



Jerrick Hernandez <jhernandez@guamopa.com>

OPA-PA-20-004 - GMHA's Submission

Minakshi V. Hemlani, Esq. <mvhemlani@mvhlaw.net>

Wed, Sep 16, 2020 at 11:16 AM

To: Jerrick Hernandez <jhernandez@guamopa.com>, "julienne mirandanucum.com" <julienne@mirandanucum.com>

Cc: Thyrsa Bagana <tbagana@guamopa.com>

Please see the attached and kindly confirm receipt.

Suite C-312 OP Plaza | [285 Farenholt Ave.](#)

P.O. Box 6044 | Tamuning, GU 96931

Tel (671) 588-2030 Fax (671) 649-2030

mvhemlani@mvhlaw.net

Please consider the environment before printing this e-mail.

Confidentiality Notice: The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please notify me immediately at mvhemlani@mvhlaw.net or call (671) 588-2030 and destroy all copies of the original message.

3 attachments **2002-09-16 Submission Following Sept. 14 Status Conference (OPA-PA_20-004).pdf**
84K **2020-09-16 Declaration of Hospital Administrator (OPA-PA 20-004).pdf**
68K **2020-09-16 Declaration of Assoc Admin of Operations (OPA-PA-20-004).pdf**
105K

1 **LAW OFFICES OF MINAKSHI V. HEMLANI, P.C.**

2 Suite C312 OP Plaza, 285 Farenholt Ave.

3 Tamuning, Guam 96913

4 Telephone: (671) 588-2030 Facsimile: (671) 649-2030

5 mvhemlani@mvhlaw.net

6 *Counsel for Purchasing Agency GMHA*

7 **BEFORE THE OFFICE OF PUBLIC ACCOUNTABILITY**
8 **GOVERNMENT OF GUAM**

9 IN THE APPEAL OF:

CASE NO: OPA-PA 20-004

JRN Air Conditioning & Refrigeration, Inc.

**DECLARATION OF ASSOCIATE
ADMINISTRATOR OF OPERATIONS**

Appellant.

11 I, William Kando, declare and state as follows:

12
13 1. I am the Associate Administrator of Operations at the Guam Memorial Hospital
14 Authority (“GMHA”), the Purchasing Agency in the above-captioned case, and respectfully submit
15 this declaration in support of the GMHA’s intent to reject all bids and cancel IFB No. 002-2020:
16 *Removal and Replacement of One (1) Boiler Unit and Piping System.*

17 2. As the Associate Administrator of Operations, I oversee several departments at the
18 GMHA including Facilities Maintenance and Materials Management.

19 3. In October 2019, the GMHA issued IFB No. 002-2020: *Removal and Replacement of*
20 *One (1) Boiler Unit and Piping System* at the Guam Memorial Hospital (“Hospital”). The boiler that
21 was intended for replacement under IFB No. 002-2020 is referred to herein as “Boiler No. 1.”

22 4. In January 2020, the GMHA issued a Request for Quotes (“RFQ”) for small purchase
23 construction repair project (replacement of boiler tubes, cleaning, and other associated repairs) for
24 Boiler No. 2 at the Hospital. The repair was intended as a hold over until Boiler No. 1 could be
25 replaced.
26

27 5. The RFQ was awarded by purchase order to the only contractor that responded, United
28

1 Services Specialist Inc. (“USSI”), and preparation work began sometime late January 2020.

2 6. There were delays in starting the repair project because of a lightning strike that
3 affected the off-island manufacturer/supplier of boiler tubes; the boiler tubes were not received until
4 mid-February 2020.

5 7. There were additional delays after the repair project started when USSI detected scale
6 buildup in Boiler No. 2 and requested a change order for additional cleaning. The change was
7 approved, but there were further delays when USSI initially refused to continue work out of health
8 and safety concerns for its employees when the island was placed in a State of Emergency.
9

10 8. The repair of Boiler No. 2 was completed in May 2020. The project was pursued as a
11 hold over and temporary repair measure allowing time for the ultimate removal and replacement of
12 Boiler No. 1. It was not until the project was successfully completed that USSI suggested that the
13 repair of Boiler No. 2 could extend its life by approximately 5 years.

14 9. However, since the Governor of Guam declared a State of Emergency on March 14,
15 2020 to date, the GMHA has been focused on pandemic response.

16 10. For GMHA facilities and procurement, initial priorities included IFB 004-2020:
17 *Removal and Replacement of Skilled Nursing Facility’s Chiller System* because the SNF was
18 designated to become Guam’s COVID Isolation Facility, and to secure an offsite facility to safely
19 transfer and maintain elderly residents of the SNF who had multiple co-morbidities and were at greater
20 risk of contracting COVID-19.
21

22 11. While the procurement record for the SNF Chiller (IFB 004-2020) was pending review
23 with the Office of the Attorney General (“OAG”), the existing chiller system failed on April 17, 2020.
24 We then focused on procuring a temporary chiller to make the SNF/COVID isolation facility
25 operational.
26

27 12. When JRN Air Conditioning and Repair, Inc. filed this appeal protest in June 2020, the
28

1 GMHA did not have litigation counsel and was so overwhelmed with pandemic response that it was
2 necessary to request extensions from the Office of Public Accountability (“OPA”) to submit the
3 procurement record.

4 13. In July 2020, the Law Offices of Minakshi V. Hemlani, PC entered its appearance for
5 the GMHA, and management of this appeal was given to legal counsel while the GMHA continued to
6 focus on pandemic response.

7 14. For the Operations Division, pandemic response includes maintaining our Incident
8 Command 24/7 through both a Modified Incident Command Center and Virtual Incident Command
9 Chatgroups to include command, control and communications with both the Guam Emergency
10 Operations Center and the Office of the Governor; daily tracking, procurement and requests for
11 assistance to maintain and sustain GMHA’s medical supplies and equipment inventories (e.g., PPE,
12 Patient Ventilators, Patient Monitors, Pharmaceuticals, etc.); establishment of GMHA’s COVID Care
13 Areas to include Stage 1 and 2, Care 1, 2, 3, 4, and 5 to date, which required numerous internal
14 renovations by our Facilities Maintenance Department, as assisted and guided by Incident Command,
15 Physicians, Nursing and Professional Support Leadership, Infection Control, Safety & Security,
16 Environmental Services, Materials Management, Information Technology, and Planning.

17 15. On August 15, 2020, the Governor of Guam placed the island back in PCOR1 partly
18 because the 2nd Wave of COVID-19 overwhelmed GMHA with nearly 50 COVID positive patients
19 hospitalized at one time.

20 16. While the 2nd Wave in August 2020 was more devastating than the 1st Wave in March
21 2020, GMHA’s Non-COVID patient census combined with its COVID patient census was no less
22 challenging. As the only public, civilian COVID designated hospital on island, the GMHA has been
23 responding to Guam’s greatest public health emergency in its history, short of the devastating
24 challenges presented by World War II. We have been overwhelmed and responding to our greatest
25
26
27
28

1 priorities; replacement of Boiler No. 1 was just not one of those top priorities.

2 17. The procurement record for the SNF Chiller (IFB 004-2020) remains pending at the
3 OAG, but the GMHA successfully issued an RFQ for a rental chiller which was commissioned on
4 August 31, 2020. This was a top priority for GMHA facilities to prevent mold growth in the SNF and
5 most important to operationalize the SNF as Guam's COVID Isolation Facility.

6 18. In early September 2020, legal counsel submitted hearing materials on behalf of the
7 GMHA and reminded us of the upcoming hearing. It was not until September 10, 2020, that the GMHA
8 discussed with counsel its intent to reject bids and cancel IFB No. 002-2020.
9

10 19. The consideration and intent to reject all bids and cancel the IFB for replacement of
11 Boiler No. 1 was motivated by the Governor of Guam informing the GMHA's Board of Trustees and
12 Hospital Administrator that, based upon the recommendations made by the U.S. Army Corps of
13 Engineers' GMH Infrastructure Assessment, it was in Guam's best interest to build a new Hospital
14 and that GMHA's focus should be on maintaining the existing building for the next 5-7 years while a
15 new Hospital is being designed and built.
16

17 20. Because we noticed that Boiler No. 2 was functionally well since its repair was
18 completed, we realized that Boiler No. 1 could be similarly repaired, and its life extended another 5
19 years until the new Hospital is built.

20 21. Therefore, the GMHA intends to reject all bids and cancel the IFB, then issue an RFQ
21 to repair Boiler No. 1. The RFQ will be issued to 3 potential contractors to obtain competitive quotes.
22

23 ///

24 ///

25 ///

1 I declare under penalty of perjury that the statements contained herein are true and correct and
2 to the best of my knowledge, except as to matters alleged upon information or belief; and as to those
3 matters I believe them to be true.
4

5 

6 William N. Kando
7 Assoc. Administrator of Operations

8 Date: 9-16-2020
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28