

GUAM PACIFIC ENTERPRISE, INC.

P.O. Box 23128
GMF Guam 96921

Tel#(671)649-6994/7/8/Fax#(671)649-6988

RECEIVED
OFFICE OF THE PUBLIC AUDITOR
PROCUREMENT APPEALS

AUG 17 2009

TIME: 2:35 PM
BY: BR
FILE No. OPA-PA 09-003

August 17, 2009

The Public Auditor/Doris Flores Brooks
Hagatna, Guam 96910

Subject: GPA Liquidated Damages/Rebuttals

Dear Ms. Brooks;

GPA counsel specified fairness, equitable treatment of all person and integrity that the procurement system need to adhere. But if a simple provisions in the law are violated by the Procurement Department., their integrity is tarnished. I'm referring to the Bid Bond to be held in trust by the department instead it was deposited to GPA account which is a display of betrayal of trust. GPA is so keen on application of Liquidated Damages even there's reasonable request for delivery extension but does not pay interest on due accounts despite the mandate of the law. A display of unfairness and inequitable . The arguments mentioned above are relevant since it question the ability of the Procurement Department to carry out the purposes of 5GCA Chapter 5 and make the right judgement.

Following are my justifications for reimbursement on all GPE appeals;

1,) GPA is unfair when my request for delivery extension was denied in my letter dated April 13, 2009. GPA's request for quotation and Purchase Order 13394 specified the Manufacturers' name which is S & C. Any vendor that got the order will be in the same circumstances. There's a recession in U.S. that factored the delay affecting production and manufacturing capacity. Please see attached Exhibit A(RFQ) & Exhibit B(Purchase Order) & S & C letter Exhibit F& Exhibit G. Therefore, approving extension is warranted.

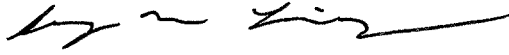
① of ⑮

2.) In November 23, 2007, I received a Purchase Order No. 12132 (Exhibit C). I notified GPA by fax a request for delivery extension. Then I received a Notice Of Default denying my request. I faxed them a letter that if they cannot extend my request for delivery extension, just cancel the order and award it to another vendor that can supply the materials faster. Then I received a letter from GPA granting the delivery extension. Please see attached amendment to the Purchase Order 12132. Please see attached Exhibit D(Amendment). This course of events reflected the questionable integrity of GPA. My point is if I didn't threaten them to cancel the Purchase Order. they will not grant my request for delivery extension but would wait for my delivery regardless of the date since they are more concerned on the Liquidated Damages revenue. I'm invoking on the Freedom Of Information Act for GPA to provide all correspondences pertaining to GPE letter for extension, GPA Notice Of Default, GPE letter to cancel the order and GPA letter granting delivery extension. All of these correspondences effectuated in January and February 2008.

3.) Atty. Botha erred when he indicated that I received a Notice Of Default first before I request for delivery extension. I fax my request in April 13 since April 11 & 12 are non working days. Please see attached Exhibit H, the next day April 14 I received a Notice Of Default (Exhibit I) then in April 24 I received a letter denying my request. please see attached Exhibit K, GPE is appealing the unreasonable application of Liquidated Damages on all P.O.'s listed which GPA deducted from GPE account. This is not a claim of money owed to or by the government. GPA made the wrong judgement and did not comply with the provisions of Sec 5001 of Chapter 5 Title 5GCA(Please see Exhibit J) Atty. Botha's position that the statue of Limitation apply to several of my appeals is not the case. GPE is a Small Business that managed to have a good standing record with Taxation for the last 21 years. We are requesting your good office to promote the integrity of the procurement process and the purposes of 5 GCA Chapter 5. The bottom line here is GPA failed in carrying out the major intent of all Notice of Defaults issued to GPE. They did

not terminate the Purchase Orders cause they knew they're getting the best price, reasonable delivery time and at the same time revenues earned from Liquidated Damages. They want all the accounts on their side.

Thank you, I appreciate your time and kind consideration on this matter.



By; Sedfrey M. Linsangan

Exhibit A



GUAM POWER AUTHORITY

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

RECEIVED
OFFICE OF THE PUBLIC AUDITOR
PROCUREMENT APPEALS

AUG 17 2009

2:35 PM

Josie Naputi

Revised

Tel: (671) 648-3054/3055 Fax: (671) 648-3165

Accountability	Impartiality	Competence	Openness	Value
Please respond as soon as possible, but no later than: January 09, 2009 <i>01/13/09</i>		Request for Quotation (RFQ) No.: 19181		Jan. 06, 2009
VENDOR: <i>Guam Pacific Ent.</i> <i>649-6998</i> <i>649-6988</i>		Please furnish price quotation, delivery time and term based on GIF. Destination GPA for the items listed below. Please respond by the above date.		
Quoted by: (signature) <i>ALVON OARLI</i>		Quote Date:	Telephone:	
Completion Date Required: <i>8-10 Wks or Sooner</i> Delivery Date Offered: <i>8 TO 10 WEEKS ON SOONER</i> Terms: <i>NET (30) THIRTY DAYS</i> Prices Good For: <i>15</i> days		Offering recyclable and/or biodegradable products. () YES () NO Please separate your offer of recyclable and/or biodegradable products from regular products		

NOTICE: Restriction against Sex Offenders Employed by Service Providers to Government of Guam from Working on Government of Guam Property, 5GCA Section 5253, enacted by P.L. 28-24 and amended by P.L. 28-08:

If a contract for services is awarded to the bidder or offeror, then the service provider must warrant that no person in its employment who has been convicted of a sex offense under the provisions of Chapter 25 of Title 9 of the Guam Code Annotated or of an offense defined in Article 2 of Chapter 28 of Title 9 of the Guam Code Annotated, or who has been convicted in any other jurisdiction of an offense with the same elements as heretofore defined, or who is listed on the Sex Offender Registry, shall provide services on behalf of the service provider while on government of Guam Property, with the exception of public highway. If any employee of a service provider is providing services on government property and is convicted subsequent to an award of a contract, then the service provider warrants that it will notify the Government of the conviction within twenty-four hours of the conviction, and will immediately remove such convicted person from providing services on government property. If the service provider is found to be in violation of any of the provisions of this paragraph, then the Government will give notice to the service provider to take corrective action. The service provider shall take corrective action within twenty-four hours of notice from the Government, and the service provider shall notify the Government when action has been taken. If the service provider fails to take corrective steps within twenty-four hours of notice from the Government, then the Government in its sole discretion may suspend temporarily any contract for services until corrective action has been taken.

THIS IS NOT AN ORDER

ITEM	QTY.	DESCRIPTION	Unit Price	Extended Price
1.	6/Each	Disconnect Switch Assembly S&C Power Fuse SMD-20 Type: SMD-20 Make: S&C Nominal KV: 34.5 <i>See attached specs.</i>		

NOTE: If you are unable to provide a price quote please annotate "NO QUOTE" and return this fax to: Josie at (671) 648-3165.

THANK YOU FOR YOUR RESPONSE.

FAXED
to GAA
JAN 17 2009
Pages

PLS SEE ATTACHED SHEET

THANK YOU

FOR PRICE & E.T.A. OF THIS MATERIAL.

ALVON

4

JOSIEN *jm*

ORIGINAL

CIF DEDEDO WAREHOUSE

PURCHASE ORDER

GUAM POWER AUTHORITY
P.O. Box 2977
Hagatna, Guam 96932

TELEPHONE: (671) 648-3054/5
FAX: (671) 648-3165

THIS PURCHASE ORDER NUMBER

No. 13394 OP

MUST APPEAR ON ALL INVOICES,
PACKING SLIPS, PACKAGES, B/L,
CORRESPONDENCE, ETC.

PO DATE 1/21/09
JOB ORDER NO./OBJ 58900.570000.53

V
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VENDOR 7553
GUAM PACIFIC ENTERPRISES
P.O. BOX 23128
GMF,
GU
96921
Phone: 649-6998
Fax: 649-6988

S
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RECEIVING SECTION:
GUAM POWER AUTHORITY
DEDEDO WAREHOUSE
DEDEDO, GUAM 96929
CALL BEFORE DELIVERY
TEL: (671) 635-2073
T/D - Substation/Transformer

AUTHORITY 3-204.03.1	INVITATION NO.	CONTRACT NO.	TIME FOR DELIVERY 04/13/09 8-10 Wks ARO	EXPIRING	DISCOUNT TERMS:
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DESCRIPTION / SUPPLIER ITEM	QTY	UNIT	UNIT PRICE	AMOUNT	DOCUMENT NUMBER
Station Equip. Repair Parts DISCONNECT SWITCH ASSEMBLY DISCONNECT SWITCH SMD-20 34.5 kV Rated Disconnect Switch S & C Power Fuse Type SMD-20 for Outdoor Distribution, Vertical Offset Style. S & C Model No.: 192504 Point of contact Jerald Guzman at 635-2012. RESTRICTION AGAINST SEX OFFENDERS: 5 GCA Section 5253, enacted by P.L 28-24 and amended by P.L. 28-98: The service provider warrants that no person in its employment who has been convicted of a sex offense under the provisions of Chapter 25 of Title 9 of the Guam Code Annotated, or of an offense defined in Article 2 of Chapter 28 of Title 9 of the Guam Code Annotated, or who has been convicted of an offense with the same elements as heretofore defined in any other jurisdiction, or who is listed on the Sex Offender Registry shall provide services on behalf of the service provider while on government of Guam property, with the exception of public highways. If any employee of the service provider is providing services on government property and is convicted subsequent to an award of a contract, then the service provider warrants that it will notify the Government of the conviction within twenty-four	6	EA	\$997.940	\$5,987.64	12/16/08 19181 OR

Exhibit B

RECEIVED
OFFICE OF THE PUBLIC AUDITOR
PROCUREMENT APPEALS

AUG 17 2009

TIME: 2:35 PM
BY: *ARC*
FILE No. OPA-PA 09-003

SOUD INV # 351914 DATED 09-29-09

INSTRUCTIONS TO VENDOR: SEND CERTIFIED ORIGINAL AND THREE (3) COPIES OF INVOICE TO GUAM POWER AUTHORITY, PO BOX 2977, CODE 33, HAGATNA, GUAM 96932 PAYMENT UPON RECEIPT OF MERCHANDISE IN GUAM IN GOOD CONDITION	Page 1 of 2 TOTAL	<< DO NOT FILL THIS ORDER IF YOUR TOTAL COST EXCEEDS THIS TOTAL
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ACKNOWLEDGED BY: _____ DATE: _____ SIGNATURE OF VENDOR	SIGNATURE: <i>J. Flores</i> JOAQUIN C. FLORES, P.E., General Manager Date 1/30/09 Delegated Authority
---	---

RETURN TO PROCUREMENT DIVISION AT ABOVE ADDRESS

5

PURCHASE ORDER

JOSIEN *[initials]*

ORIGINAL

GUAM POWER AUTHORITY
 P.O. Box 2977
 Hagatna, Guam 96932
TELEPHONE: (671) 648-3054/5
FAX: (671) 648-3165

THIS PURCHASE ORDER NUMBER

No. **13394 OP**

MUST APPEAR ON ALL INVOICES,
 PACKING SLIPS, PACKAGES, B/L,
 CORRESPONDENCE, ETC.

CIF DEDEDO WAREHOUSE

PO DATE 1/21/09	JOB ORDER NO./OBJ 58900.570000.53
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**V
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D
O
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VENDOR
7553

GUAM PACIFIC ENTERPRISES
 P.O. BOX 23128
 GMF,
 GU
 96921

Phone: 649-6998
 Fax: 649-6988

**S
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T
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RECEIVING SECTION:
 GUAM POWER AUTHORITY
 DEDEDO WAREHOUSE
 DEDEDO, GUAM 96929
 CALL BEFORE DELIVERY
 TEL: (671)635-2073

Page 2 of 2

T/D - Substation/Transformer

AUTHORITY 3-204.03.1	INVITATION NO.	CONTRACT NO.	TIME FOR DELIVERY 04/13/09 8-10 Wks ARO	EXPIRING	DISCOUNT TERMS:
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DESCRIPTION / SUPPLIER ITEM	QTY	UNIT	UNIT PRICE	AMOUNT	DOCUMENT NUMBER
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property. If the service provider is found to be in violation of any of the provisions of this paragraph, then the Government will give notice to the service provider to take corrective action. The service provider shall take corrective action within twenty-four (24) hours of notice from the Government, and the service provider shall notify the Government when action has been taken. If the service provider fails to take corrective steps within twenty-four (24) hours of notice from the Government, then the Government in its sole discretion may suspend temporarily any contract for services until corrective action has been taken.

19181 OR#

Exhibit B

NOTE TO VENDOR:

1. Delivery is no later than the date indicated above.
2. All late deliveries and acceptance are subject to the liquidated Damages Clause in Section 6-101.09.1 of the Guam Procurement Regulations.

PAYMENT TERMS:

NET THIRTY (30) DAYS after receipt of goods and/or services.

REVIEWED BY:

[Signature] 1/29/09
 JAMIE L.C. PANGELINAN Date
 Supply Management Administrator

RECEIVED
 OFFICE OF THE PUBLIC AUDITOR
 PROCUREMENT APPEALS

AUG 17 2009

TIME: 2:35 PM
 BY: GR
 FILE No. OPA-PA 09-023

INSTRUCTIONS TO VENDOR:

SEND CERTIFIED ORIGINAL AND THREE (3) COPIES OF INVOICE TO GUAM POWER AUTHORITY,
 PO BOX 2977, CODE 33, HAGATNA, GUAM 96932

\$5,987.64

<< DO NOT FILL THIS
 ORDER IF YOUR TOTAL
 COST EXCEEDS THIS
 TOTAL

PAYMENT UPON RECEIPT OF MERCHANDISE IN GUAM IN GOOD CONDITION

TOTAL

ACKNOWLEDGED BY: _____ DATE: _____
 SIGNATURE OF VENDOR

SIGNATURE:

[Signature] 1/30/09
 JOAQUIN C. FLORES, P.E., General Manager Date
 Delegated Authority

RETURN TO PROCUREMENT DIVISION AT ABOVE ADDRESS

6



S&C ELECTRIC COMPANY

GENERAL OFFICES CHICAGO

Specialists in High-Voltage Switching and Protection

9801 NORTH RIDGE BOULEVARD
CHICAGO, ILLINOIS 60628-3867, USA
TELEPHONE: (888) 762-1300
FAX: (773) 381-4818

FAX / TRANSMITTAL
FAX # 773-381-4818

TO:	Steve Arzie - HD Supply	DATE:	March 18, 2009
FAX NO.:	503-653-2279	OUR REF:	
FROM:	Susan Glas	YOUR REF:	
REFERENCE:	Letter for Global	S.O. OR Q:	
COPIES:		PAGES:	2 (including this Cover Sheet)

Hi Steve—

I had e-mailed this to Brian, but apparently Peter Clark from Global is in a big hurry on this. Perhaps you can get this to him.

Please let me know if you have questions or need anything else on this.

Thanks.

Suo Glas
S&C Electric Company
Phone: 888-762-1300

Exhibit F

S&C Form 100-01 (1-2-00)

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OFFICE OF THE PUBLIC AUDITOR
PROCUREMENT APPEALS

AUG 17 2009

TIME: 2:35 PM
BY: GR
FILE No. OPA-PA 09-003

⑦



S&C ELECTRIC COMPANY

Excellence Through Innovation

8801 North Ridge Boulevard
Chicago, Illinois 60638-2007
Telephone (773) 338-1000
Fax (773) 338-3657

March 18, 2009

Exhibit (n)

Brian Cullion
HD Supply
9151 SE McBrod
Portland, OR 97222

Subject: HD Supply PO # 406458-00

Dear Brian—

Just a note to let you know that the (6) each of Cat # 192504, ordered by Global on your PO # 406458-00 are scheduled to ship on 4/9/09.

As always, all shipping estimates are subject to prior sales of material and/or manufacturing capacity.

Please don't hesitate to call, or write, if you have questions.

Thank you.

Very truly yours,

S&C ELECTRIC COMPANY

Susan Glas

Senior Inside Sales Representative

RECEIVED
OFFICE OF THE PUBLIC AUDITOR
PROCUREMENT APPEALS

AUG 17 2009

TIME: 2:35 PM

BY: GR

FILE No. OPA-PA 09-003

(8)

MELISSA

ORIGINAL

CIF DEDEDO WAREHOUSE

PURCHASE ORDER

GUAM POWER AUTHORITY
P.O. Box 2977
Hagatna, Guam 96932

TELEPHONE: (671) 648-3054/5
FAX: (671) 648-3165

THIS PURCHASE ORDER NUMBER

No. 12132 OF

MUST APPEAR ON ALL INVOICES,
PACKING SLIPS, PACKAGES, B/L,
CORRESPONDENCE, ETC.

PO DATE
11/08/07

JOB ORDER NO./OBJ
32100.154100

VENDOR

VENDOR
7553

GUAM PACIFIC ENTERPRISES
P.O. BOX 23128
GMF,
GU
96921

T: 649-6998 F: 649-6988

SHIP TO

RECEIVING SECTION:
GUAM POWER AUTHORITY
DEDEDO WAREHOUSE
DEDEDO, GUAM 96929
CALL BEFORE DELIVERY
TEL: (671) 635-2073

Warehouse

Table with columns: AUTHORITY (3-204.03.1), INVITATION NO., CONTRACT NO., TIME FOR DELIVERY (6-7 Wks. ARO), EXPIRING (01/16/08)

DISCOUNT TERMS:

Table header: DESCRIPTION / SUPPLIER ITEM, QTY, UNIT, UNIT PRICE, AMOUNT, DOCUMENT NUMBER

TERMINAL, 3-PT, INSULATED B 100 EA \$121.900 \$12,190.00 11/15/07 17986 OR
PE, BRONZE, #2 SOL - 350 KC
SSUT1365

Terminal, Three Point, Squid Type, Copper #2-350 Kcmil
Insulated Bus Conductor, Bolted Type, Bronze
As per GPA Specification No.: E-015
GPA Index No.: SSUT1365
Reference: Elastimold
Part No.: UPB33SLGP
Delivery Requirement: 4-6 Weeks ARO

Marking Requirement:
Stencil 1" GPA Index No./P.O. No./Qty. per Box

- NOTE TO VENDOR:
1. Delivery is no later than the date indicated above.
2. All late deliveries and acceptance are subject to the liquidated Damages Clause in Section 6-101.09.1 of the Guam Procurement Regulations.

RESTRICTION AGAINST SEX OFFENDERS:
5 GCA Section 5253, enacted by P.L 28-24 and amended by P.L. 28-98:

The service provider warrants that no person in its employment who has been convicted of a sex offense under the provisions of Chapter 25 of Title 9 of the Guam Code Annotated, or of an offense defined in Article 2 of Chapter 28 of Title 9 of the Guam Code Annotated, or who has been convicted of an offense with the same elements as heretofore defined in any other jurisdiction, or who is listed on the

Exhibit C

RECEIVED
OFFICE OF THE PUBLIC AUDITOR
PROCUREMENT APPEALS

AUG 17 2009

TIME: 2:35 PM
BY: [Signature]
FILE No. OPA-PA 09-003

INSTRUCTIONS TO VENDOR:
SEND CERTIFIED ORIGINAL AND THREE (3) COPIES OF INVOICE TO GUAM POWER AUTHORITY,
PO BOX 2977, CODE 33, HAGATNA, GUAM 96932
PAYMENT UPON RECEIPT OF MERCHANDISE IN GUAM IN GOOD CONDITION

[Handwritten initials]

PAGE 1 OF 2

<< DO NOT FILL THIS
ORDER IF YOUR TOTAL
COST EXCEEDS THIS
TOTAL

TOTAL

ACKNOWLEDGED BY: _____ DATE: _____
SIGNATURE OF VENDOR

SIGNATURE: [Signature] 11/23/07
JOAQUIN C. FLORES, P.E., General Manager Date
Delegated Authority

RETURN TO PROCUREMENT DIVISION AT ABOVE ADDRESS

PURCHASE ORDER

THIS PURCHASE ORDER NUMBER

MELISSA *ML*

ORIGINAL

GUAM POWER AUTHORITY
 P.O. Box 2977
 Hagatna, Guam 96932

No. **12132 OP**

MUST APPEAR ON ALL INVOICES,
 PACKING SLIPS, PACKAGES, B/L,
 CORRESPONDENCE, ETC.

TELEPHONE: (671) 648-3054/5
 FAX: (671) 648-3165

PO DATE: 11/08/07
 JOB ORDER NO./OBJ: 32100.154100

CIF DEDEDO WAREHOUSE

VENDOR	VENDOR 7553	SHIP TO	RECEIVING SECTION: GUAM POWER AUTHORITY DEDEDO WAREHOUSE
	GUAM PACIFIC ENTERPRISES P.O. BOX 23128 GMF, GU 96921		DEDEDO, GUAM 96929 CALL BEFORE DELIVERY TEL: (671) 635-2073
T: 649-6998 F: 649-6988		PAGE 2 OF 2	
		Warehouse	

AUTHORITY 3-204.03.1	INVITATION NO.	CONTRACT NO.	TIME FOR DELIVERY 6-7 Wks. ARO	EXPIRING 01/16/08	DISCOUNT TERMS:
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DESCRIPTION / SUPPLIER ITEM	QTY	UNIT	UNIT PRICE	AMOUNT	DOCUMENT NUMBER
<p>Sex Offender Registry shall provide services on behalf of the service provider while on government of Guam property, with the exception of public highways. If any employee of the service provider is providing services on government property and is convicted subsequent to an award of a contract, then the service provider warrants that it will notify the Government of the conviction within twenty-four (24) hours of the conviction, and will remove immediately such convicted person from providing services on government property. If the service provider is found to be in violation of any of the provisions of this paragraph, then the Government will give notice to the service provider to take corrective action. The service provider shall take corrective action within twenty-four (24) hours of notice from the Government, and the service provider shall notify the Government when action has been taken. If the service provider fails to take corrective steps within twenty-four (24) hours of notice from the Government, then the Government in its sole discretion may suspend temporarily any contract for services until corrective action has been taken.</p> <p>PAYMENT TERMS: NET THIRTY (30) DAYS after receipt of goods and/or services.</p> <p>REVIEWED BY: <i>Jamie L.C. Pangelinan</i> 11-23-07 JAMIE L.C. PANGELINAN Date Supply Management Administrator</p>					17986 OR
<i>Exhibit C</i>					
					<p>RECEIVED OFFICE OF THE PUBLIC AUDITOR PROCUREMENT APPEALS</p> <p>AUG 17 2009 2:35 PM BY: <i>GR</i> FILE No. OPA-PA <i>09-003</i></p>

INSTRUCTIONS TO VENDOR: SEND CERTIFIED ORIGINAL AND THREE (3) COPIES OF INVOICE TO GUAM POWER AUTHORITY, PO BOX 2977, CODE 33, HAGATNA, GUAM 96932 PAYMENT UPON RECEIPT OF MERCHANDISE IN GUAM IN GOOD CONDITION	\$12,190.00	<< DO NOT FILL THIS ORDER IF YOUR TOTAL COST EXCEEDS THIS TOTAL
	TOTAL	

ACKNOWLEDGED BY: _____ DATE: _____ SIGNATURE OF VENDOR	SIGNATURE: <i>Joaquin C. Flores</i> JOAQUIN C. FLORES, P.E., General Manager Date <i>11/23/07</i> Delegated Authority
---	--

RETURN TO PROCUREMENT DIVISION AT ABOVE ADDRESS

10

PURCHASE ORDER

THIS PURCHASE ORDER NUMBER

No. **12132 OP**

MUST APPEAR ON ALL INVOICES,
PACKING SLIPS, PACKAGES, B/L,
CORRESPONDENCE, ETC.

PO DATE 11/08/07	JOB ORDER NO./OBJ 32100.154100
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MELISSA *M*

ORIGINA

GUAM POWER AUTHORITY
P.O. Box 2977
Hagatna, Guam 96932

TELEPHONE: (671) 648-3054/5
FAX: (671) 648-3165

CIF DEDEDO WAREHOUSE

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VENDOR
7553

GUAM PACIFIC ENTERPRISES
P.O. BOX 23128
GMF,
GU
96921

T: 649-6998

F: 649-6988

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RECEIVING SECTION:

GUAM POWER AUTHORITY
DEDEDO WAREHOUSE

DEDEDO, GUAM 96929
CALL BEFORE DELIVERY
TEL: (671) 635-2073

Warehouse

AUTHORITY 3-204.03.1	INVITATION NO.	CONTRACT NO.	TIME FOR DELIVERY 6-7 Wks. ARO	EXPIRING 03/31/08	DISCOUNT TERMS:
--------------------------------	----------------	--------------	--	-----------------------------	-----------------

DESCRIPTION / SUPPLIER ITEM	QTY	UNIT	UNIT PRICE	AMOUNT	DOCUMENT NUMBER
<p>AMENDMENT NO.: I ← <i>Exhibit D</i></p> <p>Issued to extend Expiration date from January 16, 2008 to now read March 31, 2008. Extension is necessary due to factory vendor change on one of the components.</p> <p>Reference: G.P.E. Ent.'s letter dated February 06, 2008. Approved by SMA dated February 07, 2008</p> <p>All others remain the same and unchanged.</p> <p>REVIEWED BY: <i>Jamie L.C. Pangelinan</i> JAMIE L.C. PANGELINAN Date Supply Management Administrator</p>					<p>17986 OR</p>

RECEIVED
OFFICE OF THE PUBLIC AUDITOR
PROCUREMENT APPEALS

AUG 17 2009
TIME: 2:35 PM
BY: ATL
FILE No. OPA-PA 09-003

INSTRUCTIONS TO VENDOR:

SEND CERTIFIED ORIGINAL AND THREE (3) COPIES OF INVOICE TO GUAM POWER AUTHORITY,
PO BOX 2977, CODE 33, HAGATNA, GUAM 96932

PAYMENT UPON RECEIPT OF MERCHANDISE IN GUAM IN GOOD CONDITION

TOTAL

<< DO NOT FILL THIS
ORDER IF YOUR TOTAL
COST EXCEEDS THIS
TOTAL

ACKNOWLEDGED BY: _____ DATE: _____
SIGNATURE OF VENDOR

RETURN TO PROCUREMENT DIVISION AT ABOVE ADDRESS

SIGNATURE:

Joaquin C. Flores 2/8/08

JOAQUIN C. FLORES, P.E., General Manager Date

Delegated Authority

111

Guam Pacific Enterprise, Inc.

FACSIMILE TRANSMITTAL SHEET

TO: Procurement Manager	FROM: Sed M. Linsangan
COMPANY: Guam Power Authority	DATE: 4/13/09
FAX NUMBER: Supply Administrator	TOTAL NO. OF PAGES INCLUDING COVER: 3
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
RE: Request for Extension for	YOUR REFERENCE NUMBER: P.O. # 13394 OP

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

To Jamie Pangelman,

I'm requesting a delivery extension up to May 12, 2009 due to manufacturer's shipping estimate did not materialized. Time for delivery is 10 weeks ARO which should fail on April 16, 2009.

Please see attached letter from our supplier S & C Electric.

Sincerely,
Guam Pacific Enterprise, Inc.

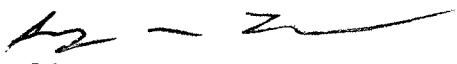

Sedfrey M. Linsangan
President

Exhibit H

RECEIVED
OFFICE OF THE PUBLIC AUDITOR
PROCUREMENT APPEALS

AUG 17 2009

TIME: 2:35 PM
BY: GR
FILE No. OPA-PA 09-003

(12)



GUAM POWER AUTHORITY

ATURIDÁT ILEKTRESEDÁT GUAH,
P.O. BOX 23128 • AGANA, GUAM U.S.A. 96932-2977

nc.

April 14, 2009

Date Faxed:

Guam Pacific Enterprise, Inc.
P.O. Box 23128
G.M.F. Guam 96921

1st: 4/14/09
2nd:
3rd:

Attention: Sedfrey M. Linsaugau
Fax: 649-6988

Re: Notice of Delivery Default and to Cure

Buenas. Pursuant to Section 6-101.09, 5GCA, "Liquidated Damages" be duly notified that the following purchase order contract(s) are in default on the required delivery date.

OP Number	Required Delivery Date	Item Ordered:
13394	04/13/09	6-Each: 34.5 kV Rated Disconnect Switch

You are hereby notified that you have ten (10) days from the day you receive this notice to cure the default or secure a delivery extension. Liquidated damages (L.D.) will be assessed in the amount of 1/4 of 1% of the current balance for each day issuance of notice. Deliveries made within the "curing time" will not be assessed L.D. However, please be advised that after the ten days and delivery is not made, the purchase order may be processed for termination and considered in default. You will be duly notified of this termination.

If you receive this notice in error because contract is completed, please disregard, however, kindly fax certifying documents to the Procurement Office at (671) 648-3054-55. Your attention and cooperation is greatly appreciated. Thank you

Jamie L.C. Pangfilinan
JAMIE L.C. PANGFILINAN
Supply Management Administrator

cc: Procurement PO Files

Please Acknowledge Receipt via Phone Fax to: (671) 648-3165
 Note: If not acknowledged after 3rd confirmed attempt, it will be considered received

Received By: *[Signature]* Date: 4/14/09

Exhibit I

RECEIVED
OFFICE OF THE PUBLIC AUDITOR
PROCUREMENT APPEALS

AUG 17 2009

TIME: 2:35 PM
BY: GR
FILE No. OPA-PA 09-003

APR 14 2009
FAXED

13



GUAM POWER AUTHORITY

ATURIDÁT ILEKTRESEDÁT GUAHAN
P.O. BOX 2977 HAGATNA, GUAM U.S.A. 96932-2977
April 22, 2009

Exhibit K

Sedfrey M. Linsangan
Guam Pacific Enterprises
P.O. Box 23128
GMF, Guam 96921

RE: Purchase Order No.: 13394
Notice of Delivery Default and to Cure

Buenas Mr. Linsangan,

The Guam Power Authority would like to acknowledge receipt of your company's request to extend the above subject purchase order delivery from April 13, 2009 to now read May 12, 2009. Please note at this time the Authority is scrutinizing all request for extensions based of projected planning within the Authority to ensure Customer Reliability and to support the Island Wide Power System.

Based on the urgency of item awarded, the Authority hereby denies your request. The delivery date of April 13, 2009 shall remain in full force.

Should you have any other questions, you may contact me at 648-3054/5.

Jamie L.C. Pangelinan
JAMIE L.C. PANGELINAN
Supply Management Administrator

Acknowledge By:

_____ Date _____

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PROCUREMENT APPEALS

AUG 17 2009
TIME: 2:35 PM
BY: GR
FILE No. OPA-PA 09-003

(14)

Exhibit U

5 GCA GOVERNMENT OPERATIONS
CH. 5 GUAM PROCUREMENT LAW

PART A
PURPOSES, CONSTRUCTION AND APPLICATION

§ 5001. Purposes, Rules of Construction.

(a) Interpretation. This Chapter shall be construed and applied to promote its underlying purposes and policies.

(b) Purposes and Policies. The underlying purposes and policies of this Chapter are:

(1) to simplify, clarify, and modernize the law governing procurement by this Territory;

(2) to permit the continued development of procurement policies and practices;

(3) to provide for increased public confidence in the procedures followed in public procurement;

(4) to ensure the fair and equitable treatment of all persons who deal with the procurement system of this Territory;

(5) to provide increased economy in territorial activities and to maximize to the fullest extent practicable the purchasing value of public funds of the Territory;

(6) to foster effective broad-based competition within the free enterprise system;

(7) to provide safeguards for the maintenance of a procurement system of quality and integrity; and

(8) to require public access to all aspects of procurement consistent with the sealed bid procedure and the integrity of the procurement process.

(c) Singular-Plural and Gender Rules. In this Chapter, unless the context requires otherwise:

(1) words in the singular number include the plural, and those in the plural include the singular; and

(2) words of a particular gender include any gender and the neuter, and when the sense so indicates, words of the neuter gender may refer to any gender.

RECEIVED
OFFICE OF THE PUBLIC AUDITOR
PROCUREMENT APPEALS

AUG 17 2009

TIME: 2:35 PM

BY: GR

FILE No. OPA-PA 09-003

(15) of (15)