



DIPATTAMENTON I KAOGHAO GUINAHAN CHAMORRO  
DEPARTMENT OF CHAMORRO AFFAIRS

Honorable Felix P. Camacho  
Governor of Guam

Sylvia M. Flores  
Acting President

Honorable Michael W. Cruz  
Lt. Governor of Guam



November 13, 2009

Doris Flores Brooks, CPA, CGFM  
Public Auditor  
Office of the Public Auditor  
Suite 401, DNA Building  
238 Archbishop Flores Street  
Hagatna, Guam 96910

Re: Agency Report  
File No. OPA-PA-09-009

Dear Mrs. Brooks,

In compliance with your request I am submitting a production of our Agency Report within the five working days following receipt of your notice. Enclosed, please find an original and two copies for your review. Additionally, our office will be serving a copy to Guam Cleaning Masters.

Should you need further information or have additional questions, please feel free to contact me at 475-4278/9.

Sincerely,

SYLVIA M. FLORES  
Acting President  
Department of Chamorro Affairs

Enclosures: (11)

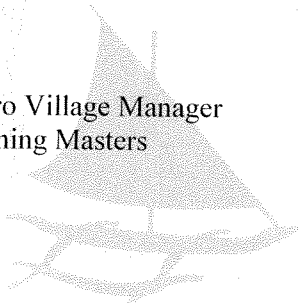
cc: Mr. Michael A. Cura – Chamorro Village Manager  
Mr. Alex Thomas – Guam Cleaning Masters

RECEIVED  
OFFICE OF THE PUBLIC AUDITOR  
PROCUREMENT APPEALS

NOV 13 2009

TIME: 11:54 AM

FILE NO. OPA-PA - 09-009



# AGENCY REPORT

DEPARTMENT OF CHAMORRO AFFAIRS  
CHAMORRO VILLAGE  
DCA RFP CV10-002  
JANITORIAL AND MAINTENANCE SERVICE  
FILE NO. OPA-PA-09-009

# COPY

**RECEIVED**  
OFFICE OF THE PUBLIC AUDITOR  
PROCUREMENT APPEALS

NOV 13 2009

TIME: 11:54 AM  
BY: Ryf  
FILE No. OPA-PA 09-009

- (a) A copy of the protest.  
(SEE ATTACHMENT 1)
- (b) A copy of the bid or offer submitted by the Appellant and a copy of the bid or offer that is being considered for award or whose bid or offer is being protested, if any had been submitted prior to the protest:  
Submitted previously by the department to the Office of the Public Auditor (OPA) on June 4<sup>th</sup> & June 5<sup>th</sup>, 2009 as part of its Procurement Record.
- (c) A copy of the solicitation, including the specifications or portions thereof relevant to the protest:  
Submitted previously by the department to the Office of the Public Auditor (OPA) on June 4<sup>th</sup> & June 5<sup>th</sup>, 2009 as part of its Procurement Record.
- (d) A copy of the abstract of bids or offers or relevant or portions thereof to the protest:  
Submitted previously by the department to the Office of the Public Auditor (OPA) on June 4<sup>th</sup> & June 5<sup>th</sup>, 2009 as part of its Procurement Record.
- (e) Any other documents which are relevant to the protest; including the contract, if one has been awarded, pertinent amendments, and plans and drawings:  
Submitted previously by the department to the Office of the Public Auditor (OPA) on June 4<sup>th</sup> & June 5<sup>th</sup>, 2009 as part of its Procurement Record. Provided are copies of the Guam Cleaning Master protest letters and Department of Chamorro Affairs responses, including Request for Quotations letters and quotes submitted for the Ocean Night Market.  
(SEE ATTACHMENTS 2, 3, 4, 5, 6, 7 and 8)
- (f) The decision from which the Appeal is taken, if different than the decision submitted by Appellant:  
(SEE ATTACHMENT 9)
- (g) A statement answering the allegation of the Appeal and setting forth finding, actions, and recommendations in the matter together with any additional evidence or information deemed necessary in determining the validity of the Appeal. The statement shall be fully responsive to the allegations of the Appeal:  
(SEE ATTACHMENT 9)

AGENCY REPORT  
DCA/CV  
FILE NO. OPA-PA-09-009  
November 13, 2009  
PAGE 2 OF 2

- (h) If the award was made after the receipt of the protest, the report will include the determination required under 2 GAR §9101(e):

**The award was not made after the protest. The award was made before the protest on September 30, 2009. Confirmation Report show received via fax accordingly on September 29, 2009.**

**(SEE ATTACHMENT 10)**

- (i) A statement in substantially the same format as Appendix B to this Chapter, indicating whether the matter is the subject of a court proceeding:

**(SEE ATTACHMENT 9)**

**ORIGINAL**



**GUAM CLEANING MASTERS**

Tel: (671) 646-2002 Fax: (671) 646-4707  
PO Box 9500 Dededo, Guam 96929  
guamcleaningmasters@yahoo.com  
www.guamcleaningmasters.com



September 30, 2009

**Sylvia Flores**  
President  
Department of Chamorro Affairs  
Government of Guam  
152 W Marine Corps Drive  
Hagatna, Guam 96910

**RECEIVED**

REC'D 10/1/2009  
09/10/09  
Department of  
Chamorro Affairs  
for copy to CV.

**Subject: Bid Protest re: Janitorial & Maintenance Service; No. DCA RFP CV10-002**

Dear President Flores:

We are in receipt of your September 29, 2009 letter pertaining to the above bid number for Janitorial & Maintenance Services. Your letter does not specify who won the bid, or the grounds for disqualification of the other bidders. It simply states that Guam Cleaning Masters ("GCM") was not selected. Based upon my call to Mr. Jeff San Nicolas, an employee of your Department, on Friday, September 25, 2009 at approximately 4:30 p.m. Lucky Kids Lawn Care & Janitorial Services was or will be awarded the bid.

Guam Cleaning Masters ("GCM") hereby submits this bid protest pursuant to the Guam Procurement Law (5 G.C.A. § 5425(a)) for the award of the above bid.

The bases for this bid protest include, but are not limited to:

1. the three lowest bidders below GCM (Lucky Kids, Top Quality & JJ Global) could not possibly comply with the bid requirements for their bid amounts since under Bid Section "C. SCHEDULE" given the labor force required and the pay schedule required under Guam Public Law 26-111 (all applicable taxes) the minimum bid amount would have to be *at least* \$72,000.00 based upon the labor required & payment calculations to those workers;

2. the Department has violated procurement law by authorizing work before proper notices issued to bidders;
3. Lucky Kids was not the lowest bidder, there being 2 other lower bidders;
4. GCM is the lowest and most qualified bidder under the terms and conditions as contained within the bid number DCA RFP CV10-002.

We request that your Department resolve this matter under your authority to resolve disputes by awarding this bid to GCM. (5 G.C.A. § 5425(b)).

GCM further requests its costs be reimbursed herein pursuant to 5 G.C.A. § 5425(h)(1).

We understand that Lucky Kids Lawn Care & Janitorial Services may have already begun work under the above-cited bid. Pursuant to 5 G.C.A. § 5425(g) we request that all work stop until our bid protest has been officially responded to.

Please do not hesitate to call upon us if it might assist in resolving this bid protest. Thank you.

Sincerely,



Alex Thomas  
President

cc: Ms. Claudia Acfalle, Chief Procurement Officer  
General Services Agency  
Ms. Maria Connelley, Director,  
Department of Labor  
Patrick Candoleta, Wage & Hour Division,  
U.S. Department of Labor  
Douglas B. Moylan, Esq.  
Counsel, Guam Cleaning Masters

**ORIGINAL**

**GUAM CLEANING MASTERS**

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PO Box 9500 Dededo, Guam 96929  
guamcleaningmasters@yahoo.com  
www.guamcleaningmasters.com

Ms. Sylvia Flores  
President  
Department of Chamorro Affairs  
Government of Guam  
152 W Marine Corps Drive  
Hagatna, Guam 96910

**RECEIVED**

OCT 05 2009  
09.10.11  
Department of  
Chamorro Affairs  
\*for copy to CV

**Subject: Sunshine Reform Act of 1999 Request; Bid No.  
DCA RFP CV10-002, Janitorial & Maintenance  
Service;**

Dear President Flores:

Pursuant to the Sunshine Reform Act of 1999, please provide the following public records pertaining to the above-identified bid:

1. copy of all documents in your possession pertaining to Bid No. DCA RFP CV10-002, Janitorial & Maintenance Service ("Bid");
2. copy of Bid;
3. copy of notices issued for Bid;
4. copy of register of prospective bidders (picking up Bid packet);
5. copy of register of bidders submitting bid;
6. copy of bid documents submitted by bidders;
7. copy of evaluation documents for Bid;
8. copy of notice of award for Bid;
9. copy of the contract entered into arising from Bid;
10. copy of all notices to proceed to winning bidder; and
11. copy of purchase order(s) for work under Bid.

Thank you.

Sincerely,



Alex Thomas  
President

cc: Douglas B. Moylan, Esq.  
Counsel, Guam Cleaning Masters

DIPATTAMENTON I KAOHAO GUINAHAN CHAMORRO  
DEPARTMENT OF CHAMORRO AFFAIRS

Honorable Felix P. Camacho  
Governor of Guam

Sylvia M. Flores  
Acting President

Honorable Michael W. Cruz  
Lt. Governor of Guam



FILE COPY

October 12, 2009

Mailed on:  
10-16-09  
*[Signature]*

Alex Thomas  
President, Guam Cleaning Masters  
P.O. Box 9500  
Dededo, Guam 96929

Dear Mr. Thomas:

Håfa Adai! Thank you for your letter dated September 30, 2009. Please be reminded that, by mandate, all Government of Guam agencies, departments and instrumentalities are required to adhere to the prescribed regulatory guidelines in the furtherance of all BID processes.

You've made numerous references [public laws and Guam Code Annotated] on how the Department of Chamorro Affairs had not adhered to the mandates governing BIDs. Your allegations are unfounded and your company's continued posturing in bad light concerns me tremendously.

It is unfortunate, although, that your fine company was unable to be awarded the BID in question. The [Department] looks forward to your company's continued interest of our agency's needs. Thank you in advance.

Senseramente,

*Joseph A. Comerio (for)*  
Sylvia M. Flores  
Acting President

cc: GSA, Chief Procurement Officer

"Department of Chamorro Affairs is an Equal Opportunity Provider and Employer"

238 Archbishop F.C. Flores St. • DNA Building, Ste. 408 Hagatña, Guam 96910 • P.O. Box 2950 Hagatña, Guam 96932 • Phone: (671)475-4278/9 • Fax: (671)475-4227

DIBISION FINO'YAN KOTTURAN CHAMORRO  
Chamorro Language and Culture Division

I SENGSONG CHAMORRO  
Chamorro Village

DIBISION INALIGAO, TINIGE', YAN FINA'NA'GUE  
Research, Publications and Training Division

DIBISION FANINADAHEN KOSAS GUAHAN YAN SAGAN RIKUJETDON  
Guam Museum & Archives Division

DIPATTAMENTON I KAOHAO GUINAHAN CHAMORRO  
DEPARTMENT OF CHAMORRO AFFAIRS

Honorable Felix P. Camacho  
Governor of Guam

Sylvia M. Flores  
Acting President

Honorable Michael W. Cruz  
Lt. Governor of Guam



October 21, 2009

Alex Thomas  
President  
GUAM CLEANING MASTER  
P.O. Box 9500  
Dededo, Guam 96929

Re: RFP DCA CV10-002, JANITORIAL AND MAINTENANCE SERVICES

Dear Mr. Thomas:

This letter is in response to your request received on October 5, 2009, regarding the above reference matter. Provided below is an abstract list of contractors that submitted bids for fiscal year 2009-2010, Janitorial and Maintenance services at the Chamorro Village:

NAME OF COMPANY	MONTHLY BID AMOUNT	BID STATUS
1. Trusted Janitorial & Lawn Care	\$ 8,850.00	Company less than one (1) year. Personnel has worked in janitorial service for almost 5 years. Bid meet wage & hour requirements but not the lowest bid
2. 4-E Janitorial Service	\$ 10,500.00	Bid meet all requirements but not the lowest bid.
3. Lucky Kids Lawn Care & Janitorial Service	\$ 5,762.70	<i>Contractor bid included a no cost on Thursday maintenance cleaning.</i> Bid meet all requirements and was the lowest bid submitted. Contractor awarded FY10 Janitorial & Maintenance service.
4. Top Quality Maintenance Service	\$ 4,200.00	Bid disqualified for not meeting wage & hour requirements.
5. Guam Cleaning Masters	\$ 6,614.02	Bid meet all requirements but not the lowest bid
6. JJ Global Service	\$ 5,249.50	Bid disqualified for not meeting holiday wage & hour requirements.
7. Maids To Order Maintenance	\$ 7,850.00	Bid meet all requirements but not the lowest bid

238 Archbishop Felixberto C. Flores Street • Pacific News Building, Suite 408 Hagatña, Guam 96910 • P.O. Box 2950 Hagatña, Guam 96932

DIBISION FINO' YAN KOTTURAN CHAMORRO  
Chamorro Language and Culture Division

I SENGSONG CHAMORRO  
Chamorro Village

DIBISION INALIGAO, TINIGE' YAN FINA'NA'GUE  
Research, Publications and Training Division

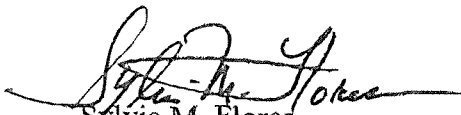
DIBISION FANINADAHEN KOSAS GUAHAN YAN SAGAN RIKUETDON  
Guam Museum & Archives Division

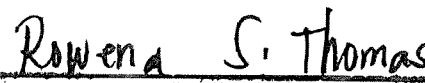
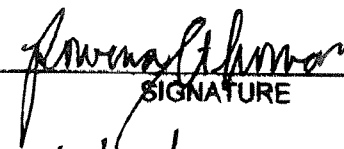


In addition, to your request for records pertaining to the DCA RFP CV10-002, Janitorial & Maintenance bid, we have provided below the following documents:

1. Copy of Janitorial and Maintenance Service Proposal Package, DCA RFP CV10-002
2. Copy of notice in the Pacific Daily News on 9/4/09
3. Copy of notice in the Pacific Daily News on 9/7/09
4. Copy of notice in the Pacific Daily News on 9/11/09
5. Copy of register of prospective bidders (Proposal Package Log Sheet)
6. Copy of Pre-Bid Conference register held on 9/11/09
7. Copy of Pre-Bid Conference Agenda
8. Copy of Bid Opening register held on 9/22/09
9. Copy of Janitorial & Maintenance Service Bid Summary
10. Copy of Trusted Janitorial Lawn Service Bid
11. Copy of 4-E Janitorial Corp. Bid
12. Copy of Lucky Kids Lawn Care & Janitorial Service Bid
13. Copy of Top Quality Maintenance Service Bid
14. Copy of Guam Cleaning Masters Bid
15. Copy of JJ Global Services Bid
16. Copy of Maids To Order, Inc. dba: MTO Maintenance Bid
17. Copy of Status letter dated 9/29/09 to Trusted Janitorial Lawn Service
18. Copy of Fax Transmission Report (undelivered) dated 9/29/09 to Trusted Janitorial Lawn Service
19. Copy of Status letter dated 9/29/09 to 4-E Janitorial Corp.
20. Copy of Fax Transmission Report (sent) dated 9/29/09 to 4-E Janitorial Corp.
21. Copy of Status Award letter dated 9/29/09 to Lucky Kids Lawn Care & Janitorial Service
22. Copy of Fax Transmission Report (sent) dated 9/29/09 to Lucky Kids Lawn Care & Janitorial Service
23. Copy of Status letter dated 9/29/09 to Top Quality Maintenance Service
24. Copy of Status letter dated 9/29/09 to Guam Cleaning Masters
25. Copy of Fax Transmission Report (sent) dated 9/29/09 to Guam Cleaning Masters
26. Copy of Status letter dated 9/29/09 to JJ Global Services
27. Copy of Fax Transmission Report (undelivered) dated 9/29/09 to JJ Global Service
28. Copy of Fax Transmission Report (sent) dated 9/29/09 to JJ Global Service
29. Copy of Status letter dated 9/29/09 to Maids To Order, Inc.
30. Copy of Fax Transmission Report (sent) dated 9/29/09 to Maids To Order, Inc.
31. Copy of Purchase Order No. CV10-2, dated 10/1/09 to Lucky Kids Lawn Care & Janitorial Service
32. Copy of Contractual Agreement between Department of Chamorro Affairs and Lucky Kids Lawn Care & Janitorial Service.

Should you need additional information, please feel free to contact our office again.

  
Sylvia M. Flores  
DCA, Acting President

  
\_\_\_\_\_  
PRINT NAME  
  
\_\_\_\_\_  
SIGNATURE  
10/21/09  
\_\_\_\_\_  
DATE

**GUAM CLEANING MASTERS**

Tel: (671) 646-2002 Fax: (671) 646-4707  
PO Box 9500 Dededo, Guam 96929  
guamcleaningmasters@yahoo.com  
www.guamcleaningmasters.com

**FACSIMILE TRANSMITTAL SHEET**

TO:	Ms. Sylvia Flores	FROM:	Rowena S. Thomas
COMPANY:	Department of Chamorro Affairs	DATE:	10/26/09
FAX NUMBER:	475-0376	TOTAL NO. OF PAGES INCLUDING COVER:	3
PHONE NUMBER:	475-0377	SENDER'S REFERENCE NUMBER:	646-2002
RE:	Bid Protest re: Janitorial & Maintenance Service		
		YOUR REFERENCE NUMBER:	

URGENT     FOR REVIEW     PLEASE COMMENT     PLEASE REPLY     PLEASE RECYCLE

DIPATTAMENTON I KAOHAO GUINAHAN CHAMORRO  
DEPARTMENT OF CHAMORRO AFFAIRS

Honorable Felix P. Camacho  
Governor of Guam

Sylvia M. Flores  
Acting President

Honorable Michael W. Cruz  
Lt. Governor of Guam



October 28, 2009

Alex Thomas  
President  
GUAM CLEANING MASTER  
P.O. Box 9500  
Dededo, Guam 96929

COPY

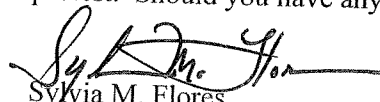
Re: **BID PROTEST, JANITORIAL AND MAINTENANCE SERVICES**  
**NO.: DCA RFP CV10-002**

Dear Mr. Thomas:

This is in response to your letter dated October 26, 2009, regarding the above reference matter. Please find my response listed below:

- Item 1:** On your letter you allege "*apparent collusion in the award of the bid since our prices were solicited in advance of the RFP solicitation & award*" which is untrue since the above allegations refers to a Request for Quotation for the Ocean Night Market. This is a separate event and service which was to begin every Fridays starting October 2, 2009. For your information, our Bid Proposal, DCA RFP CV10-002 for Janitorial and Maintenance service related to services daily and during the Wednesday Night market, as well as additional cleaning on Thursdays and Sundays bi-weekly. There is no mentioned on our bid proposal regarding janitorial and maintenance service for the Ocean Night Market.
- Item 2:** Your request to stop work during the bid protest would be irresponsible for the department to allow. Please keep in mind, that the Chamorro Village business operations will be determinately affected should the maintenance stop, especially during our weekly night market which is a major attraction to the tourism industry and an economic impact to the various small vendors participating during the market.
- Item 3:** The department has used this bid method for prior years in selecting services for Pest Control, Janitorial & Maintenance, Trash Collection and Unarmed Security for the Chamorro Village facility. The department has awarded in the past based on this method and will continue to move forward on our bid awards for the 2009-2010 fiscal year.

I hope this would settle any misunderstanding or interpretation you may have regarding your bid protest. Should you have any questions or concerns, please feel free to contact us again.

  
Sylvia M. Flores  
DCA, Acting President

238 Archbishop Felixberto C. Flores Street • Pacific News Building, Suite 408 Hagatña, Guam 96910 • P.O. Box 2950 Hagatña, Guam 96932

DIBISION FINO' YAN KOTTURAN CHAMORRO  
Chamorro Language and Culture Division

I SENGSONG CHAMORRO  
Chamorro Village

DIBISION INALIGAO, TINIGE', YAN FINA'NA'GUE  
Research, Publications and Training Division

DIBISION FANINADAHEN KOSAS GUAHAN YAN SAGAN RIKUETDON  
Guam Museum & Archives Division

Rowena Thomas

PRINT NAME

Rowena Thomas

SIGNATURE

10/29/09

DATE

# WorkCentre 24 Transmission Report

GS ID J

1-671-4750376

Date/Time: 09/11/2009:03:34PM

Page: 1 (Last Page)

Local Name  
Logo

CHAMORRO VILLAGE

Document has been sent.  
Document Size 8.5X11"SEF

DEPARTMENT OF CHAMORRO AFFAIRS  
THE CHAMORRO VILLAGE  
P.O. BOX 2950, HAGATNA, GUAM 96932  
TEL: 475-0377 FAX: 475-0376

FACSIMILE TRANSMITTAL SHEET

TO: Alex Thomas	FROM: Michael Cuta
COMPANY: GUAM CLEANING MASTER	DATE: 9/11/2009
FAX NUMBER: 646-4707	TOTAL NO. OF PAGES INCLUDING COVER: 1
PHONE NUMBER: 646-2002	SENDER'S REFERENCE NUMBER:
RE: Request for Quotation	YOUR REFERENCE NUMBER:

URGENT  FOR REVIEW  PLEASE COMMENT  PLEASE REPLY  PLEASE RECYCLE

NOTES/COMMENTS

Hafa Adai,

I would like to request a quotation for maintenance service for our upcoming Ocean Night Market event.

Scope of Work as follows:

OCEAN NIGHT MARKET, every Friday's starting October 2, 2009

1. The Maintenance Company to provide six (6) maintenance workers once a week for six (6) hours from 5:00 p.m. to 11:00 p.m. to maintain the dining areas, walkways, grounds and office during the Ocean Night Market.
2. All maintenance workers must be in uniform when on duty.
3. The Maintenance Company must either provide a two-way radio or cellular phone to supervisor on duty to communicate with our office during the event.

Please fax your response to 475-0376, no later than 12:00pm, Wednesday, September 16, 2009. Should you need additional information, please feel free to contact me at Tel: 475-0377.

Thank you for your attention this is matter.

Michael Cuta  
Chamorro Village Manager

This facsimile transmission and accompanying documents may contain confidential or privileged information. If you are not the intended recipient of this fax transmission, please call our office and notify us immediately. Do not distribute or disclose the contents to anyone. Thank you.

Total Pages Scanned: 1 Total Pages Sent : 1

Doc.	Remote Station	Start Time	Duration	Pages	Mode	Contents	Status
1	4686 6464707	9-11: 3:33PM	18s	1 / 1	SG3		CP

ote:  
 : Resend MB: Send to Mailbox BC: Broadcast MP: Multi Polling RV: Remote Service  
 : Polling RB: Relay Broadcast RS: Relay Send BF: Box Fax Forward CP: Completed  
 A: Send Again EN: Engaged AS: Auto Send TM: Terminated

DEPARTMENT OF CHAMORRO AFFAIRS  
THE CHAMORRO VILLAGE  
P.O. BOX 2950, HAGATNA, GUAM 96932  
TEL: 475-0377 FAX: 475-0376

FACSIMILE TRANSMITTAL SHEET

TO:	Alex Thomas	FROM:	Michael Cura
COMPANY:	GUAM CLEANING MASTER	DATE:	9/11/2009
FAX NUMBER:	646-4707	TOTAL NO. OF PAGES INCLUDING COVER:	1
PHONE NUMBER:	646-2002	SENDER'S REFERENCE NUMBER:	
RE:	Request for Quotation	YOUR REFERENCE NUMBER:	

URGENT     FOR REVIEW     PLEASE COMMENT     PLEASE REPLY     PLEASE RECYCLE

NOTES/COMMENTS:

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**Please fax your response to 475-0376, no later than 12:00pm, Wednesday, September 16, 2009.** Should you need additional information, please feel free to contact me at Tel: 475-0377.

Thank you for your attention this is matter.

  
Michael Cura  
Chamorro Village Manager

This facsimile transmission and accompanying documents may contain confidential or privileged information. If you are not the intended recipient of this fax transmission, please call our office and notify us immediately. Do not distribute or disclose the contents to anyone. Thank you.



FACSIMILE TRANSMITTAL SHEET

TO: Mr. Michael Cura	FROM: Alex Thomas
COMPANY: Department Of Chamorro Affairs	DATE: 09-16-2009
FAX NUMBER: 475-0376	TOTAL NO. OF PAGES INCLUDING COVER: 4
PHONE NUMBER: 475-0377	SENDER'S REFERENCE NUMBER: 646-2002
RE: Hafa Adai, attached is the price quotation for the Ocean Night Market event. Thank you & God Bless!	YOUR REFERENCE NUMBER: 646-2002

URGENT     FOR REVIEW     PLEASE COMMENT     PLEASE REPLY     PLEASE RECYCLE

\$ 546.00 (8)



# GUAM CLEANING MASTERS

Tel: (671) 646-2002 Fax: (671) 646-4707  
PO Box 9500 Dedado, Guam 96829  
guamcleaningmasters@yahoo.com  
www.guamcleaningmasters.com




Estimate

Date	Estimate #
9/14/2009	410

Name / Address
Department of Chamorro Affairs Mr. Michael . Cura

Ship To

Description	Qty	Cost	Total
<p>Again, thank you for giving us this opportunity to provide our services with you. Our staff is qualified and trained to provide and uphold the professional services that Guam Cleaning Masters is known for. GCM is bonded and insured, will be responsible and assume liability related to its employees should injury occur. In the event of an after hours operation, a supervisor is always assigned to ensure the safety of your establishment.</p> <p>If there are any additional questions, comments, or suggestions that you may have, please feel free to contact me at the numbers listed above.</p> <p>Sincerely,    Alex Thomas  General Manager</p>			

Approved By: \_\_\_\_\_

<b>Total</b>	<b>\$26,208.00</b>
--------------	--------------------





# GUAM CLEANING MASTERS

Tel: (671) 646-2002 Fax: (671) 646-4707  
PO Box 9500 Dededo, Guam 96829  
guamcleaningmasters@yahoo.com  
www.guamcleaningmasters.com



Estimate

Date	Estimate #
9/14/2009	410

Name / Address
Department of Chamorro Affairs Mr. Michael . Cura

Ship To

Description	Qty	Cost	Total
<p>Thank you for allowing Guam Cleaning Masters the opportunity to submit a quotation for your cleaning needs. Our services are as follows: Scope of work for night market on Friday's.</p> <ol style="list-style-type: none"> <li>G.C.M will provide 6 personal on Friday's from 1700 HRS to 2300 HRS to maintain the dining areas, walkways, grounds and restroom's during the night market.</li> <li>All G.C.M employees must be on uniform and badge on it.</li> <li>G.C.M supervisor have a radio and cell phone.</li> </ol> <p>Once week services with six personal price for every month and year here follows</p>	12	2,184.00	26,208.00

Aproved By: \_\_\_\_\_

**Total**



DEPARTMENT OF REVENUE AND TAXATION

GOVERNMENT OF GUAM

P.O. Box 23667

Barrigada, Guam 96921

www.guamtax.com

Phone: 671-271-2000

BUSINESS LICENSE

SRL NO: 10

EXPIRES: JUNE 30, 2010

SERVICE ACCOUNT NO: 13-000096118-003

ISSUED TO: THOMAS, ALEX		FEE	50
DOING BUSINESS AS: GUAM CLEANING MASTERS		PENALTY	
TYPE OF LICENSE: JANITORIAL, CARPET CLEANING & LAWN CARE SERVICE (ON CALL)		TOTAL FEE	50
BUSINESS LOCATION: 150 MARTINE DRIVE URBAN PLAZA UNIT 5 TUMING GUAM		<div style="border: 2px solid black; padding: 5px; text-align: center;"> <p><b>PAID</b></p> <p>JUN 07 2009</p> <p>DEPT OF REV &amp; TAX COLLECTION BRANCH - 02</p> </div>	
MAILING ADDRESS: PO BOX 9500 DEDELO GUAM			
TELEPHONE: HOME 649-5907	BUSINESS	ZIP: 96929	6/02/09
		645-2002	

KEEP POSTED IN A CONSPICUOUS PLACE  
LICENSE MUST BE PRODUCED UPON  
DEMAND TO ANY AUTHORIZED GOV'T  
OFFICIAL.

*Antonio B. Illagan*  
ANTONIO B. ILLAGAN  
DIRECTOR OF REVENUE AND TAXATION

# DEPARTMENT OF CHAMORRO AFFAIRS

## STATEMENT ANSWERING ALLEGATION OF APPEAL

The Department of Chamorro Affairs solicited Request for Proposal for DCA RFP CV10-002 (Janitorial and Maintenance Services).

On September 4<sup>th</sup>, 7<sup>th</sup> and 11<sup>th</sup>, 2009, the Department of Chamorro Affairs, advertised several notices in the Pacific Daily News soliciting bids for the Janitorial and Maintenance Services operation at the Chamorro Village in Hagatna.

A Pre-bid conference was held at 10:00am, September 11, 2009 and the Department Chamorro Affairs, Conference Room. A week later, the Bid Opening was held at 10:00am, September 22, 2009, at the same location.

In response to the bid solicitation, the Department of Chamorro Affairs received seven (7) timely bids from Trusted Janitorial Lawn Service, 4-E Janitorial Corp., Lucky Kids Lawn Care and Janitorial Service, Top Quality Maintenance Service, Guam Cleaning Masters, JJ Global Services and Maids To Order, Inc. dba: MTO Maintenance.

During the bid opening the department read out aloud each bid amount submitted by the above companies. It was mentioned that the department will need to review the bids further before making a final selection.

Upon reviewing the bids a meeting was scheduled with the three lowest bids on September 28<sup>th</sup> and 29<sup>th</sup>, 2009 at the Chamorro Village office to determine their wage and hour eligibility based on the U.S. Minimum and Prevailing Wage Determination for Guam, as required by Guam Public Law 26-111. Based on the discussion with the each company's representative it was determine that Top Quality Maintenance Service and JJ Global Service did not meet the wage and hour requirements. However, Lucky Kids Lawn Care and Janitorial Service did mention a no charge on Thursday cleaning or free service which kept their bid amount within the above requirements.

Based on all bids that meet the requirements, Lucky Kids Lawn Care and Janitorial Service was selected as the lowest bidder. Notification letters were sent via fax on September 29, 2009 to all bidders including Guam Cleaning Masters.

On October 1, 2009, the department received a formal protest letter dated September 30, 2009 from Guam Cleaning Masters appealing the department's selection. **(Attachment 1)**

On October 5, 2009, the department received a letter (no date) from Guam Cleaning Masters requesting for public records pertaining to the DCA RFP CV10-002, Janitorial and Maintenance Service bid. **(Attachment 2)**

On our letter dated October 12, 2009, the department replied to Guam Cleaning Masters inquiry on the selection of the lowest bidder. **(Attachment 3)**

On our letter dated October 21, 2009, the department sent a response with copies of the Janitorial and Maintenance bid to Guam Cleaning Masters. **(Attachment 4)**

On October 26, 2009, Guam Cleaning Masters sent a response to our October 12<sup>th</sup> letter alleging apparent collusion in the award, failure to stop the contract and improper method to solicit janitorial and maintenance service. **(Attachment 5)**

On our letter dated October 28, 2009 the department sent a replied to Guam Cleaning masters letter dated October 26<sup>th</sup>. **(Attachment 6)**

On October 28, 2009, the department received a Notice of Appeal from the Office of the Public Auditor via fax regarding DCA RFP CV10-002 Janitorial and Maintenance Service.

Based on the Guam Cleaning Masters Procurement Appeal Grounds, I have provided a response to each item listed below:

- a. *GCM was the lowest and most qualified bidder. Based on the bid documents provided the department stands behind its decision in the selection of Lucky Kids Lawn Care and Janitorial Service as the lowest bid as shown on our review and selection sheet.*
- b. *The Request for Proposal was not lawful solicitation method, as opposed to what should have been used, a Bid procurement method (Fleet Services v. DOA & Kloppenburg Enterprises, Inc, 2006, Guam 6). The department method for requesting services via Request for Proposal (RFP) has been used for prior years in selecting services for the Chamorro Village operations that includes Pest Control, Janitorial & Maintenance, Trash Collection and Unarmed Security Service. The department has awarded in the past based on this method in which Guam Cleaning Masters has participated without concerns of the solicitation method. Therefore, we request to continue to move forward on our bid awards for the 2009-2010 fiscal. Should there be a need to correct our bid solicitation method that this is done in the next bid opening for next fiscal year 2010-2011.*
- c. *The awardee submitted an unlawful RFP as their price structure cannot comply with wage and hour laws in light of RFP's personnel requirement, including required under 26-111 (Exhibit A), and may have done so by inadvertence or by fraud to obtain the award. Guam Cleaning Masters allege claim has yet to be provided with substantial evidence for fraud. The department will not tolerate any improprieties or allow such allege fraud to take place during the bid process.*
- d. *DCA illegally solicited price quotes from GCM in violation of the procurement law (Exhibits B&C). The department solicited price quotes for the Ocean Night Market which was not part of the Janitorial and Maintenance Service contract.*  
**(SEE ATTACHMENT 7 & 8)**
- e. *DCA engaged in collusive activity by soliciting price quotes from GCM before the RFP due date, and did not award (Exhibits B & C). The collusive activity is untrue since the above allegation refers to a Request for Quotation for the Ocean Night Market. The ONM is a separate event and service which was to begin every Fridays starting October 2, 2009. Our Bid Proposal, DCA RFP CV10-002 for Janitorial and Maintenance service related to services daily and during the Wednesday Night market, as well as additional cleaning on Thursdays and Sundays bi-weekly. There is no mentioned on our bid proposal regarding janitorial and maintenance service for the Ocean Night Market.*

- f. *DCA permitted Awardee to continue to provide services after filing GCM's September 30, 2009 protest (Exhibit D). **Guam Cleaning Masters request to stop work during the bid protest would disrupt operations at the Chamorro Village should the maintenance contract stop. This will include the temporary closure of the highly attracted Wednesday night market which is a major attraction to the tourism industry, as well as economically impact to the various business operations during the night market.***
- g. *Response to GMC's September 30, 2009 protest inadequate under Procurement Law (note 5 G.C.A § 5425(c) and content of response) Exhibit E. **Any inadequate response was made clearly in our letters dated October 21<sup>st</sup> & 28<sup>th</sup>.***
- h. *Notice published & other procedures followed by DCA if solicited under the auspices of a "Bid" are defective. **All published notice with procedures were mentioned in our Bid Proposal Package and later followed up during our Pre-bid hearing that Guam Cleaning Masters participated without concerns of the bid procedure prior to the Bid opening.***
- i. *Procedures implemented and nomenclature utilized by DCA of either a bid or a RFP format are intermingled & hence defective, thereby tainting procurement process and award (Exhibits F, G, H, I J, K & L, bid proposal vs. Request for Proposal, Exhibits M, N & O). **The bid method has been used in prior years that Guam Cleaning Masters has participated without concern. Guam Cleaning Masters has further acknowledged the Bid Proposal Package that they have read and understand the Miscellaneous Provision Item 16 that states "The Department of Chamorro Affairs reserves the right to reject any or all proposals, solicit new proposals, waive minor informalities or irregularities or award service in whole or in part."***

In closure the department would like to request that the appeal of Guam Cleaning Masters be dismissed.

# WorkCentre 24 Transmission Report

G3 ID

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Date/Time: 09/29/2009; 04:37PM

Page: 1 (Last Page)

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CHAMORRO VILLAGE

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**DEPARTMENT OF CHAMORRO AFFAIRS**  
I SENGSONG CHAMORRO  
**Chamorro Village**  
Government of Guam

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Sylvia Flores  
Acting President

Honorable Felix P. Camacho  
Governor of Guam  
Honorable Michael W. Cruz  
Lieutenant Governor of Guam

September 29, 2009

VIA FACSIMILE  
646-4707

Mr. Alex Thomas  
General Manager  
GUAM CLEANING MASTERS  
P.O. Box 9500  
Dededo, Guam 96929

RE: STATUS OF BID PROPOSAL  
Janitorial and Maintenance Service  
DCA RFP CV10-002

Dear Mr. Thomas:

We would like to thank you for submitting your proposal for Janitorial and Maintenance Service.

Unfortunately, we have selected another company to handle the above service at the Chamorro Village for the next twelve (12) months. The bidding was very competitive however our selection was based on the lowest bid submitted for this contract.

Once again, thank you for taking the time to submit your proposal. We wish you the best of luck and encourage you to submit for this service again during our next bid opening.

Please don't hesitate to contact us if you have any questions.

Si Yu'os Ma'ase'.

  
Michael A. Cura  
Chamorro Village Manager

  
Sylvia Flores  
President, Department of Chamorro Affairs

cc: file

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PG: Polling RB: Relay Broadcast RS: Relay Send BF: Box Fax Forward CP: Completed  
SA: Send Again EN: Engaged AS: Auto Send TM: Terminated