will be relocated to give Z4 Corporation an access during construction period.	Noted
8.	Next meeting will be at the jobsite and schedule after the issuance of	

building permit.

9. Mr. Cedric Cruz recommends that Contractor's submittals are numbered consecutively starting #1. Noted
10. Meeting Adjourned at 10:00 PM.



**BUILDING PERMITS & INSPECTION SECTION  
APPLICATION FOR PERMIT & PLAN REVIEW**

Application Number: B09000699

IMPORTANT: Applicant must complete all items in sections I, II, III, IV

Permit Number: \_\_\_\_\_

**I. LOCATION OF BUILDING**

Location: 184 (No) ERSKIN DRIVE, AGAT GU 96918 (Street) Zoning District R1  
 Between \_\_\_\_\_ (Cross Street) Lot # \_\_\_\_\_ and \_\_\_\_\_ (Cross Street)  
 Subdivision \_\_\_\_\_ Block \_\_\_\_\_ Lot Size \_\_\_\_\_

**II. TYPE AND COST OF BUILDING**

**A. Type of Building**

New Building  Retaining Wall  Repair  
 Foundation Only  Other \_\_\_\_\_  Demolished  
 Shell Only  Add  Reconstructed 152' X 132' X 30'  
 Fence Wall  Alter  Relocated  
 Dimension of Building

**B. Ownership**

Private (individual, corporation, non-profit institution, etc.)  Public (Federal, State, or Local Government)

**C. COST**

Cost of Improvements \_\_\_\_\_  
 electrical \_\_\_\_\_  
 plumbing \_\_\_\_\_  
 heating, air conditioning \_\_\_\_\_  
 other (elevator, etc.) \_\_\_\_\_

Nonresidential - Describe in detail proposed use of buildings, e.g., food processing plant, machine shop, laundry building at hospital, elementary school, secondary school, college, parochial school, parking garage for department store, rental office building, office building at industrial plant. If use of existing building is being changed, enter proposed use.

OCEAN VIEW MIDDLE SCHOOL  
GYMNASIUM REPAIR

TOTAL COST OF IMPROVEMENT \$ 810,000.00

**D. PROPOSED USE - (For "Wrecking" most recent use)**

**Residential**  
 One family  Two or more families  Transient hotel, motel, or dormitory  
 Enter No. of Units -- \_\_\_\_\_  
 Garage  Carport  Other (specify) \_\_\_\_\_  
 Enter No. of Units -- \_\_\_\_\_

**Non-Residential**  
 Amusement, Recreational  Church, other religious  Industrial  Parking garage  Service station, repair garage  Hospital, institutional  
 Office, bank, professional  Public utility  School, library, other educational  Stores, mercantile  Tanks, towers  Other (specify) \_\_\_\_\_

**III. SELECTED CHARACTERISTICS OF BUILDING**

for new buildings and additions, complete Parts E - K, for wrecking, complete only Part I, for all others skip to IV

**E. Principal Type of Frame**

Masonry (wall bearing)  Reinforced concrete  Wood frame  Other (specify) \_\_\_\_\_  
 Structural steel

**F. Type of Sewage Disposal**

Public Sewer  Private (septic tank, etc.)

**G. Type of Mechanical**

Yes  No Central Air Conditioning  
 Yes  No Will there be an elevator?

**H. Type of Water Supply**

Public Supply  Private (well, cistern)

Total square feet of floor area, all floors, based on exterior dimensions  
20,064 SF.

**J. Number of Off-street Parking Spaces**

Enclosed \_\_\_\_\_  
 Outdoors \_\_\_\_\_

**K. Residential Buildings Only**

Number of bedrooms \_\_\_\_\_  
 Number of Bathrooms { Full \_\_\_\_\_ Partial \_\_\_\_\_

**I. Dimensions**

Number of stories \_\_\_\_\_

total land area, sq. ft. \_\_\_\_\_

**IV. IDENTIFICATION**

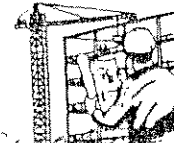
	Print Name / Signature	Mailing Address - Number, street, city, and state	ZIP Code	Telephone
1. Owner or Lessee	<u>GUAM DEPT. OF EDUCATION</u>	<u>P.O. BOX DE HAGATNA, GUAM 96910</u>	<u>96910</u>	<u>200-1580</u>
2. Contractor	<u>Z4 CORPORATION</u> License # <u>C-0709-1175</u>	<u>P.O. BOX 23543 GUMF, GUAM</u>	<u>96921</u>	<u>646-0874</u>
3. Architect or Engineer SEAL NO.	<u>ITWA ARCHITECTS</u> No. <u>73</u>	<u>P.O. BOX EA AGANA, GUAM</u>	<u>96910</u>	<u>475-8726</u>

Has the plan for project been approved by TLUC or TSPCT? If so, attach copy of approval and conditions placed on project. The owner of this building and the undersigned agree to conform to all applicable laws of this jurisdiction.

Owner/lessee Z4 CORPORATION Current Address 160 J.L. PARKER Application Date 08-20-2005



BUILDING SAFETY IS NO ACCIDENT



BUILDING PERMITS & INSPECTION SECTION  
APPLICATION FOR PERMIT & PLAN REVIEW

Application Number: 309000084  
Permit Number: \_\_\_\_\_

TO BE FILLED OUT BY BUILDING PERMIT STAFF ONLY

V. PLAN REVIEW RECORD

Plans Review Required	Date Plans Started	Date Plans Approved	Comments
Architectural			
Structural			
Mechanical/Plumbing			
Flood Control			
Electrical			
HPCC			
Hydraulics/Civil			
Highway Encroachment			
Rights of Way			
Traffic Engineering			

VI. ZONING PLAN EXAMINATION RECORD TO BE DONE BY DLM

District: TRIP TRIP SCHOOL

Use: TRIP TRIP SCHOOL

Front Yard \_\_\_\_\_

Side Yard \_\_\_\_\_ Intersect on Trip

Rear Yard \_\_\_\_\_

Ownership Of Property: Guam Guam Guam

If not owner, is there a lease or authorization to the property? \_\_\_\_\_

Did this project receive TLUC approval? What are the conditions \_\_\_\_\_

VII. COMMENTS BY OTHER AGENCIES (Route as indicated)

Agency	Date	Signature	Does your Agency recommend approval? If so, seal your response
-Land Management, Zone	8/21/09	[Signature]	
-Contractor's License Board			
-Public Health PEALS	8/27/09	[Signature]	Valid
-E.P.A.			
Public Utility Agency			
-Guam Power Authority			
-Fire Prevention Bureau	8/26/09	[Signature]	Schedule final occupancy inspection
Guam Telephone Authority			
Parks & Rec.			

Permission is hereby given to the above work according to conditions hereon and according to approved plans and specifications pertaining thereto, subject to compliance with the Uniform Building Code and Government Code of Guam.

VIII. VALIDATION

Building Permit Number \_\_\_\_\_

Building Permit Issued \_\_\_\_\_, 19\_\_\_\_

Approved Valuation: \$ 810,000.00

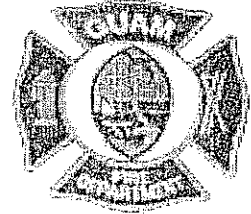
Plan Checking fee: \$ 2,738.12 Rec'd

Building Permit fee: \$ 4,212.50

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**GUAM FIRE DEPARTMENT**  
**DIPATTAMENTON GUAFI GUAHAN**  
*Plan Review Section*



Fire Prevention Bureau  
 Plan Review Application  
 One Stop Office, Upper Tumon  
 Tel; (671) 646-8810  
 Fax: (671) 646-3130

Applicant No:	B09000699
GFD Review No	09-102
Date Submitted	8/24/2009
Date Approved	8/26/2009
GFD Reviewer	JA Manibusan, Captain

Owner	Guam Department of Education	Contractor	Z4 Corporation
Dbn		Address	PO Box 23543, GMF Guam 96921
Address:	PO Box DE Hagatna, Guam 96910	Contact No	6460874
Contact No.	3001580	Sub-Contractor	
Location of Project	Ocean View Middle School, Agat Guam RENOVATION AND REPAIR OF GYMNASIUM		

Architect	TRMA Architects
Address	PO Box EA Agana, Guam 96910
Contact No.	4758772

Fire Department Access and Water Supply	Yes/No	Comments
a. Fire Department Access		
b. Fire Hydrants and Water Main Supply		
c. Fire Hydrant Flow Requirements		
d. Hydrostatic Test		
e. Hydrant Location		

Fire Extinguishing Systems	Yes/No	Comments
a. Wet Pipe System		
b. Dry Pipe System		
c. Pre Action System		
d. Deluge System		
e. Combination Dry Pipe and Pre Action System		
f. Special Types		

Standpipe Hose Systems	Yes/No	Comments
a. Class I		
b. Class II		
c. Class III		

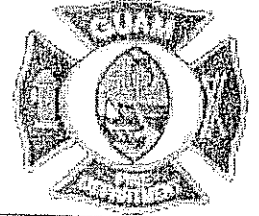
Hydraulic Specifications	Yes/No	Comments
a. Sprinkler Systems Hydraulic Calculations		
b. Fire Pump Specifications		
c. Jockey / Booster Pump Specifications		

Commercial Cooking Operations	Yes/No	Comments
a. Fixed Wet Chemical Systems		





**GUAM FIRE DEPARTMENT**  
**DIPATTAMENTON GUAFI GUAHAN**  
*Plan Review Section*



b. Fixed Dry Chemical Systems		
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Fire Alarm and Detection Systems	Yes/No	Comments
a. Alarm Initiating Devices	YES	EXISTING
b. Alarm Indication Devices	YES	EXISTING

Acceptance Test Certification Documents	Yes/No	Comments
a. Fire Alarm Installation and Test Certification		PROVIDE FOR FINAL OCCUPANCY INSPECTION
b. Fire Sprinkler Installation and Test Certification		
c. Fire Pump Installation and Test Certification		
d. Commercial Cooking Installation Certification		
e. Liquid Petroleum Gas Installation Certification		

Additional Comments
1. Shall provide the approved jobsite plans during the final occupancy inspection
2. During the construction of the building and until the permanent fire-extinguishing system has been installed and is in service, Fire-protection shall be provided in accordance with Article 87, Section 8704 of the Uniform Fire Code.
3. Portable fire extinguishers shall be provided every 3000 sq. ft. with a minimal travel distance of 75 ft. shall be mounted and labeled
4. Means of Egress and all its appurtenances shall apply and be provided in accordance to Article 12
5. All Acceptance Installation and Test Certification Documentation shall be licensed under the Guam Contractors License Board
6. Schedule final occupancy inspection upon completion with GFD Prevention Bureau at One Stop.
7. Subject to further requirements if determined by GFD Code Enforcement Section.

*Note: Any changes, additions or alterations to approved plan without proper consultation with the Fire Prevention Bureau shall cause delay in the issuance of the Occupancy*

Captain J.A. Manibusan	Armando Leon Aragon, Project Engineer
Guam Fire Department Representative	Acknowledge By
8/26/2009	8/26/2009
Date	Date

Z4 CORPORATION  
 P O BOX 23543  
 BARRIGADA, GU 96921  
 (671) 646-0874

0113  
 101-8040/3214

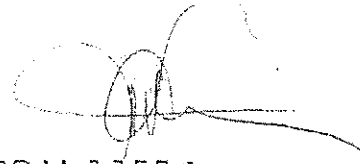
Aug. 26, 2009

- TREASURER OF GUAM -

561.00

\*\*\*FIVE HUNDRED SIXTY ONE & 00/100\*\*\*

COMMUNITY FIRST GUAM FEDERAL CREDIT UNION  
 # 238 AFC FLORES STREET, SUITE 102  
 HAGATNA, GUAM 96910



⑈00000113⑈ ⑆321480406⑆ 100142258⑈

Z4 Corporation

DATE	DESCRIPTION	AMOUNT
	Guam Fire Department (Oceanview MS Gymnasium)	

Z4 Corporation

EMPLOYEE \_\_\_\_\_

PERIOD ENDING	EXPLANATION OF YOUR EARNINGS				TOTAL EARNINGS	WE PAID OUT THE ITEMS LISTED BELOW FOR YOU				NET AMOUNT OF CHECK
	HOURS	RATE	REGULAR EARNINGS	OVERTIME AND OTHER		F.I.C.A TAX WITHHOLDING	MEDICARE TAX WITHHOLDING	FEDERAL WTHHOLDING TAX	STATE WTHHOLDING TAX	

8 of 10

AG-1301166

# OFFICIAL RECEIPT

GOVERNMENT OF GUAM  
DEPARTMENT OF ADMINISTRATION  
FINANCIAL MANAGEMENT DIVISION  
P.O. BOX 884 HAGATNA, GUAM 96932

## PAID

DATE: 8/26/09  
PAYOR: Z4 CORP  
ADDRESS: GFD INV 0946

AUG 26 2009

TREASURER OF GUAM  
804

NOT VALID UNLESS OVERPRINTED BY OUR REGISTER/STAMP

### PAYMENT INFORMATION

DESCRIPTION	RESERVED FOR ISSUING OFFICE:	
	ACCOUNT NUMBER	AMOUNT
FP 010		561
ISSUING OFFICE:	PLEASE PAY TREASURER OF GUAM TOTAL DUE	561

AGENT: \_\_\_\_\_

CASH

CHECK: # 011300m

OTHER: \_\_\_\_\_

FCN-2-2-35



GOVERNMENT OF GUAM  
GUAM FIRE DEPARTMENT  
P.O. BOX 2950 HAGATNA, GUAM 96910

DATE: 8/26/09  
PAYOR: Z4 Corporation  
ADDRESS: Banyards

DESCRIPTION

PAYMENT INFORMATION :

AMOUNT

FP 010

561.00

ISSUING OFFICER <u>VANNU/18450m</u>	PLEASE PAY TREASURER OF GUAM TOTAL DUE	561.00
ID. NO. <u>FP12208</u>		

Remarks: For Receipt Number 8445000000  
Plan review 09-102

GFD FORM #0001

White - Customer - Canary - Treasurer of Guam - Pink - GFD Fiscal

APR 2008  
OPR. ADMIN

GFD - 0846

## INVOICE

9 of 10

GEPA Ref. No.: TA-7621 By: R. Joya Program/Section: WPC Date Routed: 08-21-09  
 Project Name/Location: ARKIN DRIVE, AGAT GUAM (OCEANVIEW M.S. GYM. REPAIR)

- TYPE OF DOCUMENT:
- GLUC Application
  - Clearing & Grading
  - Grading
  - Clearing Permit
  - Hardfill Permit
  - Building Permit
  - Plan Review \_\_\_%
  - Notice of Violation
  - Stockpiling
  - Stop Work Order
  - Inquiry
  - Lot Parceling/Subdivision
  - SZC Application
  - Wetland Delineation
  - Advisory
  - Memo(Intra/Inter)
  - Other: \_\_\_\_\_ (Specify)

ROUTING			APPROVED		DISAPPROVED		HOLD/RESUBMIT	
Program/Section	Date Received	Name of Assigenee	Initial	Date	Initial	Date	Initial	Date
<input type="checkbox"/> Water Pollution		Oscar/ Manny						
<input type="checkbox"/> Water Resources								
<input checked="" type="checkbox"/> Safe Drinking Water	8/21/09	Lito	SDM	9/3/09				
<input type="checkbox"/> Individual Wastewater								
<input type="checkbox"/> Monitoring								
<input type="checkbox"/> Environmental Review								
<input type="checkbox"/> Air Pollution								
<input type="checkbox"/> Pesticide								
<input checked="" type="checkbox"/> Solid Waste	9/04/09	Bob	(Signature)	08/12/09				
<input type="checkbox"/> Hazardous Waste								
<input type="checkbox"/> Hydro Geologist								
<input type="checkbox"/> Chief Engineer		Ivan						
<input type="checkbox"/> Legal Counsel								
<input type="checkbox"/> Administrative Services								
<input type="checkbox"/> Deputy Administrator								
<input type="checkbox"/> Administrator								

Person/Agencies/Companies Involved:

Name	Address	Tel./Fax No.
ARMANDO ARAGON	24 CORPORATION P.O. BOX 23543, GMP GU 96921	898-4855 / 649-0322

Comments/Recommendations/Actions:

WPC ① Need to submit SW disposal plan.  
 ② Need to provide as-built drawings of drainage system.

SON ① MUST SUBMIT ANALYTICAL TEST RESULTS OF BSET & TEST PRIOR TO ISSUANCE OF OCCUPANCY PERMIT.  
 ② DISINFECTION OF WATER SYSTEM MUST BE COORDINATED WITH GEPA SDW STAFF.

WMP = See Attachment B

Motion Hearing

Appellee's Exhibit 2

Declaration of Pete M. Valencia dated 6/11/10  
(3 pages)

RECEIVED  
OFFICE OF PUBLIC ACCOUNTABILITY  
PROCUREMENT APPEALS

JUN 14 2010

TIME: 2:46 BY: MHU  
FILE NO. OPA-PA: 09-012

MAIR, MAIR, SPADE & THOMPSON, L.L.C.  
Attorneys at Law  
238 A.F.C. Flores Street  
Suite 801, DNA Building  
Hagåtña, Guam 96910  
Telephone: (671) 472-2089/90  
Facsimile: (671) 477-5206

Attorneys for Z4 Corporation

OFFICE OF THE PUBLIC AUDITOR

PROCUREMENT APPEAL

IN THE APPEAL OF	)	DECLARATION OF
	)	PETE M. VALENCIA
Z4 CORPORATION	)	
	)	Docket No. OPA-PA-09-012
Appellant.	)	
_____	)	

I, PETE M. VALENCIA , hereby declare and state as follows:

1. That I am over eighteen (18) years of age, legally competent to testify, and have personal knowledge of the matters set forth herein.

2. I am the President/General Manager of Z4 Corporation ("Z4"). As such, I have knowledge of the matters relating to Invitation for Bid No. GPSS IFB-008-2009 (Re-Bid) (the "Bid"), which I understand to be the subject of the above-captioned appeal.

3. Attached as "Exhibit 100" is a true and accurate itemization of the actual expenses reasonably incurred as a result of Z4's performance on the IFB.

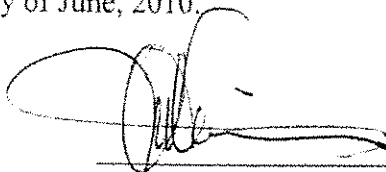
Guam Public School System  
Office of the Superintendent  
Filed by  
Date & Time:

Motion Hearing  
Appellee's Exhibit 2  
COPY

BA 6/14/10

4. It is customary practice of this industry to charge a reasonable profit equivalent to twenty percent (20%) of the total cost of a solicitation.

Executed this 11<sup>th</sup> day of June, 2010.



\_\_\_\_\_  
PETE M. VALENCIA

P103067.ARJ

Z4 CORPORATION  
P.O. Box 23543, GMF 96921  
TEL NO.: (671) 646-0874, FAX NO.: 649-0322  
E-mail address: z4corporation@yahoo.com

PROJECT: OCEANVIEW MIDDLE SCHOOL GYMNASIUM REPAIR

Item No.	Description of Costs	Unit Price	Total Amount	Remarks
A	Preparation for temporary fence/fabrication at stockyard:	\$5,280.00	\$5,280.00	
	1. 4 men x 8 hrs. x 4 days = 128 hrs. x \$30/hr. = \$3,840.00			
	2. Supervisor x 8 hrs. x 4 days = 32 hrs. x \$45/hr. = \$1,440.00			
B	Coordination with Government Agencies for Bldg. Permit Process	\$2,500.00	\$2,500.00	
C	Coordination with suppliers/vendors	\$1,800.00	\$1,800.00	
D	Attend Pre-Construction Meeting:	\$750.00	\$750.00	
	1. Pete Valencia = \$250.00			
	2. Julisi Nucum = \$250.00			
	3. Armando Aragon = \$250.00			
E	Bid Bond Fee	\$250.00	\$250.00	
F	GFD building clearance fee	\$561.00	\$561.00	
G	Preparation of Bid documents:	\$720.00	\$720.00	
	1. Preparation of schedule of values for use in the project:			
	8 hrs. x \$45.00 = \$360.00			
	2. Preparation of progress for this project			
	8 hrs. x \$45.00 = \$360.00			
I	Insurance costs:	\$800.00	\$800.00	
	Workmens compensation, liability insurance, builders risk and others			
	TOTAL AMOUNT =		\$12,661.00	
	GRT, 4% =		\$506.44	
	TOTAL COST =		\$13,167.44	



Motion Hearing

Appellee's Exhibit 3

Attestment of Billy P. Cruz (5 pages)



**DEPARTMENT OF EDUCATION  
OFFICE OF THE SUPERINTENDENT**

www.gdoe.net  
P.O. Box DE, Hagatfia, Guam 96932  
Telephone: (671)475-0457 or 300-1547/1536 • Fax: (671)472-5003  
Email: nbunderwood@gdoe.net



Nerissa Bretania Underwood, Ph.D.  
Superintendent of Education

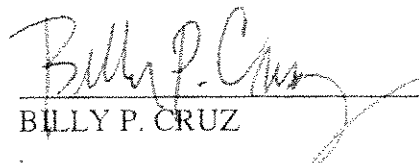
**ATTESTMENT OF BILLY P. CRUZ**

I am the Acting Facilities and Maintenance Manager and I have had the allegations as to Z4 Corporation's Exhibit 100 performance cost of Oceanview Middle School Gymnasium project contract in the Z4 Corporation investigated for purposes of routing and approving payment. There is not sufficient documented of the items provided to us. No prior invoice has been received. Attached is a letter dated July 2, 2010 from the Program Coordinator III, Rodrigo B. Traya regarding Z4 Corporation's request for reimbursement of reasonable cost incurred as part of OPA Decision. We can only verify the following items on Exhibit 100:

Item No.	Description of Costs	Unit Price	Total Amount
B	Coordination with Government agencies for building permit process	\$2,500.00	\$2,500.00
C	Coordination with suppliers/vendors	\$1,800.00	\$1,800.00
D	Attend Pre-Construction Meeting: 1. Pete Valencia = \$250.00 2. Julisi Nucum = \$250.00 3. Armando Aragon = \$250.00	\$750.00	\$750.00
E	Bid Bond Fee	\$250.00	\$250.00
F	GFD building clearance fee	\$561.00	\$561.00
G	Preparation of Bid documents: 1. Preparation of schedule of values for use in the project: 8 hrs. x \$45.00 = \$360.00 2. Preparation of progress for this project: 8 hrs. x \$45.00 = \$360.00	\$720.00	\$720.00
TOTAL AMOUNT =			\$6,581.00

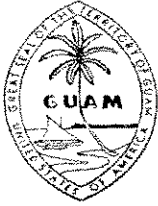
We can only verify \$6,581.00 of the total amount claim \$12,661.00.

Dated this 6<sup>th</sup> day of July, 2010.

  
BILLY P. CRUZ

Attachment

Motion Hearing  
Appellee's Exhibit 3



**FACILITIES AND MAINTENANCE DIVISION**

*DEPARTMENT OF EDUCATION*

*P.O. BOX DE*

*Hagåtña, Guam 96932*

*Telephone: (671) 475-0611 thru 9*

*Fax: (671) 472-7040*



*Nerissa Bretania-Underwood Ph.D.*  
*Superintendent of Education*

**July 02, 2010**

**MEMORANDUM**

**To:** Manager  
Facilities and Maintenance Division

**From:** Program Coordinator III

**Subject:** Z4 Corporation- Request for Reimbursement of Reasonable  
Cost Incurred as part of OPA Decision  
Repair/Renovation of Oceanview Middle School Gymnasium

Per your instruction the undersigned together with Franck Cepeda, Carpenter II, proceeded to Oceanview Middle School in the afternoon of July 01, 2010. We met with Ms. Cheryl Gumabong, School Administrative Officer and inquired about what Z4 Corporation has done if there was any on the proposed project, Repair/Renovation of the Gymnasium.

Ms. Gumabong disclosed that from the time after the pre-construction meeting which was conducted several months ago at F & M office here in Piti, Z4 Corporation had only one visit made to the project site. They made a tour of the site, took some measurements and the primary purpose was to reroute traffic for the students due to the proposed construction and also to prepare to secure the perimeter of the project site for safety. So far from then up to the present NOTHING has been done.

On July 02, 2010 Frank Cepeda and the undersigned went to Z4 Corp. office/stockyard. We met with Pete Valencia, the Company's President and General Manager and a certain Armando Aragon. We discussed several items on their reasonable cost claim and inquired if they could substantiate or if they have something to show proof.

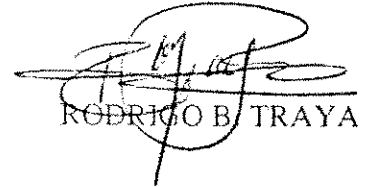
Item A:- Pete Valencia and Armando Aragon alleged that the structure they have fabricated were already disposed off considering the length of time the project has been pending and the materials used were light materials (wood) and also said structure is obstructing some areas of their stockyard hence the necessity to dispose such. In addition they alleged that their claim does not include material cost as reflected. (No way for Frank Cepeda and me to substantiate this item)

Items B,C,E,F,G & I- We believe these are legitimate claims but as to the amount, we have no way of computing such.

Item D- Pete Valencia AND Armando Aragon alleged that the charges does not only reflect

the number of hours they actually spent on the pre-con meeting ( pre-con meeting approx. 1 1/2 hours) but the total hours they spent for the purpose ( travel and waiting time till the start of the actual pre-con meeting).

This report is submitted for your final decision whether to accept such claim or require Z4 Cor for some paper works (such as computation on some items) or to accept it as is in order to expedite closure of this issue and in order to proceed with the re-bid of this long awaited project.



RODRIGO B. TRAYA



AGG- 1301166

# OFFICIAL RECEIPT

GOVERNMENT OF GUAM  
DEPARTMENT OF ADMINISTRATION  
FINANCIAL MANAGEMENT DIVISION  
P.O. BOX 664 HAGATNA, GUAM, 96906

## PAID

DATE: 8/26/09  
PAYOR: Z4 CORP  
ADDRESS: GFD INV 05916

AUG 26 2009

TREASURER OF GUAM  
804

NOT VALID UNLESS OVERPRINTED BY OUR REGISTER/STAMP

### PAYMENT INFORMATION

DESCRIPTION	RESERVED FOR ISSUING OFFICE
FP010	
ISSUING OFFICE:	PLEASE PAY TREASURER OF GUAM TOTAL DUE
	561

AGENT: \_\_\_\_\_  
 CASH     CHECK: # 011300m    OTHER: \_\_\_\_\_

FCN-20-26



GOVERNMENT OF GUAM  
GUAM FIRE DEPARTMENT  
P.O. BOX 2850 HAGAENA, GUAM 96911

INVOICE

GFD- 0846

DATE: 8/26/09  
PAYOR: Z4 Corporation  
ADDRESS: Bart's Yard

DESCRIPTION	AMOUNT
FP 010	561 00
ISSUING OFFICER <u>Jennifer Johnson</u> ID NO: <u>112208</u>	PLEASE PAY TREASURER OF GUAM TOTAL DUE
	561 00

Remarks: FOR DEPARTMENT BY JENNIFER JOHNSON  
Plan Review 09-102

Motion Hearing

Appellee's Exhibit 4

GPSS IFB No. 008-2009 (Re-Bid) (49 pages)

GUAM PUBLIC SCHOOL SYSTEM  
OFFICE OF SUPPLY MANAGEMENT

IFB No. 008-2009 (RE-BID)

OCEANVIEW MIDDLE SCHOOL GYMNASIUM REPAIRS

GENERAL PROVISIONS

1. **Project Description:** The Contractor shall provide all labor, material, equipment and incidentals required to repair the Oceanview Middle School Gymnasium. Coordinate work schedule with Contracts Office's Construction Representative. The following work is as follows:

**Scope of Work:** The Work involves gymnasium repairs for Oceanview Middle School, Agat, Guam. Work includes but is not limited to demolition, earthwork, and site improvements. Work also includes roof work, metal fabrication, sheet metal, insulation, gypsum board ceilings, ceramic tile, acoustical ceilings, resilient flooring, custom cabinets and fixtures, carpentry, glass windows, painting, metal doors, wood doors, metal frames, door hardware, toilet partitions and accessories, classroom equipment, electrical, ventilation, air conditioning, and plumbing complete and ready for use.

Contractor must possess the necessary license to do all items in the Scope of Work. Items in the SOW, which may affect classes (such as painting work, etc.) shall be done after class hours from 2:00 PM to 6:00 PM on weekdays and from 8:00 AM to 5:00 PM on Saturdays, Sundays, and Holidays. Paint shall match existing or referred to the School Administrator for color selection and a minimum of two (2) coats. All operational practices of the Contractor and all workmanship and materials, equipment, and articles used in the performance of this contract shall be in accordance with Manufacturer's Printed Instructions, Industry Standards, or Standard Trade Practices.

2. **LOCATION:** The work is located at Oceanview Middle School Agat, Guam.

Bidders are expected to inspect the work site to determine the exact extent of the work. The GPSS Contracts Office will arrange a schedule for a one time site visit for all bidders.

BID FORM  
Oceanview Middle School Gymnasium Repairs

GP-1

Motion Hearing  
Appellee's exhibit 4

1 of 49



3. **PERFORMANCE PERIOD AND LIQUIDATED DAMAGES:** The performance period of contract shall one-hundred eighty (180) calendar days commencing after receipt of a Purchase Order or upon receipt of Notice to Proceed (NTP). Liquidated damages shall be four hundred dollars (\$400.00) per calendar day of delay.

4. **APPLICABLE PUBLICATIONS:**

The publications listed below form a part of this specification to the extent referenced. The publications are referred to in this text by the basic designation only.

- a. OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA):  
29 CFR 1926.1101 Construction Industry
- b. AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM):  
  
ASTM D 418 (1993) Testing Pile Yarn Floor Covering Construction  
ASTM D 1335 (1998) Tuft Bind of Pile Floor Coverings  
ASTM D 1423 (1998) Twist in Yarns by the Direct-Counting Method  
ASTM E 648 (1997) Critical Radiant Flux of Floor-Covering Systems  
Using a Radiant Heat Energy Source
- c. FEDERAL SPECIFICATIONS (FS):  
FS TT-P-19 (Rev. D; Am. 1) Paint, Latex (Acrylic Emulsion, Exterior Wood  
and Masonry
- d. MILITARY SPECIFICATIONS (MIL):  
MIL-DTL-24441(Rev. A) Coating System, Non-skid, for Roll or Spray  
Application
- e. NATIONAL FIRE PROTECTION ASSOCIATION (NFPA):  
NFPA 70 National Electrical Code

f. AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI)

ANSI A108.1 (1992) Installation of Ceramic Tile in the Wet-Set Method with Portland Cement Mortar.

ANSI A108.4 (1992) Ceramic Tile Installed with Organic Adhesives or Water-Cleanable Tile Setting Epoxy Adhesive (Available only as part of ANSI A108.1)

ANSI A108.6 (1992) Ceramic Tile Installed with Chemical-Resistant, Water-Cleanable Tile Setting and Grouting Epoxy (Available only as part of ANSI A108.1)

g. COMMERCIAL ITEM DESCRIPTIONS (CID)

CID A-A-2380	Dispenser, Paper Towel
CID A-A-2524	Holder, Toilet Paper (Single Roll)
CID A-A-2668	Dispenser, Toilet Paper, Cabinet

h. FEDERAL SPECIFICATIONS (FS)

FS DD -M-11 (Rev. C) Mirrors, Glass

5. MATERIAL SPECIFICATION:

a. MATERIALS SHALL COMPLY WITH AMERICAN STANDARDS.

**SUBMITTALS:** Submit the following items for approval:

**Submit with Proposal:**

Price Proposal.  
Work Schedule.

**Submit after proposal:**

Work Schedule (G).  
Catalog Cuts of Materials (G).  
Invoice(G)

NOTE: (G) Government Approval.

6. **SCHEDULING REQUIREMENTS:**

- a. Have materials, equipment, and personnel required to perform the work at the site prior to the commencement of the work. The Contractor shall conduct his operations so as to cause the least possible interference with the normal operations of the school.

7. **CONTRACTOR ACCESS AND USE OF SCHOOL:**

- a. Working Hours: Regular working hours shall consist of a period established by the Contracts Office between 8:00 a.m. and 6:00 p.m., Monday through Friday, excluding Saturday, Sunday and Holidays.
- b. Work Outside Regular Hours: Work outside regular working hours requires Contract Manager approval. Coordinate all work outside regular working hours with the Contracts Office three days in advance to allow arrangements from the school administrator for the area to be available for construction work and for inspecting the work in progress. During periods of darkness, the different parts of the work shall be lighted in a manner approved by the Contract Manager.

8. **EXISTING WORK:**

Remove or alter existing work in such a manner as to prevent damage to any portions of the existing work, which remain. Repair or replace portions of existing work, which have been altered during construction operations to match existing or adjoining work, as approved by the Contract Manager. At the completion of operations, existing work shall be in a condition equal to or better than that which existed before new work started.

9. **PRECONSTRUCTION CONFERENCE:**

After award of the contract, but prior to commencement of any work at the site, meet with representatives of the Contracts Office to discuss and develop a mutual understanding relative to the administration of the safety program, preparation and submission of shop drawings and other submittals, scheduling, programming and prosecution of work. Contact GPSS Contracts Office to arrange a schedule for this conference.

**10. MATERIALS AND EQUIPMENT TO BE SALVAGED:**

Except where specified otherwise herein, existing materials and equipment which are required to be removed or disconnected to perform the work, but are not indicated or specified for use in the new work, shall become the property of the Contractor and shall be removed from the school property.

**11. OFFICE OF THE CONTRACTOR:**

The Contractor shall maintain an office or place of business in Guam, during the term of the contract, manned and equipped with telephone and facsimile (FAX) service during regular working hours and at all times when work is in progress.

**12. DAILY REPORT:**

When work commences under this contract, the Contractor is required to submit a "Contractor Production Report" form furnished by the Contracts Office. The form shall be completed daily and delivered to the Contract Manager or his authorized representative by no later than 10:00 a.m. the following workday.

**13. SCHEDULING REQUIREMENTS:**

The Contractor shall have materials, equipment, and personnel required to perform the work at the site prior to beginning work at the site. It is essential that this requirement be strictly adhered to so as to minimize in convenience to the school.

**14. CONTRACTOR'S INVOICE AND CONTRACT PERFORMANCE STATEMENT:**

The Contract Manager will furnish forms. The Contractor has the option to use the Government furnished progress schedule and record form. Requests for payment shall be processed in accordance with the Contract Clause entitled "Payment Under Construction Contract." Invoices and supporting forms for work performed shall be submitted the Contracts Office to consist of the following:

The Contractor's invoice shall show in summary form the basis for arriving at the amount of the invoice.

Contract Performance Statement, which shall show, in detail, the estimated cost percentage of completion and value of completed performance for each of the construction categories given hereinafter. The format and content shall be prescribed by the Contract Manager and shall be subject to his approval. The submission of the required data shall not otherwise affect the contract terms.

15. **FINAL INVOICE REQUIREMENTS:**

In addition to the above requirements, the Contractor must provide the following items with his final invoice.

- a. Contractor's final release.
- b. Assignee's Release must be completed for Contractors with assigned payments. Assignee's release forms to be completed by the assigned financial institution may be picked up from the Contracts Office at GPSS.
- c. Prior to submitting final release, all punch list items must be completed. As-built drawings, Operation and Maintenance Manuals, Warranty documents, and any other close out documentation required elsewhere in this contract must be submitted.

16. **STORM PROTECTION:**

When a warning of gale force winds is issued, take precautions to minimize danger to persons, and protect the work and nearby Government property. Precautions shall include, but are not limited to, closing openings; removing loose materials, tools and equipment from exposed locations; and removing or securing scaffolding and other temporary work. Close openings in the work when storms of lesser intensity pose a threat to the work or any nearby Government property.

Typhoon Condition of Readiness: unless directed otherwise, comply with:

- a. Condition ONE (Perform and complete actions required for "Conditions TWO, THREE, and FOUR." Sustained winds of 93 km/hr (50 knots) or greater expected within 12 hours): Secure the job-site, and leave Government premises.
- b. Condition TWO (Sustained winds of 93 km/hr (50 knots) or greater expected within 24 hours): Curtail or cease routine activities until securing operation is complete. Reinforce or remove formwork and scaffolding. Secure machinery, tools, equipment, materials, or remove from the job-site. Expend every effort to clear all missile hazards and loose equipment from general base areas.

- c. Condition THREE (Sustained winds of 93 km/hr (50 knots) or greater expected within 48 hours): Maintain "Condition FOUR" requirements and commence securing operations necessary for "Condition ONE" which cannot be completed within 18 hours. Cease all routine activities, which might interfere with securing operations. Commence securing and stow all gear and portable equipment. Make preparations for securing buildings. Review requirements pertaining to "Condition TWO" and continue action as necessary to attain "Condition THREE" readiness.
- d. Condition FOUR (Sustained winds of 93 km/hr (50 knots) or greater expected within 72 hours): Normal daily job-site cleanup and good housekeeping practices. Collect and store in piles or containers scrap lumber, waste material, and rubbish for removal and disposal at the close of each workday. Maintain the construction site including storage areas, free of accumulation of debris. Stack form lumber in neat piles less than 1 m (4 feet) high. Remove all debris, trash, or objects that could become missile hazards.

17. **CONTRACTOR LIABILITIES FOR ENVIRONMENTAL PROTECTION:**

Federal law requires Government installation to comply with environmental protection laws including but not limited to, the Clean Water Act (CWA), Clean Air Act (CAA), Resource Conservation and Recovery Act (RCRA), and amendments to these acts including the Federal Facilities Compliance Act (FFCA). The Federal Environmental

Protection Agency (EPA) has granted inspection and enforcement authority to State and local Governments who may impose fines and penalties for violations of these laws. The station is subject to Federal, State, and local inspections to review compliance with environmental protection laws. A multi media inspection by and EPA agency may include questioning of Contractor personnel who are working with or have contact with hazardous materials and waste. Contractors shall complete and provide documentation for environmental training required by Federal, State, and local regulations. Upon receipt of a Notice of Violation (NOV), the Contractor will be held liable for damages due to his error or omission.

18. **ENVIRONMENTAL PROTECTION REQUIREMENTS:**

Provide and maintain, during the life of the contract, environmental protection as defined. Plan for and provide environmental protective measures to control pollution that develops during normal construction practice. Plan for and provide environmental protective measures required to correct conditions that develop during the construction of permanent or temporary environmental features associated with the project. Comply with Federal, state, and local regulations pertaining to the environment, including but not limited to water, air, and noise pollution.

19. **SAFETY:**

Conform to the requirements of Federal, State and local laws, rules, and regulations on safety requirements.

20. **PERMITS:**

Permits are required for, but are not necessarily limited to, hot work and excavation. Allow 3 calendar days for processing of the application.

21. **HISTORICAL AND ARCHAEOLOGICAL RESOURCES:**

Carefully protect in place and report immediately to the Contract Manager historical and archaeological items or human skeletal remains discovered in the course of work. Stop work in the immediate area of the discovery until directed by the Contract Manager to resume work. The Government retains ownership and control over historical and archaeological resources.

22. **CONTROLS AND DISPOSAL OF SOLID WASTES:**

Pick up solid wastes, and place in covered containers, which are regularly emptied. Do not prepare or cook food on the project site. Prevent contamination of the site or other areas when handling and disposing of wastes. At project completion, leave the areas clean. Dispose of solid waste generated at locations as directed.

Disposal of rubbish, debris, chemical waste, and metals at the Ordot landfill is prohibited. Dispose of rubbish, debris, chemical waste, and asbestos in accordance with the environmental law requirements.

23. **GOVERNMENT FURNISHED MATERIALS: NONE**

24. **WARRANTIES:**

Submit data concerning the standard one (1) year warranty, including the warranty period (dates), and warranty contacts with names, addresses and telephone numbers. Equipment/Product Warranty List: Obtain and furnish to the Contracts Office a bound and indexed notebook containing written warranties for equipment/products that have extended warranties (warranty periods exceeding the standard one year warranty) furnished under the contract, and prepares a complete listing of such equipment/products. The warranty period shall begin on the same date as project acceptance and shall continue for the full/product warranty period.

25. **CLEAN-UP:**

The Contractor at no additional expense to the Guam Public School System shall dispose construction debris.



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